CITY CLERK'S OFFICE
300 W. Baraga Ave.
Marquette, MI 49855
(906) 228-0430

PLANNING/ZONING
1100 Wright St.
Marquette, MI 49855
(906) 228-0425

CITY OF MARQUETTE PACKET FOR ADULT-USE MARIHUANA ESTABLISHMENT LICENSING

Applicant:

This packet of information, along with the included application materials, was compiled by staff in the City of Marquette's Planning and Zoning office, as well as the City Clerk's office. Enclosed, you should find all the materials necessary to apply for your Adult-Use Marihuana Establishment License in Marquette.

When it comes to valid sites for establishing a new adult-use marihuana establishment in the City, it is key to understand that these are only allowed in certain districts in the City and that they are not allowed in close proximity to certain other facilities, including churches and schools. This packet contains maps that detail the areas where each establishment type is currently allowed. When considering opening a facility in the City, it is the responsibility of the applicant to verify that the property they have in mind meets the local requirements for licensing.

The following page provides a brief overview of the steps that must be taken by a new applicant hoping to open an Adult-Use Marihuana Establishment in the City of Marquette. In the subsequent pages, you will find application materials, as well as relevant sections of City regulations.

Please note that prior to submitting any application materials to the City, you must first obtain pre-qualification from the State of Michigan.

All of these documents, as well as additional information and history, can be found on the City's website at www.marquettemi.gov/marijuana. Information about the State's process for licensing Adult-Use Marihuana Establishments can be found online at www.michigan.gov/mra.

Property-related questions, including those about zoning and land use, can be directed to the City's Planning and Zoning office.

Other questions about City regulation of Adult-Use Marihuana Establishments can be directed to the City Clerk's Office.

CITY OF MARQUETTE
EXPECTED PROCESS FOR NEW APPLICANTS FOR ADULT-USE MARIHUANA ESTABLISHMENTS

1) **Receive pre-qualification from the State of Michigan**
   This process is completely separate from the City, but additional information can be found on the state's website at www.michigan.gov/mra.
2) **Apply for a City of Marquette Special Land Use Permit**
   This process begins in the City's Planning and Zoning office, where the SLU Permit application is submitted. This application will not be accepted unless it is paired with proof of the applicant's State pre-qualification. Every application for a SLU Permit is reviewed by relevant City departments and is routed through a Public Hearing in front of the City Planning Commission.
3) **Apply for a City of Marquette Business License**
   This process begins in the City Clerk's office, where the City Business License application is submitted. The business license application will not be accepted unless it is paired with proof of the applicant's State pre-qualification, a copy of the SLU Permit granted by the City Planning Commission, and the required fee, as established by the Marquette City Commission. Every business license application is reviewed by relevant City Departments.
   At the successful conclusion of this process, the applicant will be granted a Provisional License by the City Clerk. This provisional license serves as a local assurance to the State that the applicant is permitted to operate the proposed facility in the City. This provisional license is not a final license to operate, and conditions may still need to be met prior to a local license being granted.
4) **Submit final application to the State of Michigan**
   The provisional license granted in the previous step will give the applicant the local materials necessary to submit final application to the State. This process is completely separate from the City, but additional information can be found online at www.michigan.gov/mra.
5) **Schedule any necessary final local inspections**
   Once the applicant is granted a State license, there still may be conditions to be met locally, as mentioned in step 3 above. Often, this will be a requirement for a final local fire inspection, or something similar.
6) **Receive Municipal License to operate an Adult-Use Marihuana Establishment**
   Once an applicant has been granted a State license and has met all local conditions, they return to the City Clerk's office. At that point, the Clerk will issue a municipal license to operate. This license is valid for 1 year and will run concurrently with the State license.

MATERIALS INCLUDED IN THIS PACKET

- Maps: Allowable Areas by License Type
- Zoning Special Land Use Information
- Special Land Use Permit Application
- Site Plan Review Application
- Land Development Code Section 54.628
- Municipal License Application
- City Code Ordinance #682
- Resolutions Establishing Fees

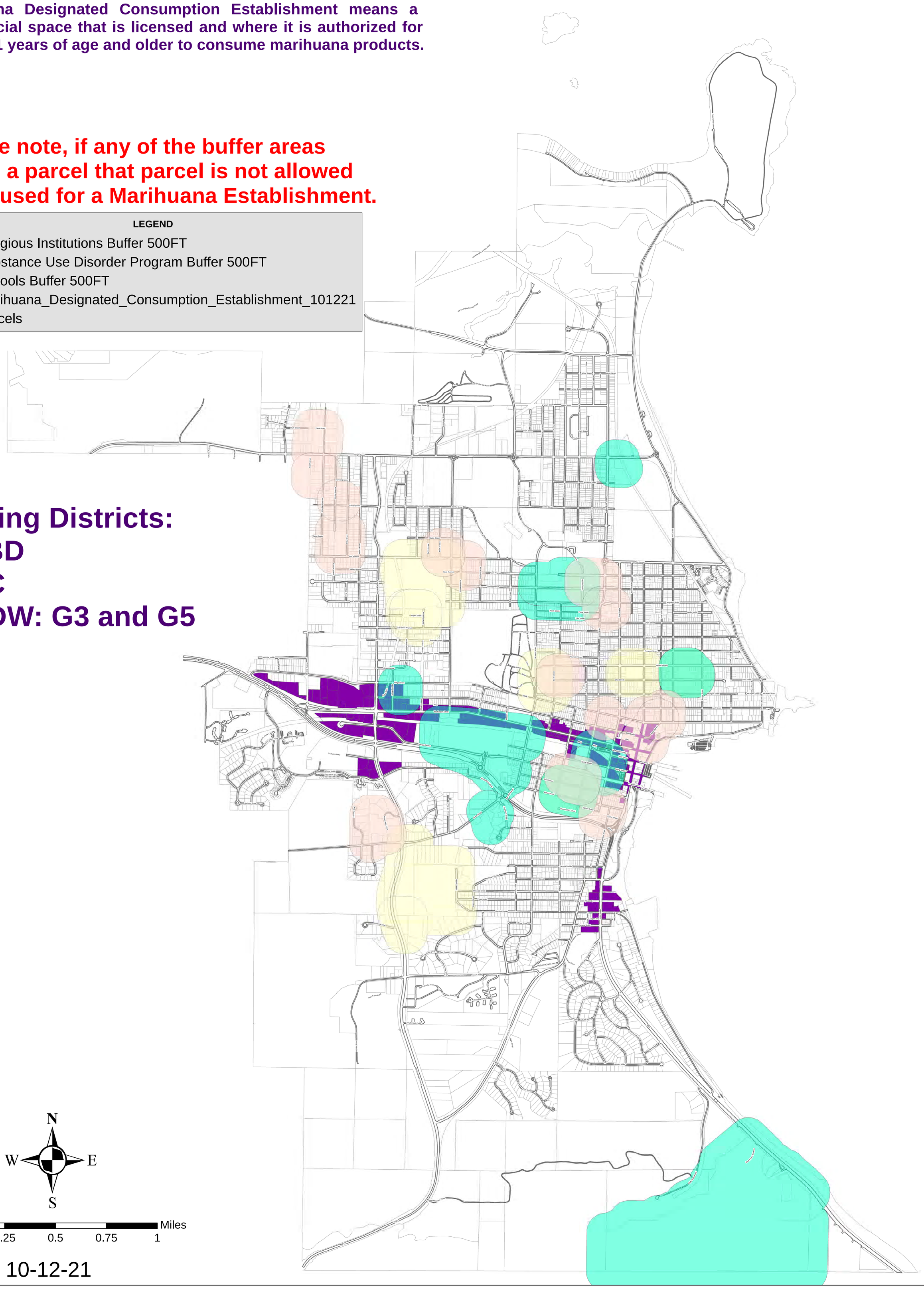
Recreation Marihuana Buffer Map with Zoning for Marihuana Designated Consumption Establishment

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

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

LEGEND

- Religious Institutions Buffer 500FT
- Substance Use Disorder Program Buffer 500FT
- Schools Buffer 500FT
- Marihuana_Designated_Consumption_Establishment_101221
- Parcels



Zoning Districts:

- CBD
- GC
- MDW: G3 and G5

N
W E
S

0 0.1250.25 0.5 0.75 1 Miles

Printed 10-12-21

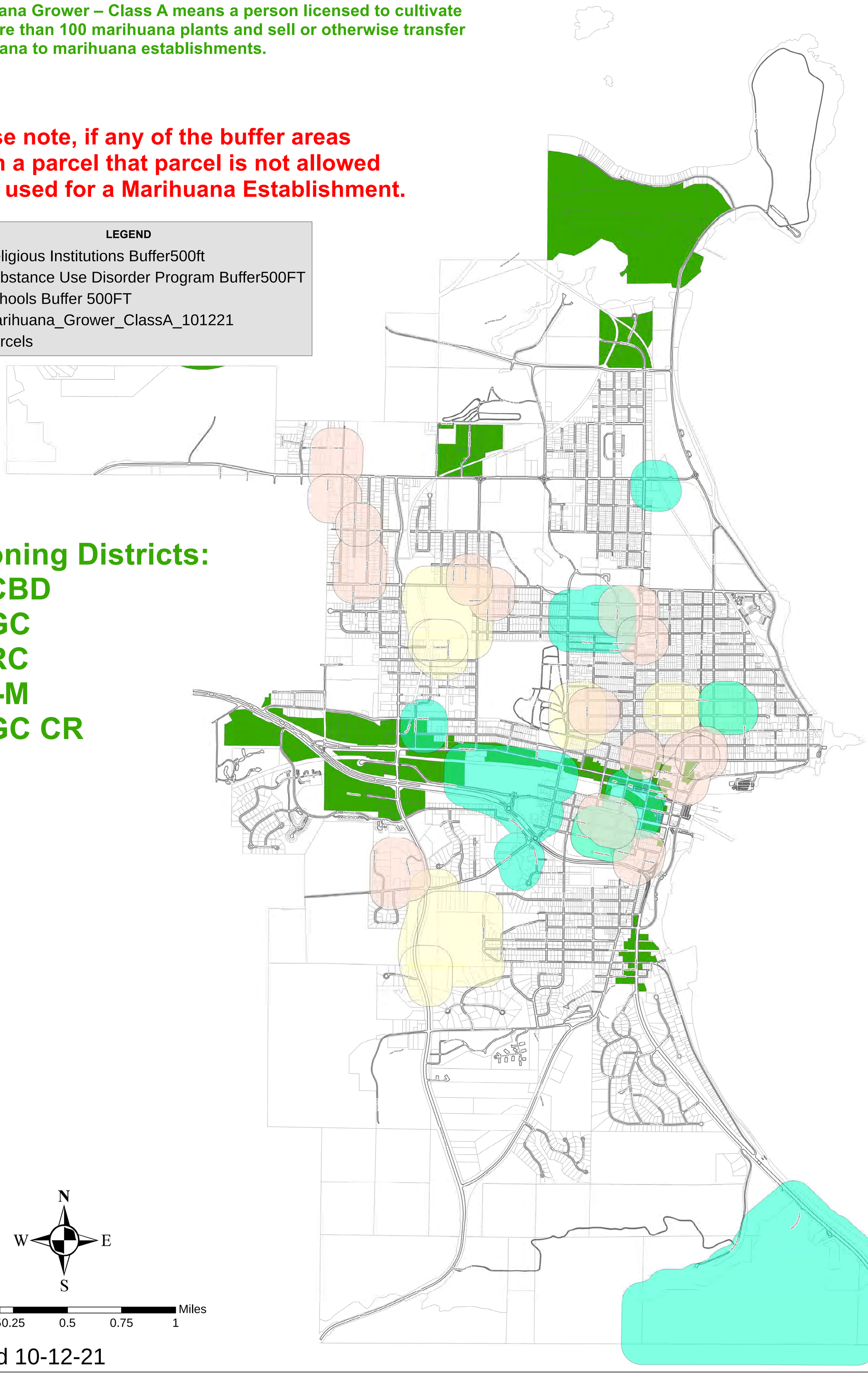
Recreation Marihuana Buffer Map with Zoning for Marihuana Grower - Class A

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

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

LEGEND

- Religious Institutions Buffer500ft
- Substance Use Disorder Program Buffer500FT
- Schools Buffer 500FT
- Marihuana_Grower_ClassA_101221
- Parcels



Zoning Districts:

- CBD
- GC
- RC
- I-M
- GC CR

N
W E
S

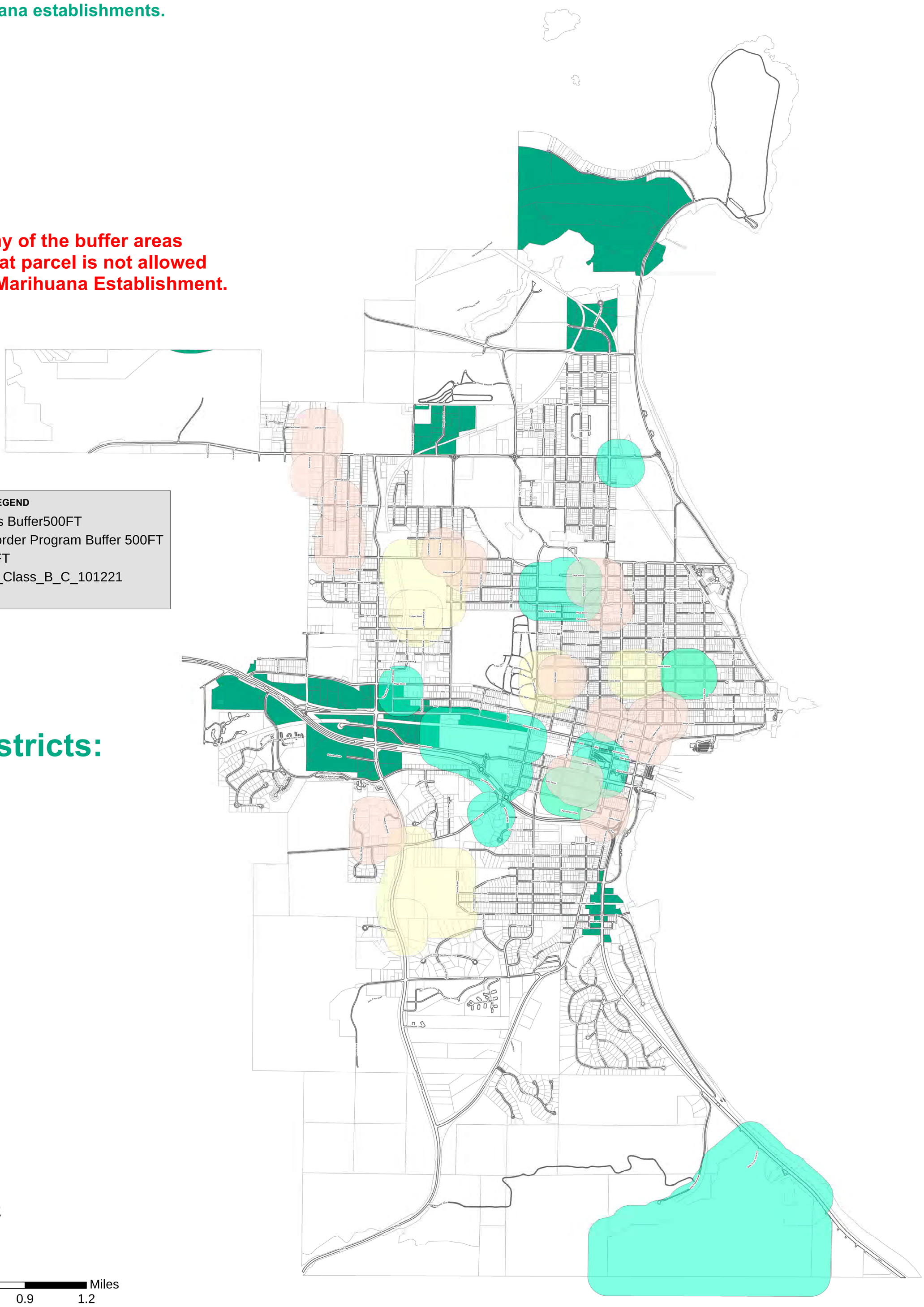
0 0.1250.25 0.5 0.75 1 Miles

Printed 10-12-21

Recreation Marihuana Buffer Map with Zoning for Marihuana Grower - Class B & C

***Marihuana Grower – Class B means a person licensed to cultivate not more than 500 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.**
***Marihuana Grower – Class C means a person licensed to cultivate not more than 2000 marihuana plants and sell or otherwise transfer marihuana to marihuana establishments.**

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



LEGEND
- Religious Institutions Buffer500FT
- Substance Use Disorder Program Buffer 500FT
- Schools Buffer 500FT
- Marihuana_Grower_Class_B_C_101221
- Parcels

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

N
W E
S

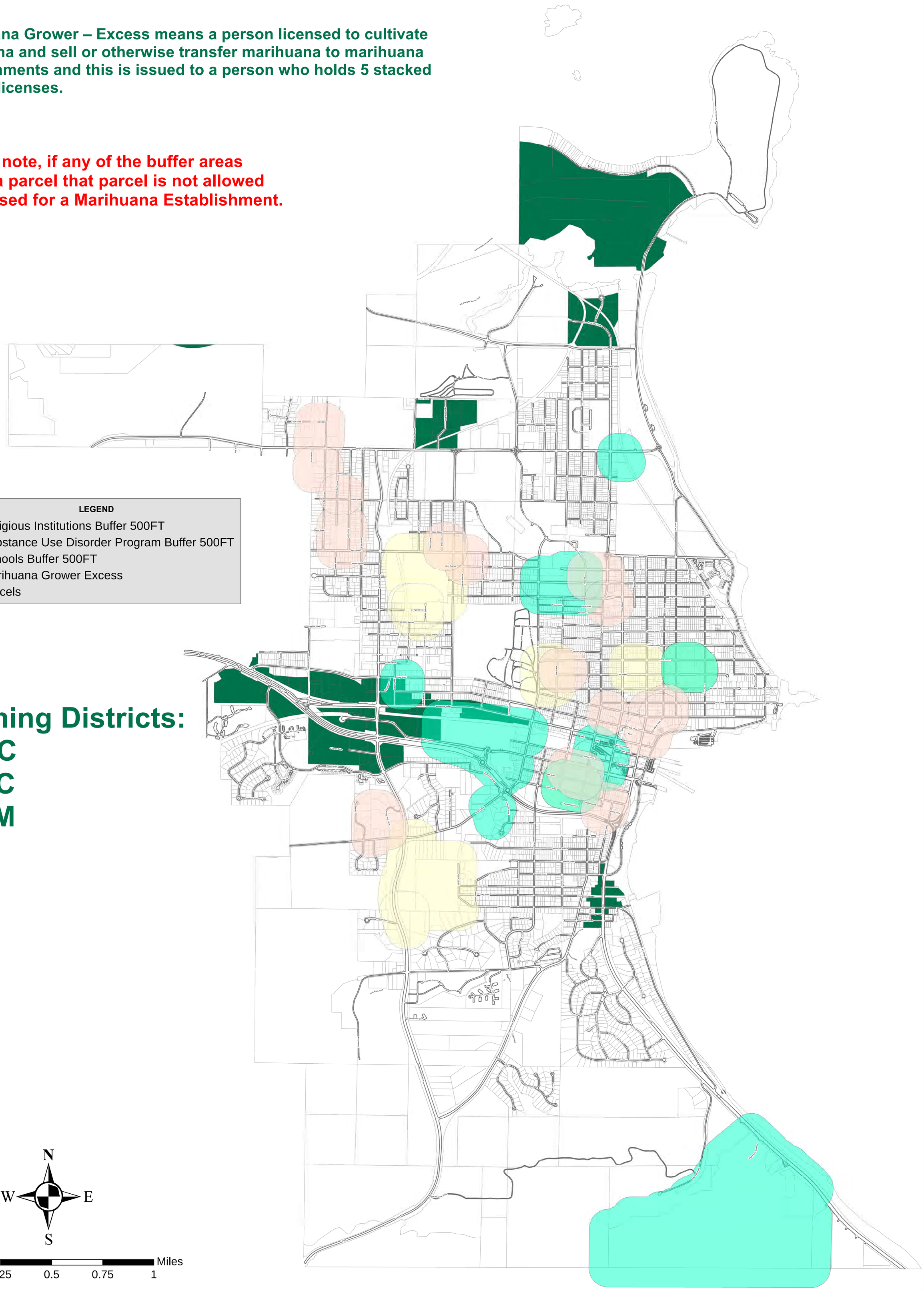
0 0.15 0.3 0.6 0.9 1.2 Miles

Printed 10-12-21

Recreation Marihuana Buffer Map with Zoning for Marihuana Grower - Excess

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

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



Zoning Districts:
- GC
- RC
- I-M

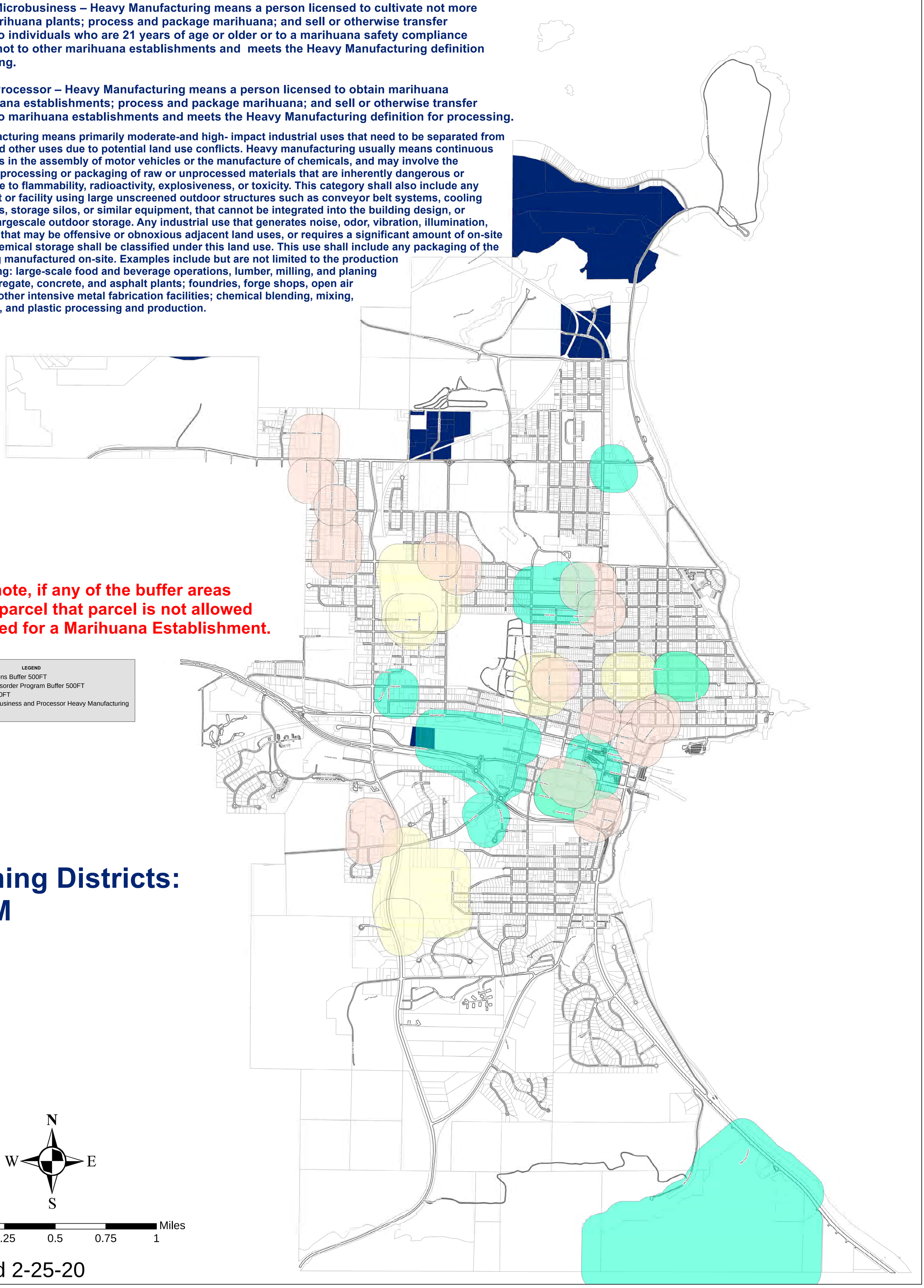
Printed 6-18-21

Recreation Marihuana Buffer Map with Zoning for Marihuana Microbusiness - Heavy Manufacturing and Marihuana Processor - Heavy Manufacturing

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

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

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



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

LEGEND
- Religious Institutions Buffer 500FT
- Substance Use Disorder Program Buffer 500FT
- Schools Buffer 500FT
- Marihuana Microbusiness and Processor Heavy Manufacturing
- Parcels

Zoning Districts: - I-M

N
W E
S

0 0.1250.25 0.5 0.75 1 Miles

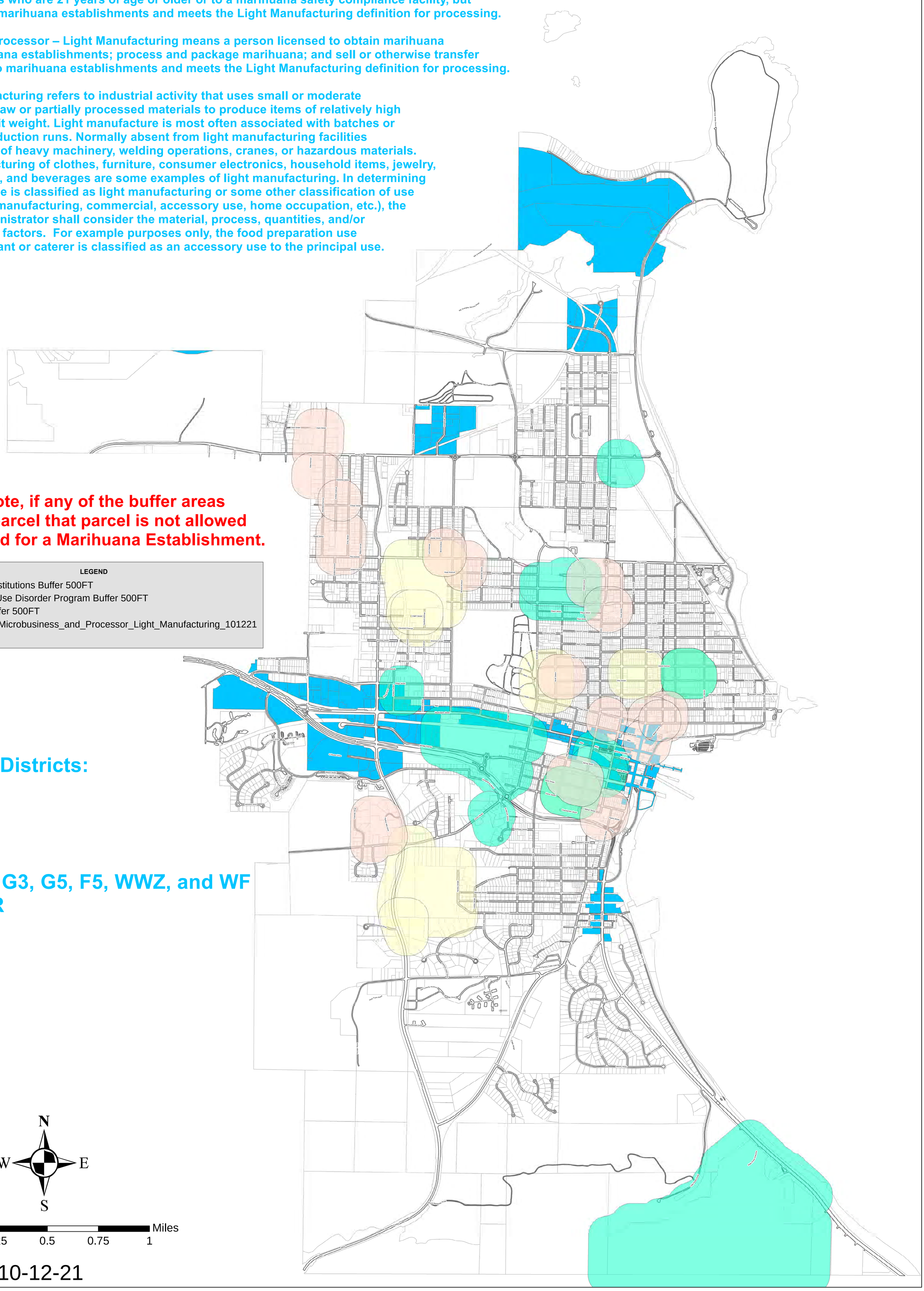
Printed 2-25-20

Recreation Marihuana Buffer Map with Zoning for Marihuana Microbusiness - Light Manufacturing and Marihuana Processor - Light Manufacturing

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

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

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



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

LEGEND

- Religious Institutions Buffer 500FT
- Substance Use Disorder Program Buffer 500FT
- Schools Buffer 500FT
- Marihuana_Microbusiness_and_Processor_Light_Manufacturing_101221
- Parcels

Zoning Districts:

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

N
W E
S

0 0.1250.25 0.5 0.75 1 Miles

Printed 10-12-21

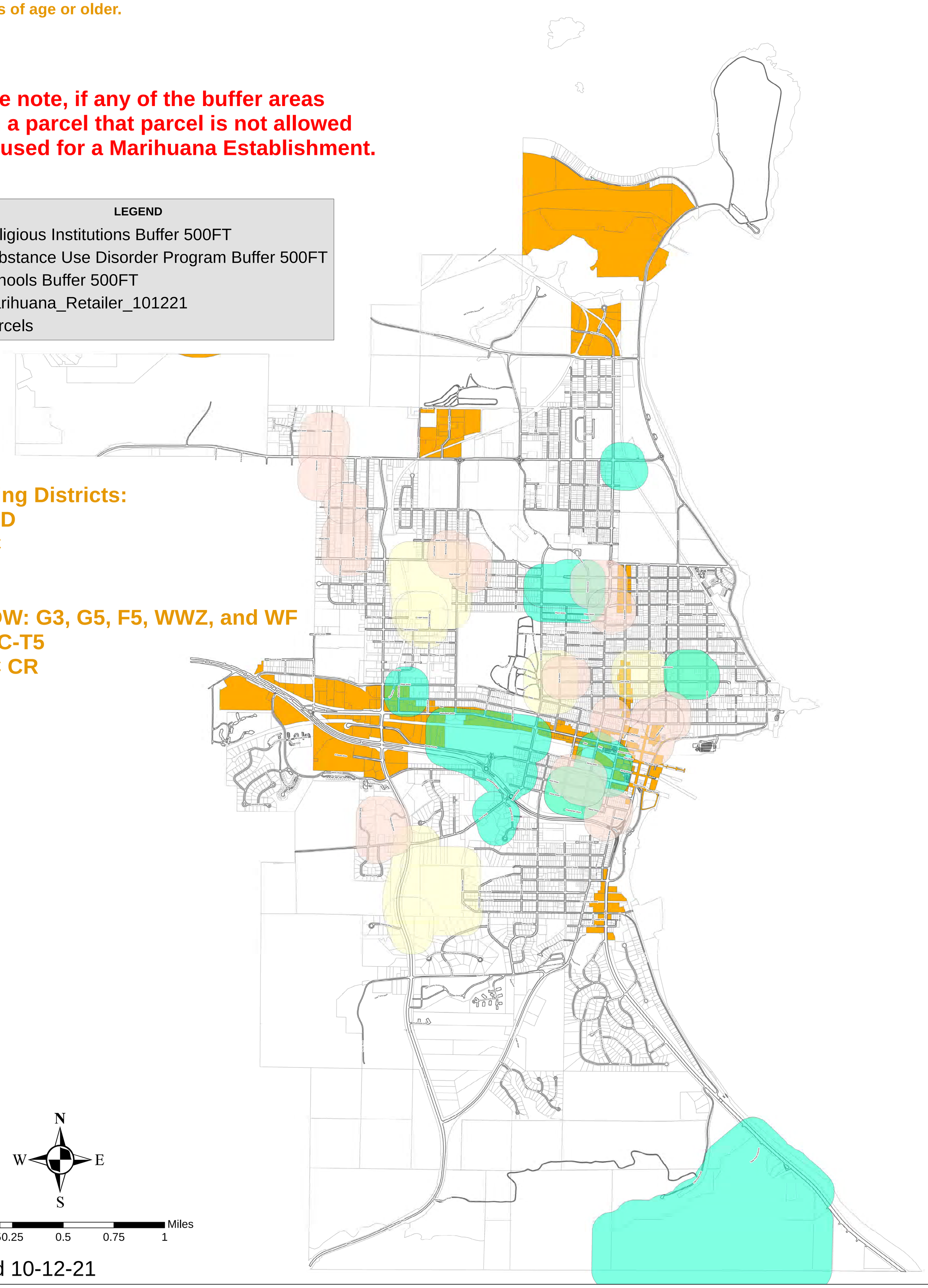
Recreation Marihuana Buffer Map with Zoning for Marihuana Retailer

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

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

LEGEND

- Religious Institutions Buffer 500FT
- Substance Use Disorder Program Buffer 500FT
- Schools Buffer 500FT
- Marihuana_Retailer_101221
- Parcels



Zoning Districts:

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

N
W E
S

0 0.1250.25 0.5 0.75 1 Miles

Printed 10-12-21

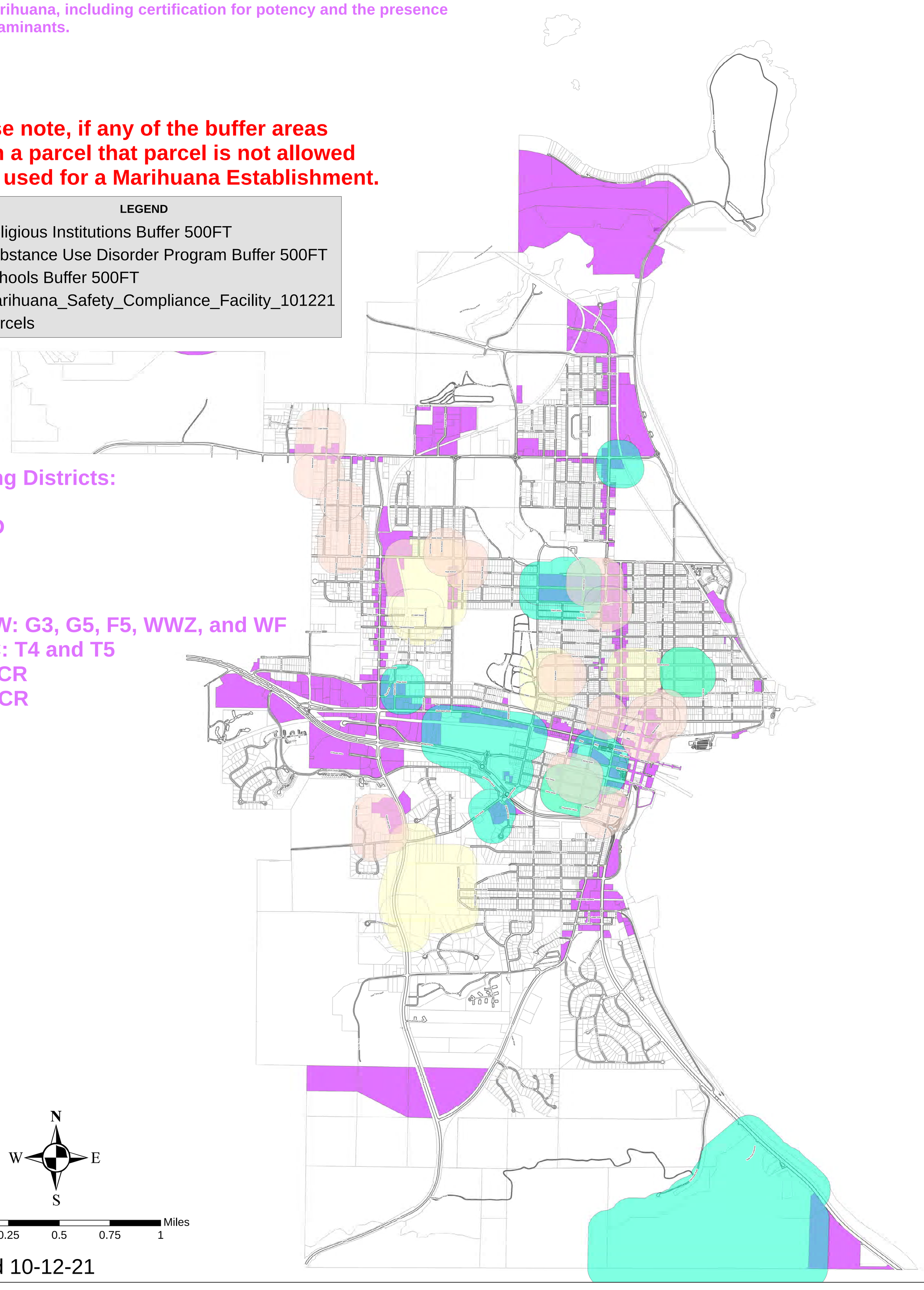
Recreation Marihuana Buffer Map with Zoning for Marihuana Safety Compliance Facilities

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

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

LEGEND

- Religious Institutions Buffer 500FT
- Substance Use Disorder Program Buffer 500FT
- Schools Buffer 500FT
- Marihuana_Safety_Compliance_Facility_101221
- Parcels



Zoning Districts:

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

N
W E
S

0 0.1250.25 0.5 0.75 1 Miles

Printed 10-12-21

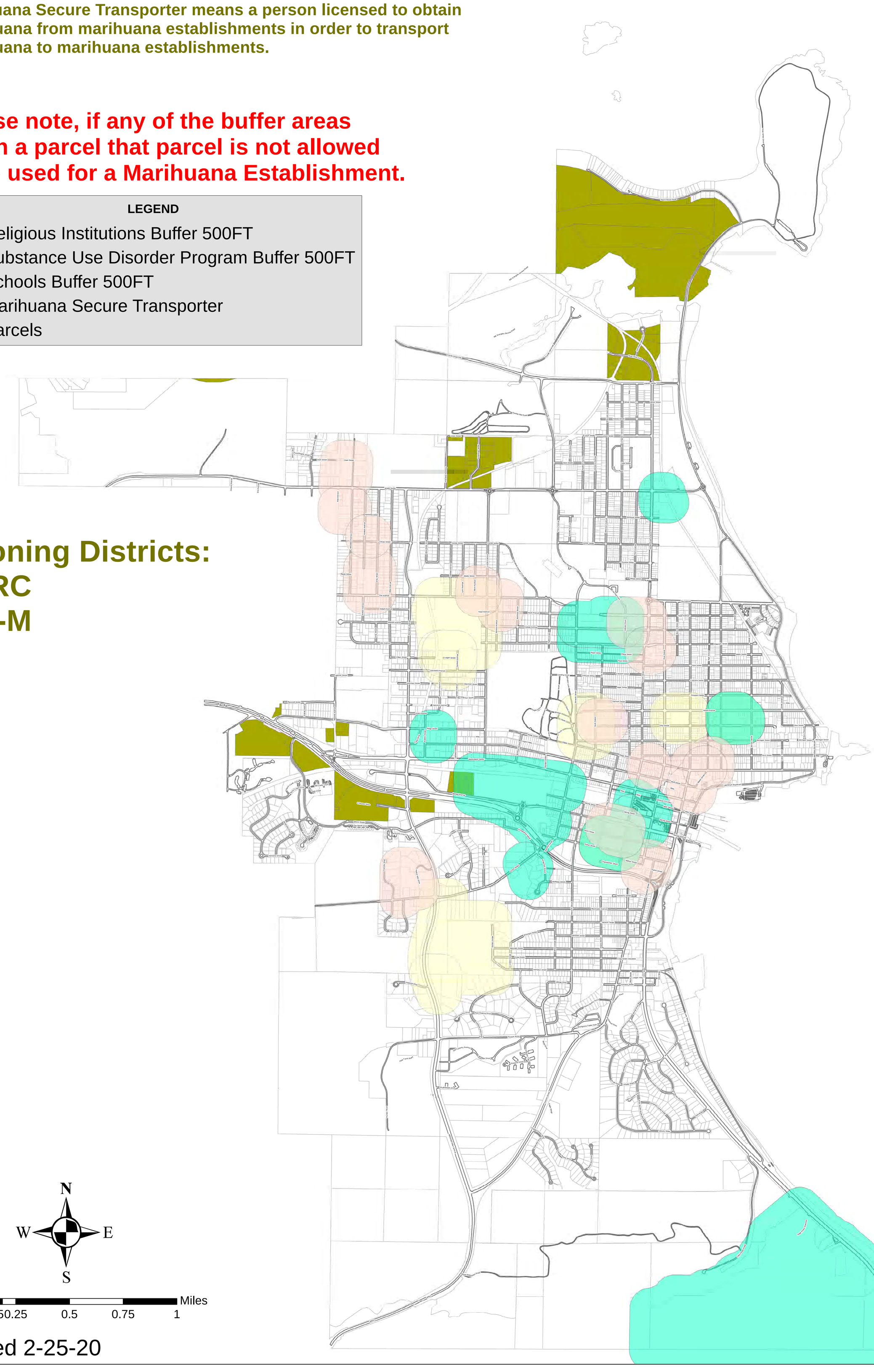
Recreation Marihuana Buffer Map with Zoning for Marihuana Secure Transporters

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

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

LEGEND

- Religious Institutions Buffer 500FT
- Substance Use Disorder Program Buffer 500FT
- Schools Buffer 500FT
- Marihuana Secure Transporter
- Parcels



Zoning Districts:
- RC
- I-M

N
W E
S

0 0.125 0.25 0.5 0.75 1 Miles

Printed 2-25-20

Step 2: Zoning – Special Land Use Information

Please determine if your proposed Marihuana Establishment use is allowed in the zoning district of the property that you with to apply for a Special Land Use permit. Please note it is advisable that you also verify this property is not in the buffer area that would preclude it from getting a License from the City Clerk. Please refer to the Buffer maps.

- Buffer map link: https://www.marquettemi.gov/marijuana/
- Link to the Land Development Code: http://online.encodeplus.com/regs/marquette-mi/index.aspx
    - Use table – Figure 8
    - TSC Use Table – Figure 22
    - MDW Special Land Uses – Section 54.321(C)(3)(c) and Section 54.321(C)(3)(d)
    - Required conditions for Marihuana Establishments – Section 54.628
- Link to the interactive City zoning map: https://maps.viewprogis.com/ecp/marquette-mi

If your proposed use is allowed in your zoning district and the property is not in the buffer area and you feel you can meet all of the required conditions, then you will need to complete the following applications and your sealed site plan sets must contain all of the required information:

- Link to the Special Land Use and the Site Plan Review applications: https://www.marquettemi.gov/departments/community-development/#cdforms

When you have everything completed then you would submit the following by a Planning Commission Deadline Date:

- Completed Special Land Use permit (SUP) application and fee for "Commercial and Multi-family Residential (w/ CDRT review)" - paying with cash or check
- Completed Site Plan Review application (fee is included with the SUP request)
- 6 copies of the sealed site plan set

It will depend by the deadline date for Planning Commission meetings regarding which meeting your complete submittal will be reviewed by the Planning Commission. Please note, incomplete submittals cannot be sent to the Planning Commission.

- Link to the Planning Commission page for filing deadline and meeting dates: https://www.marquettemi.gov/commission/boards-and-committees/current-rosters/planning-commission/

Please refer to the Special Land Use Process for Marihuana Establishments flowchart for the next steps in this process.

Special Land Use Process for Marihuana Establishments

1. By a Planning Commission Filing Deadline date - Submit the following:
Completed Special Land Use permit (SUP) application and fee for "Commercial and Multi-family Residential (w/ CDRT review)" - paying with cash or check
Completed Site Plan Review application (fee is included with the SUP request)
6 copies of the sealed site plan set

2. You or your representative should be present at the Planning Commission (PC) Public Hearing meeting.

3.a. If your Special Land Use request is approved as presented.

4.a. Is a Zoning Compliance Permit required (interior remodeling or any construction)?

Yes

No

6. Submit your Zoning Compliance Permit.

7. If your site plan meets all of PC conditions or staff comments, then after all appropriate departments sign off on the permit, you will receive a copy of the approved permit.

3.b. If your Special Land Use request is approved with conditions.

4.b. Is a revised site plan is required to meet PC conditions?

Yes

5.a. Submit the required number of your revised site plan sets and go to **step 4.a.**

No

5.b. Go to **step 4.a.**

3.c. If your Special Land Use request is postponed for another meeting.

4.c. Submit the requested information prior to the specified meeting.

5.c. Go to **step 2.**

3.d. If your Special Land Use request is denied.

4.d. You will be sent a decision letter stating your Special Land Use denial.

5.d. Per State Law, you may appeal the PC decision to the Marquette County Circuit Court of Appeals.

8. You will be sent a decision letter stating your Special Land Use approval.

9. You can submit your City of Marquette License application to the City Clerk's Office.

Mail to:
Municipal Service Center
Community Development Office
1100 Wright St.
Marquette, MI 49855

PRINT

CITY OF MARQUETTE
SPECIAL LAND USE PERMIT APPLICATION

CITY STAFF USE

Parcel ID #:_____ File #:_____

Receipt/Inv #:_____ Check #:_____ Received by and date:_____

- **Article 6 Use Requirements Narrative Submitted**: Y / N (not applicable-no requirements)
- **SPR application submitted**: Y / N (not applicable 1-2 family residential) **Number of Site Plans Submitted**:__

Application Deadline (including all support material): _____ Notice Date: _____ Hearing Date: _____

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

FEE SCHEDULE (We can only accept Cash or Check (written to the City of Marquette))

☐ 1 or 2 Family Residential Units; Group Day Care	$890
☐ Commercial and Multi-family Residential (w/ CDRT review)	$2,745
☐ Commercial and Multi-family Residential (w/out CDRT review)	$1,280

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

Planning Commission page for filing deadline and meeting schedule
Excerpts from the City Land Development Code

- Section 54.1402 Site Plan Review
- Section 54.1403 Special Land Use Review
- Article 6 Standards Applicable to Specific Land Uses

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Email:_____

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

APPLICANT/OWNER'S REPRESENTATIVE

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Email:_____

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

PRE-APPLICATION CONFERENCE

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

PROPERTY INFORMATION

Property Address:	Property Identification Number:

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

Zoning District:	Current Land Use:

Surrounding Zoning Districts:	Surrounding Land Use:
North - _____	North - _____
East - _____	East - _____
South - _____	South - _____
West - _____	West - _____

SPECIAL LAND USE REQUESTED

- **Attach a separate sheet to indicate how you meet Article 6 requirements for the proposed use (if applicable).**
- **A site plan review (SPR) application and the required sealed site plan sets must be submitted with the application (See Section 54.1402 Site Plan Review of the LDC) Note: One and two-family residential uses are exempt from SPR.**

Proposed Special Land Use:

Description of physical changes that will be made to the property/structure:

Hours of Operation:

Any other pertinent information:

SIGNATURE

I hereby certify the following:

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

Property Owner Signature: _____ Date: _____

Mail to:
Municipal Service Center
Community Development Office
1100 Wright St.
Marquette, MI 49855

PRINT

CITY OF MARQUETTE
SITE PLAN REVIEW APPLICATION

CITY STAFF USE

Parcel ID #:_____ File #:_____

Receipt/Inv #:_____ Check #:_____ Received by and date:_____

Site Plan Sheet set (PC Review - 6 copies/Admin Review - 3 copies) Submitted: Y/N Digital Copy: Y/N

If applicable - Hearing Date:_____ Notice Date:_____ Application complete (checklist, etc): Y / N

Does the site plan meet the required items: Y / N

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

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

FEE SCHEDULE (We can only accept Cash or Check (written to the City of Marquette))

Commercial, Industrial, Residential with 3 or more units, and Final PUD Site Plan (includes zoning compliance fee)

☐ Sketch Plan	$900
☐ Preliminary SPR	$1,785
☐ Administrative Review (CDRT review)	$1,960
☐ Administrative Review (Non-CDRT review)	$1,030
☐ Planning Commission Review	$2,240

Revised Site Plan (Developer Initiated)

☐ Administrative Review (CDRT)	$1,475
☐ Administrative Review (Non-CDRT review)	$1,000
☐ Planning Commission Review	$1,705

Site Condominium

☐ Site Condominium Review	$1,940
☐ Revised (Developer Initiated)	$940

Plats/Subdivision

☐ Preliminary	$1,940
☐ Final	$1,940
☐ Revised	$1,940

☐ Site Plan Review fee is included in the Special Land Use Permit or Planned Unit Development application fees

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

Planning Commission page for filing deadline and meeting schedule
Excerpts from the City Land Development Code

- Section 54.1402 Site Plan Review (this is attached to the application).
- Section 54.1401 Zoning Permits and Zoning Compliance Review.
- If you are applying for a Site Condominium/Plat/Subdivision, please review Article 5.

STORMWATER

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

PRE-APPLICATION CONFERENCE

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

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Email:_____

APPLICANT/OWNER'S REPRESENTATIVE

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Email:_____

ARCHITECT

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Email:_____

ENGINEER

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Email:_____

SURVEYOR

Name:_____

Address:_____

City, State, Zip:_____

Phone #:_____

Email:_____

PROPERTY INFORMATION

Property Address:	**Property Identification Number:**

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

Zoning District:	**Current Land Use:**

Surrounding Zoning Districts:	**Surrounding Land Use:**
North - _____	**North -** _____
East - _____	**East -** _____
South - _____	**South -** _____
West - _____	**West -** _____

DESCRIPTION OF PROJECT

Proposed use(s):

Proposed structures (including stairs) and dimensions, building style, and materials:

Proposed site improvements:

Proposed phases and timelines for work:

Ultimate ownership:

SIGNATURE

I hereby certify the following:

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

Applicant Signature: _____ Date: _____

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

Property Owner Signature: _____ Date: _____

Project Name: _____ File #:_____

Parcel #: _____

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

		APPLICANT	
	Site Plan Information Required (See Figure 52 in LDC)	Location in site plan	N/A attach reason
1	The applicant's name.		
2	Name of the development.		
3	The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.		
4	Small scale location sketch of sufficient size and scale. (**SKETCH PLAN ONLY**)		
5	A survey of the property, sealed by a surveyor licensed in the State of Michigan.		
6	Date of preparation and any revisions.		
7	North arrow.		
8	Complete and current legal description and size of property in acres.		
9	Property lines and dimensions drawn to scale.		
10	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.		
11	Lot lines and all structures on the property and within 100 feet of the site's property lines.		
12	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).		
13	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*		
14	Any existing private or public easements		
15	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.		
16	Locations of existing utilities.		
17	Existing topography at a minimum of two (2) foot contour intervals.		
18	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*.		
19	Floor area and ground coverage ratios. See *Article 3* and *Article 4*.		
20	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. **(Preliminary Site Plan submittal only)**		
21	Proposed topography with a site grading plan with topography at a maximum of two (2) foot contour intervals.		
22	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*		

		APPLICANT	
		Location in site plan	N/A attach reason
23	Location and method of screening for all waste dumpsters. See *Section 54.1003(F)*.		
24	Location and dimensions of parking spaces. See *Article 9*.		
25	General landscaping design concept acceptable to the Zoning Administrator. (**SKETCH PLAN ONLY**)		
26	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*		
27	Details of exterior lighting including locations, height, and method of shielding. See *Section 54.802*.		
28	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*.		
29	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.		
30	Fire hydrant number and placement or other water supply, and standpipe connection type; Fire dept. connection location; Alarm panel location; Fire dept. access details.		
31	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.		
32	General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See *Section 54.907*. (**SKETCH PLAN ONLY**)		
33	Street horizontal and vertical dimensions, including curve radii.		
34	Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See *Section 54.907*.		
35	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.		
36	Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See *Section 54.907*.		
37	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.		
38	Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.		
39	Written verification of access easements or agreements, if applicable.		

	ENGINEERING DEPT	APPLICANT Location in site plan	APPLICANT N/A attach reason	DEPARTMENT Approved / Waived
	Please refer to the Engineering Department General Guidelines and Standards for Street and Utility Design: https://marquettemi.gov/wp-content/uploads/2018/07/Design-and-Construction-Standards-Rev.-5-4-16.pdf			
	Will you be managing stormwater and applying for a stormwater utility fee reduction? ☐ Yes ☐ No If yes, please refer to the Stormwater Utility Fee Reduction Application: https://marquettemi.gov/wp-content/uploads/2017/07/stormwater_utility_fee_reduction_application.pdf			
40	Include under general statements: "All utility construction work to be accepted by the City of Marquette into their utility system and all work done in public rights-of-way or easement must be done in accordance with Michigan Department of Transportation and City of Marquette standards and specifications"			
41	Curb cut, water, sanitary sewer, storm sewer permits, etc. required? (obtain prior to construction activities)			
42	Vehicle maneuvering lane size			
43	Pavement width/type			
44	Vegetated buffer or curbing between street and sidewalk and between sidewalk parking areas			
45	Storm sewer in right-of-way shall be reinforced concrete			
46	Sumps in catch basins?			
47	Plans to be stamped, dated and signed by a professional engineer			
48	Is the downstream storm sewer capacity adequate?			
49	Verify that storm water runoff volume or velocity is not increased onto adjacent properties			
50	Does any earthwork disturb adjacent properties?			
51	Wetland concerns/proper permits obtained?			
52	Traffic impact minimal to existing conditions (stacking, etc.)?			
53	Vehicular and non-motorized circulation			
54	Sanitary sewer inlet to outlet angles greater than or equal to 90 degrees?			
55	Is there a hydrant at the end of any proposed dead end water main?			
56	Size and material type of proposed and existing utilities shown?			
57	Street horizontal and vertical dimensions, radii			
58	Width and materials for non-motorized paths			
59	Dimension of access points including distance from adjacent driveways or intersecting streets			
60	Profiles will be shown for all utilities to be accepted by the City of Marquette into their utility system. All grades, pipe sizes, pipe materials, inverts and rim elevations will be shown on the profiles (water mains must have a minimum of 6 feet of cover, sanitary sewer mains must be installed under water mains with 1.5 feet of clearance			

	PUBLIC WORKS DEPT.	APPLICANT		DEPARTMENT
		Location in site plan	N/A attach reason	Approved / Waived
61	Delineate & dimension all public or private easements			
62	Show public utility main locations & sizes within 100 feet of property boundary			
63	Extension or re-routing of public utility systems required			
64	Capacity and condition concerns of existing utility lines to serve the project			
65	Abandonment of existing utility lines associated with the project			
66	Location of existing and proposed utility services (with sizes), including storm water to be shown			
67	Utility metering requirements of the project			
68	Backflow and cross connection requirements applicable to the project including any proposed irrigation systems			
69	Sanitary waste pretreatment requirements			
70	Adequate snow storage provided on the property, without clear vision or utility obstructions			
71	Provisions to collect drainage from snow storage areas collected on property			
72	Access to public property (permits required for any work on ROW) (Drive, sidewalk, and trail connections)			
73	Additions or changes to public signing or traffic control required or recommended			
74	Additions to existing public sidewalks, or plowed routes, required or recommended			
75	Impact of project on public snow removal/storage			
76	Effect on plowing or ice control priorities			
77	New signing, overhangs, access ramps, grade changes, retaining walls, fences, etc. to be constructed in City ROW or easements			
78	Adequate, proper, and accessible on-site waste storage			
79	Adequate clearances and clear vision maintained for maintenance and sanitation equipment			
80	Removal, trimming, or planting of public trees required			
81	Maintenance-friendly design for any portions of the project to become public property			
82	Storage of hazardous materials associated with the project near public utilities			
83	Blasting near public utilities associated with the project			

	FIRE DEPARTMENT DEPT.	APPLICANT Location in site plan	APPLICANT N/A attach reason	DEPARTMENT Approved / Waived
84	Buildings meet NFPA standards/NFPA Life Safety Code 101/ BOCA National Property Maintenance Code			
85	Proper water supply for fire suppression including fire hydrants and water mains			
86	Safe outlets for flushing fire hydrants			
87	Easements to test hydrants			
88	Water supply meets NFPA standards			
89	Fire Apparatus Access			
90	Surface Construction			
91	Ability to support fire trucks			
92	Fire truck angle of approach			
93	Outside turning radius			
94	Grade of drive or road ok			
95	Overhead clearance adequate			
96	Driveways and access roads meet NFPA standards			

POLICE DEPARTMENT DEPT.

97	Cross reference with accident data at nearest intersection(s)			

ANY ADDITIONAL INFO

98	Any additional info necessary to establish compliance with City Ordinances, State, or Federal Laws			

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 minor site plans as described in *Figure 51* and *Section 54.1402(D)(1)*. All other site plans must be reviewed by the Planning Commission. Three levels of Site Plan Review are conducted by the Planning Commission – Sketch Plan Review, Preliminary Site Plan Review (PSPR), and Final Site Plan Review (FSPR).

Figure 51. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required	Minor/Admin Site Plan	Exempt From Site Plan Review
Special land uses	●		
Planned Unit Developments	●		
New construction, additions, or alterations of any non-residential building or buildings, including non-residential accessory buildings or structures, unless the activity is exempt or requires minor site plan review	●		
New construction for multi-family residential units that contain or will contain more than twenty (20) dwelling units.	●		
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).		●	
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, and renovations that are less than 20% of the size of the original commercial or multi-family residential building footprint or less than 2,500 square feet, unless otherwise exempt		●	
Any expansion or change in an existing land use if more parking in addition to that already provided is required		●	

Development Activity	Site Plan Review Required	Minor/Admin Site Plan	Exempt From Site Plan Review
Any earthwork greater than 20,000 square feet in size		●	
Site improvements 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 2,000 square feet, unless the activity requires site plan review		●	
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, and renovations that are less than 10% of the size of the original commercial or multi-family residential building footprint or less than 500 square feet.			●
Interior remodeling or interior construction			●
Landscaping that is less than 25% of the parcel size or 5,000 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.		●	●

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
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*		●	●
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.		●	●

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
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.	●	●	●

(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*.

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

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

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

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

(F) Validity of Approved Site Plans and Expiration.

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

(2) Validity of Approved Site Plans.

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

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

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

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

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

(d) **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 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.

Excerpt of the Land Development Code
Article 6 Standards Applicable to Specific Land Uses

Section 54.628 Marihuana Establishments

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

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

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

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

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

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

(2) Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana designated consumption establishment.

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

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

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

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

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

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

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

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

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

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

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

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

(C) Marihuana Growers. Marihuana growers shall be subject to the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Marihuana Microbusiness – Light Manufacturing. Marihuana Microbusiness – Light Manufacturing shall be subject to the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) Additional Light Manufacturing standards:

(a) **Environmental Factors.** Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances, except odor, which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.

(b) **Dangerous, Noxious, and Nuisance Conditions Prohibited.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.

(c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal

agencies to the Zoning Administrator, along with site plans as described in *Section 54.1402*.

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

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

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

(E) **Marihuana Microbusiness – Heavy Manufacturing.** Marihuana Microbusiness – Heavy Manufacturing shall be subject to the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) Additional Heavy Manufacturing standards:

(a) **Environmental Factors.** Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances, except odor, which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.

(b) **Dangerous, Noxious, and Nuisance Conditions.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with NFPA 1 and IPMC, as amended, hereof.

(c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in *Section 54.1402*.

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

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

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

(F) **Marihuana Processor – Light Manufacturing.** Marihuana Processor – Light Manufacturing shall be subject to the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Additional Light Manufacturing standards:

(a) **Environmental Factors.** Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances, except odor, which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.

(b) **Dangerous, Noxious, and Nuisance Conditions Prohibited.** Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The manufacture, processing or packaging of materials which are inherently dangerous or hazardous due to flammability, radioactivity, explosiveness, or severe toxicity will not be permitted.

(c) **Permits.** Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in *Section 54.1402*.

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

(e) **Discontinued Activity.** When industrial activity is discontinued or the site is vacated, the site shall be left in a condition free from hazards (including but not

limited to dangerous excavations, and abandoned structures above or below ground).

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

(G) Marihuana Processor – Heavy Manufacturing. Marihuana Processor – Heavy Manufacturing shall be subject to the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Additional Heavy Manufacturing standards:

(a) Environmental Factors. Noise, vibration, smoke, dust, odors, glare, and similar or related nuisances shall be confined to the site to the maximum extent possible and mitigated on-site to the maximum extent possible. Any nuisances, except odor, which are anticipated to not be contained to the applicant's property and not mitigated on the property shall be identified in the Project Proposal Document submitted with the Site Plan and/or Special Land Use Permit application.

(b) Dangerous, Noxious, and Nuisance Conditions. Operations shall be approved only upon documentation by the applicant that no dangerous, noxious or nuisance conditions will impact any adjacent premises. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with NFPA 1 and IPMC, as amended, hereof.

(c) Permits. Prior to final approval of a special land use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver for permits from the Michigan Department of Environmental Quality. The applicant shall, upon request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in *Section 54.1402*.

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

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

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

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

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

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

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

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

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

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

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

(f) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality

may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

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

(4) No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises (unless an approved designated consumption establishment is located on the premises).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the building and out of public view.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF MARQUETTE
ADULT-USE MARIHUANA ESTABLISHMENT
LICENSE APPLICATION

When submitting this application, you must include:

- ☐ ***Proof of your pre-qualification for a State adult-use establishment license***
- ☐ ***Copy of your Special Land Use Permit***
- ☐ ***Copy of a Government-Issued ID***
- ☐ ***Required Fee***

(IF APPLICANT IS NOT AN INDIVIDUAL, COMPLETE THE FOLLOWING FOR EACH PERSON HOLDING OWNERSHIP INTEREST IN THE APPLICANT, AND THEN COMPLETE FOLLOWING PAGE)

APPLICANT/OWNER NAME: _____

APPLICANT/OWNER ADDRESS: _____

PHONE NUMBER: _____ DATE OF BIRTH: _____

SOCIAL SECURITY #: _____ EMAIL ADDRESS: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

EMERGENCY CONTACT: _____

_____ _____

APPLICANT SIGNATURE DATE

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ADULT-USE MARIHUANA ESTABLISHMENT
LICENSE APPLICATION

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PHONE NUMBER: _____ DATE OF BIRTH: _____

SOCIAL SECURITY #: _____ EMAIL ADDRESS: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

EMERGENCY CONTACT: _____

_____ _____

APPLICANT SIGNATURE DATE

CITY OF MARQUETTE
ADULT-USE MARIHUANA ESTABLISHMENT
ADDITIONAL INFORMATION SHEET FOR APPLICANTS
THAT ARE NOT INDIVIDUALS

NAME OF TOP-RANKING MEMBER: _____

CONTACT INFO FOR TOP-RANKING MEMBER: _____

ASSUMED NAME/DBA FOR BUSINESS: _____

IRS EIN: _____ EMAIL ADDRESS: _____

IF APPLICABLE, ALSO INCLUDE:

- Articles of Incorporation
- Partnership Agreement
- Names and Addresses of Beneficiaries, if a Trust
- Copy of Bylaws or Shareholder Agreement, if a Corporation

_____ _____

APPLICANT SIGNATURE DATE

CITY OF MARQUETTE
ADULT-USE MARIHUANA ESTABLISHMENT
LICENSE APPLICATION SIGNATURE SHEET

I, _____, am aware and understand that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transportation, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate me, as applicant, from abiding by the provisions, requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith.

Further, I hereby waive and forever release any claim, demand, action, legal redress, or recourse against the City of Marquette, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees that I may incur as a result of violation by myself, stakeholders and agents of those laws, rules, and regulations.

Finally, I hereby attest that I have read this application packet, including relevant sections of the Marquette City Code, and agree to abide by the requirements detailed therein.

_____ _____

APPLICANT SIGNATURE DATE

This application will be reviewed by the Police Chief, the Fire Chief, the Treasurer and the Planner/Zoning Official of the City of Marquette, and must receive their endorsement prior to any license being issued by this office. Allow up to 60 business days for this process to conclude.

ORDINANCE #682
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 5 – MARIHUANA

The City of Marquette Ordains:

SECTION 1. Repeal and Adoption.
Chapter 5 – MARIHUANA is hereby repealed.

New Chapter 5 – MARIHUANA is adopted as follows:

Sec. 5-1. – Legislative Intent
The purpose of this ordinance is to regulate adult-use marihuana establishments. The city finds that these activities are significantly connected to the public health, safety, security, and welfare of its citizens and it is therefore necessary to regulate and enforce safety, security, fire, policing, health, and sanitation practices related to such activities and also to provide a method to defray administrative costs incurred by such regulation and enforcement. It is not the intent of this ordinance to diminish, abrogate, or restrict the protections for adult-use marihuana use found in the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. (the "Act").

This ordinance shall be known and may be cited as the City of Marquette Regulation of Adult-Use Marihuana Establishments ordinance.

Sec. 5-2. – Definitions

The words and phrases used in this ordinance shall have the following meanings, or the meanings ascribed in the Act or the state rules, unless the context clearly indicates otherwise:

Child care center or day care center means a facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. All child care centers and day care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency. Refer to Public Act 116 of 1973, as amended, for a list of facilities that are excluded from the definition of "Child Care Center" or "Day Care Center."

Child care or day care, family home means a private home in which more than one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a

calendar year. All family day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

Child care or day care, group home means a private home in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All group day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

Cultivate means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

Department means the Michigan Department of Licensing and Regulatory Affairs.

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

Industrial hemp means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

Marihuana means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:

1. the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
2. industrial hemp; or
3. any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

Marihuana concentrate means the resin extracted from any part of the plant of the genus cannabis.

Marihuana establishment means a marihuana grower or excess grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, designated consumption establishment or any other type of marihuana-related business licensed by the department.

Marihuana event organizer means a person licensed to apply for a temporary

marihuana event license under the state rules.

Marihuana grower means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. Marihuana grower license types are:

1. Class A – not more than 100 marihuana plants;
2. Class B – not more than 500 marihuana plants;
3. Class C – not more than 2000 marihuana plants;
4. Excess marihuana grower – issued to a person who holds 5 stacked Class C licenses

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

Marihuana microbusiness means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana processor means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

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

Marihuana secure transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

"Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Municipal license means a license issued pursuant to section 6 of the Act (MCL 333.27956) that allows a person to operate a marihuana establishment in the City of Marquette.

Municipality means the City of Marquette.

Person means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

Process or *Processing* means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

Provisional License means a certification provided by the City of Marquette to an applicant for a municipal license. This is issued prior to a municipal license, is accompanied by an attestation form, and allows the applicant to finalize the application for a state license.

Religious Institution means an institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "Religious Institution" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Structures owned or operated by Religious Institutions located on parcels other than where the principal structure for religious services are held shall not, for the purpose of this Ordinance, be considered a Religious Institution, and the principal use of this structure shall be its use and the use shall conform to the requirements of the district in which it is located.

School means a public or private licensed institution where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12.

State rules means the Emergency Rules, or the Final Rules hereafter promulgated, by the Department.

State license means a license issued by the Department that allows a person to operate a marihuana establishment.

Temporary marihuana event means an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the municipal license during the dates indicated on the municipal license.

Sec. 5-3. – Authorization of Marihuana Establishments

1. The city hereby authorizes, subject to the issuance of a municipal license by the city clerk, the following types of marihuana establishments within the boundaries of the city, pursuant to section 6.1 of the Act. The establishments authorized pursuant to this ordinance are relating only to the Act:
    a. Class A Marihuana Grower
    b. Class B Marihuana Grower
    c. Class C Marihuana Grower
    d. Excess Marihuana Grower
    e. Marihuana Processor
    f. Marihuana Retailer
    g. Marihuana Safety Compliance Facility
    h. Marihuana Secure Transporter
    i. Marihuana Microbusiness
    j. Temporary Marihuana Event
    k. Designated Marihuana Consumption Establishment

Sec. 5-4 – License Required for Recreational Marihuana Establishment

1. It shall be unlawful to operate a marihuana establishment or a temporary marihuana event in the City of Marquette, without first obtaining a municipal license to operate pursuant to this ordinance, having a validly issued state license in good standing, and having paid all applicable fees.
2. No person who is employed by the city, acts as a consultant for the city or acts as an advisor to the city, and is involved in the implementation, administration or enforcement of this ordinance shall have an interest, directly or indirectly, in a

Marihuana Establishment.

Sec. 5-5 – Permitted Locations

1. All municipal licenses for marihuana establishments shall be issued for a specific physical location, which shall be designated as the licensed premises. The permissibility of a license in a specific location is contingent on the requirements provided in the City of Marquette Land Development Code.
2. A license for a temporary marihuana event will only be granted if the event is proposed in a venue expressly approved by resolution of the Marquette City Commission for the purpose of holding a temporary marihuana event.

Sec. 5-6 – Buffering Requirements

1. A municipal license for a marihuana establishment or a temporary marihuana event shall only be issued if the proposed establishment meets with the following buffering requirements. Marihuana establishments or temporary marihuana events shall not be located within:
    a. An area zoned exclusively for residential use;
    b. 500 feet of a school, as measured from the parcel lines of the individual properties;
    c. 500 feet of a religious institution, as measured from the parcel lines of the individual properties;
    d. 500 feet of a Substance Abuse Disorder Program licensed by the State of Michigan;

Sec. 5-7 – Provisional License; Municipal License to Operate Marihuana Establishment

1. The city clerk shall act to approve or deny an application not later than sixty (60) days from the date the completed application – complying with the requirements of Sec. 5-8 – is filed. If approved, the clerk shall issue the applicant a provisional license, which does not convey the ability to operate a marihuana establishment.
2. A provisional license will be accompanied by a completed attestation form, in compliance with the Act and the state rules, specifically the Emergency Rules of July 3, 2019, Rule 8, Section 1(e)(iii), and will facilitate the application process for a state license.
3. At the time the clerk receives verification that the applicant has received a valid state license, the clerk will provide the applicant with a municipal license, which conveys the ability to operate a marihuana establishment.
4. Municipal licenses will be issued for the term of one year and will run concurrently with the term of the applicant's state license. Municipal licenses may be renewed upon receipt of a complete renewal application and renewal fee for any marihuana establishment in good standing. Successive renewals will each be valid for one year.
5. A municipal license for a temporary marihuana event will only be valid during the days indicated on the state license.
6. Maintaining a valid state license is a condition for the maintenance of a municipal license under this ordinance and continued operation of a marihuana establishment. A provisional license does not authorize operations until a final license is issued,

which will only occur upon issuance of the appropriate state license.

Sec. 5-8 – Municipal License Application

1. Every applicant for a municipal license to operate a marihuana establishment shall file an application in the office of the city clerk upon a form provided by the clerk. The application shall include:
    a. The appropriate nonrefundable municipal license application fee, as established by City Commission resolution;
    b. If the applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information;
    c. If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each person holding ownership interest in the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;
    d. The name and address of the proposed marihuana establishment;
    e. A notice of prequalification status approval from the Department, as defined under the state rules, specifically the Emergency Rules of July 3, 2019, Rule 6, Section 2;
    f. A copy of the Special Land Use Permit issued by the City of Marquette Planning Commission;
    g. A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (as measured from the parcel lines of the individual properties) to the closest real property comprising a public or private elementary, vocational or secondary school;
    h. A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana growing, cultivation, possession, testing, safety compliance and transporting, are currently subject to state and federal laws, rules and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules, and regulations, or exposure to any penalties associated therewith; and further, the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the city, its elected and appointed officials, and its employees and agents for any claims, damages, liabilities, causes of action, damages, or attorney fees that the applicant may incur as a result of the violation by the applicant, its stakeholders and agents of those laws, rules, and regulations; and
    i. Any other information which may be required by the clerk.
2. No person shall be issued a municipal license without first having obtained from the

City of Marquette Planning Commission a Special Land Use Permit authorizing the operation of the establishment pursuant to the City of Marquette Land Development Code.

3. Upon an applicant's completion of the above-described form and furnishing of all required information and materials, the city clerk shall file the same and assign it a sequential application number by establishment type based on the date and time of acceptance.
4. If the application is denied, the clerk shall issue a written notice of denial to the applicant. All communications will be sent by first class mail to the address for the applicant provided on the application.
5. Upon receipt of a completed marihuana establishment application meeting the requirements of this ordinance and confirmation that the issuance of the proposed municipal license would not exceed the maximum number permitted in section 5-3 of this ordinance, the clerk shall refer a copy of the application to each of the following for their review and approval: the police chief or designee, the fire chief or designee, the city treasurer or designee and the zoning administrator or designee.
6. A municipal license will not be granted until the application materials have been reviewed and approved by the Fire Department, which will inspect the plans of the proposed location for compliance with all laws for which they are charged with enforcement, and the fire chief or his designee has conducted all inspections deemed necessary.
7. A municipal license will not be granted until the applicant, and each person holding an ownership interest in the applicant, have passed a criminal background check conducted by the Marquette City Police Department.
8. A municipal license will not be granted until the city treasurer verifies, in compliance with chapter 12 of the Marquette City Code, that the applicant does not owe to the city any taxes or other default.
9. Municipal license holders shall report any other change in the information required by this ordinance to the city clerk within 10 business days of the change. Failure to do so may result in suspension or revocation of the license.

Sec. 5-9 – License Denial; Appeal

1. Should the city clerk deny an application, the applicant shall have 14 days from the mailing of the denial to appeal the denial to the city manager by filing a notice of appeal with the city manager's office. The city manager may require additional information or act upon the appeal based upon the information supplied to the city clerk. Should the city manager reverse the decision of the clerk, the clerk shall issue a provisional license. Should the city manager affirm the decision of the clerk, the city manager shall issue a written notice affirming the decision. All communications will be sent by first class mail to the address for the applicant provided in the application.
2. The applicant shall have 14 days from the mailing of a decision by the city manager affirming the decision of the city clerk to appeal to the city commission. To appeal the decision of the city manager, the applicant must file a notice of appeal with the city clerk. The city commission shall hear the appeal at its next regular meeting, but not sooner than seven (7) days from the receipt of the appeal.

Sec. 5-10 – Minimal Operation Standards for Marihuana Retailer

1. The following minimum standards shall apply for marihuana retailers:
    a. No retail establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
    b. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each retail establishment indicating that consumption is prohibited on the premises.
    c. The public or common areas of the retail center must be separated from restricted or non-public areas of the establishment.
    d. A drive-through window on the premises of a retail establishment shall not be permitted.
    e. A retail establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
    f. No retail establishment shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
    g. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.
    h. No marihuana retailer may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

Sec. 5-11 – Minimal Operation Standards for Marihuana Grower

1. The following minimum standards shall apply for marihuana grower facility:
    a. Any grower facility shall maintain a log book and/or database indicating the number of marihuana plants therein. Each marihuana plant will be tagged as required by the Act.
    b. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the grower, growing or harvesting of marihuana are located.
    c. The dispensing of marihuana at the grower facility shall be prohibited.
    d. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
        i. Maintaining adequate personal cleanliness;
        ii. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated; and
        iii. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
    e. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming and attractant, harborage or breeding places for pests.
    f. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

Sec. 5-12 – Minimal Operation Standards for Marihuana Safety Compliance Facility

1. The following minimum standards for a safety compliance facility shall apply:
    a. Consumption and/or use of marihuana shall be prohibited at the facility;
    b. All persons working in direct contact with marihuana shall conform to hygienic practices while on duty.

Sec. 5-13 – Minimal Operation Standards for Marihuana Processor

1. The following minimum standards for processor facility shall apply:
    a. Consumption and/or use of marihuana shall be prohibited at the processor facility.
    b. All activity related to the processor facility shall be done indoors.
    c. The dispensing of medical marihuana at the processor facility shall be prohibited.
2. All persons working in direct contact with marihuana shall conform to hygienic practice while on duty, including but not limited to:
    a. Maintaining adequate personal cleanliness;
    b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
    c. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
3. A processor facility shall produce no products other than useable marihuana intended for human consumption.

Sec. 5-14 – Minimal Operation Standards for Marihuana Secure Transporter

1. The following minimum standards for secure transporters shall apply:
    a. Consumption and/or use of marihuana shall be prohibited at a storage facility of a Secure Transporter.
    b. Storage of marihuana by a secure transporter shall comply with the following:
        i. The storage facility shall not be open or accessible to the general public; and
        ii. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinance.

Sec. 5-15 – Minimal Operation Standards for Marihuana Microbusiness

1. The following minimum standards shall apply for marihuana microbusinesses:
    a. No microbusiness establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
    b. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness establishment indicating that consumption is prohibited on the premises.
    c. The public or common areas of the microbusiness must be separated from

restricted or non-public areas of the establishment.

d. A drive-through window on the premises of a microbusiness shall not be permitted.
e. A microbusiness shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
f. No microbusiness shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
g. No marihuana microbusiness may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

2. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.

Sec. 5-16 – Minimal Operation Standards for Marihuana Consumption Establishment

1. The following minimum standards shall apply for marihuana consumption establishments:
   a. No consumption establishment shall be open to the public between the hours of 9:00 p.m. and 6:00 a.m.
   b. The public or common areas of the consumption establishment must be separated from restricted or non-public areas of the establishment, including from areas where consumption of marihuana will take place.
   c. A consumption establishment shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.
   d. No consumption establishment shall be operated in a manner creating dust, fumes or odors detectable to normal senses beyond the boundaries of the property on which the retail center is operated.
   e. No marihuana consumption establishment may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.
2. The license required by this ordinance shall be prominently displayed on the premises of a marihuana establishment.

Sec. 5-17 – Minimal Operation Standards for Temporary Marihuana Event

1. The following minimum standards shall apply for temporary marihuana events:
   a. Temporary marihuana events may only be held at venues identified by resolution of the Marquette City Commission.
   b. No temporary marihuana event may refuse representatives of the City Police Department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.
2. The license required by this ordinance shall be prominently displayed on the premises of a temporary marihuana event.

Sec. 5-18 – License Revocation

1. A municipal license or provisional license issued under this ordinance may be revoked

upon the city clerk's determination that grounds for revocation under this ordinance exist.

2. A license issued under this ordinance may be revoked on any of the following basis:
    a. Any violation of this ordinance;
    b. Revocation of the Special Land Use Permit issued by the Marquette City Planning Commission;
    c. Any conviction of delivery of a controlled substance to a minor;
    d. City clerk finding of fraud, misrepresentation or the making of a false statement by the applicant or any stakeholder of the applicant while engaging in any activity for which this ordinance requires a municipal license or in connection with the application for a license or request to renew a municipal license;
    e. The municipal license holder or any of its stakeholders is in default to the city personally or in connection with any business in which they hold an ownership interest, for failure to pay property taxes, special assessments, fines, fees or other financial obligation;
    f. The marihuana establishment is determined by the city to have become a public nuisance; or
    g. The department has denied, revoked or suspended the applicant's state operating license.
3. Should the city clerk revoke a license, the municipal license holder shall have 14 days from the mailing of the written notice of revocation to appeal the decision to the city manager. The city manager may require additional information or act upon the appeal based upon the information supplied to the city clerk. Should the city manager reverse the decision of the city clerk, the clerk shall reinstate the license. Should the city manager affirm the decision of the city clerk, he/she shall mail by first class mail a written notice affirming the decision to the address for the municipal license holder contained in the city clerk's records.
4. Should the city manager affirm the revocation of a municipal license by the city clerk, the municipal license holder shall have 14 days from the mailing of the decision of the city manager to appeal the decision to the City Commission, by filing with the city clerk a written notice of appeal. The City Commission shall hear the appeal at its next regularly scheduled meeting, but no sooner than seven (7) days from the receipt of the appeal.

Sec. 5-19 – Penalties and Discipline

1. The City of Marquette may require an applicant or municipal license holder to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this ordinance. Failure to provide the required material may be grounds for application denial, license revocation, or discipline.
2. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to a fine of $500, plus costs. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.
3. Any violation of this ordinance may result in revocation, as defined in section 5-18 of this ordinance.

Sec. 5-20 – Right to Amend

1. The Marquette City Commission reserves the right to amend or repeal this ordinance in any manner, including prohibiting or limiting the type or number of adult use marihuana establishments and state license types authorized to operate in the City.

Sec. 5-21 – Severability

1. In the event that any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this ordinance

SECTION 2. Publication.

This ordinance shall take effect March 1, 2020, but not before publication.

Frederick Stonehouse, Mayor

Kris M. Hazeres, City Clerk

Date Adopted: October 15, 2019

Date Published: October 21, 2019

Resolution Establishing Fees for Adult-Use Marihuana Establishments

WHEREAS, various requests are made to the office of the City Clerk requiring hours of City staff time to prepare licenses, assemble information, meet and discuss requests, conduct fire inspections, enforce public safety standards, and prepare follow-up reports and communications; and,

WHEREAS, the City of Marquette is authorized by the Michigan Regulation and Taxation of Marihuana Act to charge an annual fee of not more than $5000 to defray application, administrative and enforcement costs associated with the operation of marijuana establishments in the municipality; and,

WHEREAS, an appropriate non-refundable municipal license application fee as established by resolution is a required component of the adult-use marihuana license application as set by Ordinance #682; and,

WHEREAS, the City Commission believes it is important that the actual costs associated with these services are not subsidized by the general taxpayer;

NOW THEREFORE BE IT RESOLVED, that fees for adult-use marihuana licenses be established as follows:

Fee Schedule:
Fee is non-refundable once an application for an adult-use marihuana license has been submitted to the City Clerk's Office. A provisional license will be issued after the application is approved by the City Clerk. At the time the Clerk receives verification that the applicant has received a valid state license, the Clerk will provide the applicant with a municipal license, which conveys the ability to operate a marihuana establishment. Municipal licenses will be issued for the term of one year and will run concurrently with the term of the applicant's state license. Municipal licenses may be renewed upon receipt of a complete renewal application and fee for any marijuana establishment in good standing.

A $5000 fee is set for each of the adult use marihuana establishments identified in City Ordinance #682, with the exception of temporary marihuana events. A fee for temporary marihuana events will be set by a later resolution.

Duly adopted by the Commission on February 10, 2020.

Jennifer Hill, Mayor Pro Tempore

Certified to be a true copy on February 10, 2020.

Kris M. Hazeres, City Clerk