
Diagnostic Review of the
City of Marquette
Zoning Ordinance
and Related Documents

Prepared for
City of Marquette, Michigan

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INTRODUCTION

We have reviewed the City of Marquette Zoning Ordinance, and this Diagnostic Review identifies the strengths, weaknesses, and essential areas of improvement – such as adding tables, charts, and graphics, fixing fragmented, inconsistent, or outdated language, and addressing irrelevant and incorrect cross-references, redundancy, contradictory language, conflicts, and changed laws. With the identified areas of improvement, the City can address the update the Land Development Code in a proactive manner.

The purpose of this Diagnostic Review is not to identify every item in the Zoning Ordinance and other documents that must be amended; rather, this Diagnostic Review identifies major tasks to undertake during the amendment process and recommendations for addressing those tasks. This Diagnostic Review includes topics discussed at the June 20, 2017 Kick-off meeting, as well as our findings from the following City documents:

- City of Marquette Zoning Ordinance (adopted in 1978)
- Marquette Downtown Waterfront District Form-Based Code
- South Marquette Waterfront Form-Based Code
- Sign Ordinance
- Fence Ordinance
- Subdivision Ordinance
- City of Marquette Master Plan (adopted in 2015)
- Minutes of the Marquette Planning Commission from January 2016 through May 2017.
- Minutes of the Marquette Board of Zoning Appeals from January 2016 through May 2017.
- Versions of the previous Land Development Code that was attempted.

CLARITY AND SIMPLICITY OF USE

HYPERLINKS AND CROSS-REFERENCES

As the Zoning Ordinance has been amended over time, some of the cross-referenced sections may become incorrect because cross-references are not always updated when sections are added or deleted from the Zoning Ordinance. To remedy this problem and allow users to electronically click on a link to get to a section, we will fix any cross-reference errors and “hyperlink” all cross-referenced sections of the Land Development Code in the electronic document. By properly hyperlinking all sections and cross-references, the cross-references can be automatically updated whenever the Land Development Code is amended.

GRAPHICS

Some areas of the Zoning Ordinance refer to diagrams; however, the corresponding diagram is missing. We recommend inserting these diagrams and adding new graphics where they can enhance the effect of the text. Graphics are especially important to illustrate lot types, building heights, landscaping requirements, signage, lighting, and clear vision zones.

EFFECTIVE LANGUAGE

- **Passive vs. Active Language.** To make the Land Development Code an effective document to regulate the use of land and buildings, the regulations must have active language instead of passive language (e.g., “shall” instead of “should,” “must” instead of “may,” etc.).
- **Confusing Text.** In some areas of the Zoning Ordinance, the text is either confusing or contradictory. In many cases, there is more text than is needed to describe a regulation. We will identify these problem areas and recommend more concise, effective text.

ORGANIZATION OF ARTICLES AND SECTIONS

One of the major problems with most zoning ordinances is that they do not organize all of the sections coherently into corresponding articles. This causes the user to sift through several different sections to locate the applicable regulation. We recommend organizing the Land Development Code into the following articles, which are referenced through this Diagnostic Review.

- A. Title, Purpose, and Scope.** This article will include sections for Short Title (80.01), Application of the Ordinance (80.03), Vested Rights (80.04), Relationship to Other Laws (80.07), Severability (80.08), and Effective Date and Repeal of Prior Ordinance (80.09). This article will be very short, and the purpose is to cover some basic legal requirements.
- B. Definitions.**
- C. Zoning Districts and Map.**
- D. Schedule of Regulations.**
- E. Supplemental Zoning District Standards.** Site Condominiums, Subdivisions, and Land Divisions.
- F. Standards Applicable to Specific Uses.**
- G. General Provisions.**
- H. Environmental Performance Standards.**
- I. Parking, Loading, and Access Management.**
- J. Landscaping and Screening.**
- K. Signs.**
- L. Nonconformities.**
- M. Administrative Organization.** Zoning Administrator, City Commission, Planning Commission, and Board of Zoning Appeals.
- N. Administrative Procedures.** Permits, Site Plan Review, Special Land Use Review, Variances and Appeals, Amendments, and Public Hearing Procedures.
- O. Violations, Penalties, and Enforcement.**

DEFINITIONS

While many definitions will remain the same or have only minor changes, we propose the following changes. Also, as the Land Development Code update proceeds, we will propose new definitions (especially definitions of land uses) where the such new definitions will clarify or support the Land Development Code. Finally, many definitions that are scattered throughout the ordinances will be consolidated into the Definitions article.

- **Adult Foster Care Facility , Child Care Center or Day Care Center, Family Day Care Home, Group Day Care Home, Foster Family Home, Foster Family Group Home, Halfway Houses, Spouse Abuse Shelters, Homeless Shelter, Hospital Hospitality Houses, Rooming Houses, and other home-related definitions.** We will review the existing definitions of these types of uses to ensure they are consistent with State Law, and we will propose additional definitions, as needed, to comply with State Law. We will also make sure that the proper State Acts are referenced.
- **Basement.** We recommend adding a graphic to support the definition.
- **Bed and Breakfast, Bed and Breakfast Inn, and Homestay.** We recommend including these 3 definitions under a “Bed and Breakfast” heading so that they are easier to compare to each other. Also, each definition includes zoning districts in parenthesis, which should be removed after the Permitted Use Table is created.
- **Building, Accessory.** Although the definition of “Building, Accessory” is probably intended to also include Accessory Structures, we recommend making this term “Accessory Buildings and Structures.” We also recommend clarifying that they are accessory to a principal building.
- **Building, Height of.** This definition should state how “average grade” is determined and should be accompanied with graphics that illustrate how height is measured for each type of roof.
- **Bulk Storage.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Camping Trailer and Travel Trailer.** These 2 definitions are similar. We recommend consolidating these definitions and adding a new general definition of “Recreational Vehicle.”
- **Distributive Operations.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Enclosed.** This term is used throughout the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Essential Services.** This definition should state that telecommunication towers, solar energy facilities, and wind energy conversion systems are not essential services. However, emergency outdoor warning sirens should be included as essential services.
- **Family.** We will review the definition of “family” and, if needed, propose amendments required to comply with federal fair housing regulations.
- **Fence, Decorative.** This term is located in the Downtown Waterfront Form-Based Code but is not defined. A definition will be added with a supporting graphic of examples of decorative fences.
- **Fence, Screening.** This definition includes development standards (minimum height) that belong in the regulation section in the General Provisions article.
- **Grade.** We recommend specifying how the “average level” of the finished surface levels is measured.
- **Ground Coverage Ratio.** We recommend changing this term to “Lot Coverage,” which is a more common zoning term.
- **Heavy Manufacturing.** We recommend expanding the list of processes and impacts in this definition.
- **Light Manufacturing.** We recommend expanding the list of processes and impacts in this definition.
- **Live/Work or Accessory Office Residential.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Lot.** We recommend clarifying this definition to state that 2 or more parcels may be treated as a single lot only if 1 of the lots, by itself, cannot meet the minimum area, width, setback, lot coverage,

or frontage requirements. We also recommend adding graphics of the lot definitions and lot types (e.g., Lot, Corner; Lot, Interior; Lot, Through) to make the definitions easier to interpret and administer. We will also clarify that properties that share a property line with a city street on one side and a limited access highway on the other side are not “Through Lots.”

- **Lot Lines (Front, Rear, and Side) and Lot Width.** We recommend including graphics of these definitions so that these definitions are easier to interpret and administer.
- **Lot, Width of (Minimum).** The minimum lot width is currently measured at the “front yard lines.” We recommend measuring the width at the “front yard setback lines” or the “front lot line” because the “front yard line” seems to depend on the placement of a building.
- **Maintenance Operations.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Major Repair.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Major Street and Minor Street.** Although these definitions refer to Act 51 street classifications, we will review if there is a better way to define these for the purpose of the Land Development Code.
- **Motel.** This definition should also include “Hotel” unless the City wants a separate definition of hotel, which is currently undefined.
- **Mobile Home and Mobile Home Park.** We will review these definitions in accordance with the applicable State Act and propose amendments as necessary.
- **Natural Resource Extraction Operations.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Nonconforming.** While this definition includes cross-references to provisions for nonconforming uses, lots, and structures, we recommend putting the definitions for “Use, Nonconforming,” “Nonconforming Lot,” and “Building, Nonconforming” in this area of the Definitions article.
- **Office.** We recommend splitting this definition into: “Office, Medical” and “Office, Professional” because these types of offices often have different use and parking standards (medical offices usually require more parking).
- **Open Storage.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Parking Lot.** We recommend that this definition also state that the surface must be durable and smooth.
- **Parking Space.** This definition should exclude the minimum dimensions, which belong in the Parking, Loading, and Access Management article.
- **Port Facilities and Docks.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Public Utility.** This definition should state that telecommunication towers, solar energy facilities, and wind energy conversion systems are not public utilities.
- **Service Establishment.** We recommend adding a definition for this land use.
- **Temporary Structure.** We recommend adding a definition for this land use.
- **Temporary Use.** We recommend adding a definition for this land use.
- **Use, Conditional.** We recommend changing this term to “Special Land Use” and making the same changes throughout the Land Development Code. While Conditional Uses and Special Land Uses are synonymous, the Michigan Zoning Enabling Act uses the term “Special Land Use.”
- **Street.** We recommend adding text to this definition that includes non-motorized access.
- **Use, Accessory.** Clarify that accessory uses are accessory to a principal use.
- **Warehousing.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Wholesale Trade Establishments.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.
- **Wholesaling Operations.** This is a land use in the Zoning Ordinance but is undefined. Therefore, a definition is needed.

- **Yard, Front; Yard, Rear; and Yard, Side.** A graphic should be added that illustrate where the yards are located. Section 80.37 of the Zoning Ordinance also includes definitions of these terms, so we recommend relocating these provisions to the Definitions article of the Land Development Code.
- **Zoning Variance.** The term “undue hardship” should be replaced with “practical difficulty,” per the Michigan Zoning Enabling Act.

PHASE 1. ZONING DISTRICTS

PERMITTED USE TABLE

Each zoning district includes a long list of permitted and conditional uses, which makes for several pages of duplicated and unnecessary text. To simplify the list of permitted and special land uses, we recommend incorporating a land use table similar to the table illustrated below. The table would be an excellent organization tool for the City and the public by including all of the uses regulated by the Land Development Code and in what districts those uses are permitted. Also, if the Land Development Code defines uses that are not listed in any zoning district, and the table would help identify and resolve that problem. Finally, each use with specific development standards would have a clickable hyperlink to the section of the Land Development Code that contains the development standard.

Sample Table of Permitted Uses by District

Table 1. Table of Permitted Uses by District

Key: ■ Principal Permitted Use ● Special Land Use [blank] Use Not Permitted

USE	RR (A)	R-1 (A)	R-2 (A)	R-3 (A)	PO-1 (F)	C-1 (F)	C-2 (F)	C-3 (E, G)	C-4 (E, H)	I-1 (I)	I-2	DEVELOPMENT STANDARD
RESIDENTIAL USES												
Mixed Use Dwelling Unit						■		■				Section 74-2.424
Low Intensity Multiple Family (3-4 units)			●	■								Section 74-2.425
High Intensity Multiple Family (5+ units)				●								Section 74-2.426
One Family Dwelling Unit	■	■	■	■				■				Section 74-2.427 Section 74-5.105
Townhouse				■				●				Section 74-2.428
Two Family Dwelling Unit			■	■				■				Section 74-5.105
Accessory Dwelling Unit	●	●	●					●				Section 74-2.402
LODGING USES												
Bed & Breakfast	●	●	●	●				■				Section 74-2.407
Boarding or Lodging House				■								
Inn						■	●	■	■			Section 74-2.420
Hotel						■	●	■	■			Section 74-2.420
OFFICE and SERVICE USES												
Bank or Financial Institution					■	■	■					
Health or Exercise Club or Spa (Small)					■	■	■	■				
Health or Exercise Club or Spa (Large)							●	●				
Office					■	■	■	■				
Personal Service Establishment					■	■	■	■				

ZONING DISTRICT SUMMARIES

In addition to the land use table, each zoning district will have a zoning district summary (usually 1 page per zoning district), which will include the district purpose, permitted and special land uses, dimensional standards from the Schedule of Regulations, and clickable links to general standards sections of the Land Development Code that apply (e.g., landscaping, lighting, signs, etc.). This zoning district summary page will work in tandem with the land use table; users who want to know in what district a particular land use is permitted will refer to the land use table, while users who want to know all of the relevant information about a particular zoning district will refer to the zoning district summary page of the district.

CONSIDERATION OF NEW ZONING DISTRICTS TO IMPLEMENT THE MASTER PLAN

The Master Plan recommends creating new zoning districts for:

- **Mobile Home District.** This corresponds to the 2 existing mobile home parks in the city. These 2 areas are currently zoned PUD, so we should make sure the Mobile Home zoning does not conflict

with the terms of the PUD zoning. During the adoption process of the Land Development Code, the proposed standards will be submitted to the Michigan Manufactured Housing Commission for review and approval (60-day review period).

- **Regional Commerce District.** This includes select parcels in the current General Business (GB) district that are located farther from downtown. While these areas will be auto-dependent, non-motorized accessibility standards should apply.
- **Village Commercial District.** This includes the area studied in the Third Street Corridor Sustainable Development Plan and may include the draft **Third Street Corridor Form-Based Code**.
- **Neighborhood Commerce District.** This includes currently nonconforming retail or professional service businesses that are combined with residential uses with frontage on non-arterial streets. Although these are very small land areas, they may be unique enough to justify a new zoning district if they cannot be accommodated in some other district.
- **Mixed Use District.** This includes several areas of the city that include several different zoning districts. The major challenge will be developing a single zoning district that can be applied in all of these area while minimizing any nonconformities. Uses envisioned in the Master Plan include corner markets, cafes, “mom-and-pop” stores, moderate-density residential, multi-family residential, and current uses of the Office (OS) district.
- **Municipal District.** This includes all municipal-owned land, and the intent is to allow certain exemptions from zoning authority for these properties. If appropriate, the City may want to consider merging the Municipal District with the proposed State/Federal District.
- **State/Federal District.** This includes land owned by the State of Michigan, Federal agencies, public schools, Northern Michigan University, U.S. Coast guard, and other similar properties. The intent is to allow certain exemptions from zoning authority for these properties. If appropriate, the City may want to consider merging the State/Federal District with the proposed Municipal District.
- **Civic District.** This includes land owned by religious institutions, Marquette County, private schools, hospitals, and other public and semi-public land. Because of the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), the City cannot impose zoning regulations on a religious land use that are more burdensome than the zoning regulations imposed on a similar non-religious land use. Therefore, while it may be appropriate to permit religious institutions in the proposed Civic District, religious land uses should also be permitted in other districts where similar non-religious land uses are also permitted.
- **Board of Power and Light District.** This includes all land owned by the Board of Power and Light. If the current use cannot be incorporated into the industrial district, this new district would be appropriate.
- **Railroad Corridor District.** This corresponds to an existing rail corridor. If the current use cannot be incorporated into the industrial district, this new district would be appropriate.
- **Additional Residential Zoning Districts.** The Master Plan recommends considering the addition of the following zoning districts to the Land Development Code to be located in areas currently zoned RS and RG: “Traditional Neighborhood,” “Mixed-Use Residential,” and “Multiple-Family Cluster.” As we revised the setback and use standards of the RS, RG, and RM districts, as well as proposed standards for a new “Mixed Use District” (above), we will determine whether to implement these additional districts in the Land Development Code at this time.

CONSIDERATION OF NEW OVERLAY DISTRICTS TO IMPLEMENT THE MASTER PLAN

The Master Plan recommends creating new overlay districts for:

- **Watershed Overlay District.** There is an existing watershed management plan (Whetstone Brook and Orianna Creek Watershed Management Plan) that delineates sensitive environmental areas where additional regulations are recommended. We will review the recommendations of the Watershed Management Plan and draft standards for building placement and design to limit development on environmentally sensitive areas (e.g., steep slopes, stream corridors, seasonal wetlands, etc.).
- **Historic Overlay District.** The 2015 Master Plan recommends the creation of a Historic Overlay District as an option for preserving identified historic resources. Before the City establishes the

boundaries of a Historic Overlay District, the City must create a local Historic Commission and identify the historic resources in accordance with Public Act 169 of 1970, as amended. Because these tasks are unlikely to be completed before the adoption of the Land Development Code, we could recommend text of the Historic Overlay District only. In this scenario, the text of the Historic Preservation Overlay District would take effect upon the completion of the of the historic resources map at some point in the future. The text of the Historic Overlay district would include a review procedure for changes to historic structures.

REMOVAL OR CONSOLIDATION OF ZONING DISTRICTS

The Master Plan indicates the consolidation or removal of existing zoning districts as follows:

- **Marquette General Hospital Overlay District (MGHOD).** As stated above, hospitals (including UP Health System-Marquette) would be included in the proposed Civic District. If this district (Section 80.34) will be removed, we recommend moving the definitions in Section 80.34(2) to the Definitions article of the Land Development Code and moving the use and development requirements to the appropriate area of the Land Development Code.
- **Office (OS) District.** The Master Plan proposes the current OS district to be accommodated in the proposed Mixed Use District, existing Conservation/Recreation District, or proposed Civic District.
- **Community Business (BC) District.** The Master Plan proposes the current BC district to be accommodated in the proposed Central Commercial District (a.k.a., the current CBD), proposed Corridor/General Commercial District (a.k.a., the current BG), proposed Village Commercial District, proposed Mixed Use District, proposed State/Federal District, or proposed Civic District.
- **Deferred Development (DD) District.** The intent of this district is to reserve large undeveloped areas of the city for future development by prohibiting most development until such time as the areas can be properly planned, zoned, and supported with public services. The Master Plan proposes the current DD district to be accommodated in the current Multiple-Family Residential District, proposed Mixed Use District, proposed State/Federal District, existing Conservation/Recreation District, proposed Civic District, or proposed Municipal District.

If consolidation of these districts is considered, we must be careful of any nonconformities that could be created for land use, minimum lot size and width, minimum yard setbacks, and maximum lot coverage. If rezoning of lots to a new zoning district is not appropriate at this time, we can at least incorporate the text of the new zoning districts into the Land Development Code.

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

We recommend the following changes to the PUD District:

- Clarify whether there are any limits to land use and density in the PUD District. If not, we recommend language stating that the use and density must be consistent with the Master Plan.
- Section 80.30(4) of the Zoning Ordinances includes a concept submittal to the Planning Commission prior to preliminary site plan review. We recommend listing additional information required on a conceptual plan. While this would require more information submitted by an applicant, the feedback given at conceptual review will better prepare the applicant for the upcoming site plan process.
- Section 80.30(5)(b) states that the Planning Commission can require a performance guarantee, but we recommend that this be a requirement of the City Commission or a general requirement in the Land Development Code.
- Because the PUD is a zoning district, we recommend cross-referencing the rezoning procedures so that they are consistent with the general procedures of the Land Development Code.
- Section 80.30(10) allows minor changes to be approved administratively. Although examples of minor changes are generally described, we recommend being as specific as possible. Examples would include limits on floor area and height increases, limits on additional impervious areas, and limits on the number of feet the location of a structure can change. Also, depending on the project, minor changes could be described in the PUD agreement.

- If the preservation of open space and sensitive environmental areas is a high priority, consider additional cluster options and density bonuses.

FORM-BASED CODES

The existing Marquette Downtown Waterfront Form-Based Code (MDWFBC) and South Marquette Waterfront Form-Based Code (SMWFBC) will be incorporated into the Land Development Code because they are zoning districts regulated under the Code. While the Form-Based Codes will be reformatted to be consistent with the rest of the Land Development Code, the changes will be limited to reducing variances, clarifying standards, and making modifications in areas noted by City staff. We will also review the proposed Third Street Corridor Form-Based Code. If the timing is appropriate to include it in the Land Development Code, we will include it.

Finally, if there are any development standards that could have general applicability for the entire city (e.g., landscaping standards, parking standards, lighting standards, sign standards, etc.), we may recommend moving the standards to apply citywide.

SCHEDULE OF REGULATIONS

- **Setbacks (especially in the RG and RM districts).** Based on our review of the ZBA minutes from 2016-2017, there are several recurring setback variance requests in the RG and RM districts where the Schedule of Regulations should be amended. Many setback variance requests are on lots where it is impossible to meet setbacks based on nonconforming lot area or lot width. One option is to lower the setbacks; however, lower setbacks would apply to all lots in the district including the lots with conforming lot areas and widths. Alternatively, the City may want to consider a limited sliding scale for unusually small and/or narrow lots. For example, for lots less than the minimum lot width, the minimum side yard setback could be tied to a percentage of the lot width, with narrower lots permitted to have smaller side yard setbacks. The prior LDC project addressed this topic, so we will use any prior examples that may help. Finally, the sliding scale method of establishing minimum setbacks can also help promote infill development in various areas of the city.
- **RM District.** Section 80.40(3)(a) includes a complex formula for determining the minimum distance between 2 buildings in the RM district. If this is unique to multi-family buildings, then we recommend relocating this to the Standards Applicable to Specific Uses article of the Land Development Code. If not, then this section should be cross-referenced in the standards for multi-family buildings.
- **Accessory Structures.** While Section 80.40(3)(e) regulates accessory structures in the RS and RG districts, we recommend moving these regulations to a new section in the proposed General Provisions article of the Land Development Code.
- **Height.** Section 80.43(3)(h) allows the Planning Commission to permit conditional uses of greater height than the maximum allowed, provided the setbacks are increased by 1 foot for each 1 foot increase in height. While this is an appropriate regulation for some uses, we recommend capping the maximum height and allowing for height increases to apply to certain uses and districts.

PHASE 2. GENERAL DEVELOPMENT REGULATIONS

DEVELOPMENT STANDARDS FOR SPECIFIC LAND USES

Currently, the development standards for specific uses are scattered throughout several areas of the Zoning Ordinance. We recommend consolidating all of the development standards for specific uses into one article, with a section for each use. The following are the land uses with specific development standards, with their current section in parentheses. Please note that this is not a comprehensive list, as more sections will be added throughout the process:

- Accessory Dwelling Units (New Section)
- Adult Entertainment (New Section because regulations may be required by law)
- Adult Foster Care Facilities (New Section, which will be based on current regulations of Sections 80.65(4)(A)(6) and 80.65(4)(A)(12))
- Bed and Breakfast, Bed and Breakfast Inn, and Homestay (currently Sections 80.02, 80.65(4)(A)(14), 80.65(4)(B)(2), 80.65(4)(C)(4), 80.65(4)(D)(3))
- Bulk Storage (currently Section 80.65(4)(F)(3))
- Child Care Center (New Section)
- Colleges, Universities, and Institutions of Higher Learning (currently Section 80.65(4)(A)(5))
- Day Care, Group Home (New Section)
- Day Care, Family Home (New Section)
- Drive-Through Uses (New Section)
- Dwelling, Accessory Dwelling Unit (New Section)
- Dwelling, Housing Cooperative (a.k.a., Co-op Housing) (New Section)
- Dwelling, Two-Family/Duplex (currently Section 80.65(4)(F)(11))
- Dwelling, Multi-Family and Apartments (currently parts of Sections 80.40(3)(a) and (d), Section 80.65(4)(A)(4), and Section 80.65(4)(A)(9))
- Dwelling, Single-Family Residential Detached (New Section because we recommend addressing minimum standards, such as minimum elevation width and requiring a permanent foundation. We will want to consider flexibility based on housing trends, including converting shipping containers into homes)
- Dwelling, Single-Family Residential Attached (New section because we recommend minimum standards, such as limiting the number of attached units that can be in one building)
- Food Production and Distribution (New Section). This will address recommendations in the Master Plan, including gardening, chickens, beekeeping, other agriculture, and sales.
- Gasoline Service Stations (New Section)
- Group Residential Facilities (currently Section 80.65(4)(A)(12); however, this section may be split to provide for separate regulations for Adult Foster Care Facilities, Halfway Houses, and Spouse Abuse Shelters)
- Home Occupation (currently Section 80.65(4)(A)(1))
- Home Offices (currently Sections 80.20(5)(A), 80.21(5)(A), and 80.22(4)(A))
- Homeless Shelters (currently Sections 80.65(4)(B)(3), 80.65(4)(C)(6), and 80.65(4)(D)(5))
- Hospital Hospitality Houses (currently Section 80.65(4)(A)(15))
- Hospitals (currently in parts of Section 80.34, which is the MGH Overlay District, and Section 80.65(4)(A)(10))
- Indoor Recreation (New section because these may be proposed uses in the future)
- Institutional Uses (currently Section 80.65(4)(A)(6))
- Land Intensive Recreational Uses (currently Section 80.65(4)(G)(1))
- Light Manufacturing (currently Sections 80.65(4)(C)(5), 80.65(4)(D)(4), 80.65(4)(E)(1))
- Live/Work or Accessory Office Residential (New Section, but currently in Sections 80.23(3)(A)-(D) and 80.24(3)(C)-(D))

- Mobile Home Parks (New Section)
- Motels and Hotels (currently Sections 80.65(4)(C)(3), 80.65(4)(D)(1))
- Natural Resource Extraction Operations (New section because it's a conditional use in CR)
- Open Storage (currently Sections 80.26(3), 80.27(3), and 80.28(3))
- Port Facilities and Docks (currently 80.65(4)(G)(2))
- Rooming Houses (currently 80.65(4)(A)(13))
- Schools (currently Section 80.65(4)(A)(8))
- Temporary Uses (currently Section 80.42(D). This would also include temporary outdoor sales)
- Wireless Communications Facilities (currently Section 80.80)

We will review the development standards for each use and make recommendations for amendments based on better planning and zoning practices or changes in state or federal law.

PARKING, LOADING, AND ACCESS MANAGEMENT

- **Single Article.** We recommend placing all standards for parking, loading, driveways, and access management into a single article and cross-referencing as necessary. For example, Section 80.65 (Conditional Use Permit) includes parking standards for several uses that can be included in the new Parking, Loading, and Access Management article. Also, Section 80.62(5) includes many excellent access management standards required for site plan review that could be relocated into the new article.
- **Parking Standards for Specific Uses.** Review parking standards for specific uses to ensure they are appropriate based on current parking patterns. Outdated uses will be modified to their current standard and, if necessary, given a definition in the Definitions article.
- **Uses Not Mentioned.** For uses not mentioned, we recommend adding more uses to make the list more comprehensive. For uses that are not included, we recommend including a reference to the most recent edition of Parking Generation to guide the City on setting a requirement. Parking Generation is a book that is published by the Institute of Transportation Engineers and periodically updated. Parking Generation includes parking demand studies of over 100 land use during different times of the day and week.
- **Joint Parking.** We recommend revising the joint parking standards to allow the Planning Commission (not the BZA) to grant fewer parking spaces for 2 or more uses that share a parking lot if the peak use times are different. We recommend citing the most recent edition of Parking Generation or other acceptable expert study.
- **Parking Space Modifications.** Section 80.42(9) allows parking reductions in certain zoning districts based on a formula and Section 80.42(10) allows the BZA to grant parking waivers for nonresidential uses. We recommend allowing the Planning Commission to use the most recent edition of Parking Generation, or other acceptable expert study, to modify the parking space requirements for any use where the required parking is either too much or too little. In addition, the availability of nearby on-street parking or parking structures can be used in considering reductions in the required number of on-site parking spaces.
- **Definitions.** The definitions of "Driveway," "Front Area," and "Parking Space" should be relocated to the Definitions article of the Land Development Code. "Front Area" will be clarified whether it starts at the porch or the foundation wall.
- **Winter Considerations.** The parking standards include provisions for snow storage and other winter conditions. We recommend considering a front area parking waiver during certain times of the winter when space is limited.
- **Conflicting Parking Standards.** Any conflicting parking standards will be resolved.
- **Graphics.** We recommend adding a graphic that illustrates the required layout of Section 80.42.
- **Cross-Access.** In areas where more dense development is anticipated, we recommend requiring cross-access easement agreements where cross-access would be beneficial to the public, improve traffic flow, and relieve traffic congestion.

- **Loading Zones.** Currently, many nonresidential uses are required to have a loading spaces that is 10 feet x 50 feet. In a developed city, this can often be a very difficult standard to meet. We recommend that the Planning Commission be allowed to modify the requirement, which could include a smaller loading area or a loading area to take place in a parking area at certain times of the day.
- **Barrier Free Spaces.** Although the number and dimension of barrier free spaces is regulated under the Americans with Disabilities Act, we recommend inserting the standards from the ADA to make the barrier free parking requirements easier to understand and administer.
- **Repaving/Restriping.** We recommend requiring a Zoning Compliance review for repaving and restriping to ensure current standards are met.
- **Access Management.** We recommend including standards for access management into the site and within the interior of the site. These standards include requiring a traffic impact study for larger projects, including standards for curb cuts and offsets, development and connections to existing pedestrian/path networks where adjacent, bicycle access and parking, appropriate access from the public sidewalk and parking lot to the building, access to adjacent sites, and traffic calming where appropriate.

LANDSCAPING AND SCREENING

The landscaping and screening standards are scattered throughout various sections of the Zoning Ordinance (e.g., Sections 80.41, 80.43, and in land use sections). We recommend consolidating all of the landscaping standards into the new Landscaping and Screening article. We recommend the following additions and changes to the landscaping regulations:

- **Required Landscaping.** For organizational purposes, we recommend including a section for each of the following landscape design requirements that currently exist:
 - Street Trees
 - Frontage Landscaping
 - Buffer and Greenbelt Requirements
 - Parking Lot Landscaping
 - Loading Area Landscaping
 - Garbage and Dumpster Screening
 - Landscaping Applicable to Specific Uses

By having a section dedicated to each design requirement, the user can easily follow along with the requirements.

- **Graphics.** We recommend including graphics to communicate the standards of the landscape requirements and provide an illustration of how landscaping enhances a site and its surrounding area.
- **Landscape Material Standards.** We recommend adding provisions that address minimum caliper and height standards, planting standards, replacement of dead, dying, or diseased landscaping, irrigation requirements, mechanical equipment screening, and foundation plantings (i.e., shrubs and ornamental trees along wide nonresidential buildings).
- **Buffering and Greenbelt Standards.** For buffering and greenbelt standards, we recommend a table (similar to the table in Section 80.41) that lists all of the proposed land uses in the left column (e.g., single-family residential, multi-family residential, commercial, office, industrial, etc.) and the abutting zoning district in the top row. Within this table would be specific buffering requirements based on the proposed land use and the district that it abuts. For example, commercial use abutting a residential district might require a wide buffer with denser screening while a commercial use abutting another commercial use might not require any screening. This table would condense a large amount of text into a simple, easy-to-understand table for the user.
- **Recommended and Prohibited Species.** We recommend having a recommended and prohibited plant material lists. We will recommend lists based on desirable species (including species identified in the Form-Based Codes) and recent history with species and diseases.

- **Form-Based Code Standards.** If there are any Form-Based Code landscaping standards that could have general applicability, we will recommend putting them in the Land Development Code as a general standard.
- **Other Landscape Structures.** We will recommend provisions for other landscape structures, such as retaining walls and garden boxes. Depending on the scope, certain retaining walls could be approved by the Zoning Administrator if they meet grade, height, and engineering standards.

SIGNS

In 2015, the United States Supreme Court decided the case of *Reed v. Town of Gilbert* where it held a municipality's sign ordinance unconstitutional because it violated the First Amendment. While the signs at issue were noncommercial signs (temporary directional signs, ideological signs, and political signs), the Court's decision impacts many other types of signs. To address these concerns, as well as other sign-related issues, we recommend the following:

- **Incorporating Sign Ordinance into Land Development Code.** Currently, the Sign Ordinance is a separate ordinance from the Zoning Ordinance. The Land Development Code is proposed to include the sign ordinance as a separate article. While this will make the sign regulations easier to administer and understand, we will defer to the City Attorney regarding any concerns with moving the sign regulations from a separate general ordinance into the Land Development Code (which will be adopted as a zoning ordinance). For example, it may be more difficult to actively remove a nonconforming sign if the City has the sign ordinance adopted as a zoning ordinance instead of a general police power ordinance. Still, even a sign ordinance adopted as a zoning ordinance can achieve success for the eventual removal of abandoned or nonconforming signs.
- **Using Previous Versions.** During the previous attempt to develop the Land Development Code, the sign regulations were rewritten. Therefore, we will review the proposed standards at that time and use as necessary. Also, the City previously had a Sign Ordinance Revision Committee review the sign regulations and make recommendations. We will attempt to implement as many of these recommendations as possible.
- **Definitions.** We recommend separating the definitions into two (2) sections: One (1) section defines signs by their type and one (1) section defines all other terms. This way, the definition of a sign based on its type will be easier to access. The sign type definitions will also be supported with graphics where appropriate.
- **Content Neutrality.** We will limit the standards that regulate the content of signs, which can be a violation of the First Amendment. We will require the City Attorney's opinion regarding the appropriate form of content neutrality, including whether to distinguish between "commercial" and "non-commercial" signage.
- **Substitution Clause.** A substitution clause will be added, which allows any commercial copy to be substituted with non-commercial copy on a lawful sign structure and allows any sign permitted by the Land Development Code to have a non-commercial message.
- **Lighting and Message Changes.** The Signs article will include provisions for lighting restrictions and frequency of content changes.
- **Exempt and Prohibited Signs.** The list of exempt signs and prohibited signs should be expanded and clarified in a more clear and content neutral manner. We will consider exempting certain murals.
- **Sign Types By Zoning District.** For sign types and areas by zoning district, we recommend developing a table that distills several pages of existing text into a 1-page, easy-to-read table that clearly communicates the signage requirements for each district. This will make it easier to address sign area requirements and clarify them, especially with relation to total sign area. We want to make sure that all sign types are accounted for and that the regulations are clear. We will also address the permitted signage for each business in a multi-tenant building so that each tenant is entitled to some minimum signage.

ENVIRONMENTALLY SENSITIVE AREAS

The Master Plan includes several recommendations for protecting environmentally sensitive areas. We recommend adding the following sections in the proposed Environmental Performance article:

- **Riparian Buffer.** This section would require minimum setbacks from streams, rivers, and the shoreline based on slopes and other factors. Allowable uses will depend on the setback from the shoreline and slope.
- **Wetland Protection.** This section would require minimum setbacks and buffering from any wetland.
- **Steep Slopes and Ridge Lines.** This section would require additional City review for any grading changes to a ridgeline or slope over a certain percentage.
- **Woodlands and Tree Canopy.** Woodlands and trees provide many benefits to the community, including soil stabilization, water infiltration, shade, wildlife habitat, and a desirable aesthetic appearance. We recommend that the City consider regulations where removal of woodlands or certain landmark trees is reviewed by the City and mitigation is required. While some smaller removal projects (e.g., homeowner removal or removal of undesirable species) could be exempt, the higher priority areas to mitigate would be larger areas proposed for development and/or trees in environmentally sensitive areas.

STORM WATER MANAGEMENT

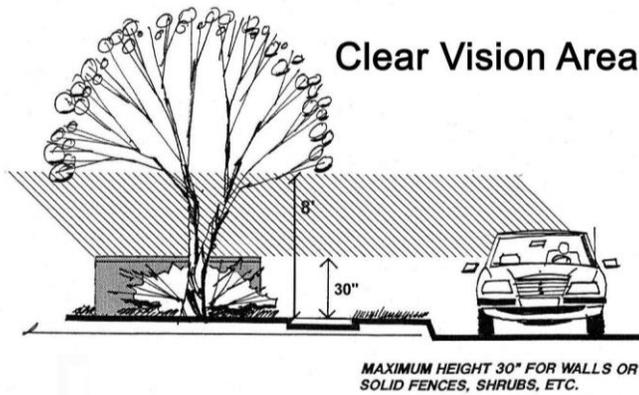
We recommend including storm water management standards into a proposed Environmental Performance article, citing any existing storm water ordinances for larger projects and incorporating new standards for storm water management for smaller projects. Among the new standards for smaller-scale projects would be the implementation of Best Management Practices (BMPs). In communities where BMP's are required for small projects, the property owner often opts to construct an underground infiltration trench because, if properly designed and constructed, an underground infiltration trench allows lawn area to be planted over the trench. Other BMP's have also been used, such as rain gardens, rain barrels, and swales. With gradual overall increases of impervious surfaces, as well as climate changes that result in heavier rainfalls, the use of BMPs is a useful adaptation strategy for mitigating runoff impacts.

LIGHTING

- **Single Section.** There are several sections of the Zoning Ordinance that address lighting. We recommend that lighting standards be relocated to a new Lighting section in the Environmental Performance article of the Land Development Code.
- **Parking Lot Lighting.** Section 80.42 of the Zoning Ordinance requires parking areas to be illuminated, but we recommend minimum and maximum illumination levels.
- **Cutoff.** Only full cutoff fixtures should be permitted, and this section should describe what a full cutoff fixture is and include a graphic.
- **Illumination Level.** The regulations should have a maximum illumination level (footcandles) at a property line and other areas on a site, as well as minimum illumination levels along sidewalks and other spaces accessible to the public.
- **Waivers.** While we recommend strict compliance with the lighting requirements, we also recommend a waiver process through the Planning Commission. The purpose of the waiver process would be for temporary events and/or public events, and the intent would be to prohibit negative impacts on neighbors and include limits on time and illumination.

CLEAR VISION AREA

Although the regulations for parking lot driveways include visibility requirements at intersections through a required clear vision zone, we recommend including the clear vision zone regulations into one section in the General Provisions article and cross-referencing the section as necessary. We also recommend adding a graphic that illustrates the clear vision zone similar to the graphic below:



ACCESSORY STRUCTURES AND USES

Several sections (including Sections 80.40(3)(e) and 80.65(4)(A)(4)) regulate accessory structures for different uses and districts. We recommend moving all accessory structure regulations to a new section in the proposed General Provisions article of the Land Development Code, and cross-referencing as needed. In the new section, accessory structure regulations will be addressed for all applicable zoning districts. We will incorporate the following recommended items from City staff:

- Consider lowering certain side yard setbacks to allow reasonable use and reduce variance requests.
- A list of exempt accessory structures should be considered, which include arbors, landscaping structures, minor structures (dog houses, playgrounds, treehouses, etc.), and art displays.
- Limit the size of accessory buildings in certain nonresidential districts (e.g., no greater than the size of the principal building in commercial districts).
- Consider the forms of accessory buildings that have gained popularity, including converting shipping containers into accessory buildings.

SWIMMING POOLS

We recommend adopting standards in the General Provisions article for swimming pools that regulates locations and aesthetics. The only current regulations for swimming pools are in Sections 80.40(3)(e)(d) (for the RS and RG districts) and 80.65(4)(A)(4)(c) (for multi-family uses).

FENCES AND WALLS

The regulations for fences are currently located in a separate ordinance (Chapter 86). We recommend the following:

- Locating the fence and wall standards in the General Provisions article of the Land Development Code.
- Locating the definitions to the Definitions article of the Land Development Code, and including definitions for terms not defined (e.g., "Fence, Temporary," "Fence, Decorative," etc.).
- Regulating fences by zoning district, with the provision that standards for specific uses may include different fence standards. Each zoning district (or group of zoning districts) will be unique with respect to desired fencing for privacy, barriers, or decoration.
- Regulate materials based on permitted types, and specifically list prohibited fences (e.g., fences with razor wire, fences placed in the right-of-way, etc.).
- Use fence standards of the Form-Based Codes where applicable. If there are standards in the Form-Based Codes that could have general applicability, we will recommend putting them in this section of the Land Development Code.
- Provide for temporary exemptions, such as construction fences and temporary event fencing.
- Additional standards such as aesthetics (requiring the finished side of the fence to face outward) and joint ownership of fences along a lot line.

ALTERNATIVE ENERGY

We recommend addressing small-scale wind energy and solar energy facilities (e.g., solar panels on a roof or a wind tower in a yard). If the technology and cost-effectiveness of these facilities improves, we can expect them to be more prevalent. While we recommend adopting standards in the General Provisions article to allow property owners to generate electricity, we recommend regulating the location and development of these facilities to control potential negative impacts and ensure they are aesthetically compatible with the community.

RECREATIONAL VEHICLES

We recommend adding a new section to the General Provisions article that regulates storage of recreational vehicles. In some cases, a temporary occupancy permit is appropriate when the recreation vehicle will be occupied. Provisions of a temporary occupancy permit would include a limit on the number of days and setbacks.

ENCROACHMENTS AND EXEMPT STRUCTURES

The General Provisions article will contain a section on permitted encroachments into yard areas (Sections 80.37(5) and 80.46) to clarify locations, permitted structures, and maximum encroaching distances. Proposed changes may help reduce variance requests by allowing reasonable types of encroachments. Also, while setbacks are typically measured to the nearest part of any structure, we recommend considering certain porch encroachments into setback areas.

Although the General Provisions section on accessory structures and uses may address art displays as exempt, art displays will not always be accessory to a principal use or structure. Therefore, we recommend considering exempting certain art displays in this section. Staff has provided examples from other communities regarding exemptions for art displays and similar structural amenities, so we will use this as a basis for making recommendations.

SUBDIVISION AND SITE CONDOMINIUMS (CHAPTER 85)

Currently, the subdivision and site condominium regulations are located in a separate ordinance (Chapter 85) from the Zoning Ordinance. The Land Development Code is proposed to include subdivisions and site condominiums as separate sections in the Supplemental Zoning District Standards article. While it is common for site condominium regulations to be located in a zoning ordinance, we will defer to the City Attorney regarding any concerns with moving these regulations from a separate general ordinance into the Land Development Code (which will be adopted as a zoning ordinance).

Regardless of the final location of the subdivision and site condominium regulations, we propose separating them into their own sections. The Subdivision Control Act (Act 288 of 1967, now called the Land Division Act) and the Condominium Act (Act 59 of 1978) have completely different standards for procedures and creating lots. For example, site condominium developments are usually more preferable than subdivision developments because the platting procedures for subdivisions requires more steps and takes longer to get approved.

While the development standards of subdivisions and site condominiums will generally be the same, putting them in separate sections will make the standards much easier to understand and administer. Subdivision and site condominium standards are typically non-controversial, but we will make recommendations for improving site design and layout.

PHASE 3. ADMINISTRATIVE PROCEDURES AND STANDARDS

NONCONFORMING USES AND BUILDINGS

- **Classifications of Nonconforming Uses.** The Michigan Zoning Enabling Act allows communities to have different classifications of nonconformities. In Marquette, Class A nonconforming uses and structures are designated by the BZA on a case-by-case basis and are relatively minor in nature. The process of classifying Class A nonconforming uses and structures can be difficult and could lead to unequal outcomes of similar uses over the long term. We recommend including objective standards for Class A nonconforming uses and structures (e.g., any residential use in a residential district). If these can be property defined and regulated, it might not be necessary for the BZA to classify a Class A nonconforming uses and structures.
- **Changes to Nonconforming Structures.** We recommend adding provisions that nonconforming structures can be changed if the changes are completely conforming. Most communities allow the Zoning Administrator to approve a change to a nonconforming structure that is conforming (e.g., no vertical or horizontal expansion in a required setback, no additional height or lot coverage exceeding the maximum, etc.).
- **Reconstruction or Re-Establishment.** The reconstruction or re-establishment of nonconforming uses and structures should be clarified to require additional forms of proof from the applicant with respect to the costs of reconstruction.
- **Nonconforming Lots.** While Section 80.45(3)(C) allows a one-family dwelling to be built on a nonconforming lot, we recommend clarifying that all nonconforming lots can be used pursuant to the Land Development Code with the exception that certain land uses will require greater minimum lot areas to be established.

ZONING COMPLIANCE REVIEW (A.K.A., ZONING PERMITS)

Section 80.52 will be reviewed to determine if additional types of uses and development should be subject to a Zoning Compliance Review procedure. As noted under “Site Plan Review” comments, we recommend a table that lists all of the informational items required in the Land Development Code in the left column and the applicable procedure in the top row (Zoning Compliance Review, Sketch Plan (Conceptual) Review, Preliminary Site Plan Review, Final Site Plan Review, and/or Special Land Use Review). This will eliminate redundancy of listing all of the informational items under each type of review. This will also take several pages of text and condense them into an easy-to-read table. It will also help in adding new items in the future that would be subject to Zoning Compliance Review. For example, the City may want to consider Zoning Compliance Review for minor alterations to non-single-family structures, such as arbors, lean-to’s, garden boxes/landscape structures, shade walls, and temporary structures.

ADMINISTRATIVE STANDARDS

Section 80.60 includes administrative standards by the any reviewing body (including the Zoning Administrator) will use to consider an application. While these standards are very good for the Planning Commission and City Commission, it is difficult for a Zoning Administrator to apply these standards of review because the Zoning Administrator typically ensures that the use and development meets the tangible standards of the Land Development Code (e.g., setbacks, height, parking, landscaping, etc.). If a use or development meets the objective standards of the Land Development Code and the Zoning Administrator is empowered to approve the use or development, then the administrative standards of Section 80.60 might not apply.

SITE PLAN REVIEW

- **Preliminary Site Plan Review.** Currently, there is no formal process in the Zoning Ordinance for preliminary site plan review. While an applicant may submit a preliminary sketch plan pursuant to Section 80.62(4)(B), the Planning Commission only advises the applicant and makes no binding statements or actions on the plan. Therefore, the only method for an applicant to obtain an approval

from the Planning Commission is via final site plan review where much more information is required. We recommend allowing for preliminary site plan review where the applicant submits less information than a final site plan, but that the information is sufficient enough for the Planning Commission to approve based on the layout. The amount of detail on a preliminary site plan should be sufficient for the Planning Commission to take action on the layout, and the action should provide the applicant enough assurance that a final site plan will be approved if the layout remains the same. By granting preliminary approval for the layout, number of units, square footage, etc., the applicant will be able to spend the money to prepare the final site plan with more confidence. The final site plan procedures would remain the same. We will add preliminary site plan review references throughout the Land Development Code.

- **Required Review Based on Activity Proposed.** To simplify which type of review is applicable, we recommend a table that lists all of the possible activities in the left column (re-occupancy, construction over a certain threshold, façade improvement, new building, etc.) and the applicable procedure in the top row (Site Plan Review, Special Land Use Review, Zoning Compliance Permit Review, etc.). This will allow City staff and the applicant to quickly and easily determine the appropriate procedure for reviewing an activity.
- **Required Information Based on Review Required.** Currently, some sections of the Zoning Ordinance address the information required on a site plan or plot plan (e.g., Sections 80.30(5) and 80.62)). To simplify the information required on an application, we recommend a table that lists all of the informational items required in the Land Development Code in the left column and the applicable procedure in the top row (Zoning Compliance Review, Sketch Plan (Conceptual) Review, Preliminary Site Plan Review, Final Site Plan Review, and/or Special Land Use Review). This will eliminate redundancy of listing all of the informational items under each type of review. This will also take several pages of text and condense them into an easy-to-read table.
- **Phasing.** A multi-phase projects can be beneficial to a developer by allowing part of a project to be developed, with subsequent phases being developed as the previous phases become occupied. However, the City should ensure that each phase can function independently so that the failure to complete subsequent phasing does not jeopardize the previously completed phase(s).
- **Post Site Plan Approval.** We recommend including standards for handling site plans after they have been approved, including provisions for development agreements prior to construction and the submittal of as-built plans after construction.

BOARD OF ZONING APPEALS (BZA)

- **State Law References.** We recommend inserting additional references to the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) where appropriate.
- **Michigan Zoning Enabling Act Provisions.** The Land Development Code will be updated to include any standards of the Michigan Zoning Enabling Act not already included for BZA membership, removal, powers and duties, appeals to the BZA, standards of review, and appeals to Circuit Court.
- **Administrative Organization.** We recommend locating all sections regarding membership, duties, and removal in the proposed Administrative Organization article, and locating all sections regarding procedures and standards of review in the proposed Administrative Procedures article.

SPECIAL LAND USES

We will review the special land use standards and recommend any changes. We will clarify that a special land use runs with the land. Also, we will address whether a preliminary site plan review is sufficient in obtaining a special land use permit, subject to final site plan approval.

AMENDMENTS

Section 80.06 includes provisions for requesting an amendment to the Zoning Ordinance, but should include standards of review for approving or denying amendments. This way, when the City takes action on an

amendment application, its decision will be more defensible. The amendment procedures must also be updated to comply with the Michigan Zoning Enabling Act.

We also recommend including standards for conditional rezoning, which is authorized under the Michigan Zoning Enabling Act and recommended by the Master Plan. We will propose standards that comply with the Zoning Enabling Act and clarify the required process.

PUBLIC NOTICES

Several sections of the Zoning Ordinance refer to public notices for hearings (variances, conditional uses, and zoning amendments). We recommend adding a separate section of the Land Development Code in the proposed Administrative Procedures article that describes all of the noticing requirements of the Michigan Zoning Enabling Act. This way, redundancy will be eliminated and only one section of the Land Development Code will have to be amended when the noticing requirements of the Act are amended. Finally, the Master Plan recommends considering greater noticing requirements to adjacent municipalities than are required by the Zoning Enabling Act, so we will present options for consideration.

ENFORCEMENT, VIOLATIONS, AND PENALTIES

Several sections of the Zoning Ordinance address enforcement, violations, and penalties. We recommend consolidating all of these sections into a single article. This will eliminate redundancy, and it will be easier to articulate these standards to the public and, if necessary, in court.

PERFORMANCE GUARANTEES

Several sections of the Zoning Ordinance address performance guarantees (e.g., Sections 80.30(5)(b) and 80.62(8)). We recommend having one section of the Land Development Code address performance guarantees and cross-referencing to the standards as needed. Also, we recommend reviewing the types of bonds that will be acceptable, if any. During the severe recession in the late 2000's, many communities were left with partially-completed developments after a developer abandoned the project and/or went bankrupt. In many cases, the bonds ensuring completion of a project had expired. To address this issue, the City may want to consider only allowing cash, certified check, letter of credit, or similar financial instrument that allows immediate access to cash if the City is required to complete a development.

PHASE 4. ZONING MAP

This phase will include a draft of the Zoning Map that will include the existing zoning districts proposed to remain and, depending on initial Planning Commission review, the proposed zoning districts of the Master Plan (i.e., Figure 3.4 of the Master Plan) as follows:

- **Mobile Home District.**
- **Regional Commerce District.**
- **Village Commercial District (and/or Third Street Corridor Form-Based Code).**
- **Neighborhood Commerce District.**
- **Mixed Use District.**
- **Municipal District.**
- **State/Federal District.**
- **Civic District.**
- **Board of Power and Light District.**
- **Railroad Corridor District.**
- **Watershed Overlay District.**

If the City is not yet ready to rezone properties to these districts, we can at least prepare the text of these districts to be included in the Land Development Code. In this scenario, these districts would take effect when properties are re-zoned.