

CITY OF MARQUETTE REZONING APPLICATION



CITY STAFF USE

Parcel ID#: _____ File #: _____ Date: _____
Hearing Date: _____ Application Deadline (including all support material): _____
Receipt #: _____ Check #: _____ Received by and date: _____

FEE \$1,375 (We can only accept Cash or Check (written to the City of Marquette))

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

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

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

Please review the attached excerpt from the Land Development Code.

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

PHASING OF APPLICATION

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

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

PROPERTY INFORMATION

Property Address: _____ Property Identification Number: _____

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

Surrounding Zoning Districts: North _____ East _____ South _____ West _____

Legal Description: _____

PROPOSAL

Current Zoning District: _____

Proposed Zoning District: _____

Please note: If proposing a Rezoning with Conditions, please attach a separate sheet(s) with your proposed Conditional Rezoning Agreement that meets the Land Development Code Section 54.1405(H)(1).

SIGNATURE

I hereby certify the following:

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

Property Owner Signature: _____ Date: _____

EXCERPT FROM THE CITY LAND DEVELOPMENT CODE

Article 14: Administrative Procedures **Section 54.1405: Zoning Ordinance Amendment Procedures**

Section 54.1405 Zoning Ordinance Amendment Procedures

(A) Initiation of Amendments.

(1) Zoning Map/Rezoning. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries and official zoning map, pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended.

(2) Land Development Code text. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.

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

(C) Amendment Review Procedures.

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

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

(3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with [Section 54.1406](#). If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for

further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

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

- (1) Community Master Plan.** Consistency with the recommendations, goals, policies, and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
- (2) Intent and Purpose of the Land Development Code.** Consistency with the basic intent and purpose of the Land Development Code.
- (3) Street System.** The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- (4) Utilities and Services.** The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.
- (5) Changed Conditions.** Conditions have changed since the Land Development Code (LDC) was adopted or there was an error in the LDC that justifies the amendment.
- (6) No Exclusionary Zoning.** The amendment will not be expected to result in exclusionary zoning, which could create or foster social, economic, or racial segregation.
- (7) Environmental Features.** If a rezoning is requested, the compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- (8) Potential Land Uses and Impacts.** If a rezoning is requested, the compatibility of all potential uses allowed in the proposed zoning district with surrounding uses and zoning, in terms of land suitability, environmental impacts, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

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

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

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

(12) Isolated or Incompatible Zone Prohibited. If a rezoning is requested, the new zoning district will not be an isolated or incompatible zone in the vicinity.

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

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

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

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

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

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

(a) The owners of at least 20% of the area of land included in the

proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

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

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

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

(H) Rezoning (Zoning Map Amendment) with Conditions/Conditional Rezoning. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a *Rezoning with Conditions* (also called Conditional Rezoning) requested by a property owner. Only conditions voluntarily offered in writing by the property owner may be considered by the City in accordance with MCL 125.3405; the City shall not request, require, or impose relevant conditions. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning.

Conditional Rezoning allows the applicant to propose specific *Principal Permitted Uses* and *Special Land Uses* for a zoning district other than currently approved district, to be allowed at the subject property. If approved through this process, only those proposed land uses from another zoning district would be carried over to the new conditional zoning district. The proposed uses of the proposed zoning district are the basis for the conditions of the rezoning.

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

- (a) A statement acknowledging that the *Rezoning with Conditions* was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms of the CRA; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal

law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.

- (b) Acknowledgement that the property in question shall not be developed or used except as proposed in the CRA.
- (c) Acknowledgment that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
- (d) The date upon which the rezoning with conditions becomes void, as specified in [Section 54.1405\(H\)\(3\)](#), below. If an extension of approval is granted by the City Commission, a new CRA with the new expiration date shall be recorded.
- (e) Acknowledgement that, if a rezoning with conditions becomes void in the manner provided in [Section 54.1405\(H\)\(3\)](#), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
- (f) Acknowledgement that each of the requirements and conditions in the CRA represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
- (g) A legal description of the property affected by the rezoning with conditions.
- (h) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping, etc. This shall be stated or shown as a reference to the standards for the specific zoning district that will become effective with approval of the proposed Conditional Rezoning.
- (i) Acknowledgement that revocation of approval provisions returning the property to its original zoning designation, will occur if the developer violates the terms of the agreement.
- (j) **Conditional Rezoning Plan Inclusion.**
 - (i) A CRA may contain a *conditional rezoning plan* as an attachment, with relevant illustrations and details to convey a proposed development of the property in accordance with the conditional rezoning request.
 - (ii) Inclusion of a *conditional rezoning plan* as an attachment to a

conditional rezoning agreement shall not replace the requirement for Preliminary and Final Site Plan, Subdivision, Condominium, or Special Land Use review and approval, as the case may be.

- (iii) Any *conditional rezoning plan* submitted with an application shall be considered conceptual and informational only, and shall not be interpreted as a binding condition of rezoning unless the applicant explicitly offers the plan, or specific elements of the plan, as a voluntary written condition within the Conditional Rezoning Agreement. Only those plans or plan elements expressly incorporated by reference into the Agreement and approved by the City Commission shall be considered binding conditions.

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

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

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

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

- (i) The property owner may seek a new rezoning of the property; and/or
- (ii) Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

(4) Zoning Map. If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "CR Conditional Rezoning." The

Zoning Map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be “CBD Central Business District with CR Conditional Rezoning,” with a Zoning Map designation of “CBD CR.”

- (5) **Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in [Section 54.1405\(C\)](#), with the exception that the conditional rezoning agreement shall be executed between the applicant and the City Commission at the time of City Commission approval of a rezoning with conditions. During the review of a rezoning with conditions, any site plan, concept plan, sketch, or illustrative layout submitted by the applicant shall be treated as conceptual and informational unless the applicant expressly identifies the plan, or specific elements of the plan, as voluntary conditions offered for inclusion in the Conditional Rezoning Agreement.
- (6) **Recordation of a Conditional Rezoning Agreement.** A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.