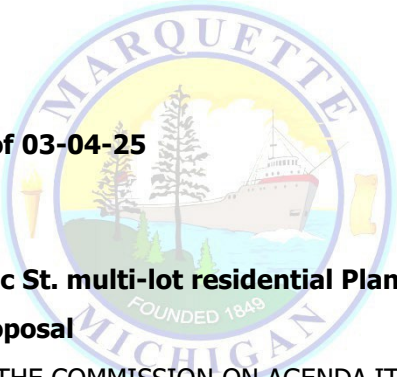


∞ AGENDA ∞

MARQUETTE CITY PLANNING COMMISSION
Tuesday, March 18th, 2025, at 6:00 p.m.
Commission Chambers at City Hall – 300 W. Baraga Ave.

MEETING CALLED TO ORDER

- 
- 1) ROLL CALL
 - 2) APPROVE AGENDA
 - 3) APPROVE MINUTES: **Minutes of 03-04-25**
 - 4) CONFLICT of INTEREST
1. PUBLIC HEARINGS
 - A. 01-PUD-03-25 – W. Magnetic St. multi-lot residential Planned Unit Development
Concept Proposal**
 2. CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS
 3. OLD BUSINESS
 4. NEW BUSINESS
 - A. Planning Commission Bylaws – Updates Review**
 5. CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS
 6. CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES
 - A. County Climate Action Plan - Comments**
 7. TRAINING
 8. WORK SESSION ON REPORTS/PLANS/ORDINANCES
 - A. Land Development Code Amendments**
 9. COMMISSION AND STAFF COMMENTS
 10. ADJOURNMENT

PUBLIC COMMENT

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

PUBLIC HEARINGS

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

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

OFFICIAL PROCEEDINGS
MARQUETTE CITY PLANNING COMMISSION
March 04, 2025

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, March 04, 2025, in the Commission Chambers at City Hall. A video recording of this meeting is available on the City of Marquette website.

ROLL CALL

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

PC Members absent: Chair S. Mittlefehldt, A. Wilkinson, K. Hunter (all excused)

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

AGENDA

It was moved by S. Lawry, seconded by D. Fetter, and carried 6-0 to approve the agenda as presented.

MINUTES

The minutes of the Feb. 18, 2025, meeting were approved as presented by consent.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON AGENDA ITEMS

None

NEW BUSINESS

A. Election of Officers

D. Stensaas reiterated the procedure stated in the agenda's memo for this issue. He also said that current Chair S. Mittlefehldt told him in a mail message that she would serve another year as Chair and related that she only has one more year in her term but that she is also fine with someone else serving as Chair if that is the decision made. He stated that you can nominate her and vote for her even though she is absent.

M. Rayner nominated S. Mittlefehldt to continue as Chair. There was some discussion about this, and the Acting Chair asked three times, but there were no other nominations.

M. Rayner moved, J. Fitkin seconded, and the motion carried 6-0 to elect S. Mittlefehldt as Chair of the Planning Commission for this term.

S. Lawry said that he would like to nominate K. Clegg as Vice-Chair if he is willing to continue in that role. K. Clegg said that he was willing to continue. There were no other nominations.

S. Lawry moved, D. Fetter seconded, and the motion carried 6-0 to elect K. Clegg as Vice-Chair of the Planning Commission for this term.

K. Clegg said that voting for a representative to the Board of Zoning Appeals is the last item for elections, and that he is currently the representative to the BZA. He asked if there were nominations.

D. Fetter asked for staff to review the responsibilities of the BZA members. A. Landers explained that the BZA functions as a quasi-judicial board in all cases, and she listed the types of requests made to the BZA and said that it is very formal compared to the Planning Commission. D. Fetter asked about the meeting schedule. A. Landers said that the meetings are scheduled for the first Thursdays of each month, but that meetings are not needed every month. D. Stensaas said that we have made the Code so good since we adopted the Land Development Code that there aren't many cases that go to the BZA anymore. A. Landers said there were about twenty Variance requests each year before the Land Development Code, but there were only three last year.

OFFICIAL PROCEEDINGS
MARQUETTE CITY PLANNING COMMISSION
March 04, 2025

S. Lawry said that everyone should do it and it's quite enlightening, especially while you're serving on the Planning Commission. K. Clegg asked if there were any nominations (three times).

S. Lawry moved, M. Rayner seconded, and the motion carried 6-0 to nominate D. Fetter to be the Planning Commission representative to the Board of Zoning Appeals.

B. Planning Commission Bylaws – Potential Updates

D. Stensaas said that it has been four years since the Bylaws were updated and that most of those updates were probably clerical, but that the change of elections was moved from February to March so that we are better aligned to the fact that terms of office were all set to February 15th by the City Charter or the policy on appointments.

There was discussion of several items in the Bylaws and it was determined that three items needed to be updated:

- Section II, G.2 - adding "Training" to the order of the agenda, after item J.
- Section III, A. 1 – replacing "first Tuesday of each month" with "the scheduled meeting" in the first sentence.

S. Lawry moved, J. Fitkin seconded, and it was carried 6-0 to amend the Bylaws with the two changes that were stated.

CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS

None

CORRESPONDENCE, REPORTS, MINUTES OF OTHER BOARDS/COMMITTEES

A. Marquette County Climate Action Plan

D. Stensaas said that he sent the members an email with a link to the County's Draft Climate Action Plan, and that members should send their comments to him so that he can compile them before the next meeting, and that this item will be on the next meeting's agenda so that we can discuss the comment items before he submits them to the County Planning Office. He also said that the Draft Plan looks to be a good effort and that he hopes the new County Administrator is as supportive of climate mitigation and adaptation as Scott Erbisch has been.

WORK SESSION ON REPORTS/PLANS/ORDINANCES

A. Land Development Code (LDC) Amendments

The Planning Commission and staff reviewed and discussed each of the draft LDC amendments in the agenda packet. Many of the items were discussed and accepted as presented. Based on the discussion, some items were re-drafted in real time, including the definitions, the setback standards for heavy equipment sales/rental display, and the text of the stormwater management item to indicate it only applies where the adjoining property is privately owned.

Other items, including the proposed storage and development standards for indoor storage uses and the related *table of land uses by zoning districts* chart, were found to need more work through the discussion.

The Planning Commission discussed where indoor storage and self-storage establishments should be allowed and under what conditions. The consensus was that these types of uses should be allowed only as accessory uses in General Commercial (GC) districts, only as a Special Land Use in GC and Mixed-Use districts, and only if the proposal involves reusing existing buildings.

**OFFICIAL PROCEEDINGS
MARQUETTE CITY PLANNING COMMISSION
March 04, 2025**

COMMISSION AND STAFF COMMENTS

M. Rayner said that she had talked with the Marquette Medical and Dental Center director about the reuse of the vacant offices in the original building area, and they are interested in possibly converting that space into senior apartments.

D. Fetter thanked her colleagues for the votes and said she was excited to join the BZA.

D. Stensaas said there will be a public hearing at the next meeting for a PUD concept plan proposal, and that staff is working to schedule a time in late April or early May to hold a joint work session with the City Commission and PC to review the draft LDC amendments, with a goal of holding the final public hearing on June 9th.

A. Landers said that staff has not received any applications for the April 8th meeting deadline.

ADJOURNMENT

Acting Chair K. Clegg adjourned the meeting at 7:45 p.m.

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



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

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: March 13, 2025
SUBJECT: 01-PUD-03-25 – W. Magnetic St (Portion of PIN: 0410681)

Veridea Group LLC is seeking Concept Plan approval of a proposed Planned Unit Development (PUD) for a mixture of Townhomes (1-unit, duplexes, triplexes, and 6-units) for a total of 40 units to be located at the three existing parking lots on the south side of W. Magnetic Street between Lee Street and Fourth Street. The public hearing is to determine if the criteria in Section 54.323(F) of the Land Development Code are met.

Please see the attached *Staff Report/Analysis* for a complete review of the proposal.

All notices have been sent in accordance with the Land Development Code and State Law. Correspondence has been received.

RECOMMENDED ACTION:

In accordance with the Land Development Code, the Planning Commission should hold a public hearing, review the proposed PUD application materials, and make a determination regarding the proposal's qualification for the PUD option.

It is also highly recommended that any motion regarding the PUD request include:

After holding a public hearing, and review of the concept PUD site plan set dated 2-17-25, and the Staff Report/Analysis with attachments for 01-PUD-03-25, the Planning Commission finds that the request meets the following objectives (a, b, c, ...j) and the criteria of Section 54.323(F) of the Marquette City Land Development Code, therefore the proposal is eligible for a PUD.

or,

*After holding a public hearing, and review of the concept PUD site plan dated 2-17-25, and the Staff Report/Analysis with attachments for 01-PUD-03-25, the Planning Commission **does not find** that the request meets three or more of the 10 objectives and the criteria of Section 54.323(F) of the Marquette City Land Development Code, therefore the proposal is not eligible for a PUD.*

MINIMUM SIZE WAIVER REQUEST:

If the Planning Commission makes a motion that the proposal is eligible for a PUD, then a recommendation must be made to the City Commission regarding Section 54.323(C).

(C) Minimum Size. The minimum size of a PUD must be two (2) acres of contiguous land. However, the City Commission, upon recommendation from the Planning Commission, may permit a smaller PUD under the following circumstances:

- (1)** The proposed project has unique characteristics and benefits; and/or
- (2)** The parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements that cross the parcel.

In such case, the applicant must submit a letter to the City requesting a waiver of the minimum PUD size requirements. The request must be submitted at the time of the submittal of Concept and Request for Consideration of Project Qualifications ([Section 54.323\(G\)](#)). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall make the final decision concerning a request to waive the PUD size requirements.

It is also highly recommended that any motion regarding the PUD waiver request include:

*After holding a public hearing, and review of the concept PUD site plan dated 2-17-25, and the Staff Report/Analysis with attachments for 01-PUD-03-25, the Planning Commission found that the proposal is eligible for a PUD, and recommends to the City Commission (**approval/denial**) of the waiver request per Section 54.323(C) due to the following findings...*



STAFF FILE REVIEW/ANALYSIS

Completed by Andrea Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

File Number: 01-PUD-03-25

Date: March 13, 2025

Project/Application: Applicant is seeking Concept Plan approval of a proposed Planned Unit Development (PUD) for a mixture of Townhome types (1-unit, duplexes, triplexes, and 6-units) for a total of 40 units to be located at the three existing parking lots on the south side of W. Magnetic Street between Lee Street and Fourth Street. The public hearing is to determine if the criteria in Section 54.323(F) of the Land Development Code are met.

Location: W. Magnetic Street (Between Lee St. and Fourth St.)

Parcel ID: Portion of 0410681

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

Current Zoning: MDR – Medium Density Residential

Surrounding Zoning:
 North: M - Municipal
 South: IM – Industrial/Manufacturing
 East: IM – Industrial/Manufacturing
 West: CR – Conservation & Recreation and BLP – Board of Light and Power

Zoning District and Standards:

Current Zoning – MDR

Section 54.308 MDR, Medium Density Residential District

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

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> • Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Child or Day Care, Group Home • Child Care Center or Day Care Center 	<ul style="list-style-type: none"> • Cemetery • Dwelling, Intentional Community • Dwelling, Quadplex • Foster Family Group Home • Hospital Hospitality House • Public or Governmental Building • Recreational Use, Public • Religious Institution

STAFF FILE REVIEW/ANALYSIS

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<ul style="list-style-type: none"> • Dwelling, Accessory Unit • Dwelling, Single-Family Detached • Dwelling, Triplex • Dwelling, Two-Family (Duplex) • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Residential Limited Animal Keeping • Small Wind Energy Systems, Roof-Mounted • Solar Energy Systems, <20kw- Accessory Use 	<ul style="list-style-type: none"> • School, Primary or Secondary • School, University • Solar Energy Systems, ≥20kw to 2 MW - Accessory Use • Supportive Housing Facility, Transitional and/or Permanent
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations for 1 Dwelling unit and other uses identified in Section 54.308

Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	4,500 (C)	Front Yard (ft.)	15 (A), (B)
Min. Lot Width (ft.)	37.5 (D)	Side Yard (one) (ft.)	5 (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	13 (L)
Max. Building Height of Primary Building (ft.) (Q)	31.5	Rear Yard (ft.)	20 (L)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	-		

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

(E) Dimensional Regulations for 2 Dwelling Units

Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	6,000 (C)	Front Yard (ft.)	15(A),(B)
Min. Lot Width (ft.)	50 (D)	Side Yard (one) (ft.)	10 (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	20 (L)
Max. Building Height of Primary Building (ft.) (Q)	31.5	Rear Yard (ft.)	20 (L)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	-		

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

(F) Dimensional Regulations for 3-4 Dwelling Units

Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	9,000 (E)	Front Yard (ft.)	15 (A)
Min. Lot Width (ft.)	75 (E)	Side Yard (one) (ft.)	10 (H), (L)
Max. Impervious Surface Coverage (%)	(S)	Side Yard (total of 2) (ft.)	20 (H), (L)
Max. Building Height of Primary Building (ft.) (Q)	31.5	Rear Yard (ft.)	30 (H), (L)
Max. Building Height of Accessory Building	(L)		
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	0.50		

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

(G) References to Additional Standards		
<i>Definitions</i> Article 2	<i>Exterior Lighting</i> Section 54.802	<i>Landscaping and Screening</i> Article 10
<i>Subdivisions</i> Section 54.501	<i>Riparian Buffers</i> Section 54.804	<i>Signs</i> Article 11
<i>Site Condominiums</i> Section 54.503	<i>Wetland Protection</i> Section 54.805	<i>Nonconformities</i> Article 12
<i>Accessory Structures</i> Section 54.705	<i>Steep Slopes and Ridgelines</i> Section 54.806	<i>Zoning Permits</i> Section 54.1401
<i>Fences and Walls</i> Section 54.706	<i>Parking, Loading, and Access Management</i> Article 9	<i>Site Plan Review</i> Section 54.1402

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

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

Figure 50 - Required Buffer and Greenbelt Specifications:

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

Proposed Zoning – PUD

Intent and Uses Allowed (staff comments, where applicable, are indicated in bold text):

Section 54.323 PUD, Planned Unit Development District

- (A) Purpose. The Planned Unit Development (PUD) option is intended to encourage, with City approval, private or public development that is substantially in accord with the goals and objectives of the Community Master Plan. Development permitted under this Section shall be considered as an optional means of development only upon terms agreeable to the City. Use of

STAFF FILE REVIEW/ANALYSIS

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the PUD option will permit flexibility in the regulation of land development and benefit the City by:

- (1) Encouraging innovation through an overall development plan to provide variety in design and layout.
- (2) Achieving economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- (3) Encouraging the creation of useful open spaces particularly suited to the needs of the parcel in question.
- (4) Providing appropriate housing, employment, service, and shopping opportunities suited to the needs of residents of Marquette.

(B) Use. The PUD may be used to:

- (1) Permit nonresidential uses of residentially zoned areas.
- (2) Permit residential uses of non-residentially zoned areas.
- (3) Permit land uses and the mixing of land uses that would otherwise not be permitted, provided the objectives are supported by the Master Plan and the intent of this Ordinance and the resulting development promotes the public health, safety, and welfare without a material adverse impact on adjoining existing and planned uses.

(C) Minimum Size. The minimum size of a PUD must be two (2) acres of contiguous land. However, the City Commission, upon recommendation from the Planning Commission, may permit a smaller PUD under the following circumstances:

- (1) The proposed project has unique characteristics and benefits; and/or
- (2) The parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements that cross the parcel.

In such case, the applicant must submit a letter to the City requesting a waiver of the minimum PUD size requirements. The request must be submitted at the time of the submittal of Concept and Request for Consideration of Project Qualifications (*Section 54.101(G)*). The Planning Commission shall review the request and make a recommendation to the City Commission. The City Commission shall make the final decision concerning a request to waive the PUD size requirements.

(D) Density, Layout, and Bulk.

- (1) Densities, setbacks, height, lot coverage, or lot sizes may be permitted that are different from the current zoning district and unique to the proposed PUD district, provided the other objectives of this Ordinance are met and the resulting development would promote the public health, safety, and welfare. The requirements of the Riparian Overlay District must be met.
- (2) The PUD shall be laid out so various land uses and building bulk relate to each other and to adjoining existing and planned uses with no material adverse impact of one use on another. Clustering development is encouraged in areas that are not located in the Riparian Overlay District.

(E) Definitions.

- (1) A "Planned Unit Development" (PUD) is a zoning district that shall apply to a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Commission, and documented in a contract (PUD Agreement) between the City and site owner/developer. Such plan and contracted development will establish functional use areas and density patterns; will provide a fixed system of streets, public utilities, drainage, and other essential services; and account for similar factors necessary for and incidental to the intended land uses. The Planning Commission may, but is not required to, consider parcels separated by a public street as eligible for inclusion in a PUD.
 - (2) A "Pattern Book" is a document prepared by the applicant's design firm that contains specific information on the site master plan, and architectural designs for planned buildings. Information should include specifications on building materials, size, and dimensions, building elevations, and site design elements such as pedestrian walkways, lighting, landscaping, and signage.
- (F) Criteria for Qualifications. The PUD option may be permitted anywhere in the City except in the Conservation and Recreation (CR) district. To be considered for the PUD option, it must be demonstrated that all of the following criteria are met:
- (1) Use of this option shall not be for the purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.

The Land Development Code does not provide a zoning district that would allow for proposed structures with the setbacks.

- (2) The PUD shall not be utilized in situations where the same land use objectives can be accomplished by application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

The Land Development Code does not provide a zoning district that would allow for all of the proposed uses with the setbacks. Please refer to the variances requested document attachment.

- (3) The PUD option may be effectuated only when proposed land use will not materially add service and facility loads beyond those contemplated in the Master Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the PUD.

The proposal will not add service and facility loads beyond those contemplated in the Community Master plan.

- (4) The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a Zoning Map amendment or variance.

There currently is no other appropriate zoning district in the city that could be applied, due to the proposed structures with the setbacks being allowed in any single zoning district.

- (5) The Planned Unit Development must substantially meet, as a minimum, three (3) or more of the following objectives. The benefits given to the developer through the flexibility of the PUD must be balanced with the benefits to the City:

- (a) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.

According to the applicant's narrative, "We are removing parking lots, adding valuable green space and creating the former residential area buffer."

- (b) To permanently establish land use patterns that are compatible or that will protect existing or planned uses.

According to the applicant's narrative, "We are restoring the area back to its original residential area prior to MGH expansion into the neighborhood."

- (c) To accept dedication or set aside open space areas in perpetuity.

According to the applicant's narrative, "We are creating a condominium plan which will be designating shared open spaces to the association."

- (d) To provide alternative uses for parcels that can provide transition buffers to residential areas.

Per the applicant this objective is N/A.

- (e) To guarantee provision of a public improvement that could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from the impact of a proposed use; or alleviate an existing or potential problem relating to public facilities.

According to the applicant's narrative, "We are providing a public improvement by restoring the residential neighborhood."

- (f) To promote the goals and objectives of the Community Master Plan.

According to the applicant's narrative, "We are providing additional housing in the City which is a master plan goal."

- (g) To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

According to the applicant's narrative, "We are providing quality town homes that will mimic current improvements throughout the City."

- (h) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.

According to the applicant's narrative, "We are redeveloping the former MGH parking lots."

- (i) To bring about redevelopment of sites that have been identified as environmentally distressed or Brownfields.

Per the applicant this objective is N/A.

- (j) To facilitate appropriate development of environmentally sensitive areas.

Per the applicant this objective is N/A.

(G) Submittal of Concept and Request for Consideration of Project Qualifications.

- (1) Any person owning or controlling land in the City may make application for consideration of a PUD. Such application shall be made by submitting a request for a preliminary determination as to whether or not a parcel qualifies for the PUD option.

Deed of ownership is attached.

- (2) A written and graphic request shall be submitted to the Marquette City Planning Commission through the Community Development Department. The submission shall include information required by Section 54.101(G)(3) below.
- (3) Based on the documentation submitted, and following a public hearing the Planning Commission shall review the applicant's request and make a preliminary determination as to whether or not a parcel qualifies for the PUD option under the provisions of Criteria for Qualifications (Section 54.101(F)). The submittal must include the following:
 - (a) Substantiation that the criteria set forth in Criteria for Qualifications (Section 54.101(F)) are or will be met.

TBD by the Planning Commission. Please also see the attached letter provided by the applicant.

- (b) A schematic land use plan containing the required information of a preliminary site plan (**Error! Reference source not found.**) with enough detail to explain the function of open space; the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.

Provided.

- (c) A plan for the protection of natural, cultural, and historic features and preservation of open space, green space, or public access, as applicable.

Provided.

- (d) The proposed phasing of the project.

Provided in their attached letter.

STAFF FILE REVIEW/ANALYSIS

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Buffer and Greenbelt Requirements.

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear yard	Maximum Height
PUD	Per approval	Per approval	Per approval	Per approval	Per approval	Per approval

Additional Comments:**Per the applicant's letter, the applicant is requesting the following variances:**

- Sections 54.306 (B) & (C) which limits use to Quadplex's. It's our feeling that by allowing some larger 6+ multiplexes we make better use of the site and reduce the number of direct access points on Magnetic Street and 4th Street. It allows better access to our proposed Townhome Garages and reduces hard-surface areas.
- Section 54.308 (D) to reduce both frontage and rear setbacks to 10'. In regard to the front setback the Magnetic Street ROW through this block is 80' vs the typical 66' ROW. This allows are building to move slightly closer to the property line, gaining green space availability and matching a more typical roadway. The rear setback being reduced to 10' allows us to use a 6 plex and place it with a thru driveway to Piqua Street and keep our garages entering internally. We do propose 4 Duplex's with Garages on Piqua Street, however we will keep those a minimum of 20' of the ROW. The use of Piqua reduces our traffic on Magnetic and the ROW of Piqua Street still creates plenty of separation to the residential neighbors to the South.

The applicant is requesting that the following PUD requirement be waived - Section 54.306 (C) Minimum Size Requirement of a PUD must be two (2) acres of contiguous land. Per the applicant's letter:

- Our proposed PUD totals 3.10 Acres, however two of the lots; (1) West Lot on Magnetic total acreage is 9,525 Sqft (.22 acres) and (2) East Lot on Magnetic total acreage is 16,221 Sqft (0.37 acres) are not contiguous land.

Attachments:

- Applicants' application and attachments
 - Attachment 1: Deed
 - Attachment 2: Letter to the Planning Commission
 - Attachment 3: Concept Plan Set
- Fire and PD Staff Comments
- Applicant's response to Engineering and Zoning Staff comments
- Area Map
- Block Map
- Zoning Map
- Photos of Site
- Correspondence

PRINT

**CITY OF MARQUETTE
PLANNED UNIT DEVELOPMENT APPLICATION**



CITY STAFF USE		
Parcel ID#: <u>0410681</u>	File #: <u>01-PUD-03-25</u>	Required Narrative Submitted: <u>Y/N</u>
Receipt #: <u>930262</u>	Check #: <u>10199</u>	Received by and date: <u>AC 2-18-25</u>
Concept Plans (6 copies) Submitted: <u>Y/N</u>	Hearing Date: <u>3-18-25</u>	Notice Date: <u>2-28-25</u>
Preliminary Plan & Pattern Book (6) Submitted: <u>'N</u>	Hearing Date: _____	Notice Date: _____
Final Site Plan(6) Submitted: <u>Y/N</u>	Contract signed: <u>Y/N</u>	Meeting Date: _____
Amendment Plan (6) Submitted: <u>Y/N</u>	Meeting Date: _____	

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE PLANNED UNIT DEVELOPMENT 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 (We can only accept Cash or Check (written to the City of Marquette))

<input checked="" type="checkbox"/> PUD Criteria Qualification	\$1,365
<input type="checkbox"/> PUD Review (includes Preliminary & Final Site Plan Review)	\$5,115
PUD Revision – Administrative Minor	
<input type="checkbox"/> Residential (additions, etc.)	\$220
<input type="checkbox"/> Commercial structure, ≥ 3 residential units	\$885
<input type="checkbox"/> PUD Revision - Major	\$2,750

If you have any questions, please call 228-0425 or e-mail alanders@marquettemi.gov. Please refer to www.marquettemi.gov to find the Planning Commission page for filing deadline and meeting schedule.

Please review the attached:

- PUD Timeline
- PUD Checklist
- Excerpts from the City Land Development Code
 - Section 54.323 Planned Unit Development
 - Section 54.1402 Site Plan Review

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Veridea Group, LLC.

Address: 857 W. Washington St Suite 301

City, State, Zip: Marquette, MI 49855

Phone #: 906-228-3900

Email: amahaney@verideagroup.com

APPLICANT/OWNER'S REPRESENTATIVE

Name: Brian M. Savolainen (WW)

Address: 3224 US-41 West #240

City, State, Zip: Marquette, MI 49855

Phone #: (906) 250-5729

Email: bsavolainen@wickwiresolutions.com

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 Planned Unit Development. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

PROPERTY INFORMATION

Property Address: Magnetic Street (No Add)	Property Identification Number: 041068 \
Size of property (frontage / depth / sq. ft. or acres): 180' on Lee, 858.5' Mag, 90' 4th / 90'to180' /3.1 Acres	
Zoning District: MDR	Current Land Use: Parking Lots
Surrounding Zoning Districts:	Surrounding Land Use:
North - <u>Mixed Use</u> East - <u>Mixed Use</u> South - <u>MDR</u> West - <u>MDR</u>	North - <u>Residential and Former Hospital (Demo)</u> East - <u>Residential and Worship</u> South - <u>Residential</u> West - <u>Residential</u>

PLANNED UNIT DEVELOPMENT INFORMATION

Percentage of Land Use by Type

	Residential	Commercial/ Institutional	Industrial	Open Space	Other	Total
# of Acres	1.43	0	0	1.67	0	3.10
% of Total	46.1%	0	0	53.9%	0	100%

Residential Density

Type of Unit	Number of Units	Net Acres	Net Density
Single Family Home			
Town Home	40	1.43 Acres(62,220Sft)	27.97
Apartments			
Other			
Total			

Net Acres - Land development for land use type not including right-of-way
 Net Density - Number of Units/Net Acres

VARIANCES FROM ORDINANCE(S)

THIS IS A REQUIRED SECTION. FAILURE TO FILL OUT MAY INDICATE THAT THE PROPERTY CAN BE DEVELOPED UNDER CURRENT ZONING DISTRICT STANDARDS.

Please list and justify the request variance(s) from the Land Development Code (attach additional pages if necessary):

Section 54.306 (B)&(C) to Allow larger than Quadplex Multi Family Units - Because of the Shape of the lots and Access from

All streets: Lee, Magnetic, Piqua, and 4th it allows better layout and reduced direct access points especially to Magnetic and 4th Streets.

Section 54.308 (D) Reduction of Front and Rear Lot Setbacks - Magnetic has an 80' ROW and more green boulevard, a

reduction to 10' would make the residence location closer to a typical city street ROW and our proposed sixplex's which have internal parking.

Allowing a 10' reduction provides better layout allowing more internal green space. The Piqua Street ROW also provides extra separation to Residence to the South. Duplex garages toward Piqua would remain 20'. See the cover letter write up for additional Information.

REVISIONS TO PUD

Please list the proposed revisions to your approved PUD (attach additional pages if necessary):

Ability to make minor layout modifications during future site plan design while working

with City of Marquette Planning/Zoning/Engineering Departments as project moves forward.

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 Planned Unit Development 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 Planned Unit Development would not violate any deed restrictions attached the property involved in the request.
4. I have read the attached Planned Unit Development section of the Land Development Code and understand the necessary requirements that must be completed.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a Planned Unit Development but only an application for a Planned Unit Development and is valid only with procurement of applicable approvals.
8. I authorize City Staff and the Planning Commission members to inspect the site.

Property Owner Signature: R. Mahaney Date: 2/17/25

Applicant Signature: _____ Date: _____

**CITY OF MARQUETTE
PLANNED UNIT DEVELOPMENT APPLICATION
TIMELINE**

This timeline is intended to give the applicant an idea of the timing involved for this application procedure and is not intended to serve as a substitute for the requirements of the Marquette City Charter, City Code, or Planning Commission Bylaws.

Step 1 – Pre-application Conference with City Planner/Zoning Administrator

1. Applicant meets with City Planner/Zoning Administrator to review application procedures, project timelines, City Land Development Code, compliance with City Master Plan, and other project criteria

TIME BEFORE NEXT STEP – Variable and dependent on applicant

Step 2 – Submittal of Concept and Request for Consideration of Project Qualifications

1. Applicant submits complete application as required (incomplete applications will not be accepted)
2. Staff mails hearing notices and submits legal ad

TIME BEFORE NEXT STEP – Minimum of 20 business days from #1

3. Planning Commission holds a public hearing and reviews concept plan
4. Applicant prepares preliminary plan as needed

TIME BEFORE NEXT STEP – variable and dependent on applicant

Step 3 – Submittal and Review of Preliminary Plan

1. Applicant submits complete land use plan as required (incomplete land use plans will not be accepted)
2. City Development Review Team (CDRT) reviews and comments on land use plan
3. Staff mails hearing notices and submits legal ad
4. Applicant meets with CDRT
5. Applicant makes revisions to plans as necessary (optional but recommended)
6. CDRT comments on revised plans

TIME BEFORE NEXT STEP – Minimum of 20 business days from #1

7. Planning Commission holds a public hearing and makes a recommendation to the City Commission

TIME BEFORE NEXT STEP – Minimum of 13 business days

8. City Commission holds a first reading and schedules a public hearing
9. City Clerk notices public hearing

TIME BEFORE NEXT STEP – Minimum of 15 calendar days from #9

10. City Commission holds a public hearing
11. City Clerk transmits copies of Planned Unit Development Approval to City Attorney for development of Planned Unit Development Contract

TIME BEFORE NEXT STEP – Variable but it is anticipated to be a minimum of 14 calendar days from #10

12. City Commission concurs with contract and authorizes signatures
13. City Clerk records contract with the Register of Deeds
14. Zoning Map is amended
15. Applicant prepares final site plans

TIME BEFORE NEXT STEP – Variable and dependent on applicant

Step 4 – Final Site Plans

1. Applicant submits a complete application for site plan review and a complete final site plan as required (incomplete applications and site plans will not be accepted)
2. CDRT reviews and comments on plans
3. Applicant meets with CDRT
4. Applicant makes revisions to plans as necessary (optional but recommended)
5. CDRT reviews and comments on revised plans

TIME BEFORE NEXT STEP – Minimum of 20 business days (could be more depending on time of the month as Planning Commission generally only reviews applications at the first meeting of the month) from #1

6. Planning Commission reviews final site plan for compliance with approved Planned Unit Development and contract

TIME BEFORE NEXT STEP – Minimum of 13 business days (if necessary – the following step is not necessary if the Planning Commission determined that the final site plan was in compliance with the approved Planned Unit Development and Contract)

7. City Commission reviews final site plan to determine if any material changes shall be approved or denied

A Zoning Compliance Permit will be issued upon final approval from the Planning Commission or City Commission per #6 and #7 above. It should be noted that if the approval contained conditions of approval, Zoning Compliance may not be issued until the conditions have been satisfied.

CITY OF MARQUETTE
PLANNED UNIT DEVELOPMENT APPLICATION REQUIREMENTS CHECKLIST

This checklist has been developed to outline the process and requirements for a Planned Unit Development in the City of Marquette. The checklist is intended to assist property owners and developers in completing the required applications and informing them of how the process works. Complete copies of Sections 54.323 (Planned Unit Development) and 54.1402 (Site Plans) are also attached for reference. If any of the required items on this checklist are not submitted or are not submitted in a timely manner (as required per the City Land Development Code and Planning Commission Bylaws), the application will be deemed incomplete and returned to the applicant.

STEP 1 – Pre-application Conference with City Planner/Zoning Administrator

- Applicant has met with the City Planner/Zoning Administrator to review the Planned Unit Development application procedures, project timelines, City Land Development Code, compliance with City Master Plan, and other project criteria **(highly recommended)**

STEP 2 – Submittal of Concept and Request for Consideration of Project Qualifications

- Applicant has completed the Planned Unit Development Application
- Applicant has paid the required application fee
- Applicant has attached all of the information required per *Section 54.323(G)(3)* of the City of Marquette Land Development Code:
 - Substantiation in writing that the criteria set forth in Criteria for Qualifications (*Section 54.323(F)*) are or will be met
 - A schematic land use plan containing enough detail to explain the following:
 - The function of open space
 - The location of land use areas
 - Streets providing access to the site
 - Vehicular and pedestrian circulation within the site
 - Dwelling/Commercial unit density and types
 - Contemplated buildings and floor areas
 - A plan for the protection of natural, cultural and historic features and preservation of open space, green space, and public access, as applicable
 - The proposed phasing of the project

Note – any plan submitted without addressing the information required by *Section 54.323(G)(3)* (Planned Unit Development) of the City of Marquette Land Development Code will not be accepted.

Step 3 – Submittal of Preliminary Plan

An application shall be made to the Community Development Department for review and recommendation by the Planning Commission that complies with the preliminary site plan information requirements of *Section 54.1402*, including but not limited to the following graphic and written representations of the project at a scale not to be smaller than one (1) inch equals one hundred (100) feet unless approved by the City:

- A boundary survey of the PUD boundaries being requested completed by a licensed land surveyor.

- A topographic map of the entire area at a contour interval of not more than one (1) foot and spot elevations at intervals not to exceed fifty (50) feet, unless waived.
- Existing natural areas including, but not limited to, major stands of trees, bodies of water, wetlands, floodplains, steep slopes, and un-buildable areas.
- A proposed land use plan.
- Parcel and lot lines, land use, access points, and zoning of all parcels within 100 feet of the PUD site.
- Vehicular circulation including major drives and location of vehicular access. Proposed project cross sections including public streets or private roads.
- Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.
- The location of nonresidential buildings and parking areas, estimated floor areas, building coverage, and number of stories and heights for each structure.
- The location of residential unit types and densities, and lot parcel or land units by frontages and areas.
- The location of all wetlands, water and watercourses, and proposed water detention areas.
- The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership thereof.
- A schematic landscape treatment plan for open space areas, streets, and border/transition areas to adjoining properties.
- A preliminary grading plan, indicating the extent of grading and delineating any areas that are not to be graded or disturbed.
- An indication of the contemplated water distribution, storm, and sanitary sewer plan.
- A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking, and supporting documentation, including the intended schedule of development.
- The proposed phasing of the project, tentative development timetables, and future ownership intentions. Each phase of the project should be capable of standing alone.
- Minimum of two (2) site sections, showing major building relationships and building site features.
- Detailed design guidelines, drawings, and / or pattern book, which depict the design character of the project; the architectural details of proposed buildings; details on various site elements such as lights, furniture, landscaping, signage; and such other information deemed appropriate by the Planning Commission.
- Performance Guarantee. The City Commission and/or Planning Commission can require the applicant to submit a performance guarantee, escrow funds, or other such performance-based guarantees to the City as a condition of PUD approval pursuant to *Section 54.1402(H)*. The amount of the performance guarantee shall be recommended to the Planning Commission by the City Attorney after discussion with the applicant, City Engineering Department, and other involved parties.

Note – any land use plan submitted that does not address the requirements of *Section 54.323(H)* (Planned Unit Development) of the City of Marquette Land Development Code, or additional requirements requested by the City Planning Commission during the concept review will not be accepted.

Step 4 – Final Site Plans

Applicant has submitted an application for Site Plan Review and a detailed site plan, in accordance with the requirements set forth in *Section 54.1402* (final site plans) or *Section 54.501* (preliminary plats) of the Marquette City Land Development Code

Note – any site plan submitted that does not meet the requirements of *Section 54.1402* (Site Plans) of the City of Marquette Land Development Code, or additional requirements requested by the City Planning Commission, City Commission, or specified in the Planned Unit Development Contract, will not be accepted.

Section 54.323 PUD, Planned Unit Development District

- (A) Purpose.** The Planned Unit Development (PUD) option is intended to encourage, with City approval, private or public development that is substantially in accord with the goals and objectives of the Community Master Plan. Development permitted under this Section shall be considered as an optional means of development only upon terms agreeable to the City. Use of the PUD option will permit flexibility in the regulation of land development and benefit the City by:
- (1)** Encouraging innovation through an overall development plan to provide variety in design and layout.
 - (2)** Achieving economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
 - (3)** Encouraging the creation of useful open spaces particularly suited to the needs of the parcel in question.
 - (4)** Providing appropriate housing, employment, service, and shopping opportunities suited to the needs of residents of Marquette.
- (B) Use.** The PUD may be used to:
- (1)** Permit nonresidential uses of residentially zoned areas.
 - (2)** Permit residential uses of non-residentially zoned areas.
 - (3)** Permit land uses and the mixing of land uses that would otherwise not be permitted, provided the objectives are supported by the Master Plan and the intent of this Ordinance and the resulting development promotes the public health, safety, and welfare without a material adverse impact on adjoining existing and planned uses.
- (C) Minimum Size.** The minimum size of a PUD must be two (2) acres of contiguous land. However, the City Commission, upon recommendation from the Planning Commission, may permit a smaller PUD under the following circumstances:
- (1)** The proposed project has unique characteristics and benefits; and/or
 - (2)** The parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements that cross the parcel.

In such case, the applicant must submit a letter to the City requesting a waiver of the minimum PUD size requirements. The request must be submitted at the time of the submittal of Concept and Request for Consideration of Project Qualifications ([Section 54.323\(G\)](#)). The Planning Commission shall review the request and make a recommendation to the City

Article 3: Zoning Districts and Map

Section 54.323: PUD, Planned Unit Development District

Commission. The City Commission shall make the final decision concerning a request to waive the PUD size requirements.

(D) Density, Layout, and Bulk.

- (1) Densities, setbacks, height, lot coverage, or lot sizes may be permitted that are different from the current zoning district and unique to the proposed PUD district, provided the other objectives of this Ordinance are met and the resulting development would promote the public health, safety, and welfare. The requirements of the Riparian Overlay District must be met.
- (2) The PUD shall be laid out so various land uses and building bulk relate to each other and to adjoining existing and planned uses with no material adverse impact of one use on another. Clustering development is encouraged in areas that are not located in the Riparian Overlay District.

(E) Definitions.

- (1) A **“Planned Unit Development”** (PUD) is a zoning district that shall apply to a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan has been recommended by the Planning Commission, approved by the City Commission, and documented in a contract (PUD Agreement) between the City and site owner/developer. Such plan and contracted development will establish functional use areas and density patterns; will provide a fixed system of streets, public utilities, drainage, and other essential services; and account for similar factors necessary for and incidental to the intended land uses. The Planning Commission may, but is not required to, consider parcels separated by a public street as eligible for inclusion in a PUD.
- (2) A **“Pattern Book”** is a document prepared by the applicant’s design firm that contains specific information on the site master plan, and architectural designs for planned buildings. Information should include specifications on building materials, size, and dimensions, building elevations, and site design elements such as pedestrian walkways, lighting, landscaping, and signage.

(F) Criteria for Qualifications. The PUD option may be permitted anywhere in the City except in the Conservation and Recreation (CR) district. To be considered for the PUD option, it must be demonstrated that all of the following criteria are met:

- (1) Use of this option shall not be for the purpose of avoiding applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.
- (2) The PUD shall not be utilized in situations where the same land use objectives can be accomplished by application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.

Article 3: Zoning Districts and Map

Section 54.323: PUD, Planned Unit Development District

- (3)** The PUD option may be effectuated only when proposed land use will not materially add service and facility loads beyond those contemplated in the Master Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the PUD.
- (4)** The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a Zoning Map amendment or variance.
- (5)** The Planned Unit Development must substantially meet, as a minimum, three (3) or more of the following objectives. The benefits given to the developer through the flexibility of the PUD must be balanced with the benefits to the City:

 - (a)** To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
 - (b)** To permanently establish land use patterns that are compatible or that will protect existing or planned uses.
 - (c)** To accept dedication or set aside open space areas in perpetuity.
 - (d)** To provide alternative uses for parcels that can provide transition buffers to residential areas.
 - (e)** To guarantee provision of a public improvement that could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from the impact of a proposed use; or alleviate an existing or potential problem relating to public facilities.
 - (f)** To promote the goals and objectives of the Community Master Plan.
 - (g)** To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
 - (h)** To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
 - (i)** To bring about redevelopment of sites that have been identified as environmentally distressed or Brownfields.
 - (j)** To facilitate appropriate development of environmentally sensitive areas.

(G) Submittal of Concept and Request for Consideration of Project Qualifications.

Article 3: Zoning Districts and Map

Section 54.323: PUD, Planned Unit Development District

- (1) Any person owning or controlling land in the City may make application for consideration of a PUD. Such application shall be made by submitting a request for a preliminary determination as to whether or not a parcel qualifies for the PUD option.
- (2) A written and graphic request shall be submitted to the Marquette City Planning Commission through the Community Development Department. The submission shall include information required by [Section 54.323\(G\)\(3\)](#) below.
- (3) Based on the documentation submitted, and following a public hearing the Planning Commission shall review the applicant's request and make a preliminary determination as to whether or not a parcel qualifies for the PUD option under the provisions of Criteria for Qualifications ([Section 54.323\(F\)](#)). The submittal must include the following:
 - (a) Substantiation that the criteria set forth in Criteria for Qualifications ([Section 54.323\(F\)](#)) are or will be met.
 - (b) A schematic land use plan containing the required information of a preliminary site plan ([Section 54.1402\(C\)](#)) with enough detail to explain the function of open space; the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; and buildings or floor areas contemplated, as applicable.
 - (c) A plan for the protection of natural, cultural, and historic features and preservation of open space, green space, or public access, as applicable.
 - (d) The proposed phasing of the project.
- (H) **Submittal and Approval of Preliminary PUD Plan.** An application for Preliminary PUD Plan approval may be made for consideration with the submission of the following materials and Planning Commission review. To expedite PUD projects, the Planning Commission, at its discretion, may waive submitted information required in [Section 54.323\(H\)](#) and [Section 54.1402\(C\)](#):
 - (1) **Submittal of Proposed PUD Plan.** An application shall be made to the Community Development Department for review and recommendation by the Planning Commission that complies with the preliminary site plan information requirements of [Section 54.1402](#), including but not limited to the following graphic and written representations of the project at a scale not to be smaller than one (1) inch equals one hundred (100) feet unless approved by the City:
 - (a) A boundary survey of the PUD boundaries being requested completed by a licensed land surveyor.
 - (b) A topographic map of the entire area at a contour interval of not more than one (1) foot and spot elevations at intervals not to exceed fifty (50) feet, unless waived.
 - (c) Existing natural areas including, but not limited to, major stands of trees, bodies of water, wetlands, floodplains, steep slopes, and un-buildable areas.

Article 3: Zoning Districts and Map

Section 54.323: PUD, Planned Unit Development District

- (d) A proposed land use plan.
- (e) Parcel and lot lines, land use, access points, and zoning of all parcels within 100 feet of the PUD site.
- (f) Vehicular circulation including major drives and location of vehicular access. Proposed project cross sections including public streets or private roads.
- (g) Transition treatment, including minimum building setbacks to land adjoining the PUD and between different land use areas within the PUD.
- (h) The location of nonresidential buildings and parking areas, estimated floor areas, building coverage, and number of stories and heights for each structure.
- (i) The location of residential unit types and densities, and lot parcel or land units by frontages and areas.
- (j) The location of all wetlands, water and watercourses, and proposed water detention areas.
- (k) The boundaries of open space areas that are to be preserved or reserved and an indication of the proposed ownership thereof.
- (l) A schematic landscape treatment plan for open space areas, streets, and border/transition areas to adjoining properties.
- (m) A preliminary grading plan, indicating the extent of grading and delineating any areas that are not to be graded or disturbed.
- (n) An indication of the contemplated water distribution, storm, and sanitary sewer plan.
- (o) A written statement explaining in detail the full intent of the applicant, indicating the type of dwelling units or uses contemplated and resultant population, floor area, parking, and supporting documentation, including the intended schedule of development.
- (p) The proposed phasing of the project, tentative development timetables, and future ownership intentions. Each phase of the project should be capable of standing alone.
- (q) Minimum of two (2) site sections, showing major building relationships and building site features.
- (r) Detailed design guidelines, drawings, and / or pattern book, which depict the design character of the project; the architectural details of proposed buildings; details on

Article 3: Zoning Districts and Map

Section 54.323: PUD, Planned Unit Development District

various site elements such as lights, furniture, landscaping, signage; and such other information deemed appropriate by the Planning Commission.

(2) Planning Commission Review of Proposed PUD Plan.

(a) Public Hearing and Review Procedure. The Planning Commission shall give notice of a public hearing as provided in [Section 54.1406](#) and hold a public hearing on the PUD and conduct a review of the PUD Plan and rezoning pursuant to the rezoning procedures of [Section 54.1405](#).

(b) Planning Commission Review and Determination. The Planning Commission shall review the proposed PUD plan and make a recommendation to the City Commission as to the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:

(i) The proposed PUD adheres to the criteria for qualification of the PUD option ([Section 54.323\(F\)](#)) and promotes the land use goals and objectives of the City.

(ii) All applicable provisions of this Section shall be met. Insofar as any provision of this Section shall be in conflict with the provisions of any other section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PUD area.

(iii) There is, or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and that the road system and storm water drainage system are or will be adequate.

(3) Performance Guarantee. The City Commission and/or Planning Commission can require the applicant to submit a performance guarantee, escrow funds, or other such performance-based guarantees to the City as a condition of PUD approval pursuant to [Section 54.1402\(H\)](#). The amount of the performance guarantee shall be recommended to the Planning Commission by the City Attorney after discussion with the applicant, City Engineering Department, and other involved parties.

(I) Final Approval of Planned Unit Development.

(1) City Commission Action. Upon receipt of the report and recommendation of the Planning Commission, the City Commission shall hold a public hearing in accordance with [Section 54.1406](#) and review all findings. If the City Commission approves the PUD, approval shall be granted only upon the City Commission determining that all provisions of this Section have been met and that the proposed development will not adversely affect the public health, welfare, and safety.

(2) PUD Zoning. Upon approval by the City Commission, the subject site shall be rezoned to "Planned Unit Development" in accordance with the procedures of [Section 54.1405](#).

(3) PUD Agreement. Upon approval of the PUD by the City Commission, the City Commission shall instruct the City Attorney to prepare a contract setting forth the conditions upon

Article 3: Zoning Districts and Map

Section 54.323: PUD, Planned Unit Development District

which such approval is based and which contract, after approval by resolution of the City Commission, shall be executed by the City and the applicant. The agreement shall become effective upon execution after its approval. The agreement shall be recorded with the County Register of Deeds by the City Clerk. If the agreement is not executed within one (1) year of approval of the by the City Commission, the PUD approval shall expire.

- (4) PUD Development.** Once an area has been included within a plan for PUD and the City Commission has approved such plan, all development must take place in accordance with such plan unless changes have been approved by the City Commission.
- (5) Termination by Applicant.** An approved PUD plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the City Clerk and Community Development Department, and recording in the County Register of Deeds an affidavit so stating. The approval of the PUD plan shall terminate upon such recording. No approved PUD plan shall be terminated after development commences except with the approval of the City Commission and of all parties with interest in the land. After termination, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with [Section 54.1405](#).
- (6) Expiration.** Within a period of two (2) years following approval of the PUD Agreement by the City Commission, preliminary plats ([Section 54.501](#)) or final site plans ([Section 54.1402](#)) for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted within the two-year period, the right to develop under the approved plan shall be terminated by the City. Upon the developer's showing of good cause, the Planning Commission can recommend and the City Commission grant an extension of up to two (2) years for submission of the preliminary plat and/or final site plan. If the right to develop under the approved plan is terminated by the City, the City shall commence rezoning the site to its previous zoning classification or a different zoning classification supported by the Master Plan, in accordance with [Section 54.1405](#).
- (J) Submission of Preliminary Plat or Final Site Plans; Schedule for Completion of PUD.** Before any permits are issued for any activity within the area of a PUD, preliminary plats ([Section 54.501](#)) or final site plans ([Section 54.1402](#)) and open space plans for a project area shall be submitted to the Community Development Department for review by the Planning Commission. Review and approval of final site plans shall comply with the Marquette City Land Development Code as well as this Section and the terms of the contract and approved plan. Before approving any preliminary plat or final site plan, the Planning Commission shall determine all of the following:

 - (1)** All portions of the project area shown upon the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses in accordance with the PUD contract through recording of a deed, deed restrictions, and/or a master deed for creation of a property owner's association with authority to levy assessments.

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- (2) The preliminary plats or final site plans are in substantial conformity with the approved contract and plan for the PUD.
- (3) Provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas that are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PUD contract. If development of approved preliminary plats or final site plans are not completed in five (5) years after approval, further final submittals under the PUD shall cease until the part in question is completed or cause can be shown for not completing same. When the developer is in default of the PUD timetable, the City Commission may, at the recommendation of the Planning Commission take any or all of the following actions:
- (a) Withdraw approval of any other phase;
 - (b) Require the applicant to submit a new PUD application for any additional phases; and/or
 - (c) Invoke the performance guarantees to complete the project or make necessary repairs.
- (K) **Filing of As-Built Plans and Final Plats Prior to Release of Performance Guarantee.** As-built site plans and final plats must be filed with the City Engineering Department and the Community Development Department. Performance guarantees shall not be released until these documents have been submitted.
- (L) **Fees.** Fees for review of PUD plans under this Section shall be established by resolution of the City Commission.
- (M) **Interpretation of Approval.** Approval of a PUD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the City and the applicant.
- (N) **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

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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, encroach on natural features proposed by the plan to be protected, or that would alter contractual terms related to the timing or other non-dimensional aspects of development. 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.

- (2) Major Amendment.** Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be reviewed by the Planning Commission and approved by the City Commission, to be amended according to the procedures authorized by this section for approval of a PUD.

Section 54.1402 Site Plan Review

- (A) Intent.** It is the intent of this section to establish procedures and standards for the review and approval of site plan applications and to ensure proper relationships between the development features as they relate to the standards outlined in this section. This section is further intended to ensure that developments are compatible with adjacent uses of land and promote the use of land in a desirable manner that does not impair the surrounding uses by the erection of structures, additions, alterations, or site improvements that may negatively impact surrounding development, while providing for the orderly development of the City of Marquette.
- (B) Uses Subject to Site Plan Review, Minor Site Plan Review, and Exemptions.** The required review process for uses and development is described in [Figure 51](#). All uses and development, regardless of whether site plan review is required, are subject to the Zoning Compliance review requirements of [Section 54.1401](#). The Zoning Administrator may approve or conditionally approve site plans that meet the standards herein, as described in [Figure 51](#) and [Section 54.1402\(D\)\(1\)](#), with the exception of those for Special Land Uses, Planned Unit Developments, and those for any commercial development (incl. multi-family dwellings) that is:
- (1)** proposed to have either a footprint area of 16,000 square feet or greater, or a gross floor area of 40,000 sq. ft. or greater.
 - (2)** proposed to have more than 20 dwelling units or lodging rooms.
 - (3)** recommended by the Zoning Administrator or City Attorney for review by the Planning Commission.

Figure 51. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
Special land uses	●		
Planned Unit Developments	●		
New building construction totaling more than either 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	●		
New construction for multi-family residential units that contain or will contain more than twenty (20) dwelling units.	●		
Site Condominium development – New, amendment, or expansion	●		
Additions, alterations, non-residential and multi-family accessory structures, and renovations that are more than 16,000 sq. ft. in footprint area or 40,000 sq. ft. in gross floor area.	●		
Filling a parcel of land to an elevation above the established grade of adjacent developed land.		●	
New construction, additions, alterations, or site improvements for multi-family residential units that contain or will contain five (5) to twenty (20) dwelling units, and for multi-family residential additions, alterations, or site improvements that are not otherwise exempt (as stated below), unless site plan review is required due to size criteria being met.		●	

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Development Activity	Site Plan Review Required by P.C.	Minor/Admin Site Plan	Exempt From Site Plan Review
Conversion of an existing building or part thereof from a residential use to a non-residential use, including site improvements that result from a change in the use of the building or part thereof from residential use to nonresidential use.		●	
Additions, alterations, non-residential and multi-family accessory structures, Solar Energy Systems ≥20kw to 2 MW – Accessory Use, Solar Energy Systems ≥20kw to 2 MW – Principal Use, and renovations that are more than 10% of the size of the original commercial or multi-family residential building footprint or more than 500 square feet, unless otherwise exempt.		●	
Relocation of a building approved via Site Plan Review, with associated utilities.		●	
Any expansion or change in an existing land use if more parking in addition to that already provided is required.		●	
Any earthwork greater than 20,000 square feet in size for a non-residential use; or earthwork that is more than half the size of the parcel upon which commercial, industrial, mixed-use or multi-family land use is occurring or intended.		●	
Site improvements of more than 2,000 square feet that include landscaping, site access, and parking lot grading, layout, and new off-street parking, unless the activity is exempt		●	
Commercial and non-residential buildings less than 16,000 square feet, unless the activity requires site plan review		●	
Condominium development – New, amendment, or expansion		●	
If only adding a new driveway to an existing off-street parking lot and not affecting the parking lot.			●
Single-family dwellings and their accessory facilities on individual parcels			●
Two-family dwellings and their accessory facilities on individual parcels			●
Multi-family residential units that contain or will contain three (3) or four (4) dwelling units.			●
Additions, alterations, non-residential and multi-family accessory structures, Solar Energy Systems <20kw – Accessory Use, and renovations that are up to 10% of the size of the original industrial, commercial or multi-family residential building footprint or up to 500 square feet.			●
Relocation of a building approved via a site or plot plan, no corresponding utilities.			●
Interior remodeling or interior construction			●
Landscaping that is less than 25% of the parcel size or 2,000 square feet			●
Site improvements that are less than 2,000 square feet, and site lighting, unless the activity requires site plan review or minor site plan review			●
Alterations to exterior walls such as window openings, façade changes, etc., provided there is no change to the building footprint			●
Re-paving of an off-street parking lot, provided there are no grading changes and no changes to the configuration of the parking lot layout			●

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

- (1) Application and Fee.** A completed application form, supplied by the Zoning Administrator, and an application fee.
- (2) Proof of Ownership.** Current proof of ownership or evidence of a contractual ability to acquire such land, such as an option or purchase agreement or a written statement from the property owner indicating permission for the filing of the application.
- (3) Site Plan.** Six (6) copies of plan sheet(s) providing the information listed below ([Figure 52](#)). For minor site plans, three (3) copies of plan sheets are required. Sheet size of submitted drawings shall be at least 24-inches by 36-inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of 20 acres or less; and one (1) inch equals fifty (50) feet for sites over 20 acres. The surrounding area drawing may be in a scale of one (1) inch equals one-hundred (100). One digital copy of the complete plan set must also be submitted. Upon request of the applicant, the Zoning Administrator may waive individual site plan requirements if the requirements are found to be unnecessary or irrelevant to the intent of providing the information; however, the Planning Commission has the right to require all of the information in [Figure 52](#).
- (4) Sketch Plan.** A sketch plan must include the information listed below ([Figure 52](#)). The number of plans submitted is determined by the Zoning Administrator, based upon whether or not the plans need to be reviewed by the Fire Dept., Police Dept., and/or Dept. of Public Works – in addition to the Engineering and Planning-Zoning functions of the Community Development Department. One digital copy of the complete plan set must also be submitted. The sheet size of submitted drawings shall be at a scale acceptable to the Zoning Administrator. Upon request of the applicant, the Zoning Administrator may waive individual sketch plan requirements if the requirements are found to be unnecessary or irrelevant to the intent of providing the information; however, the Planning Commission has the right to require all of the in information in [Figure 52](#).

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

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

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

Voluntary Information/Considerations – callouts/notes and narrative would be appreciated
Infrastructure for Electric Vehicle (EV) charging stations (wiring, conduit, etc.)
Incorporation of <i>green infrastructure</i> elements such as a bioswale/rain garden (see Fig. 41), pervious pavers, vegetative/green roof, living retaining wall, French drains.
Public art elements such as sculpture, murals, interactive installations.
Affordable housing (including of explanation of how affordability is calculated).
Encourage colorful cladding materials (black, white, grey materials should be limited to <50 percent of total exterior cladding and trim colors).
Inclusion of bicycle parking facilities (racks, shelters, lockers, etc.) not required by the LDC.

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

- (1) Minor Site Plan Review.** The Zoning Administrator may approve or conditionally approve Minor Site Plans as described in [Figure 51](#); however, Minor Site Plans may also be subject to review by the Planning Director, Engineering Department, Fire Department, or any other City department deemed necessary by the Zoning Administrator. After approval of a Minor Site Plan, the applicant may apply for a Zoning Permit pursuant to [Section 54.1401](#).
- (2) Pre-Application Concept Plan Review.** At the option of the applicant, the applicant may submit a concept plan to the City be reviewed by the Zoning Administrator, City Planner, and Engineering Department prior to submitting an application for site plan review. Depending on the scope of the development proposal, the City staff may require the concept plan to contain as little detail as a Zoning Compliance Review ([Section 54.1401\(C\)](#)) or as much detail as a Sketch Plan Review ([Figure 52](#)). The concept plan must contain enough detail to explain the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site; dwelling unit density and types; function of open space; and buildings or floor areas contemplated, as applicable. The purpose of concept plan review is for the City staff to review the concept plan and provide the applicant an advisory opinion whether the concept plan appears to meet the standards of this Ordinance with respect to use, location, character, and zoning district requirements. The City’s review of a concept plan is advisory only, and the City shall not approve, deny, or take any other action on a concept plan.
- (3) Sketch Plan Review.** At the option of the applicant, preliminary sketches of proposed site plans may be submitted for review to the Planning Commission prior to submission for formal site plan review. Submission of preliminary sketch plans shall be made no later than fourteen (14) days prior to the meeting at which the review is to take place. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance to the plan. The Zoning Administrator shall determine the number of plans to be submitted. Sketch plans must include at a minimum the required information for sketch plans in [Figure 52](#).

- (4) Preliminary Site Plan Review.** The purpose of preliminary site plan review is to allow for the review and decision on most aspects of the site without the need for final detailed engineering unless required by the City Engineer. An applicant may submit some of the engineering elements in schematic/diagram form in the Preliminary site plan set per the requirements shown in [Figure 52](#), and such items must be approved per the Final Site Plan Review (FSPR) requirements prior to staff completion of a Zoning Compliance Permit for the project. Applications for preliminary site plan review must be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place. The Planning Commission shall review the preliminary site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of [Section 54.1402\(E\)](#). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the preliminary site plan as follows:
- (a) Postponement.** Upon determination by the Planning Commission that a preliminary site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - (b) Denial.** Upon determination that a preliminary site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.
 - (c) Approval.** Upon determination that a preliminary site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, including the standards of [Section 54.1402\(E\)](#), the preliminary site plan shall be approved. Upon approval of the preliminary site plan, the applicant may apply for final site plan review.
 - (d) Approval Subject to Conditions.** The Planning Commission may approve a preliminary site plan, subject to one (1) or more conditions necessary to address minor modifications to the preliminary site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies. Upon approval of the preliminary site plan and the satisfaction of conditions, the applicant may apply for final site plan review.
 - (e)** The Planning Commission may elect by an affirmative vote to be the approving authority of the Final Site Plan, otherwise the approving authority will be the Zoning Administrator. The scope of the proposal, the potential impact of the project, and/or or the estimated value of public input or of conducting the approval in a public forum are all reasons that the Planning Commission may elect to be the review authority for the Final Site Plan. The Zoning Administrator may recommend that the Planning Commission be the approving authority in the staff report for the site plan review.

(5) Final Site Plan Review.

- (a) Deadline to Submit Final Site Plan Application.** Applications for final site plan approval shall be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place.
- (b) Staff Review of Site Plan Materials.** The Zoning Administrator, Engineering Department, Fire Department, Planning Staff, and other City departments if required by the Planning Commission to determine compliance with this Ordinance, will review application materials to determine if they are in proper form, all of the required information is present, and the site plan is in compliance with this Ordinance. Each department that reviews an application shall provide a report or relevant comments to the Zoning Administrator. If the site plan is determined to not be complete or in compliance with the ordinances, the Zoning Administrator shall return the reports to the applicant. The Planning Commission shall not review a site plan that is not complete unless the incomplete items are minor.
- (c) Additional Information.** The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s), to assist in determining the appropriateness of the site plan. Such material may include, but is not limited to, photographs, estimated impact on public schools and utilities, and traffic impacts.
- (d) Planning Commission and/or Administration Action.** Except as noted in directly above, and as stated in [Section 54.1402\(D\)\(4\)\(c\)](#) for Preliminary Site Plan Review, the Planning Commission, or City Staff, shall approve, approve with conditions, or deny the site plan based on the compliance of the plan with City Ordinances and the review standards of this Ordinance. If conditional approval is granted, the conditions shall be stated specifically so that the Zoning Administrator or other reviewing departments can determine compliance with the conditions and grant approval following submission of revised plans; said review not to exceed ten business (10) days unless additional time is required by the Zoning Administrator or other reviewing departments to determine compliance with the conditions of site plan approval. A site plan shall be approved if it contains all of the information required by the ordinance and is in compliance with the standards of the Land Development Code (including [Section 54.1402\(E\)](#)), other City planning documents, City ordinances, and state and federal statutes.
- (e) Signed Copies of Final Approved Plans.** The Planning Commission Chair and the applicant shall sign two (2) copies of the approved site plan, one of which is kept by the Zoning Administrator, the other by the applicant. If the site plan is approved with conditions that require revisions to the site plan, the applicant must make the required revisions and submit the revised plans to the City be signed.
- (f) Certificate of Zoning Compliance.** A Zoning Compliance permit shall not be issued until the Planning Commission has approved the plan. The Zoning Compliance permit shall be reviewed and issued in accordance with [Section 54.1401](#).

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

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

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

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

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

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

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

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

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

(8) Lighting. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and bodies of water so that it does not impede the vision of traffic along

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adjacent streets or impair navigation on the waterway. Flashing or intermittent lights shall not be permitted.

- (9) Location of Building Entrances.** For consistency in areas where adjoining properties face the street, the Planning Commission may require that primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.
- (10) Nuisances.** No noise, vibration, dust, fumes, or other nuisance shall leave the property in a manner that affects the surrounding area.
- (11) City of Marquette Engineering Design and Construction Standards.** The site plan must comply with the City of Marquette Engineering Design and Construction Standards.

(F) Validity of Approved Site Plans and Expiration.

- (1) Approval, including Conditions, Attached to the Property.** Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- (2) Validity of Approved Site Plans.**
 - (a) Expiration.** Site plan approval shall expire one (1) year from the date of approval by the Planning Commission, or by the Zoning Administrator for minor site plans, except for phased projects that are required to follow a project timeline. If the site plan is approved with conditions that require revisions to the site plan, the applicant must make the required revisions and submit the revised plans to the City prior to the expiration date.
 - (b) Halt in Construction.** The Planning Commission or Zoning Administrator, according to which entity approved the plan, may revoke the zoning approval if work on a project is halted for at least two (2) months, except during winter conditions, if the conditions warrant.
 - (c) Extension.** The Planning Commission may grant two (2) one-time extensions to the expiration deadline, not to exceed one (1) year each, provided the request for an extension must be submitted at least 26 days prior to the expiration of the site plan approval and must meet the following standards. The Zoning Administrator may similarly grant extensions of administratively approved site plans.
 - (i)** The approved plan conforms to zoning at the time the extension is granted
 - (ii)** Any and all Federal and State approvals and permits are current.
 - (d) Relevant LDC Amendment.** If the Land Development Code is amended within one year of site plan approval and approved work has not been completed, any less intensive standards provided by the amendment may be applied to the unfinished aspects of the site plan if a revised site plan is submitted before the one year site plan approval period expires.

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

(G) Amendments to Approved Site Plans.

- (1) No changes, erasures, modifications, or revisions shall be allowed for any approved site plan without prior approval by the Zoning Administrator or the Planning Commission, in accordance with [Figure 51](#) of this Ordinance.
- (2) The ability to approve any changes to an approved site plan shall remain consistent with the ability of the Planning Commission or Zoning Administrator to approve or deny a specific development activity stated in [Figure 51](#).

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

- (1) Prior to development activity or the issuance of a permit, the performance guarantee shall be deposited prior to the issuance of the building permit authorizing the activity of the project. The City shall return the performance guarantee on deposit upon verification by the City that all work and improvements have been satisfactorily completed. A return of the performance guarantee does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of the public improvements.
- (2) As used in this Section, “improvements” means those features and actions associated with a project which are considered necessary by the body or official granting approval, to protect natural resources, or the health, safety and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping and surface drainage.

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

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

Article 14: Administrative Procedures

Section 54.1402: Site Plan Review

the approved site plan, the Zoning Administrator shall issue a stop work order and take action to ensure compliance with the approved site plan.

(K) Appeals of Site Plans.

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

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

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

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

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

8
FTH Connect
28470 W. 13 Mile Rd
Suite 215
Ann Arbor MI 48106-4823-4



DocId:8125816
Tx:4082372
9/11/2024 1:03:00 PM

2024R-07662
TONYA NELSON
REGISTER OF DEEDS
MARQUETTE COUNTY, MI
RECEIVED ON
09/11/2024 01:03 PM
RECORDED ON
09/11/2024 02:24 PM
PAGES: 8

TREASURER'S OFFICE MARQUETTE COUNTY, MI
7787C Required by Sec 135, Act 206, 1893, amended
I hereby certify that all taxes which by law are required to be returned to this office, have been fully paid for the five years preceding the recording of said instrument for the lands described herein. This certificate does not apply to taxes in the process of local collection, board review, PRE denial or tax tribunal.
JACQUELINE SOLOMON TREASURER / 9/11/24W

COVENANT DEED

THIS COVENANT DEED is made and given as of August 29, 2024, by THE NORTHERN MICHIGAN UNIVERSITY FOUNDATION, a Michigan nonprofit corporation ("Grantor"), whose address is 1401 Presque Isle Ave., Marquette, Michigan 49855, to VERIDEA GROUP, LLC, a Michigan limited liability company ("Grantee"), whose address is 857 W. Washington Street, Suite 301, Marquette, Michigan 49855.

Grantor, for and in consideration of the sum set forth on the Real Estate Transfer Tax Valuation Affidavit filed concurrently herewith, sells, bargains, grants and conveys to Grantee certain real property situated in the City of Marquette, County of Marquette, State of Michigan, as more particularly described on **Exhibit A** attached hereto and made a part hereof, together with (a) all buildings, structures, fixtures and improvements of every kind located thereon (collectively, the "Improvements"), (b) any streets, roads or avenues, open or proposed, in front of or abutting or adjoining such real property to the center line thereof, (c) all easements appurtenant to such real property, (d) all air, mineral, and gas rights, and (e) all rights of use, servitudes, licenses, permits, tenements, hereditaments, privileges and appurtenances belonging or in any way pertaining to such real property and the Improvements (collectively, the "Property"), subject only to the matters set forth on **Exhibit B** attached hereto and made a part hereof (collectively, the "Permitted Exceptions").

Grantor covenants to and agrees with Grantee that Grantor has not done, committed, or knowingly or willingly suffered to be done or committed any act that will cause the Property conveyed to be charged or encumbered in title, estate, or otherwise, and Grantor hereby binds itself and its successors and assigns to defend the Property conveyed unto the Grantee and its successors and assigns, forever, against the claims and demands of all persons claiming by, from, through or under Grantor, but against no other claims or persons, subject, however, to the Permitted Exceptions.

The Grantor further grants to the Grantee the right to make any and all divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

The Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions, may be used and are protected by the Michigan Right to Farm Act.

JC13-111738A

This instrument is exempt from state transfer tax pursuant to MCL 207.505(h)(i) and MCL 207.526(h)(i).

In addition to the foregoing, Grantee, by acceptance of this Covenant Deed, on behalf of itself, its successors and assigns, covenants and agrees that the Property is subject to the recapture right set forth on **Exhibit C** attached hereto and made a part hereof.

[remainder of page intentionally left blank; signature appears on following page]

IN WITNESS WHEREOF, Grantor has executed this Covenant Deed on the date first written above and has declared this conveyance to be binding upon it and its personal representative, heirs, successors, and assigns.

GRANTOR:

THE NORTHERN MICHIGAN UNIVERSITY
FOUNDATION,
a Michigan nonprofit corporation

By: *Brad Canale*
Name: Brad Canale
Its: CEO

STATE OF MICHIGAN)
COUNTY OF Marquette)ss.

The foregoing instrument was acknowledged before me this 27th day of August, 2024, by Brad Canale, as the Chief Executive Officer of The Northern Michigan University Foundation, a Michigan nonprofit corporation, on behalf of such nonprofit corporation.

Cathy A. Andrew
Notary Public,
Marquette County, Michigan.
My Commission Expires: 11 June 2029
Acting in Marquette County, Michigan



GRANTOR:

THE NORTHERN MICHIGAN UNIVERSITY
FOUNDATION,
a Michigan nonprofit corporation

By: Mark Pynnonen
Name: Mark Pynnonen
Its: President

STATE OF MICHIGAN)
)ss.
COUNTY OF Magquette)

The foregoing instrument was acknowledged before me this 27th day of August, 2024, Mark Pynnonen, as the President of The Northern Michigan University Foundation, a Michigan nonprofit corporation, on behalf of such nonprofit corporation.

Andy A. Andrew
Notary Public,
Magquette County, Michigan.
My Commission Expires: 11 June 2029
Acting in Magquette County, Michigan



Drafted by:

Jonathan D. Block
Honigman LLP
39400 Woodward Avenue, Suite 101
Bloomfield Hills, Michigan 48304-5151

When recorded return to:

EXHIBIT A

LEGAL DESCRIPTION

Land situated in the City of Marquette, County of Marquette, State of Michigan, described as follows:

Parcel 1 (Referred to as Parcel 4-Phase 1):

The South 45 feet of the North 90 feet of Lots 8 and 9 of Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records.

Parcel 2 (Referred to as Parcel 5-Phase 1):

The North 45 feet of Lots 8 and 9 of Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records.

Parcel 12 (Referred to as Parcel 16-Phase 1):

The North 135 feet of Lot 7 of Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records.

Parcel 13 (Referred to as Parcel 18-Phase 1):

The North 102.3 feet of Lot 5 of Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records.

Parcel 14 (Referred to as Parcel 20-Phase 1):

The North 102.3 feet of Lot 4 of Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records.

Parcel 15 (Referred to as Parcel 22-Phase 1):

Lot 3 of Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records.

Parcel 16 (Referred to as Parcel 24-Phase 1):

Lot 2 of Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records.

Parcel 17 (Referred to as Parcel 26-Phase 1):

Lot 1 and Lots 92 through 99, inclusive, of Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records, also being premises situated in Section 14, Township 48 North, Range 25 West.

Parcel 18 (Referred to as Parcel 27-Phase 1):

Lot 90 Normal Addition to the City of Marquette, as recorded in Liber 4 of Plats, Page 28, Marquette County Records.

Parcel 21 (Referred to as Parcel 31-Phase 1):

Lots 153 and 160, of College Heights, as recorded in Liber 5 of Plats, Page 4, Marquette County Records.

Parcel 22 (Referred to as Parcel 32-Phase 1):

Lots 152 and 161, of College Heights, as recorded in Liber 5 of Plats, Page 4, Marquette County Records.

Exhibit A

Parcel 23 (Referred to as Parcel 33-Phase 1):

Lot 162, of College Heights, as recorded in Liber 5 of Plats, Page 4, Marquette County Records.

Parcel 24 (Referred to as Parcel 34-Phase 1):

Lot 151, of College Heights, as recorded in Liber 5 of Plats, Page 4, Marquette County Records.

Parcel 25 (Referred to as Parcel 35-Phase 1):

Lots 150 and 163, of College Heights, as recorded in Liber 5 of Plats, Page 4, Marquette County Records.

Exhibit A

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments not due and payable at Commitment Date.
2. Matters that would be disclosed by an accurate survey of the Property.
3. Applicable zoning ordinances.
4. Covenants, conditions and restrictions and other provisions as contained in instrument recorded in Liber 146, Page 381, Marquette County Records. (Parcel 25 Referred to Parcel 35-Phase 1)
5. Subject to the easements, restrictions and reservations contained in the College Heights Plat recorded at Liber 5, Page(s) 4, Marquette County Records.
6. Subject to the easements, restrictions and reservations contained in the Normal Addition to the City of Marquette Plat recorded at Liber 4, Page(s) 28, Marquette County Records.
7. Terms, conditions, provisions and easement(s) contained in Conveyance of Right of Way recorded in Liber 139MR, page 598. (Parcel 24 Referred to as Parcel 34-Phase 1)
8. Terms, conditions, provisions and easement(s) contained in Easement Agreement recorded in Liber 155MR, page 582.
9. Terms, conditions, provisions and easement(s) contained in Quit Claim Deed recorded in Liber 336, page 376. (Parcel 13 Referred to as Parcel 18-Phase 1)
10. Terms, conditions, provisions and easement(s) contained in Easement Agreement recorded in Instrument No. 2015R-12456.
11. Covenants, conditions and restrictions and other provisions as contained in instrument recorded in Instrument No. 2022R-09547 and 2022R-09548.

EXHIBIT C

RECAPTURE RIGHT

The Grantee, on behalf of itself, its successors and assigns, covenants and agrees that the Property is subject to a recapture right for the benefit of Grantor, its successors and assigns. Grantor reserves for itself and its successors and assigns, the right to repurchase (the "Repurchase Right") of all or a portion of the Property (the "Recaptured Property"), as its sole and exclusive remedy, in the event that Grantee, its successor or assign, fails, subject to Force Majeure and/or delays caused by Grantor, to (i) commence construction on the Property (a "Failure to Commence") within thirty-six (36) months after the date of this covenant deed (the "Commencement Deadline"); or (ii) complete construction (a "Failure to Complete") within one hundred twenty (120) months after commencement of construction with improvements on the Property substantially consistent with the Grantee's response on or about April 8, 2022 to the Request for Qualifications issued to the general public in order to locate a developer to redevelop the Property on or about March 11, 2022 ("RFQ Response") and appropriate market demand.

As used herein, Force Majeure shall include, but not be limited to, the prevention, delay or stoppage encountered by Grantee due to fire or other casualty; inclement weather; inability to secure materials; strikes; labor shortages; acts of God; acts of the public enemy or other hostile governmental action; war; acts of terrorism, domestic or foreign; declarations of National or State emergencies; epidemics; pandemics; civil commotion; governmental, judicial, administrative, or regulatory restrictions, regulations, approvals, proclamations, or controls affecting Grantee's obligation to perform, provided, however, that in no event shall the failure or inability of Grantee to pay any monetary obligation ever be an event of Force Majeure.

The Repurchase Right is exercisable by Grantor delivering sixty (60) day written notice to Grantee of its exercise thereof (the "Repurchase Exercise Notice"), unless Grantee satisfies such covenants during such 60-day period: (A) in the event of a Failure to Commence no later than the date Grantee actually commences construction; and (B) in the event of a Failure to Complete, no later than the date on which Grantee completes construction.

In the event Grantor timely and properly exercises its Repurchase Right, the purchase price for the Recaptured Property paid by Grantor to Grantee in connection with the Repurchase Right (the "Repurchase Consideration") shall be: (A) the purchase price paid by Grantee for the Recaptured Property (the "Purchase Cost") in the event of a Failure to Commence; or (B) the Purchase Cost plus the total actual hard cost, including, without limitation, architectural and engineering fees, of all improvements constructed by or on behalf of Grantee ("Improvement Cost") for a Failure to Complete. The sum of the Purchase Cost plus the Improvement Cost may be referred to as the "Total Cost." The financed portion of the Improvement Cost shall be documented by the lender to the extent there is construction financing, providing construction financing with respect to the Recaptured Property, if any.

For purposes hereof, "commence construction" shall mean the commencement of a building slab substantially in accordance with plans approved by the City and not merely the formulation of a design therefor or merely preparatory excavation or material assembly.

For the purposes hereof, "complete construction" means improvements have been constructed on the Property substantially in accordance with plans approved by the City and the issuance of a certificate of occupancy (or equivalent).

Within thirty (30) days after the establishment of the Repurchase Consideration amount, Grantee shall deliver to Grantor a covenant deed in substantially the same form as the Deed conveying the Property from Grantor to Grantee, and which shall be subject to all matters of record in existence as of the date of such re-conveyance, save and except any liens secured by the Property, and Grantor shall contemporaneously deliver to Grantee the Repurchase Consideration in cash. The closing shall occur at a location to be agreed upon by the parties in the County in which the Property is located and the closing costs will be paid in accordance with common custom in Marquette, Michigan. The Repurchase Right shall automatically terminate and be of no further force and effect upon the actual completion of construction by Grantee of approved improvements on the Property. Upon such termination of the Repurchase Right, Grantor will record, at Grantor's expense, a Notice of Termination with respect to same upon request from Grantee.

Exhibit C



RE: Planned Unit Development Request (PUD)

We have recently purchased the former Marquette General Hospital (MGH) properties located South of Magnetic Street between Lee Avenue and Fourth Street. The three properties are identified by Marquette Property ID Number 0410681 and have no specific property address. The properties are currently parking lots with more than 80% of which were utilized for parking at MGH and have no use in their current condition.

The Parcels are located in the Medium Density Residential (MDR) zoning district. We have been developing a concept plan to best meet the current zoning and restore the area back to a residential area with a mixture of Town Homes that best utilize the current layout of the properties. The townhomes are being designed with multi-car garages to limit the need for large parking areas and allow for increased green space. This plan allows us to reduce the storm water runoff to the city system and we will be installing additional storm water utilizing underground storage under portions of the green spaces to further reduce the flow to the city system.

We recently held a pre-application meeting with the City Planner/Zoning administrator and have determined that a PUD would be the best route for this re-development project. We have developed an attached concept plan with some additional proposed Town Home details and would like to make a formal Concept Request with the attached PUD Criteria Qualification Application.

Though our concept plan meets a majority of the current zoning district we will need to request a few variances from the current ordinance Specifically.

- Sections 54.306 (B) & (C) which limits use to Quadplex's. It's our feeling that by allowing some larger 6+ multiplexes we make better use of the site and reduce the number of direct access points on Magnetic Street and 4th Street. It allows better access to our proposed Townhome Garages and reduces hard-surface areas.
- Section 54.308 (D) to reduce both frontage and rear setbacks to 10'. In regard to the front setback the Magnetic Street ROW through this block is 80' vs the typical 66' ROW. This allows are building to move slightly closer to the property line, gaining green space availability and matching a more typical roadway. The rear setback being reduced to 10' allows us to use a 6 plex and place it with a thru driveway to Piqua Street and keep our garages entering internally. We do propose 4 Duplex's with Garages on Piqua Street, however we will keep those a minimum of 20' of the ROW. The use of Piqua reduces our traffic on Magnetic and the ROW of Piqua Street still creates plenty of separation to the residential neighbors to the South.

We are also requesting that the following PUD requirement be waived.

- Section 54.306 (C) Minimum Size Requirement of a PUD must be two (2) acres of contiguous land. However, the City Commission, upon recommendation from the Planning Commission, may permit a smaller PUD under the following circumstances:

Our proposed PUD totals 3.10 Acres, however two of the lots; (1) West Lot on Magnetic total acreage is 9,525 Sqft (.22 acres) and (2) East Lot on Magnetic total acreage is 16,221 Sqft (0.37 acres) are not contiguous land.

We believe the ordinance will allow this as we qualify under item (1) the lots are truly unique in that they were MGH parking lots located in the residential area and item (2) that their unique shapes impact our ability to properly develop them. Furthermore, by keeping the lots under their current parcel number it will align with our planned Condominium Development ownership group allowing for a single condominium plan rather than (3) separate organizations.

The PUD also requires that we meet a minimum of 3 Section 54.323 (F)(5) Criteria for Qualifications. We feel we meet at a minimum the following criteria which makes us eligible for a PUD.

(a) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses. ***We are removing parking lots, adding valuable green space and creating the former residential area buffer.***

(b) To permanently establish land use patterns that are compatible or that will protect existing or planned uses. ***We are restoring the area back to its original residential area prior to MGH expansion into the neighborhood.***

(c) To accept dedication or set aside open space areas in perpetuity. ***We are creating a condominium plan which will be designating shared open spaces to the association.***

(e) To guarantee provision of a public improvement that could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from the impact of a proposed use; or alleviate an existing or potential problem relating to public facilities. ***We are providing a public improvement by restoring the residential neighborhood.***

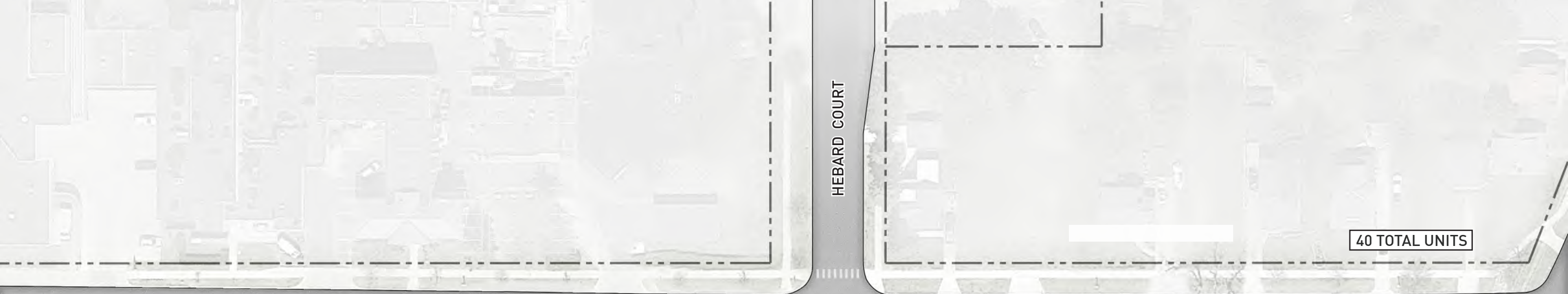
(f) To promote the goals and objectives of the Community Master Plan. ***We are providing additional housing in the City which is a master plan goal.***

(g) To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements. ***We are providing quality town homes that will mimic current improvements throughout the City.***

(h) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable. ***We are redeveloping the former MGH parking lots.***

It is our intention that should this application be accepted we will move into the Submittal and Review of Preliminary Plan phase at which time complete land use plan for CDRT reviews and following the remaining public hearings and both planning and city commissions approvals would eventually enter into a Planned Unit Development Contract with the City.

It is also our intention to progress through the City and Planning Commissions' application process in as timely a manner as possible, with the intent to break ground and begin construction in the late summer / early fall of 2025. The demolition of the existing parking lot(s) and associated structures may occur sooner, pending approval by the City. The construction duration of the townhomes is expected to occur in phases over 3 to 4 years as market demand dictates.



40 TOTAL UNITS

MAGNETIC STREET

LEE STREET

N 4TH STREET

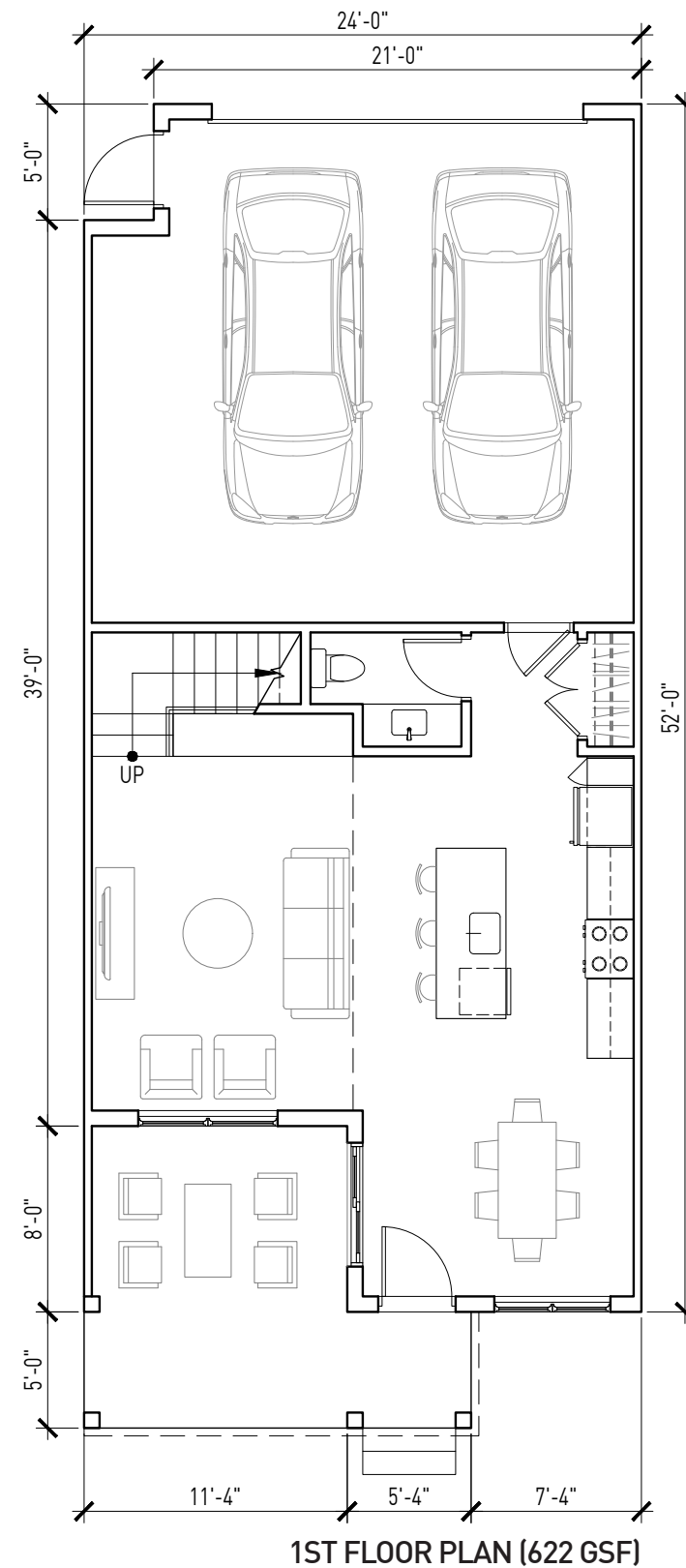
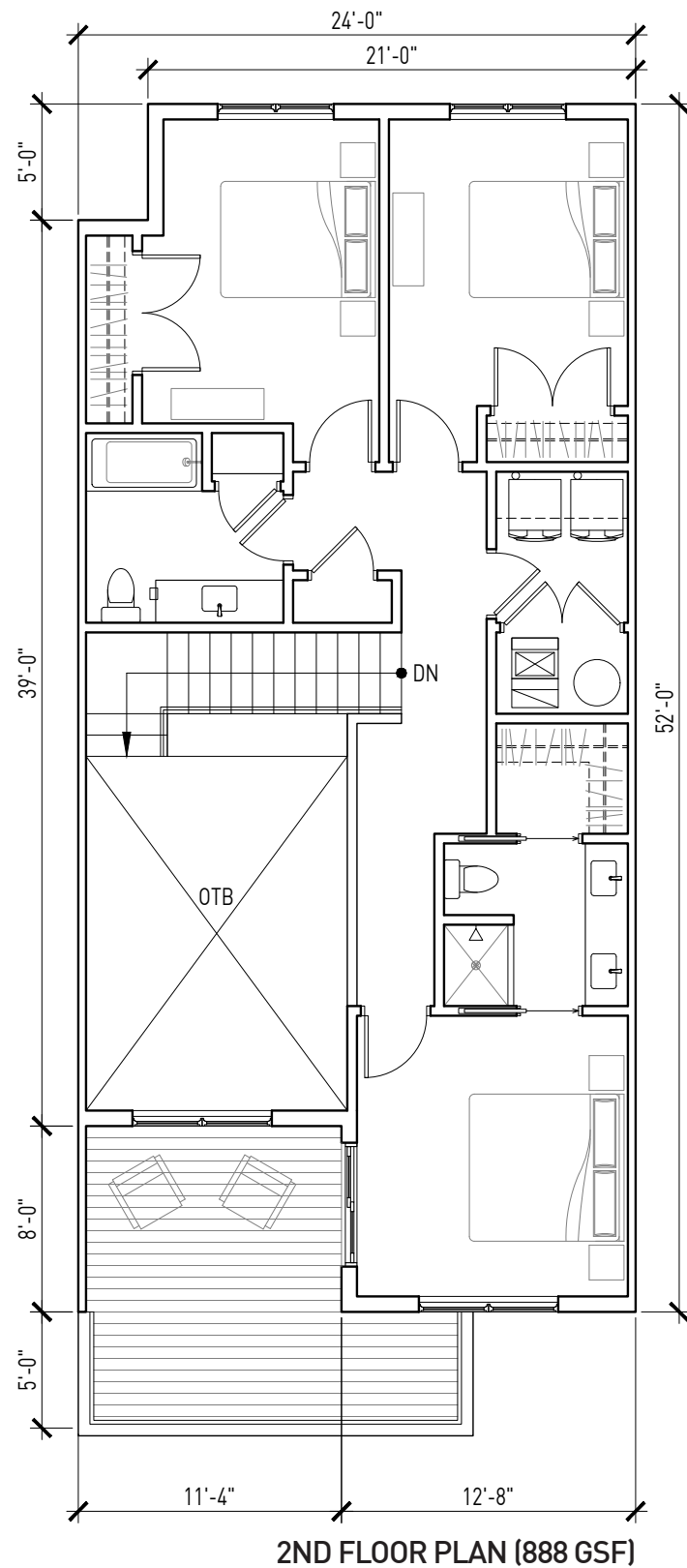


PIQUA STREET

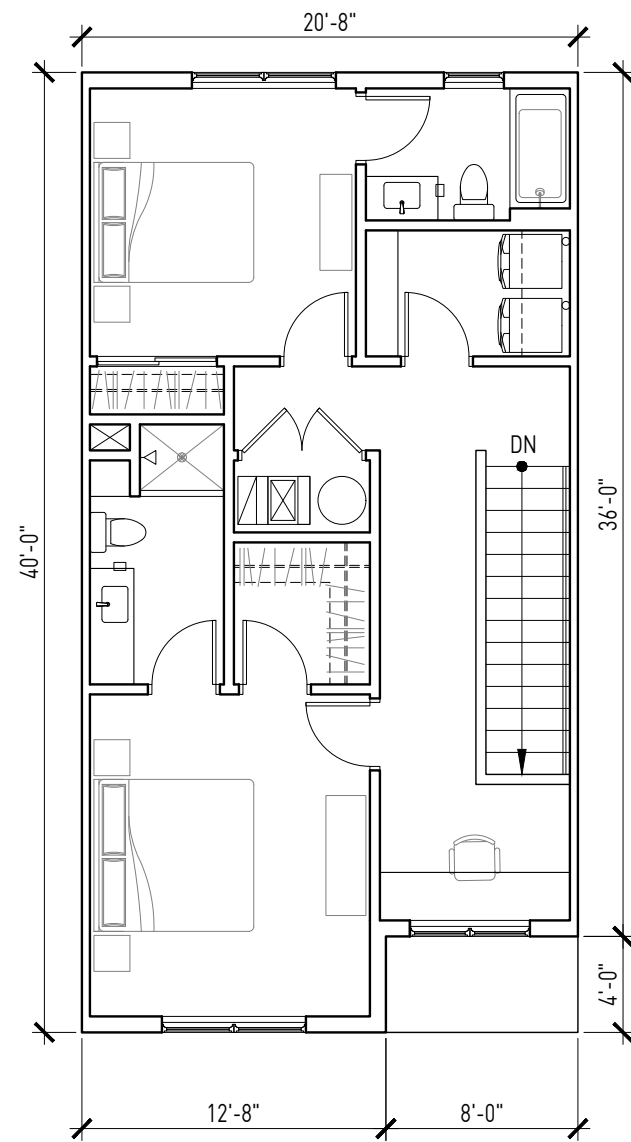
BLOCK 9

BLOCK 10

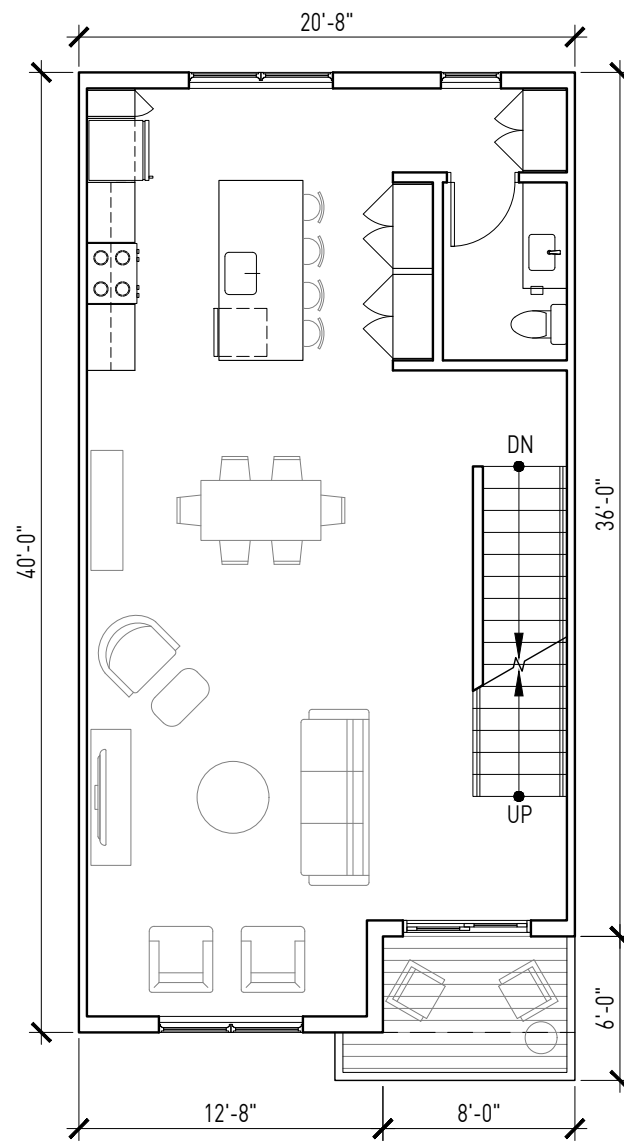
BLOCK 11



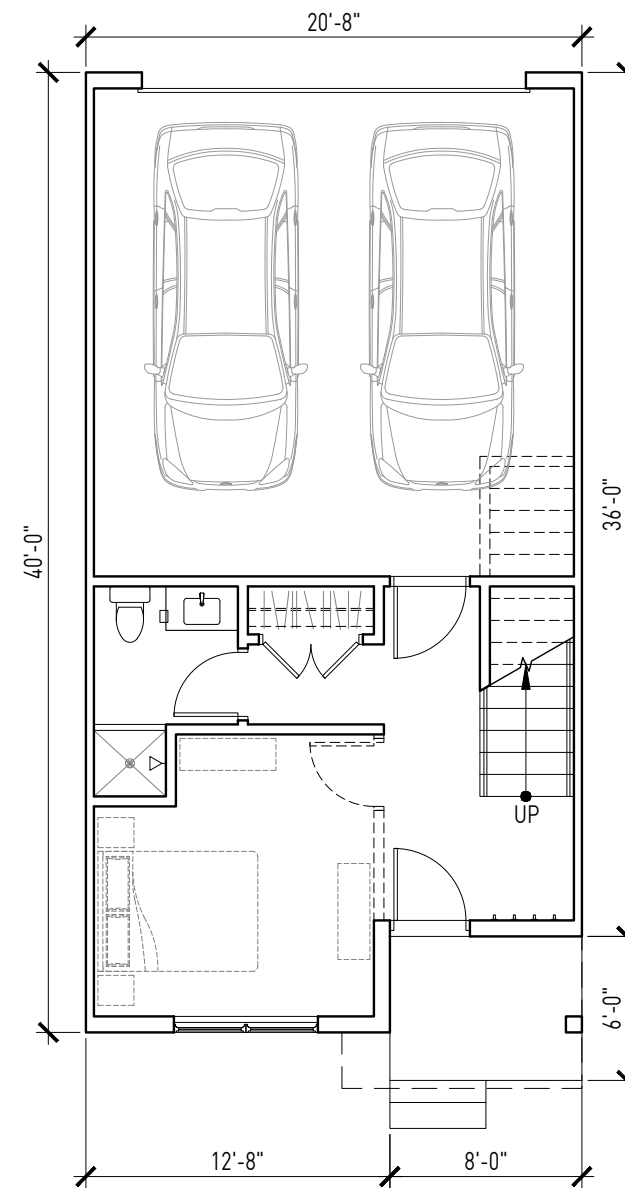
- TOWNHOUSE - TYPE 1**
- 3-BEDROOM UNIT
 - 2-STORY
 - TOTAL AREA: 1,510 GSF



3RD FLOOR PLAN (745 GSF)

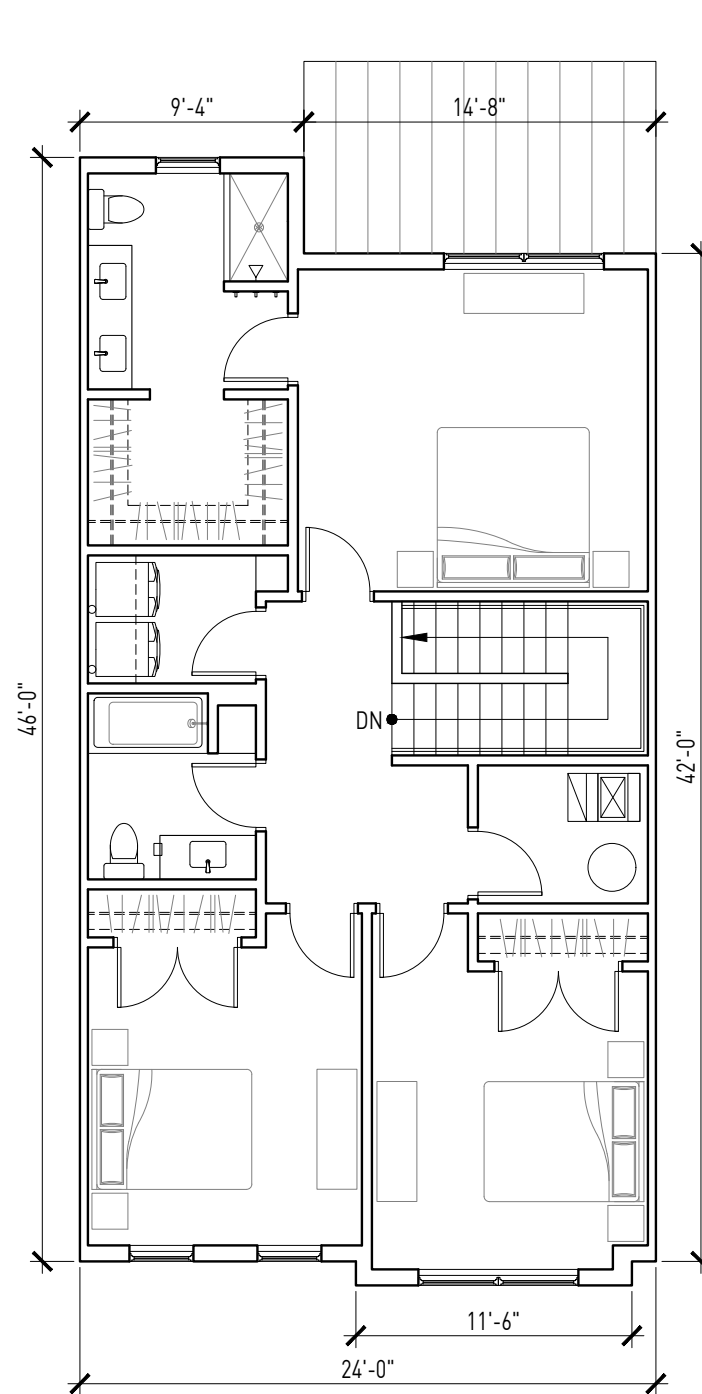


2ND FLOOR PLAN (795 GSF)

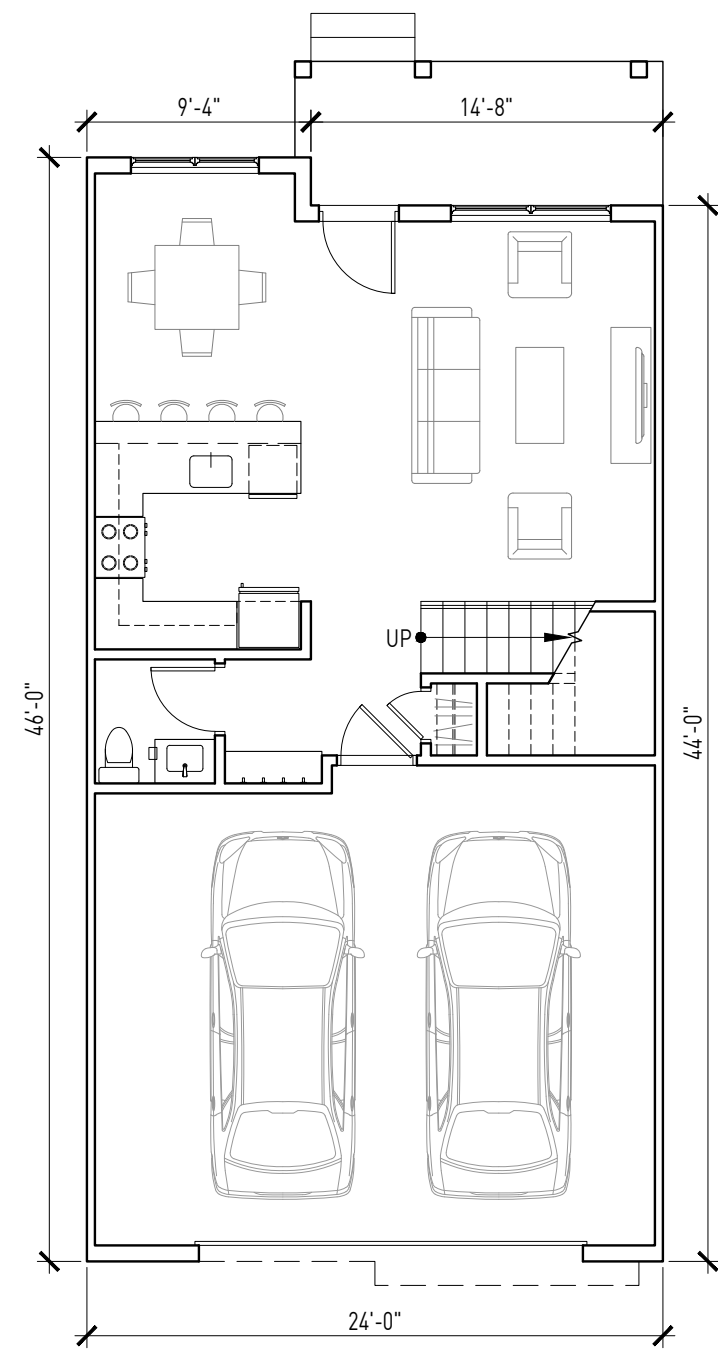


1ST FLOOR PLAN (360 GSF)

- TOWNHOUSE - TYPE 2**
- 2/3-BEDROOM UNIT
 - 3-STORY
 - TOTAL AREA: 1,900 GSF

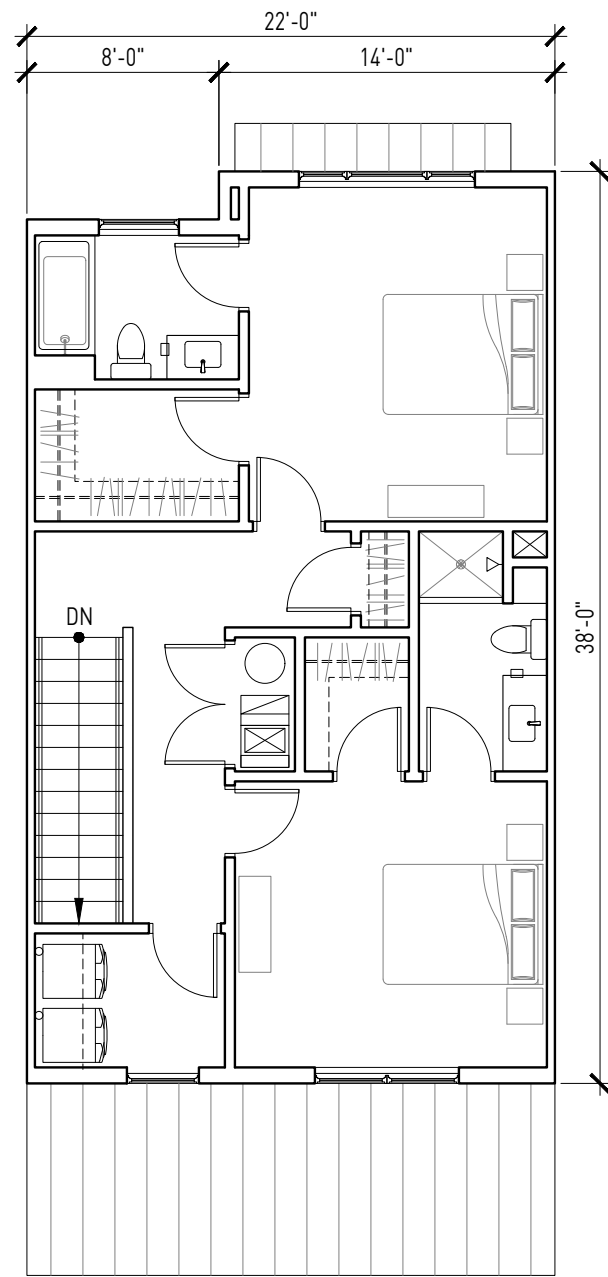


2ND FLOOR PLAN (1042 GSF)

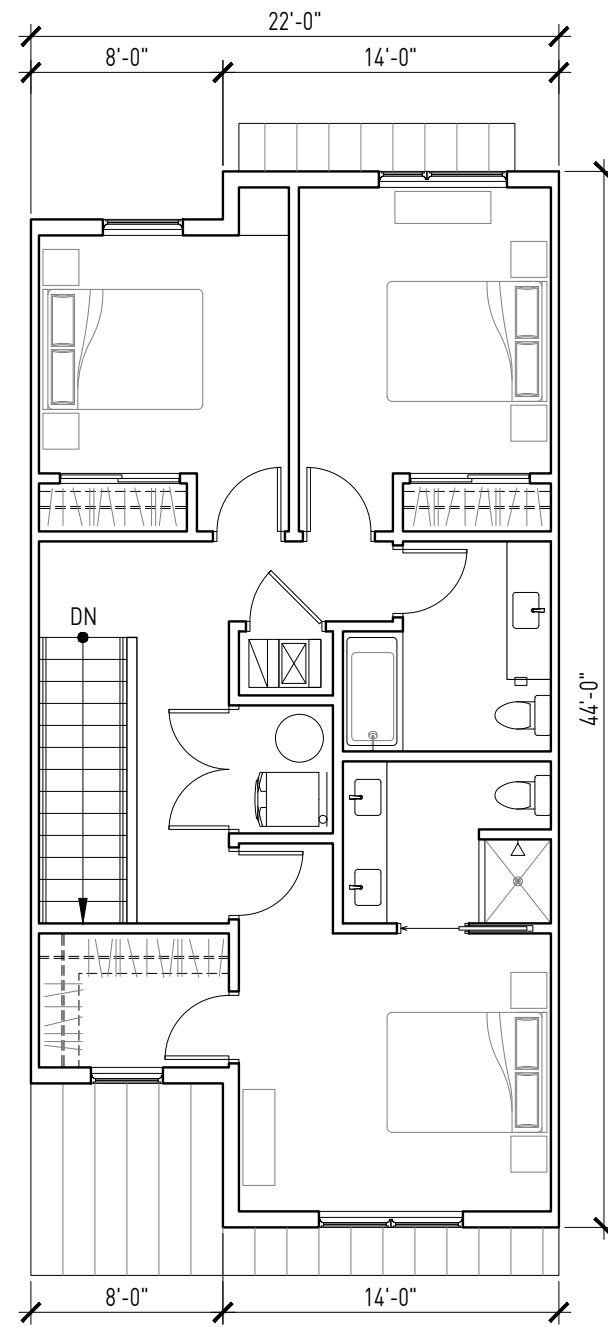


1ST FLOOR PLAN (578 GSF)

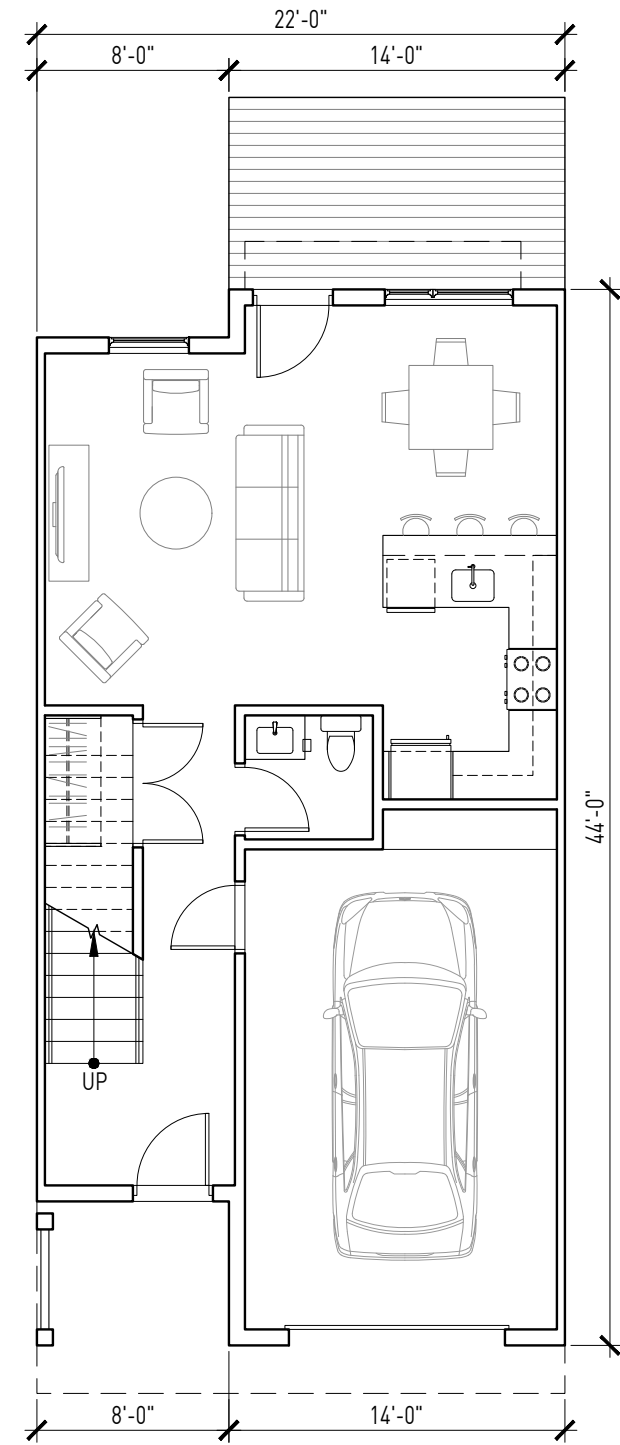
- TOWNHOUSE - TYPE 3B**
- 3-BEDROOM UNIT
 - 2-STORY
 - TOTAL AREA: 1,578 GSF



2ND FLOOR PLAN - 2BR LAYOUT (772 GSF)



2ND FLOOR PLAN - 3BR LAYOUT (856 GSF)



1ST FLOOR PLAN (612 GSF)

TOWNHOUSE - TYPE 4A

- 2/3-BEDROOM UNITS
- 2-STORY
- 3BR AREA: 1,468 GSF
- 2BR AREA: 1,384 GSF







CITY OF MARQUETTE
Fire Department
418 S. Third St.
MARQUETTE, MI 49855
(906) 225-8941
jfossitt@marquettemi.gov



MEMORANDUM

TO: Andrea Landers
FROM: Jeff Fossitt
DATE: 02-20-25
SUBJECT: 01-PUD-03-25
Parcel Numbers: 0410681
Magnetic Street (parking lot)

FIRE DEPARTMENT COMMENTS:

Plans have been reviewed on 2-20-25. No questions currently. Approved

Jeff Fossitt
Fire Marshal
Marquette Fire Department





**CITY OF MARQUETTE
POLICE DEPARTMENT
300 W. BARAGA AVE.
MARQUETTE, MI 49855
(906) 228-0400
www.marquettemi.gov**

MEMORANDUM

TO: Planning Commission
FROM: James Finkbeiner, Road Patrol Captain
DATE: February 20th, 2025
SUBJECT: Review of 01-PUD-03-25.

**Parcel ID's # 0410681
Magnetic Street (parking lot area South of Magnetic Street formerly
used by UPHS and bordered by Lee Street and Fourth Street and
Piqua Alley).
Marquette, MI. 49855**

I have reviewed the plans and have no comments at this time.

Captain James Finkbeiner
Road Patrol Captain
Marquette City Police Department



SITE PLAN REVIEW COMMITTEE
Site Plan Review
CITY OF MARQUETTE
300 W. Baraga
Marquette, MI 49855

Date: March 5, 2025

Location: 30, 400 Blocks, W. Magnetic Street, South Side (No Addresses assigned)

Submittal Documents:

Plan Title: MGH Campus Block, Rezoning Application

Submitted by: Integrated Architecture, Wickwire

Plans Stamped: N/A

The following are the Responses to the plan review comments from the Engineering Department for the documents identified above.

- No City owned public utilities are currently in the Piqua alley right of way. Depending on how the proposed units are owned, consideration should be given to how the units will be connected to City water and sewer. Consideration should also be given to any existing utility services that run across the proposed development.

Response: We will be meeting with the Engineering department to discuss utility layouts, access, metering, and potential public utility easements that will be necessary as we move forward with the site plan. We do not plan any public or private utilities in the Piqua alley right-of-way.

- The ownership of the south half of the Piqua Alley right of way is in question. It appears that certain transactions dating back to 1934 were never completed, which causes issues. If public utilities were to be run within the alley these property issues would need to be resolved.

Response: We understand there are some pending and future issues with the Piqua Alley right-of-way. We do not intend to place any utilities in this area. We will work closely with the city staff regarding use of the alley.

Respectfully Submitted,

Brian M. Savolainen, PE



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

MEMORANDUM

TO: Andrea Landers, Zoning Official
FROM: Veridea Group (Prepared by Brian M. Savolainen, PE)
DATE: Response March 5, 2025
SUBJECT: Review of 01-PUD-03-25 (PIN: 0410681) – Concept Review

We have reviewed your comments and have the following responses on how they will be addressed:

General Comments

1. Please ensure that the proposed landscaping will meet the Clear Vision Triangle requirements of Section 54.704 of the Land Development Code (LDC).

Response: As part of the landscaping plan, we will make sure to show the Clear Vision requirements at the intersection and drive entrance locations and make necessary adjustments to keep structures and landscape items clear in these areas.

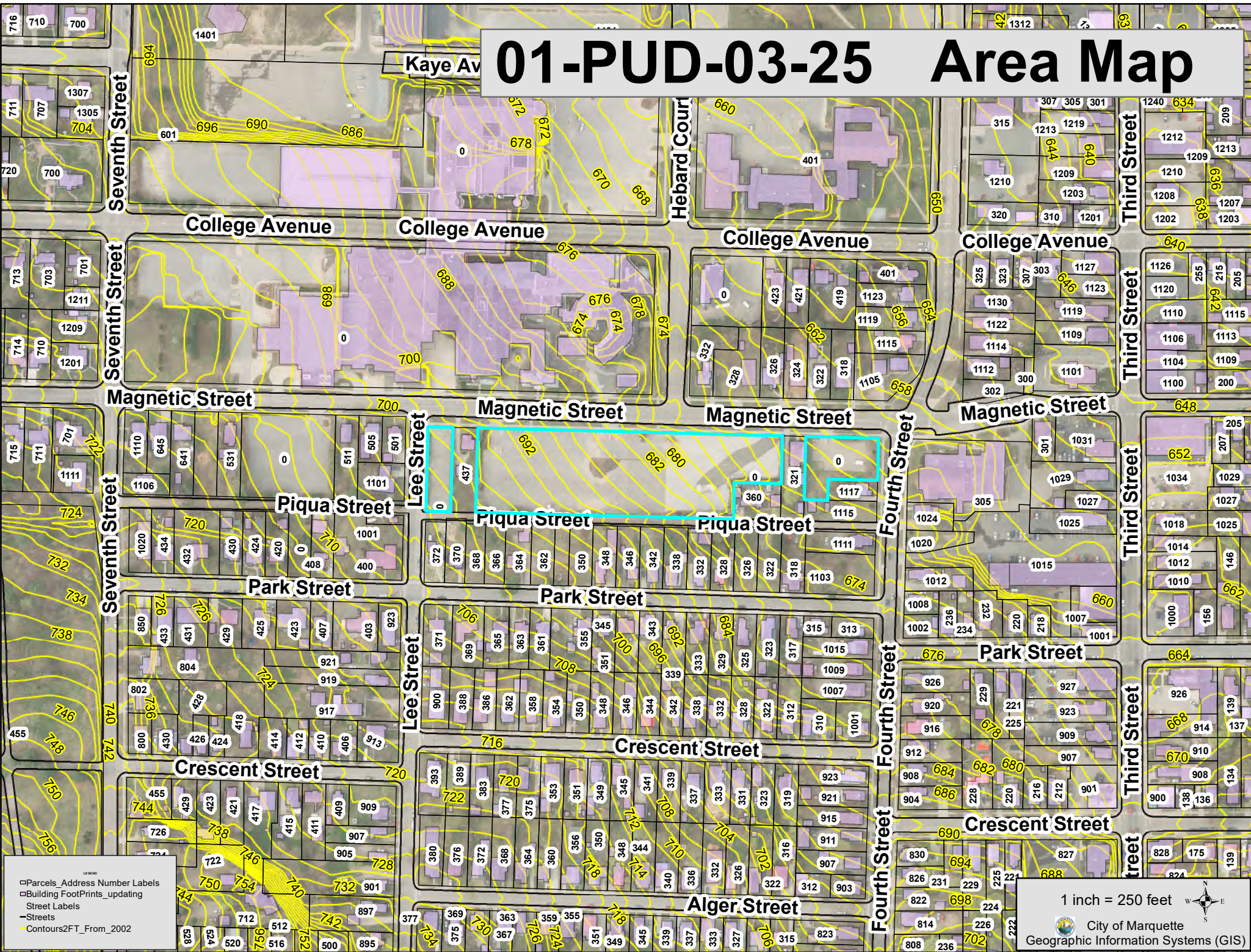
2. The concept rendering sheets show the fencing close to the sidewalks, but please note that fences have to be on the private property and are not allowed in the right-of-way without an approved License from the City Commission.

Response: Any fencing shall be located on private property.

3. Please note that the proposed stairs have to be set back at least twelve (12) inches from the front lot line.

Response: While preparing our site plans for the project we will ensure that any stairs are a minimum of 12” from the right of way and will provide detailed dimension on this and other key items and structures.


01-PUD-03-25 Area Map



LEGEND

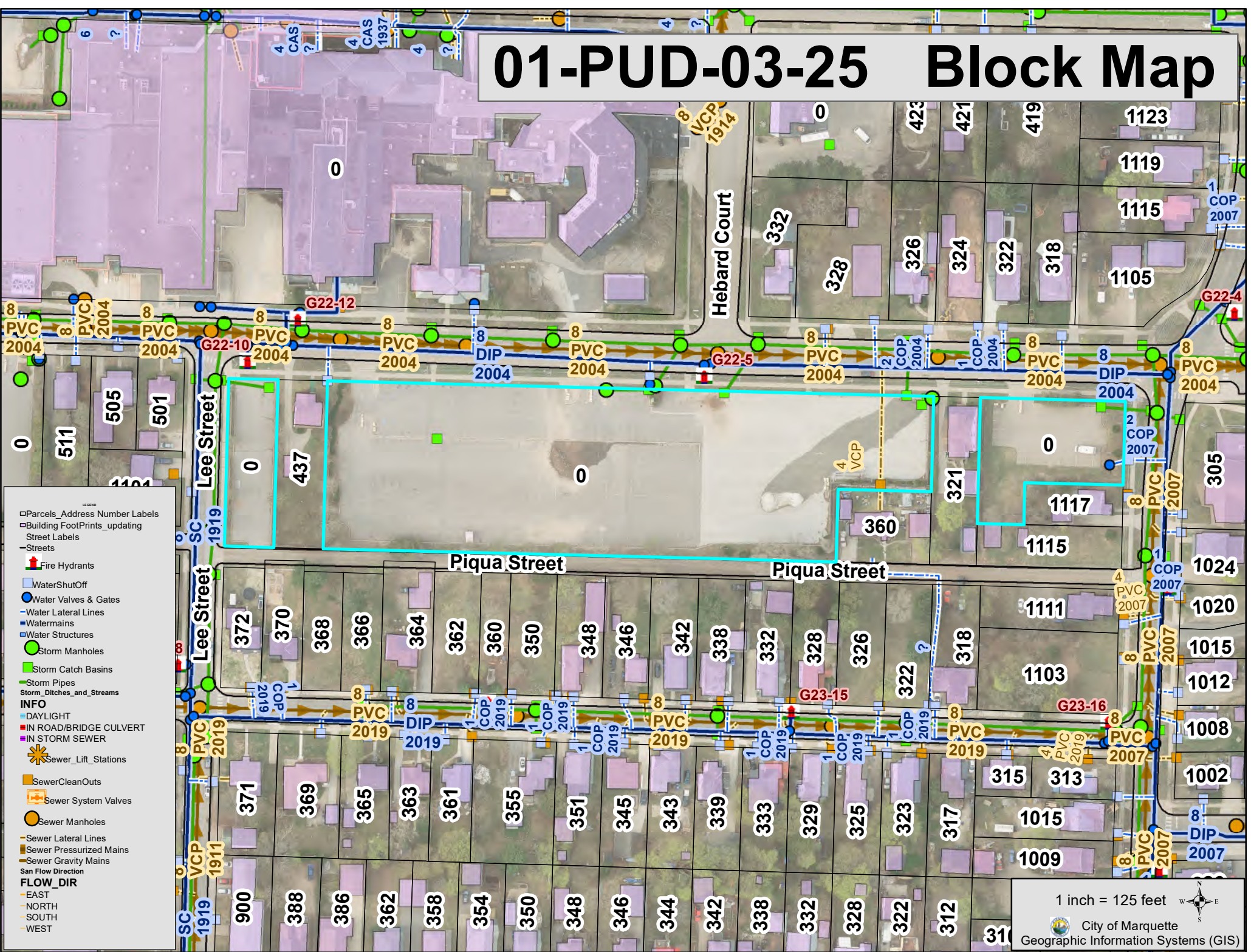
- Parcels_Address Number Labels
- Building FootPrints_updating
- Street Labels
- Streets
- Contours2FT_From_2002

1 inch = 250 feet



City of Marquette
Geographic Information Systems (GIS)

01-PUD-03-25 Block Map



- LEGEND**
- Parcels_Address Number Labels
 - Building FootPrints_updating
 - Street Labels
 - Streets
 - 🔥 Fire Hydrants
 - 🛑 Water Shut Off
 - ⊙ Water Valves & Gates
 - Water Lateral Lines
 - Water Mains
 - Water Structures
 - ⊙ Storm Manholes
 - 🟩 Storm Catch Basins
 - Storm Pipes
 - Storm Ditches_and Streams
- INFO**
- DAYLIGHT
 - IN ROAD/BRIDGE CULVERT
 - IN STORM SEWER
 - ☀ Sewer Lift Stations
 - 🚛 Sewer Clean Outs
 - 🔧 Sewer System Valves
 - ⊙ Sewer Manholes
 - Sewer Lateral Lines
 - Sewer Pressurized Mains
 - Sewer Gravity Mains
- San Flow Direction**
- FLOW_DIR**
- EAST
 - NORTH
 - SOUTH
 - WEST

1 inch = 125 feet

City of Marquette
Geographic Information Systems (GIS)













Veridea Group LLC concept plan 01-PUD-03-25-W. Magnetic St

From E. Grant Soltwisch [REDACTED]
Date Wed 3/12/2025 12:30 PM
To Andrea Landers <alanders@marquettemi.gov>

[REDACTED]

I was pleased to see that there is a plan for housing development but your letter did not say if the units were to be rental or for private ownership. I wish that I could attend the City Planning Commission meeting but I will be out of town at a conference as I have two concerns. the plan calls for 14 units entering from or exiting from Piqua street. currently the street is quite narrow and gravel. Does the plan calls for the City to upgrade the street to 2 way traffic and being paved and curbing ? My second concern is about the two 6 Plex units that are near the west end that enter or exit Magnetic and Piqua Streets. Is there a way to rotate these units 90 degrees or to locate them farther east on the plan. One of the problems of this having been a parking lot for the hospital was that lights of vehicles entering the lot shined directly into the living rooms of homes on the south side of Park Street because of the number of empty lots on the North side of the same street. Could these units be placed opposite of Hebard Court with the other 2 and 3 plez units moved westerly?

In any case I am pleased that there will be development and hopefully affordable to medium and lower income families.

Thank you for your time,
E. Grant Soltwisch
365 W. Park St.
[REDACTED]

March 12, 2025

Planning Commission
City of Marquette
300 W. Baraga Ave
Marquette, MI 49855


Re: 01-PUD-03-25 PIN 0410681

Dear Planning Commission,

I am forwarding the attached noted site plan showing the location of my five (5) properties in blue and to express my concern about part of the development. I am concerned about having a thru access from Magnetic to Piqua near the portion of the site labeled Block 10. My main concern is that the traffic created by a thru private street access will shine their headlights into the back of my property as noted on the site plan. I propose closing the access to Piqua and adding a landscape buffer as noted on the site plan attached. Providing the access onto Piqua creates non-conforming turning radius and introduce traffic and safety issues onto a very narrow street. The remaining access on the site for all other areas currently only comes from the fronting street access on Lee/Magnetic/N 4th, I proposing keeping this concept constant for the entire project. If the developer does propose to use Piqua as an access point it would need to be improved to current public way standards including widening of the street.

Please consider my request when revising the application. I have previously sent this request to Veridea for their consideration and hope they address it at the meeting.

Sincerely,



John Myefski
President + Founding Principal





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

MEMORANDUM

TO: Planning Commission
FROM: Dave Stensaas, City Planner and Zoning Administrator
DATE: March 15, 2025
SUBJECT: New Business – Planning Commission Bylaws – Update Review

It has been four years since the last review and update to the Planning Commission's Bylaws. The Planning Commission reviewed the Bylaws on March 4th and made suggestions for updating them. Since then, the staff has also found one substantive issue to update and has drafted the amendments into a final, amended format for the Planning Commission to vote on.

PLANNING COMMISSION BYLAWS

I. Character of the Commission.

A. Name

1. The name of this Commission shall be the "Marquette City Planning Commission" (hereinafter called "the Commission").

B. Object

1. The Commission is formed pursuant to Public Act 285 PA 1931 (Municipal Planning Commission Act) as amended and shall have all powers and responsibilities granted by that Act.
2. The Commission shall also have all powers and responsibilities granted by Public Act 110 of 2006 (Michigan Zoning Enabling Act) as amended and all other applicable public laws.

C. Members

1. The members of the Commission are appointed by the City Commission, after an application process that is administered by the City Manager's staff.
2. The term of appointment of each member shall be three years.
- ~~3. A member whose term has reached or exceeded six (6) years shall not be reappointed until one year has elapsed.~~
- ~~4. The terms of three members shall expire each year on February 15th unless new appointments have not been made.~~
3. The conditions of appointments and terms will follow City Charter section 6-1(f).
4. A member of the Planning Commission shall also be a member of the Zoning Board of Appeals in accordance with the provisions of Public Act 110 of 2006, as amended.
5. *Ex parte* contact:
 - a. Members shall seek to avoid unilateral contacts with a party that is seeking application approval from the Planning Commission (PC) when an administrative decision is pending. The legal term for these improper contacts from applicants is called *Ex parte* contact.
 - b. Despite one's best efforts it is not always possible to avoid *Ex parte* contact. If it happens the member should inform the applicant party that they are required to report the contact and then take notes on what was said, and report what was said to the Planning Commission at a public meeting or hearing, so that every member and other interested parties are made aware of what was said.
6. Site Inspections
 - a. Site inspections may be done by PC members, but permission to access private property should be acquired prior to entering the subject property, and only one PC member should conduct a site visit at a time, unless a public meeting is held on a site which would allow for a quorum to be present.

D. Officers

1. The officers of the Commission shall be a Chairman, and a Vice-Chairman.
2. The officers of the Commission shall be elected at the first a meeting in March meeting of each year. Special elections may be held to fill vacancies.

PLANNING COMMISSION BYLAWS

3. The terms of office of the Commission's Officers shall be one year. Officers may be reelected.
4. The City Planner/Zoning Administrator shall serve as the Secretary/Staff Liaison to the Planning Commission or designate the Zoning Official or another staff member to serve as Liaison in his/her absence.
5. In the case there are no officers present at a meeting, the members present shall select an acting chair in accordance with Roberts Rules of Order.

II. Meetings

- A. All meetings of the Commission shall be open to the public.
- B. Regular meetings of the Commission shall be held in the City Commission Chambers at 6:00 p.m. on the first and third Tuesday of each month.
 1. When a regular meeting date falls on a holiday or a city election day, the meeting shall be held at the regular time on the subsequent Tuesday.
 2. When an agenda does not include a public hearing, site plan review, public project review (i.e. street reconstruction projects) or any other "business" that is timely, the presentation of development project information or other concerns by members of the public that do not require action by the Planning Commission may be added to the agenda after the submission deadline only by approval of the Chair, or Vice-Chair in absence of the Chair.
- C. Special meetings may be requested by a member of the public for a fee, or by the request of the City Commission, and called for by the Staff Liaison upon written confirmation of availability of no less than ~~four~~ **a quorum of the current** Commissioners. No agenda item other than those identified in the call for the special meeting will be considered.
- D. A majority of the members of the Commission in office shall constitute a quorum for the transaction of business at all Commission meetings.
- E. A simple majority shall be one more than half of the members present. A two-thirds majority shall consist of 2/3 of the Commission members present.
- F. Conflict of Interest
 1. A Commission member is expected to declare a conflict of interest if one exists. If The member does not declare a conflict, and another member, or a member of the public feels there is a conflict, said member or person shall raise the issue prior to the Commission discussion on the matter where the potential conflict exists.
 2. As a general rule, the following situations indicate a potential conflict of interest. This list is not intended to include all possible situations, nor do all situations listed here necessarily constitute a conflict:
 - a. Where a Commission member has a direct financial interest in the outcome of the matter before the Commission.

PLANNING COMMISSION BYLAWS

- b. Where a Commission member has shared financial interests with the person or people who will be directly affected by the outcome of the matter before the Commission.
 - c. Where a Commission member has a close family tie with the person or people who will be directly affected by the outcome of the matter before the Commission.
 - d. Where the Commission member owns property, which will be directly affected by the outcome of the matter before the Commission (other than decisions that will affect all or large groups of property in the City).
 - e. Where it appears that a Commission member may have a conflict of interest for any given reason.
3. Questions regarding a conflict of interest shall be resolved in the following manner:
- a. If any Commission member/members or member of the public believes there may be a conflict, that person shall so declare the conflict to the Commission.
 - b. The Commission shall discuss declare whether or not a conflict may exist and if a potential or certain conflict is found shall excuse the conflicted Commission member(s) from.
- G. Agenda.

1. All items to be placed on the Agenda must be submitted to the appropriate official not less than ten days prior to the meeting except applications for rezoning, street vacations, zoning ordinance amendments, special land use permits, site plan reviews, developmental plans, and items that require a public hearing for which the procedure is outlined in Sec. III. The Commission will not accept or consider any support material which is submitted less than ten (10) days prior to a meeting except support materials pertaining to applications for rezoning, street vacations, zoning ordinance amendments, conditional use permits, site plan reviews, development plans, and items which require a public hearing for which the procedure is outlined in Section III. This shall pertain to material submitted by a petitioner or applicant, or anyone employed or hired by a petitioner or applicant. The official receiving such material shall endorse the date of receipt on the face of the material.
2. The order of the agenda shall be as follows:
 - A. Roll call.
 - b. Approval of Agenda.
 - c. Minutes of the previous meeting.
 - d. Conflict of Interest Declaration.
 - e. Public Hearings.
 - f. Public comment (reserved for agenda items only or may request time to speak later when agenda item is presented).
 - g. Old business.
 - h. New business.
 - i. Public comment for non-agenda or agenda items.
 - j. Correspondence, Reports, Minutes of other boards/committees.
 - k. **Training**
 - l. Work session on reports, ordinance or plans.

PLANNING COMMISSION BYLAWS

- m. Commissioner and staff comments.
- H. The Rules governing all meetings shall be Robert's Rules of Order.
 - 1. Voting. The Chair may vote on a motion that has been seconded, but shall be the last member to cast a vote.
 - 2. Motions. The Chair may make a motion, but it is best practice for the chair to make motions only in situations in which the other members have failed to make a motion that is carried or withhold making a motion to reach a decision.
- I. A member of the audience speaking during the public comment portion of the agenda shall limit his/her remarks to 3 minutes.

III. Procedures.

- A. Rezoning, streets vacations, zoning ordinance amendments, special land use permits, and other items requiring public hearings:
 - 1. Deadline for applications shall be twenty (20) business days prior to ~~the first Tuesday of each month~~ a scheduled meeting. Applications shall be submitted to the Planning and Zoning division of the Community Development Department and must be found to be complete prior to being placed upon a Planning Commission agenda.
 - 2. The Staff Liaison (or his/her designee) shall place the application on the agenda for the appropriate meeting unless the petition deals with a site or portion of a site for which a similar application was considered during the previous six months. When the petition deals with a previously considered site, it shall be forwarded to the Commission at the next meeting. The Commission may refuse to schedule the hearing if they determine that conditions have not significantly changed, and such requests must be presented to the Commission by staff for a vote to approve or deny the request.
 - 3. Notice of hearing shall be provided so that 15 full days notice is given between the mailing and/or publishing date and the actual hearing date, per statute, and in accordance with Article 54.1406 of the Land Development Code.
 - a. All persons **people** to whom real property is assessed (including condominiums) and the occupants of all structures within 300 feet of the site shall be notified by mail, per statute.
 - b. A legal advertisement shall be placed in a newspaper of general circulation.
 - 4. The order of presentation for a public hearing shall be as follows:
 - a. Commission Consultants/City Staff
 - b. Applicant
 - c. Correspondence
 - d. Public Testimony
 - e. Commission Discussion

PLANNING COMMISSION BYLAWS

- i. If the Chair wishes to allow the applicant or a member of the public to speak during Commission discussion, he/she may allow it, but this is not required and should not become common practice. Only the Chair can act for the Commission in this regard.
 5. Following the hearing the Commission shall take action within two months.
 6. Recommendations shall be forwarded to the City Commission within 8 working days.
- B. Pursuant to Section 7.2.b. of the City Charter and Public Act 33 of 2008 as amended, the Commission shall review the City's six-year capital outlay budget as presented by the City Manager.
- C. The Community Development Department shall prepare any necessary or recommended revisions to the City's Master Plan. The Commission may consider such revisions at its convenience but, prior to adoption of any revisions, the Commission shall follow the procedures provided in Public Act 33 of 2008 as amended and shall coordinate with the City Commission prior to the adoption of any such revisions.

IV. Amendments.

- A. Amendments to the Bylaws shall be governed by Robert's Rules of Order.

Adopted May 3, 1977	Amended March 6, 2007
Amended March 19, 1985	Amended July 3, 2007
Amended April 2, 1985	Amended April 16, 2013
Amended July 16, 1996	Amended November 12, 2013
Amended December 17, 2002	Amended April 2, 2014
Amended September 16, 2003	Amended March 19, 2019
Amended December 6, 2005	Amended December 21, 2021
Amended December 19, 2006	Amended March 18, 2025



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www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Dave Stensaas, City Planner and Zoning Administrator
DATE: March 14, 2025
SUBJECT: **Correspondence – Draft Marquette County Climate Action Plan**

This is a reminder that the Planning Commission (PC) should submit comments at the March 18th meeting regarding the Draft County Climate Action Plan. Comments are due to be submitted to the County's Planning Division by March 24th. Staff will compile the PC's comments and send them to the PC Chair for approval and then to the County Planning Office before the comment deadline.

Staff received the information below from Nico Vermaat, the Marquette County Climate Adaptation Coordinator:

A draft of the Marquette County Climate Action Plan is now available for public review.

In March 2023, the Marquette County Board of Commissioners passed a resolution titled "Supporting Measures to Respond to a Changing Climate," underscoring the County's commitment to mitigating and adapting to a changing climate. The resolution lays the framework for the comprehensive Climate Action Plan. Following background information and regional climate data, the plan consists of two parts:

1. Strategies for climate adaptation and mitigation in the Marquette County community.
2. Strategies to eliminate greenhouse gas emissions from County operations by 2050.

The plan was developed by the Marquette County Planning Division under the direction of the County Planning Commission through its Climate Action Subcommittee. As a part of the planning process, Johnson Controls Inc. conducted an ASHRAE Level 2 Energy Audit, a greenhouse gas emissions inventory, and a fleet review and an electric vehicle analysis for County facilities.

Find more information at: www.mqtcoplan.org/climateactionplan or on Facebook at the Marquette County Planning Division Page.



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MEMORANDUM

TO: Planning Commission
FROM: Dave Stensaas, City Planner and Zoning Administrator
DATE: March 14, 2025
SUBJECT: **Work Session – Land Development Code Amendments for 2025**

The Planning Commission and Staff will continue examining proposed amendments to the Land Development Code (LDC). The attached document contains many of the draft LDC amendments that Staff has annotated or that were recommended for consideration by members of the Planning Commission. This process of considering draft LDC amendments will continue until all draft LDC amendments have been reviewed or until April 15, 2025.

Land Development Code language for Discussion at the 3-18-25, Planning Commission meeting

The PC already approved of the adding FY parking waiver language. Additional proposal to remove the buffer requirement from front yard area only in (d) and have it required along the length of the side lot line.

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.

- (a) **Definition of “Front Area.”** For the purposes of [Section 54.902\(E\)\(1\)](#) only, the “Front Area” is that area located between the edge of the physical street and the nearest point of the dwelling foundation (excluding open porch projections), projected parallel from the street.
- (b) **Off-Site Parking in the LDR and MDR Districts.** In the LDR and MDR districts, off- street parking may be located on a site other than the site to which it pertains, and within the City limits or in an adjacent township.
- (c) **Maximum Rear Yard Paving.** In the LDR and MDR districts, no more than 25% of the rear yard may be paved (including but not limited to asphalt or concrete, but with the exception of compacted gravel) for parking provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (d) **“Front Area” Parking Limitations.** Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of “Hard Parking Surface” in [Section 54.202\(A\)\(92\)](#)). Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings. ~~New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface (including but not limited to uncompacted pea gravel, cobbles, grass, etc.) to ensure a pervious buffer between driveways and the adjacent lot line, with the exception of the presence of a retaining wall along the subject lot line or other such difficulty.~~ The Zoning Administrator may permit parking in a front area during the winter parking ban period for single family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be

altered without causing a hardship on the property owner, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.

(i) Front Yard Parking Waiver. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner or if the property owner has relevant documented disabilities, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.

(e) Maximum Driveway Width and Paved Area.

(i) Single-family uses:

- a. For lots with one driveway - The maximum width of a driveway on a single frontage is 18 feet wide on a lot up to and including 60 feet in width, and 24 feet wide on a lot of more than 60 feet in width.
- b. For lots with two driveways - On a lot 100 feet or more in width, the maximum width of both driveways combined is 36 feet wide on the same frontage

(ii) Duplex/two-family uses - The maximum width of a driveway is 24 feet wide.

(iii) A driveway may be widened beginning at a point two (2) feet from the inside edge of a sidewalk or ten (10) feet from the edge of an established street without sidewalks, provided the hard parking surface areas of the driveway or driveways and parking spaces utilize no more than 30% of the front area for single-family dwelling units and no more than 40% of the front area for duplex dwelling units.

(iv) An application for the paving of more than 30% of the front area can only be accepted if a variance is first approved for the proposed paving pursuant to [Section 54.1404](#).

(v) On corner lots, there shall be two (2) front areas. For single-family dwelling units the overlapped area at the corner may be counted with either front area, but not both, (at the discretion of the property owner) and the two (2) front areas may not be combined for the purpose of exceeding the 30% maximum hard parking surface within either front area. For duplex dwelling units, the overlapped area at the corner may overlap and be combined to utilize up to 40% of the front area for hard parking surfaces in either or both front areas.

(f) Maximum Number of Driveway Openings Per Site. On lots with one (1) frontage, a maximum of two (2) driveway openings per site are permitted, provided the lot is at least 100 feet wide. On lots with more than one (1) frontage, a maximum of one (1) driveway opening per frontage is permitted, except on frontages of 100 ft. or more in length – upon which an additional driveway is allowable. All curb cuts and separation distances must meet the requirements of Chapter 42 of the Code of Ordinances (Streets, Sidewalks, and Other Public Places).

- (g) **Previously Approved Hard Parking Surface Residential Locations.** Hard parking surface residential parking locations approved under a previous ordinance are not subject to provisions of [Section 54.902\(E\)\(1\)](#) provided that the minimum safeguards are met for all parking uses where vision hazards and locations impact public safety.
- (h) **12 inches Buffer Requirement Along the Length of the Side Lot Line.** New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious surface (including but not limited to uncompacted pea gravel, cobbles, grass, etc.) to ensure a pervious buffer between driveways and the adjacent lot line, with the exception of the presence of a retaining wall along the subject lot line or other such difficulty.
- (h i) **Application of Parking Development Standards.** All one- and two-family residential parking spaces shall be exempt from the standards of [Section 54.905](#), except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. For purposes of providing required parking spaces onsite, the minimum dimensions for residential parking spaces shall be nine (9) feet wide by eighteen (18) feet long. Driveways in the front yard must be a full-width hard parking surface. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of-way for a driveway.

The PC reviewed at the last meeting and here are the proposed changes

Section 54.202 Specific Terms

- (213) **Storage, Bulk:** Goods for sale, storage, or display that have a large size, mass, or volume and are not easily moved or carried, such as railroad ties, large bags of feed, fertilizer, wood, sand, gravel, stone, lumber, equipment, and other similar materials and supplies.
- (xx) **Storage, Indoor:** Structure(s) containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time for dead storage and equipment and located entirely within a building. Dead storage refers to the storage of furniture, files, or other unused or seldom used items in a warehouse or other location for an indefinite period of time.
- (214) **Storage, Open/Outdoor:** The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

(xx) Storage Facility, Self: A type of personal indoor storage for personal or business property or goods, for periods greater than 24 hours, mainly to provide long-term weather-protected, secured storage and shall be accessible by the owner of the storage items.

(249) Warehousing/Storage Facilities: A use engaged primarily in indoor storage (commercial or personal materials), wholesale, and distribution of goods, products, supplies, and equipment, excluding bulk storage of materials.

Warehousing: An establishment in an enclosed building primarily engaged in storing commercial materials, goods, or property, including wholesaling operations that involve the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale or distribution to individual or business customers. This shall not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations. Examples include automated, distribution center, and cold storage.

(254) Wholesale Trade Establishments: An establishment or place of business primarily engaged in selling and/or distributing wholesale merchandise to retailers, business users, other wholesalers, or individuals. This does not include warehousing/storage.

(255) Wholesaling Operations: The storage, and sale, and/or distribution of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including warehousing and indoor storage activities.

Section 54.306 Permitted Uses by District

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Commercial and Retail Uses														
Open Storage Storage, Open/Outdoor								P	P	P	P	P	P	Section 54.635
Industrial Uses														
Major Repair and Maintenance Operations									P	P	S		P	Section 54.627
Manufacturing, Heavy											S		P	Section 54.627
Manufacturing, Light– Low Impact					P	P	P	P	P	P	P		P	Section 54.627
Manufacturing, Light – Medium Impact					S	S	S	S	P	S	P		P	Section 54.627
Natural Resource Extraction Operations												S		Section 54.631
Port Facilities and Docks									S	S		S	S	Section 54.640
Railroad Facilities											P			
Storage, Indoor							S	P			P			Section 54.6XX
Storage Facility, Self							S	P			P			Section 54.6XX
Storage, Indoor – Accessory Use							S	P			P			Section 54.6XX
Storage Facility, Self – Accessory Use							S	P			P			Section 54.6XX
Storage, Bulk								S	P	P	P	S	P	Section 54.605
Utility Electrical Power Generation													P	

Warehousing/Storage Facilities						S	S	P	S	P		P
Wholesale Trade Establishment				P	P	P	P			P		
Wholesaling Operations							S			P		

Section 54.605XX Bulk Storage Move to be Storage, Bulk

- (A) 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 Special Land Use Permit **or Zoning Compliance Permit** application.
- (B) 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) Prior to final approval of a special land use permit **or zoning compliance permit**, each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits. The applicant shall, upon Planning Commission **or Zoning Administrator** 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 must be given to the Zoning Administrator at the same time application is made to federal or state agencies, which may require permits.
- (E) 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) The Planning Commission may require additional safeguards to meet the intent of the industrial district and to assure opportunity for additional industrial uses and for growth within each area of the city which is zoned industrial.

Section 54.635XX Open Storage Move to be Storage, Open/Outdoor

- (A) Open storage of any equipment, vehicles, and all materials including wastes must be screened from public view, from public streets and from adjoining properties by an enclosure consisting of a wall or an obscuring, opaque fence of a height of not less than six (6) feet to obscure such stored materials.
- (B) Open storage shall not be in excess of twenty (20) feet in height.

Section 54.6XX Storage, Indoor

- (A) No activity other than indoor storage shall be allowed. No commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (B) The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Combustible materials shall be kept away from ignition sources, such as portable heaters, light fixtures, etc.
- (C) All storage, including vehicles of any kind, shall be contained within a completely enclosed building.
- (D) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.
- (E) All signs shall be in compliance with the provisions of [Article 11](#) of this Ordinance.
- (F) Landscaping and Screening shall be provided in accordance with [Article 10](#) of this Ordinance.
- (G) All off-street parking shall be in compliance with [Article 9](#) of this Ordinance.

[Section 54.6XX Storage facility, Self](#)

- (A) No activity other than rental of storage units shall be allowed. No commercial, wholesale, retail, industrial or other business activity shall be conducted from the facility.
- (H) The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Combustible materials shall be kept away from ignition sources, such as portable heaters, light fixtures, etc.
- (B) All storage, including vehicles of any kind, shall be contained within a completely enclosed building.
- (C) The storage facility shall have driveway access to – or be within 300 feet of – a collector street, arterial road, or highway.
- (D) All storage units must be accessible by paved-maneuvering lanes. A minimum twenty-four-foot drive shall be provided between buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.
- (E) A demonstrated means of security and management shall be provided.
- (F) Each storage unit shall have an individual door to the outdoors and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission/Zoning Administrator. Such hours of operation shall be posted at the entrance to the facility.
- (G) All exterior lighting shall be in accordance with [Section 54.802](#) hereof.

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

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

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

(K) In General Commercial zoning districts, the total maximum building footprint of the self-storage facilities shall be 40,000 square feet.

Clarification

Section 54.502 Land Division Regulations

- (D) Application for Land Divisions.** An applicant shall file with the City Assessor, or other official designated by the City Commission, all of the following for review and approval of a proposed parcel split before any split can be made:
- (1) Application.** A completed application on such form as may be provided by the City. If a transfer of division rights is proposed in the land transfer, then information about the terms and availability of the proposed division rights transfer shall be submitted with the application. Such information shall be in a form that satisfies the written notice requirements specified in Section 109(2) of the Land Division Act.
 - (2) Proof of Ownership.** Proof of fee ownership of the land to be divided.
 - (3) Survey or Tentative Parcel Map.** A survey or tentative parcel map of the parcel, including the location, setbacks, and dimensioned encroachments of all existing structures, indicating the adequate and accurate dimensions and legal description of the entire parcel and each split to be made. The survey or tentative parcel map must include the means of access from each resulting parcel to an existing road or street, the location of all existing and proposed public and private easements and rights-of-way, and the location of surface water, lakes, ponds, streams, and wetlands. A tentative parcel map is only allowed to be submitted if there are no structures or improvements on the parcel.

Clarification and to update due to LDC amendments

Section 54.624 Homestays and Vacation Home Rentals

- (A) Homestays and Vacation Home Rentals in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, the Third Street Corridor (TSC) District, and Mixed-Use (M-U) District.** In the LDR, MDR, TSC, and M-U zoning districts, the following regulations shall apply to single-family, and duplex, triplex, and quadplex structures that are Homestays and Vacation Home Rentals:

(1) Location Requirements. Registered Short-Term Rentals (Homestays and Vacation Home Rentals) shall be limited in proximity to one another by the following standards:

(a) Separation Distance Between Short-Term Rentals (Homestays and Vacation Homes). A parcel with one (1) or more registered Homestay(s) and/or one (1) registered Vacation Home Rental(s) may be permitted (by application) per street segment or block face between intersections, except where the street segment or block face exceeds 500 linear feet in length, in which case one (1) additional parcel for Short-Term Rental of each type is allowed for each exceedance of 500 linear feet of the street segment/block face between intersections. Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved parcels for short-term rentals for purposes of verifying their location and reviewing applications for short-term rentals.

(b) Parcel or Right-of-Way Separation. Registered Short-Term Rentals (Vacation Home or Homestay) parcels must be separated from one another by a minimum of one parcel of developable property not registered or intended for use as a Vacation Home or Homestay, and/or by a public street corridor (right-of-way).

(c) Maximum Number of Vacation Home Rental Units Per Parcel. If in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements, up to three (3) dwelling units on one (1) parcel may be registered as vacation home rentals.

(d) Use of a Vacation Home Rental as a Homestay. A Vacation Home Rental that is in compliance with this Section ([Section 54.624](#)) and other Zoning Ordinance requirements may also be a Homestay if it meets the Homestay requirements and is approved by the Zoning and Fire Departments as both a Vacation Home Rental and a Homestay. In this case, the proximity standards specified in this Section ([Section 54.624](#)) will be applied only as a Vacation Home Rental to such a property, not as both a Vacation Home and a Homestay.

(B) Short-Term Rentals in the Multiple Family Residential (MFR) District, Third Street Corridor (TSC) District, and Mixed-Use (M-U) District. In the MFR, TSC, and M-U zoning districts, the following regulations shall apply to multi-family structures that have 5 or more units and that are Homestays and Vacation Home Rentals:

(1) Subletting Prohibited. Short-term rental is limited to property owners, and subletting is not allowed (tenants may not rent to other parties).

(2) Maximum Number Per Housing Structure/Complex. A maximum of four (4) units may be rented for a short-term basis in housing structures/complexes that have up to forty-nine (49) units, and a maximum of ten (10) percent of units may be rented for a short-term basis in housing structures/complexes that have fifty

(50) or more units.

- (C) **Compliance with City Codes and Ordinances.** All Short-Term Rentals, Homestays, and Vacation Home Rentals must comply with the City of Marquette Rental Fire Code and all other related City codes and ordinances.

Mobile Home – Add Accessory Structure as an allowable use and requirements

Section 54.310 MHP, Mobile Home Park District

(A) Intent
<p>The MHP is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. This district should be located in areas where it will be compatible with adjacent land uses.</p> <p>The regulations established by State law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all mobile home parks. When regulations in this Section exceed the State law or the Manufactured Housing Commission Rules, they are intended to ensure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote health, safety, and welfare of the City’s residents.</p>

(B) Permitted Principal Uses	(C) Special Land Uses
<ul style="list-style-type: none"> <li style="background-color: #FFFF00; display: inline-block; padding: 2px;">Accessory Building or Structure Adult Foster Care, Family Home Child or Day Care, Family Home Food Production, Minor Mobile Home Park Outdoor Entertainment and Community Events (Temporary) Small Wind Energy Systems, Roof-Mounted Solar Energy Systems, <20kw- Accessory Use 	<ul style="list-style-type: none"> Solar Energy Systems, ≥20kw to 2 MW - Accessory Use
<p>Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.</p>	

(D) Dimensional Regulations
<p>See Section 54.631</p>

(E) References to Additional Standards		
<p>Definitions Article 2</p>	<p>Steep Slopes and Ridgelines Section 54.806</p>	<p>Zoning Permits Section 54.1401</p>
<p>Riparian Buffers Section 54.804</p>	<p>Signs Article 11</p>	<p>Site Plan Review Section 54.1402</p>
<p>Wetland Protection Section 54.805</p>	<p>Nonconformities Article 12</p>	

Section 54.631 Mobile Home Parks

- (A) **Site Plan Review.** Mobile Home Parks must be reviewed by the Planning

Commission pursuant to the site plan review requirements in [Section 54.1402](#).

- (B) Development Standards.** Mobile Home Parks must meet all development standards of the Michigan Mobile Home Commission Act (P.A. 96 of 1987, as amended) and the Department of Licensing and Regulatory Affairs or successor agency.

Section 54.705 Accessory Buildings and Structures

All accessory buildings and structures must meet the setback and height requirements of [Article 4](#) unless otherwise stated in this Section or in another section of this Ordinance applicable to accessory buildings and structures. No accessory building or structure may be located on any parcel of land which does not have a principal building or use already established or being established contemporaneously with the accessory building or structure.

(F) Accessory Buildings and Structures in Mobile Home Park (MHP) District.

(1) Detached Accessory Buildings and Structures.

- (a) Maximum Height.** No detached accessory building or structure may exceed 24 feet in height.
- (b) Minimum Side and Rear Yard Setbacks.** Detached accessory buildings or structures shall be located at least six (6) feet from the side and rear property lines.
- (c) Front Yard Location Prohibited.** No detached accessory building or structure shall be located in a front yard.
- (d) Separation and Setback Distances.** No detached accessory building or structure shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls such as a pergola) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

- (F G) Exemptions.** Structural amenities, as described and regulated in [Section 54.702\(G\)](#), are not classified as accessory buildings and structures in this Ordinance.

At the last meeting the PC reviewed a proposal to change the 6-ft high closed construction fence requirements for corner lots, rear-set homes, and if the neighbor is allowed to have it in a location. Also proposed timeline for temp fence. Here are the proposed changes for the PC comments, and the addition of a Figure that shows how they are applied. Added Wall regulations.

(C) Requirements by Zoning District:

(1) LDR, MDR, and MFR Districts.

(a) Height. Fences and walls shall not exceed six (6) feet in height, with **except in** the following exceptions **cases**:

(i) Adjoining a Lot Containing a One- or Two-Family Dwelling or Adjoining a Vacant Lot that Could Contain a One- or Two-Family Dwelling. Where a fence or wall is within ten (10) feet of an adjoining lot containing a one- or two-family dwelling, or within ten (10) feet of an adjoining a vacant lot that could contain a one- or two-family dwelling; the fence or wall shall not exceed four (4) feet in height if it is located in the side or front yard (see *Section 54.706(C)(1)(a)(iii)* for additional front yard requirements), with the following exceptions:

(1) Where the rearmost wall of the neighboring dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to the rear of the neighboring dwelling's rearmost wall along that side of the subject property, and each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.

(2) For required retaining walls.

(2) On corner lots, a residential screening fence may be six (6) feet tall, located in the rear yard and up to the front wall of the primary dwelling in the side yard.

(3) An interior block property adjacent to a corner property may place a 6-ft. tall screening fence within its property boundaries to match the placement allowed on the corner property so that either property has the same opportunity to have a screening fence in directly adjacent areas of their yards.

(4) For interior-block residences that are located fully behind the adjacent primary residences along the side lot lines, screening fences may be six (6) feet tall, located in the rear yard and up to the neighboring primary dwellings' rear wall.

(5) For interior-block residences, where the rearmost wall of the neighboring primary dwelling structure is between the front wall and rear wall of the subject home, a 6-ft. screening fence may be built to a point aligned on the rear wall of the neighboring primary dwelling in that side yard of the subject property. Each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.

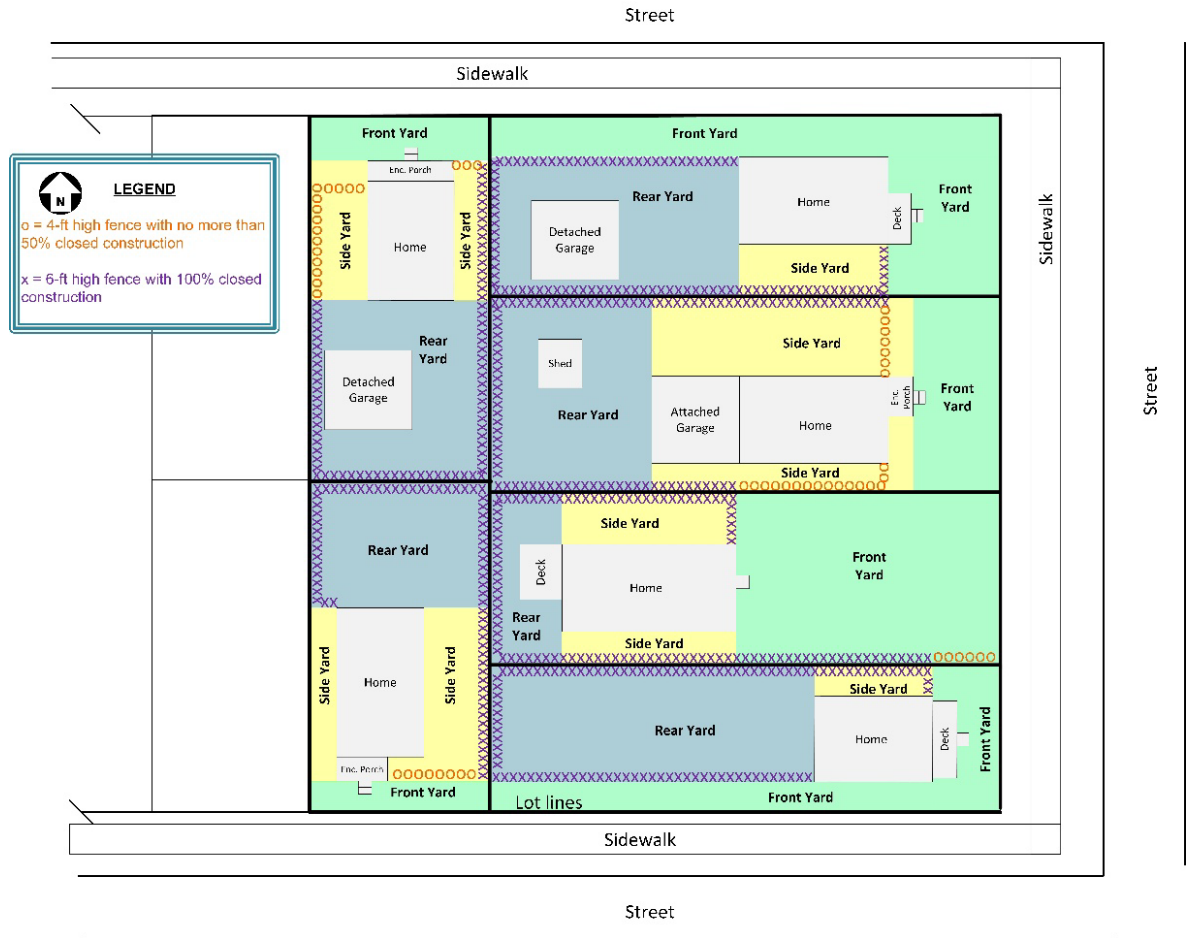
(ii) Street Sides of Corner Lots. On the street sides of corner lots, a fence or wall may not exceed four (4) feet in height between the rear **front wall** of the **primary** dwelling and the corner on either street frontage.

(iii) Front Yard Requirements. A fence in a front yard may not exceed four (4) feet in height **unless it meets Section 54.706(C)(1)(a)(i) above.** Walls **over three (3) feet in height** are prohibited in a front yard except for retaining walls. **Walls must be set back at least (12) inches from the front lot line. The columns in between the walls or**

fences are allowed to be four (4) feet in height.

- (b) **Construction.** A fence limited to four (4) feet, as stated in [Section 54.706\(C\)\(1\)\(a\)](#) above, may not have more than 50% of the fence area of solid matter or of closed construction (See [Figure 35](#) for examples of noncompliant fences). A six (6) foot high fence may be of solid, opaque construction. A screening fence required by any City ordinance or by State law may be of solid, opaque construction. **Walls may be of solid, opaque construction.**

Figure XX



(E) **Special Purpose Fences.**

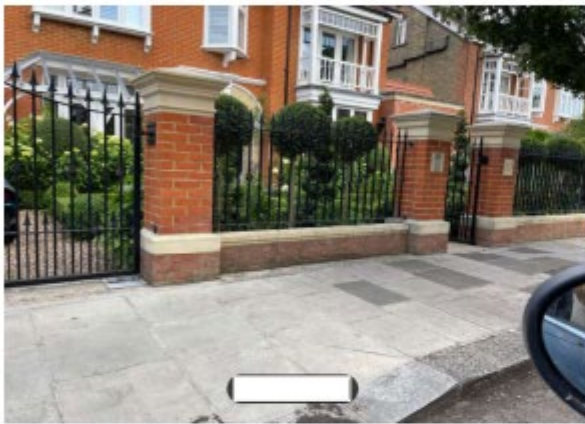
- (3) **Temporary Fences.** Temporary fences, as defined herein, may be permitted by the City in conjunction with an approved temporary activity/purposes, such as construction, landscaping and grading erosion control, temporary sales areas, temporary events, or snow and garden fencing (as long as it is not permanently anchored and the use is temporary for the snow or growing season). The type of temporary fencing used must be appropriate for the temporary activity, and in most cases a temporary fence must be installed prior to the temporary activity

and should be removed soon after the end of the temporary activity. Temporary fencing that does not meet these standards may be considered a violation of this section. **Temporary garden and snow fences cannot be in place greater than 6 months in a calendar year.** Temporary fencing that is not permanently anchored and the use is temporary does not require a fence permit.

Examples of walls







Adding Lot Depth Definition and a drawing to explain how to measure width and depth

Section 54.202 Specific Terms

(xx) Lot Depth: Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line. This straight line must be entirely within the lot boundaries.

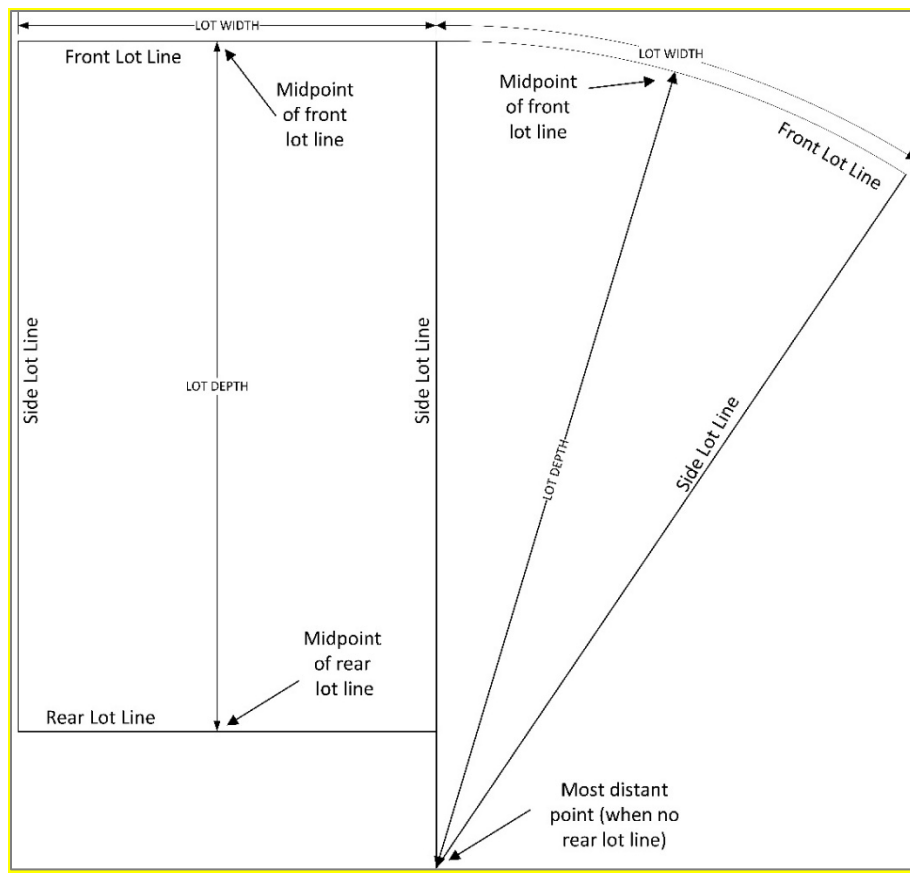
(126) Lot Width: The horizontal distance between the side lot lines, measured at the two points where the front yard setback intersects with the side lot lines. For corner lots, which have only one side lot line, the distance shall be measured from that side lot line to the opposing front lot line.

Section 54.502 Land Division Regulations

(F) Standards for Granting Land Division Approval. The splitting or partitioning of a parcel is prohibited unless approved in the manner required by this section in complete accordance with the following rules and regulations:

- (3) Depth-to-Width Ratio of Non-Platted Parcels.** Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with Depth-to-Width Ratio of Non-Platted Parcels. Depths of parcels created as a result of division of land shall be not greater than four (4) times the parcel width. The City may permit parcels with proportions that vary from such standards where such action would reduce existing nonconformance with the standards set forth in this Ordinance or, in the determination of the Zoning Administrator, a variation is necessary due to exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.

Figure xx. How to Measure Lot Depth and Width



Adding requirements or clarifications

Section 54.632 Natural Resource Extraction and Processing Operations

- (A) ~~Setbacks.~~** No topsoil, earth, gravel, or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than three hundred (300) feet to the outer boundary of the area approved for extractive operation. This setback may be reduced by the Planning Commission upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land use. Extractive operations shall not encroach upon required setback areas. Greenbelt plantings and landscaping must be provided in the setback area as required.
- (B) ~~Control of Off Site Impacts.~~** In order to reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall not be built closer than three hundred (300) feet from any public street right of way line or adjacent property lines. This setback may be reduced by the Planning Commission upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding use. All such activities, equipment, roadways, and material storage areas shall be treated, covered, muffled, or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered in accordance with all applicable State and County and local

regulations. Private access roads serving the operation must be treated to create dust free surfaces for a distance of three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the City.

- ~~(C) **Fill Material.** No garbage or refuse of any nature shall be used for fill. Only the following materials may be used for fill: sand, gravel, clay, broken concrete, topsoil, and other clean earth materials which provide a suitable base for future building sites.~~
- ~~(D) **Standing Water.** The premises must at all times be graded so that surface contours shall tend to forestall local depressions or cause water to stand or accumulate.~~
- ~~(E) **Fence.** Where there is an excavation with a depth in excess of five (5) feet not subject to standard to City building codes and trenching regulations, the permit holder shall erect a fence of at least six (6) feet, but not more than ten (10) feet in height, of wire mesh or such other suitable materials to afford protection to persons and property. Any gates required must be kept locked, daily, when operations are stopped.~~
- ~~(F) **Processing.** Processing of materials mined from any property shall be permitted only in an IM (Industrial/Manufacturing) Zoning District.~~
- ~~(G) **Liability.** The owner or operator shall maintain liability insurance with the City named as an insured party, and the City shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.~~
- ~~(H) **Post Closure or End Use Land Use Plan.** As a part of the special land use approval and site plan review process, a post closure land use plan for the facility must be submitted by the applicant for review. Such a plan must include the end use of all facilities after closure as defined by the Michigan Department of Natural Resources for the technical aspects of closing the solid waste facility, mine or quarry. The contents of the Closure Plan must include:
 - ~~(1) Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;~~
 - ~~(2) Location and extent of all natural features to be retained during operation;~~
 - ~~(3) The slope of all restored areas;~~
 - ~~(4) Proposed completed topography at contour intervals of not more than two (2) feet;~~
 - ~~(5) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;~~
 - ~~(6) The estimated date of completion of the requirements of the restoration plan;~~
 - ~~(7) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;~~
 - ~~(8) A description of the methods and materials to be utilized in restoring the site;~~
 - ~~(9) Sketch plan of the proposed use or uses of the restored site;~~
 - ~~(10) For solid waste facilities, a program of continued groundwater monitoring for at least ten years after closure must be approved by the appropriate local and State officials; and;~~
 - ~~(11) Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan.~~~~

(A) Excavation. As allowed by state law, the extraction of sand, gravel, or other raw materials at or below grade and the processing of such materials upon any property are subject to the following standards, provided the state law does not preclude this ordinance:

(1) Site Plans. A site plan must be approved for any earthwork that is greater than 20,000 square feet in size for a non-residential use; or earthwork that is more than half the size of the parcel upon which commercial, industrial, mixed-use or multi-family land use is occurring or intended, per Section 54.1402 (Figure 51).

(2) Setbacks. No topsoil, earth, gravel, or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than at least one hundred (100) feet from the subject property line and 100-300 hundred (X00) feet to the outer boundary of the area approved for extractive operation, whichever is farther from the closest property line. The Planning Commission may reduce these dimensions upon determining that the operations can still be carried out in a manner compatible with surrounding land use. Greenbelt plantings and landscaping must be provided in the setback area as required

(3) Control of Off-Site Impacts. To reduce the effects of airborne dust, dirt, and noise, all activities, equipment, roadways, and material storage areas shall be treated, covered, muffled, or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered by all applicable State and County and local regulations. Private access roads serving the operation must be treated to create dust-free surfaces for three hundred (300) feet from any public access road. Arrangements shall also be made to minimize dust on public access routes in the City.

(4) Fill Material. No garbage or refuse of any nature shall be used to fill the ground where soil, rock, and other natural materials have been removed. Only the following materials may be used for such "fill": sand, gravel, clay, broken concrete, topsoil, and other clean earth materials that provide a suitable base for future building sites.

(5) Standing Water. The premises must always be graded so that surface contours tend to forestall local depressions or cause water to stand or accumulate.

(6) Fences. Where there is an excavation forming a trench or a pit with a depth in excess of five (5) feet, the permit holder shall erect a fence of six (6) to ten (10) feet in height, in accordance with section 54.706 of this ordinance. Any gates used or required must be shut and locked when operations are stopped.

(7) Liability. The owner or operator shall maintain liability insurance with the City named as an insured party, and the City shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.

(8) Post Closure or End Use Land Use Plan. As part of the special land use approval and site plan review process, the applicant must submit a post closure land use plan for the facility for review. Such a plan must include the end-use of all facilities after closure as defined by the Michigan Department of Natural Resources for the technical aspects of closing the solid waste facility, mine or quarry. The contents of

the Closure Plan must include:

- (a) Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;
- (b) Location and extent of all natural features to be retained during operation;
- (c) The slope of all restored areas;
- (d) Proposed completed topography at contour intervals of not more than two (2) feet;
- (e) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;
- (f) The estimated date of completion of the requirements of the restoration plan;
- (g) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;
- (h) A description of the methods and materials to be utilized in restoring the site;
- (i) Sketch plan of the proposed use or uses of the restored site;
- (j) For solid waste facilities, a program of continued groundwater monitoring for at least ten years after closure must be approved by the appropriate local and State officials; and;
- (k) Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan

(B) Natural Resource Processing Operations

- (1) **Processing.** The processing of materials mined from any property shall be permitted only in an IM (Industrial/Manufacturing) Zoning District.
- (2) **Setbacks.** To reduce the potential for sedimentation to streams and nuisances – the creation of dust, dirt, glare, and noise - all operations for processing raw materials (cutting, crushing, grinding, mechanical sorting, and associated structures must be separated at least 200 feet from any property adjoining lines and abutting bodies of water. The Planning Commission may reduce these dimensions upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land use.
- (3) Items 54.632 (1), (3), (5), (6), (7), and (8) shall apply to such processing operations and must be followed for zoning approval of the activity.

Article 8 Environmental Performance Standards

Section 54.807 Standards for Excavation/Mining Activities

The extraction of sand, gravel, or other raw materials at or below grade and the processing of such materials upon any property are subject to the standards adopted in section 54.632, provided the state law does not preclude them.

At the 11-19-24 PC meeting, the Planning Commission approved changing the use status of **Intention Community Dwellings** to a Permitted Use in the MFR zoning district from Special to Permitted in Multiple-Family zoning districts.

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

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
	Residential Uses													
Adult Foster Care, Family Home	P	P	P	P	P	P								
Adult Foster Care, Large Group Home			S											Section 54.602
Adult Foster Care, Small Group Home	P	P	P		P									Section 54.602
Child or Day Care, Family Home	P	P	P	P	P	P								
Child or Day Care, Group Home	P	P	P		P									Section 54.608
Dwelling, Accessory Unit	P	P	P		P	P								Section 54.612
Dwelling, Intentional Community	S	S	P	S	S									Section 54.614
Dwelling, Live/Work					P	P								Section 54.615

PC member Fitkin has some additional thoughts as follows:

Commissioner Fitkin has suggested creating a similar but different type of cooperative housing category that is primarily focused on a collective financial arrangement as an organizing principle, rather than mutual social bonds, interests, or shared resources. This would be a different form of “cooperative housing” community in which the owners of each dwelling unit would essentially be shareholders in the property by legal agreement but not subject to condominium laws and not an intentional community (definition below). This “housing cooperative” arrangement could exist in any housing typology where there is more than one dwelling unit and would primarily be added to the LDC to demonstrate to lenders that this type of housing arrangement is acceptable and encouraged in the city.

Intentional Community: A planned residential community designed to have a high degree of social cohesion. The members of an intentional community typically have common interests, which may be an organizing factor, such as a social, religious, or spiritual philosophy, and are likely to share responsibilities and resources. Intentional communities include **cooperative housing** communities, communes, convents, eco- villages, and **housing cooperatives**. Property may be owned collectively, and/or new members of an intentional community may be selected by the community’s existing membership.

Sample definition of a “housing cooperative”:

RESIDENTIAL COOPERATIVE: Any cooperative that provides residential units for its shareholders or members, as organized under and in accordance with the laws of the State of Michigan (the State Housing Development Authority Act of 1966, the Michigan General Corporation Statute, and the Michigan Nonprofit Corporation Act).

Definition of Wetlands

Commissioner Fitkin would also like the Commission to consider the following changes to the definition of wetlands and plantings. Staff have discussed this with her and has thoughts to share.

1. Wetlands Definition

Current:

(253) Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. The boundaries of wetlands are determined in accordance with the Michigan Department of Environmental Quality.

Proposed:

(253) Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. ~~The boundaries of wetlands are determined in accordance with the Michigan Department of Environmental Quality.~~ Wetland presence may be assumed by identifying wetlands mapped on the City's inventory, but jurisdictional wetland boundaries are confirmed through a wetland delineation.

Why:

I believe the highlighted section of the current definition is vague and misleading because the state-level tool for mapping wetlands is called the EGLE Wetland Map Viewer, and uses data National Wetland Inventory, which includes soil and land cover information, as well as the National Wetland Inventory. Because the inventory is approximate, the application itself states that "it is not intended to be used to determine specific locations and jurisdictional boundaries of wetland areas."

Jurisdictional boundaries of wetlands are typically determined through a wetland delineation, which EGLE and national regulators require the landowner to conduct as part of the permitting process. The process is like this: someone proposes a project on their land. Either the landowner, the building codes official, the contractor, or someone else notes the possibility of wetlands on the property based on a site visit or based on the wetland inventory, and recommends they reach out to the regulatory body (the City and EGLE in this case) and those groups decide whether the landowner should get a delineation. They wouldn't know until post delineation what the actual boundaries of the wetland are. Therefore, it provides clarity and specificity to change the latter half of the definition to something similar to what is proposed above.

2. Plant Standards for Landscaping:

- Remove plants that are noxious/invasive in Michigan or Wisconsin and non-native (to North America) plants from the “Recommended Plant Type and Size” chart. These include:
 - Evergreen trees: scotch (Scots) pine, european larch, norway spruce
 - Deciduous trees: Amur cork tree, little-leaf linden
 - Ornamental Trees: dolgo crabapple, siberian crabapple
 - Deciduous shrubs: Wayfaring tree, european cranberry, siberian dogwood, tatarian honeysuckle
 - Evergreen shrubs: amur privet (ligustrum amurense, ligustrum vulgare, ligustrum obtusifolium), mugo pine
- Substitute similar native species for invasives/non-natives:
 - Evergreen trees: American Larch, White Spruce, Balsam fir
 - Deciduous Trees: American Basswood
 - Ornamental Trees: American Plum, native crabapples, native apple trees, American serviceberry, other fruit trees native to north america
 - Deciduous shrubs: highbush blueberry, native ninebark, new jersey tea, carolina allspice, chokecherry, northern bush honeysuckle, american fly honeysuckle, thimbleberry, pussywillow, black elderberry, meadowsweet
 - Evergreen shrubs: arborvitae
- Add more invasives to prohibited species, including:
 - all invasives listed above
 - japanese barberry
 - burning bush

Why: As I’m sure you know, and I know the city has done work to address this, invasive species pose significant threats to our ecosystems. Because they are not adapted to our regions, they lack any natural predators and don’t have benefits for our native pollinating species. Species are deemed invasive or noxious when they tend to spread and outcompete native species, causing a reduction in biodiversity. We should not be recommending any invasive or noxious species for planting in the city, and should actually be prohibiting them.

There are many native plant varieties that closely resemble the non-native invasives, and it would be a great idea to encourage those species instead. Most of the species I listed are available locally, but maybe less available at the caliper minimum specified. If we adopted new recommendations like this, it might present opportunities for local nurseries to provide more stock of these beneficial native species.