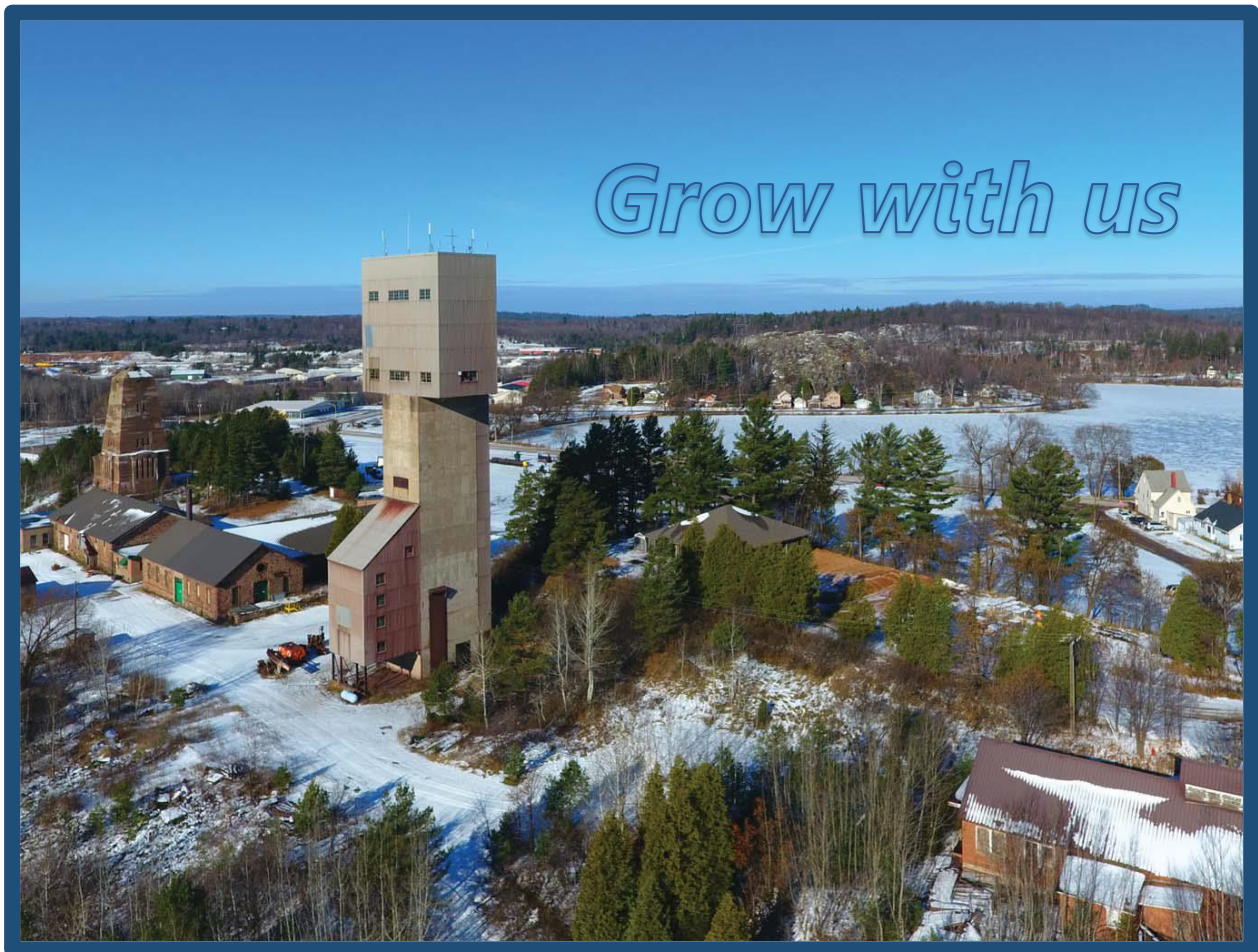


Development Guide

City of Ishpeming



April 12, 2021

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Introduction

This guide is intended to give you, the developer, the general framework of the development process in the City of Ishpeming.

The development of land involves multiple officials, departments, boards, commissions, organizations and the general public. Because of this, each case shall be considered as an individual case. ([Section 26.0 of the Zoning Ordinance](#))

Regardless of the complexity of your project, there are basically two processes, in this order:


1. ZONING APPROVAL

2. BUILDING PERMITS

Because the building permit process is handled by the Marquette County Resource Management/Development Department, otherwise known as the Building Codes Department, this Guide will focus primarily on the City of Ishpeming zoning approval process.

TextMyGov

The City of Ishpeming has partnered with **TextMyGov** to offer citizens a simple, 24/7 communication tool for quickly looking up City government information.

Throughout this Guide, when you see this graphic:  text the word inside to:

906-702-7002

You will receive direct information on your mobile phone concerning that subject.

Conceptual Review Meetings

Conceptual review meetings offer a chance for early, informal review of proposed projects. These meetings are available **free of charge** and are intended to promote a smooth approval process once formal applications are submitted. While optional, you are strongly encouraged to schedule a preliminary design or conceptual review meeting with the Zoning Administrator. (The Zoning Administrator contact information is located in the [References](#) section of this Guide.)

To ensure the success of your conceptual review meeting, be prepared with as much of the following information as possible:

- ✓ Project location.
- ✓ Existing land use.
- ✓ Intended development (residential, office, retail, commercial, etc.)
- ✓ Preliminary sketches (hand-drawn are acceptable).
- ✓ Surrounding land uses.
- ✓ Any other additional project information available.

At your meeting, the following will be discussed:

- ✓ Review the proposed use for general conformance with existing zoning.
- ✓ Initial feedback on design (if applicable).
- ✓ The correct zoning process and what to expect.
- ✓ Potential options for incentives through local, county or state programs.
- ✓ Answer any questions you may have about development in the City of Ishpeming.

Zoning Approval Process

It is highly recommended that you contact the City of Ishpeming Zoning Administrator before proceeding any further. (The Zoning Administrator contact information is located in the [References](#) section of this Guide.) The Zoning Administrator will give you specific guidance on how to proceed with your development situation.

What Applications Do You Need?

- 1. Determine what Zoning District your project is located in.** The Zoning Administrator maintains the City's official Zoning Map and will help you determine your Zoning District.
 - A.** The City Zoning Map may be viewed at: [Zoning Map](#). Zone
 - B.** Once you have determined your Zoning District, **proceed to Step 2.**

- 2. Determine if your development is permitted by right.** Each Zoning District has specific authorized uses which are permitted 'by right' along with structure placement requirements.
 - A.** Permitted principal uses for each Zoning District are governed by [Sections 10-18 of the Zoning Ordinance](#).
 - B.** If your development is permitted by right, complete the Zoning Compliance application available at: [Zoning Compliance Permit](#). Compliance
 - C.** A plot or site plan is required and shall accompany the Zoning Compliance application. ([Sections 28.2 – 28.4 of the Zoning Ordinance](#))
 - D.** Zoning Compliance applications are reviewed and approved or denied by the Zoning Administrator. Decisions of the Zoning Administrator may be appealed to the Zoning Board of Appeals. Visit the [Zoning Board of Appeals](#) section of this Guide for more information.
 - E.** If your development is **NOT** permitted by right, **proceed to Step 3.**

- 3. Determine if your development is a permitted conditional use.** Each Zoning District has specific conditional uses which are permitted after review and approval of the Planning Commission.
 - A.** Permitted conditional uses for each Zoning District are governed by [Sections 10-18 of the Zoning Ordinance](#).

- B. The intent, procedure and guidelines for Conditional Use Permits is governed by [Section 25 of the Zoning Ordinance](#).
 - C. If your development is a permitted conditional use, complete the Conditional Use application available at: [Conditional Use Permit](#). **Conditional**
 - D. A plot or site plan is required and shall accompany the Conditional Use application. ([Section 28.2 – 28.4 of the Zoning Ordinance](#))
 - E. Conditional Use applications are reviewed and approved or denied by the Planning Commission. Decisions of the Planning Commission on a Conditional Use permit shall be final. A person having an interest affected by a Conditional Use permit decision of the Planning Commission may appeal to circuit court. ([Section 25.2.J of the Zoning Ordinance](#))
 - F. If your development is **NOT** a permitted conditional use, **proceed to Step 4**.
- 4. Determine if your development is a special circumstance.** If you believe your parcel is zoned correctly and that your project use is a special circumstance unique only to your situation, you may apply for a Non-Use Variance Permit.
- A. The Non-Use Variance application and review process is governed by [Sections 30.4-30.5 of the Zoning Ordinance](#).
 - B. The Non-Use Variance application form is available at: [Variance Permit](#). **Variance**
 - C. A plot or site plan is required and shall accompany the Variance application. ([Section 28.2 – 28.4 of the Zoning Ordinance](#))
 - D. All Variance applications are reviewed and approved or denied by the Zoning Board of Appeals. Visit the [Zoning Board of Appeals](#) section of this Guide for more information.
 - E. If you believe your parcel is **NOT** zoned correctly, **proceed to Step 5**.
- 5. Determine if your development requires rezoning.** If you believe your parcel is zoned incorrectly or would like your parcel zoning revised to allow for your project use, you may apply for a Zoning District / Zoning Text Revision.
- A. The Rezoning Amendment Procedure is a lengthy process and is governed by [Section 7 of the Zoning Ordinance](#).
 - B. The Zoning District / Zoning Text Revision application form is available at: [Rezoning Permit](#). **Rezone**

- C. All Zoning District / Text Revision applications are reviewed by the Planning Commission and then their recommendations are referred to the City Council. The City Council approves or denies all rezoning requests.
- D. If your Zoning Revision is **APPROVED** by the City Council, the amendment will be adopted and published. After that is completed, **return back to step 2.**

Supplemental Permits Required

Supplemental Zoning Permits may be required as they relate to your development. Contact the Zoning Administrator for guidance on what permits are required for your project.

1. Sign Permit

Sign

- A. Sign Permits are governed by City of Ishpeming [Ordinance 8-400](#). The application form is available at: [City of Ishpeming – Sign Permit](#).
- B. If your project **ONLY** involves signage, contact the Zoning Administrator to determine if a Sign Permit application may be submitted independently of any other zoning applications.

2. Fence Permit

Fence

- A. Fence Permits are governed by City of Ishpeming [Ordinance 8-600](#). The application form is available at: [City of Ishpeming – Fence Permit](#).
- B. If your project **ONLY** involves fencing, contact the Zoning Administrator to determine if a Fence Permit application may be submitted independently of any other zoning applications.

3. Class “A” Non-Conforming Use / Structure Designation Permit

- A. Class “A” Permits are governed by [Section 23 of the Zoning Ordinance](#).
- B. The Class “A” application form is available at: [Class “A” Permit](#). **Class A**
- C. A plot or site plan is required and shall accompany the Class “A” application. ([Section 28.2 – 28.4 of the Zoning Ordinance](#))
- D. If your project **ONLY** involves Class “A” designation, contact the Zoning Administrator to determine if a Class “A” Permit application may be submitted independently of any other zoning applications.

4. Residential Animal Keeping Permit

- A. Residential Animal Keeping Permits are governed by [Section 22.13 of the Zoning Ordinance](#).
- B. Contact the Zoning Administrator for instructions on how to apply for this permit.
- C. If your project **ONLY** involves residential animal keeping, contact the Zoning Administrator to determine if a Residential Animal Keeping Permit application may be submitted independently of any other zoning applications.

5. Driveway / Access Management Permits

- A. All projects requiring **new** access to any City public street requires a Residential or Commercial **City of Ishpeming Driveway Permit**. Contact the Zoning Administrator for instructions on how to apply for these permits.
- B. **Driveway Hold-Harmless Agreement** – In the event a driveway or passageway is more than one hundred fifty (150) feet in length from a public Right-of-Way to the dwelling, in addition to a Driveway Permit, a **Driveway Hold-Harmless Agreement** protecting the City of Ishpeming is to be recorded prior to home occupancy in the event that weather events prevent access by emergency service providers. ([Section 3.0, “Driveway” of the Zoning Ordinance](#)).
- C. **Access management** application, review and approval is governed by [Section 34 of the Zoning Ordinance](#).
- D. For projects requiring access to **State or County Roads** within the City limits, as detailed below, applications for **Access Management** approval shall be made on a form prescribed by and available at the Michigan Department of Transportation (MDOT) or Marquette County Road Commission (MCRC), as applicable. **A copy of the completed form submitted to the applicable road authority shall also be submitted to the Zoning Administrator.** ([Section 34.4.A of the Zoning Ordinance](#))

1. Projects requiring access to US-41/M-28 are under the jurisdiction of MDOT.

- a) More specifically, projects under the jurisdiction of MDOT are located within parcels that abut the highway right-of-way of US-41/M-28 and such other lands that front on intersecting streets within 250 feet of the right-of-way of US-41/M-28 within the City of Ishpeming. ([Section 34.2 of the Zoning Ordinance](#))
- b) For information about MDOT’s right-of-way construction permits, contact the Ishpeming Transportation Service Center (TSC) at: **906-485-4270**.



c) More information about MDOT right-of-way construction permits is available at: [MDOT – Right-of-Way Construction Permits](#).

d) All MDOT construction permit applications are submitted and purchased through the MDOT Permit Gateway online service available at: [MDOT – Permit Gateway](#).

2. Projects requiring access to the following roadways are under the jurisdiction of MCRC:

a) **County Road 587** (Cooper Lake Cut-across) or **County Road GP**, (Cooper Lake Road). ([Section 34.0 of the Zoning Ordinance](#))

b) For information about MCRC’s access permits, call: **906-486-4491**.

c) MCRC access permits are available at: [Road Commission – Access Permits](#).

6. Private Road Permit

A. Private Road Permits are governed by [Section 22.15 of the Zoning Ordinance](#).

B. There are two levels of Private Road Permits issued by the City of Ishpeming. Each application level has specific requirements as listed in the section noted above. Contact the Zoning Administrator for instructions on how to apply for these permits.

1. Private Road Permit serving **up to five** (5) Residential Lots.

2. Private Road Permit serving **more than five** (5) Residential Lots.

C. Private Road applications are reviewed and approved or denied by the City of Ishpeming Zoning Administrator. Decisions of the Zoning Administrator may be appealed to the Zoning Board of Appeals. Visit the [Zoning Board of Appeals](#) section of this Guide for more information.

Additional Zoning Requirements

1. Wellhead Protection Overlay Zone Protection

- A. Wellhead Protection Overlay Zone Protection requirements are governed by City of Ishpeming [Ordinance 8-500](#). The specific general provisions for this zone are listed in [Section 8-504 of City Ordinance 8-500](#).
- B. Permitted land uses in the Wellhead Protection Overlay Zone include all permitted uses as allowed in the City Zoning Ordinance, **except for prohibited uses** listed in [Section 8-503 of City Ordinance 8-500](#).
- C. The specific general provisions for the Wellhead Protection Overlay Zone are listed in [Section 8-504 of City Ordinance 8-500](#).
- D. Contact the Zoning Administrator for help determining if your project requires Wellhead Protection measures.
- E. If your project requires Wellhead Protection measures, you must submit a *City of Ishpeming State and County Environmental Permits Checklist* with your site plan. ([Section 8-505.6 of City Ordinance 8-500](#))

2. Lot Splits

- A. Subdivision Lot Splits are governed by City of Ishpeming [Ordinance 8-300](#).
- B. All Lot Split applications are reviewed and approved or denied by the Zoning Board of Appeals. Visit the [Zoning Board of Appeals](#) section of this Guide for more information.

3. Planned Unit Development (PUD)

- A. Planned Unit Developments are governed by [Section 20 of the Zoning Ordinance](#).
- B. The general summary of the application process for PUD's, as outlined in [Section 20.17 of the Zoning Ordinance](#), is as follows:
 - 1. Pre-application Conference – The applicant shall meet informally with the Zoning Administrator, the City Manager and the Chairperson of the Planning Commission in connection with the preparation of the PUD application.
 - 2. The applicant shall submit to the Zoning Administrator a Preliminary Development Plan with a petition for rezoning to PUD District.

3. Within sixty (60) days following the submission of a Preliminary Development Plan, the Planning Commission shall hold a public hearing on the Plan, and the Planning Commission shall vote to recommend, recommend with modifications or disapprove the Plan.
4. If the Preliminary Development Plan is approved, with or without modifications, by the City Council, the official zoning map shall be changed to so signify.
5. Within nine (9) months following approval of the preliminary development plan, the applicant shall submit to the Planning Commission a final development plan.
6. If the Final Development Plan is in substantial compliance with the Preliminary Development Plan, it shall be recommended for approval by the Planning Commission within thirty (30) days. Notice of such recommendation shall then be given to the City Council which shall approve the final development plan, and the plat or plats involved, if any, within thirty (30) days.

4. Platted Subdivision or Condominium Development

- A. Condominium developments are governed by [Section 22.16 of the Zoning Ordinance](#).
- B. At this time, Platted Subdivision developments are governed by the same requirements as Condominium development.
- C. Initial development information, as detailed in [Section 22.16.A of the Zoning Ordinance](#), shall be submitted to the Zoning Administrator and kept current until a Zoning Compliance Permit is issued. ([Section 22.16.B of the Zoning Ordinance](#))

5. Disposal of City Real Property

- A. The disposal of City Real Property is governed by Section 14.8 of *Charter of the City of Ishpeming*. Copies of the *City Charter* are available for purchase at City Hall.
- B. City real property includes any street, alley, public ground, park, public utility, or any part thereof.
- C. The general process for disposal of City real property is as follows:
 1. The City Council declares the vacation or disposal of real property, or any part thereof, by resolution and sets a meeting time to hear public objection.
 2. Notice of the hearing is published in a locally circulated newspaper not less than ten (10) days beforehand. At the hearing, the Council shall accept written or oral comments from the public.

3. At the next regular Council meeting, after the public hearing, the Council may vote on the matter. A three-fifths vote is required to dispose of any City real property.

6. Neighborhood Enterprise Zones (NEZ)

NEZ

- A. The Neighborhood Enterprise Zone (NEZ) Program was established by [Public Act 147 of 1992](#), as amended. The program provides a tax incentive for the development and rehabilitation of residential housing.
- B. The program was established to spur the development and rehabilitation of residential housing in communities where it may not otherwise occur. The program also encourages owner-occupied housing and new investment in communities.
- C. A community will reduce the taxes on property for up to 15 years in designated areas to promote the revitalization of those neighborhoods. Developers and owners must first seek approval for the NEZ benefits before starting a project.
- D. The City of Ishpeming currently has three (3) designated NEZ's. The Zoning Administrator maintains the City's official NEZ maps.
- E. The Michigan Economic Development Corporation (MEDC) has put together a helpful guide which summarizes the NEZ program and the Owner/Developer process for obtaining a NEZ certificate. The MEDC guide is available at: [MEDC – NEZ Program](#).
- F. The Owner/Developer must file an application for a NEZ certificate with the City Clerk. The City Clerk contact information is located in the [References](#) section of this Guide.
- G. The Owner/Developer must obtain a NEZ certificate **BEFORE** applying for building permits.

Plot and Site Plans

All Zoning applications must be submitted with appropriate Plot or Site Plans. Once you have collected all relevant permit applications, determine which type of plan must accompany them.

1. Plot Plans are required for Residential Dwellings, Accessory Uses, Structures and Agricultural Buildings.

- A. Plot Plan requirements are governed by [Section 28.3 of the Zoning Ordinance](#).
- B. Upon receipt of a plot plan, the Zoning Administrator shall within 10 working days determine whether it is in proper form and contains all of the required information. The Zoning Administrator shall review the plot plan to determine compliance with this Ordinance and other ordinances of the City of Ishpeming. Adequacy of municipal utility services will be assessed by the Ishpeming Department of Public Works and Fire Department, as required. If found to be satisfactory, the Zoning Administrator shall issue a zoning compliance permit within ten (10) working days. ([Section 28.5.B of the Zoning Ordinance](#))


2. Site Plans are required for Commercial, Industrial, Multiple-Family and Other Developments.

- A. Site Plan requirements are governed by [Section 28.4 of the Zoning Ordinance](#).
 - B. **For developments requiring Wellhead Protection measures**, as determined by the Zoning Administrator, **additional** Site Plan requirements are necessary as outlined in [Section 8-505 of City Ordinance 8-500](#).
 - C. **Planned Unit Development (PUD)** site plan requirements are unique and governed by [Sections 20.3 – 20.16 of the Zoning Ordinance](#). PUD's also have a unique application procedure outlined in [Section 20.17 of the Zoning Ordinance](#).
 - D. The Zoning Administrator shall review the site plan and shall act on all site plans within thirty (30) days of the date of determination that the application is **administratively complete** provided that all other City departments have furnished the results of their respective reviews. ([Section 28.5.C of the Zoning Ordinance](#))
3. Either the Zoning Administrator or the applicant may request in writing that a site plan be considered and reviewed by the Planning Commission. The Planning Commission shall act on all site plans referred to it within sixty (60) days of the date of determination that the application is **administratively complete**. ([Section 28.5.F of the Zoning Ordinance](#))
4. Amendments to approved Site Plans are governed by [Section 28.6 of the Zoning Ordinance](#).



5. Standards for the review of Site Plans are governed by [Section 28.7 of the Zoning Ordinance](#).
6. The developer shall, upon request by the City, provide a financial completion guarantee as governed by [Section 28.8 of the Zoning Ordinance](#).
7. Decisions of the Zoning Administrator or Planning Commission may be appealed to the Zoning Board of Appeals. Visit the [Zoning Board of Appeals](#) section of this Guide for more information.

Zoning Board of Appeals

1. The Zoning Board of Appeals (ZBA) procedures and powers are governed by [Section 30 of the Zoning Ordinance](#).
2. Information about the City of Ishpeming ZBA's members and meeting minutes can be viewed at: [Ishpeming ZBA](#).  ZBA
3. Administrative appeals to the Board may be filed by any person aggrieved or adversely affected by any decision of the Zoning Administrator, or by an officer, department, board, or bureau of the State of Michigan, or by the City of Ishpeming. Such **appeals shall be filed within twenty-one (21) days** after the decision or action of the Zoning Administrator by filing with the Zoning Administrator and with the Board a written notice of appeal specifying the grounds thereof. ([Section 30.3.B of the Zoning Ordinance](#))
4. Any party aggrieved by a decision of the ZBA may appeal to the **Marquette County Circuit Court** in accordance with [M.C.L.A. §125.3606](#).

Building Permits Process

1. After all applicable Zoning permits and approvals have been obtained from the City of Ishpeming, the next step is to apply for Building Permits.
2. **The Marquette County Building Codes Department issues building permits for all of Marquette County.** To apply for permits, bring completed applications to the Building Codes Department, or you may also visit the **Ishpeming Service Center** in the Clerk/Treasurers Office at 215 W. Hematite Drive, Ishpeming.
 - A. The Marquette County Building Codes Department location and contact information are available at: [Marquette County - Building Codes Department](#)
 - B. Marquette County's permit application guide is available at: [Marquette County - What You Need Before You Build](#)
 - C. Marquette County's building permit applications are available at: [Marquette County - Building Codes Forms](#)
 - D. Marquette County's building permit application fee schedule is available at: [Marquette County - Building Codes Permit Fees](#)
 - E. Inspections are required on all permit applications and you are responsible for scheduling them. Marquette County's inspection policies are available at: [Marquette County - Policies Regarding Inspections](#)

References

Key Contact Information

1. Zoning Administrator – Al Pierce Zoning

- The Zoning Administrator’s establishment and duties are governed by [Section 29 of the Zoning Ordinance](#).
- Email: Zoning@IshpemingCity.org
- Phone: (906) 485-1091, Ext. 206

2. City Clerk – Cathy Smith Clerk

- Email: CathySmith@IshpemingCity.org
- Phone: (906) 485-1091, Ext. 203
- Fax: (906) 485-6246

Meeting Schedules

- **City Council** – Regular meetings are generally held the Wednesday following the first Monday of every month at 7:00 pm.
- **Planning Commission** – Regular meetings are generally held the first Monday of every month at 6:30 pm.
- **Zoning Board of Appeals** – Meetings are generally held as necessary and scheduled by the Zoning Administrator.

Fee Schedule

- All Zoning related permit and review fees are governed by [Section 27 of the Zoning Ordinance](#). No activity on any application or appeal shall commence until said fee(s) have been paid.
- Access the current City of Ishpeming Schedule of Fees at: [Schedule of Fees](#). Fees
- **After the fact fees are double the original cost.**

