



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Agenda City Commission

Monday, January 11, 2021

6:00 PM

Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Presentation(s)

1. Board of Review, by Chair Steve Lawry

Public Hearing(s)

2. Public Hearing on Ordinance #694 - Land Development Code Amendments - Roll Call Vote

3. Consent Agenda

- 3.a. Approve the minutes of the December 21, 2020 regular Commission meeting.
- 3.b. Approve the total bills payable in the amount of \$790,425.29
- 3.c. Schedule a Public Hearing to Consider Rezoning of Five Improperly Zoned Properties
- 3.d. Senior Services - Master Agreement to Purchase Services

Unfinished Business

4. Founders Landing Parcel 2A Development Agreement
5. Extension of Purchase Agreement Due Diligence Period - Parcels 9-11 of former Heartwood Property

New Business

6. COVID-19 Vaccine Resolution - Roll Call Vote
7. City Commission Rules of Procedure #2003-01
8. Hazard Mitigation Plan Update

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Comments from the Commission

Comments from the City Manager

Adjournment

Kyle Whitney, City Clerk

This meeting will be live on Marquette Charter Cable Channel 191 and will be broadcast (subject to temporary programming) as follows: Tuesday at 11a.m. and 6p.m.; Wednesday at noon and 8 p.m.; Thursday at 4 a.m. and 1 p.m.; Friday at 6 p.m.; Saturday at noon; and Sunday at 8 a.m. and 4 p.m.

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City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

Public Hearing(s)

Public Hearing on Ordinance #694 - Land Development Code Amendments - Roll Call Vote

BACKGROUND:

The Planning Commission held a public hearing on November 17, 2020 for the consideration of draft amendments to the Land Development Code (LDC). The proposed amendments are the product of several months of effort by staff and the Planning Commission and have been developed, discussed and refined during several work sessions in late 2020.

The proposed amendments are aimed at improving upon, refining and clarifying the LDC, which was adopted in early 2019.

It was moved by S. Mittlefehldt seconded by M. Dunn, and carried 5-0 that after review of the draft Land Development Code (LDC) amendments presented as case 02-ZOA-01-2020, and after conducting a public hearing and careful consideration of the contents of the draft LDC amendments, the Planning Commission finds that the draft LDC amendments are consistent with the recommendations, goals, and policy objectives of the Community Master Plan, comply with section 54.1405 of the Land Development Code and therefore are justified, appropriate and should be approved by the City Commission.

Under procedures in accordance with section 54.1405 of the LDC, City staff has facilitated the process to provide the Planning Commission's recommended amendments to the City Commission for final approval.

Tonight's public hearing was scheduled during the Commission's regular meeting on December 14, 2020.

FISCAL EFFECT:

None.

RECOMMENDATION:

Following the Public Hearing, adopt Ordinance #694 - Land Development Code Amendments.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Planning Commission Meeting Minutes for 11-17-20
- ▣ 02-ZOA-11-20 LDC Amendments
- ▣ Ord 694

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
November 17, 2020**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, November 17th, 2020 by remote means (due to the COVID-19 pandemic).

ROLL CALL

Present: W. Premeau, M. Dunn, S. Mittlefehldt, Vice-Chair M. Larson, Chair J. Cardillo

Absent: J. Koehs, A. Andres, E. Brooks, A. Ruiz

AGENDA

It was moved by M. Larson, seconded by M. dunn, and carried 5-0 to approve the agenda with the change to add a work session item - 7.A - as requested by the City Planner.

MINUTES

The minutes of 11/10/2020 were not yet available for review.

CONFLICT OF INTEREST

No certain or potential conflicts of interest were expressed.

PUBLIC HEARING

A. 02-ZOA-11-20 - Land Development Code Amendments

City Planner and Zoning Administrator D. Stensaas stated that the Planning Commission has discussed the attached draft amendments to the Land Development Code, and he quickly reviewed the contents from the beginning to the end. He stated that in Article 6 there is one change in the section on Accessory Dwelling Units (ADUs) that was modified since the last work session, and that he had informed the Planning Commission of this recommendation from himself and the City Attorney for the recording of a covenant regarding occupancy requirements prior to the issuance of a Zoning Compliance Permit.

S. Mittlefehldt stated that she knows that it has been discussed quite a bit, but she is wondering if there has to be a permit for rooftop solar units when there is no permit required for installation of shingles or a metal roof. A. Landers stated that with these changes to the Code there would be no permit required for shingles that integrate solar technology, but if the panels are attached they would have to be permitted as accessory structures. D. Stensaas stated that we do have to verify if the units meet the setback and height requirements since they are attached to the roof. He also stated that in communities that have a building codes office in the same agency as the zoning office they may elect to have only one fee for both offices to review the permit, but that isn't the case in Marquette and if they review a permit they are required to charge a fee to cover the cost of the average effort for review of the permit, or an estimate of that effort.

J. Cardillo stated that the cost of the permit isn't in the Code and so we would need to address this separately as a recommendation to the City Commission. A. Landers stated that that is something you could address in the annual report with the City Commission. S. Mittlefehldt stated that we have talked about this and I think we should make the recommendation in the annual report to the City Commission.

J. Cardillo stated that if we are done with the presentation and if there is nobody to speak on this, she is comfortable with moving forward with these amendments and would welcome a motion on the amendments unless there are any other comments or questions.

M. Dunn stated that in relation to the solar issue at some point, in another round of revisions to the LDC, he would like to see if we could get a comprehensive plan together to make it as easy as we can for solar and any sort of efficiency and environmental conservation measures and see if we are doing everything we can to promote that, that would be on my wish list as well.

J. Cardillo stated that we could add that as well to our presentation to the City Commission, and if anyone hears about community grants that would apply to codes that we could bring to the city, it would be great to

have a professional consultant that specializes in that, and she thinks that would be a great way to fine-tune our code to make it more accessible for those kind of things.

It was moved by S. Mittlefehldt seconded by M. Dunn, and carried 5-0 that after review of the draft Land Development Code (LDC) amendments presented as case 02-ZOA-01-2020, and after conducting a public hearing and careful consideration of the contents of the draft LDC amendments, the Planning Commission finds that the draft LDC amendments are consistent with the recommendations, goals, and policy objectives of the Community Master Plan, comply with section 54.1405 of the Land Development Code and therefore are justified, appropriate and should be approved by the City Commission.

B. 02-REZ-11-20 – 908 Center St. (PIN: 0461120), 1700 Tracy Ave. (PIN: 0461130), 1705 Schaffer Ave. (PIN: 0461090), 1706 Schaffer Ave. (PIN: 0461330), 1829 Van Evera Ave. (PIN:0460240)

Zoning Official A. Landers stated that Planning Commission is being asked to evaluate attached information regarding the zoning district assignment of the five subject properties, both before and after the adoption of the Land Development Code (LDC) in early 2019, and make a recommendation to the City Commission regarding rezoning the properties. She stated that all five of the properties have been used for single-family dwelling units and were formerly zoned as such, and this rezoning is a correction to re-establish the appropriate zoning for the properties. She stated that these properties are privately owned and were formerly zoned General Residential (RG), and that they were mistakenly rezoned to the new Civic (C) district category in February of 2019 along with many properties owned by Northern Michigan University (NMU). She also stated that the mistake came about because these properties were mistakenly identified as NMU properties during the Community Master Plan (CMP) in update process, ending in 2015, of identifying properties within the recommended Civic zoning district, on the Future Land Use Map and the Proposed Zoning Map. She also stated that somehow these five properties were not identified as privately owned when the LDC rezoning process was being conducted, and as the five properties were RG prior to the LDC and are still being used as single-family residences with no change in that use foreseen they should be rezoned to Medium Density Residential (MDR) – the new analogue to the defunct RG zoning district. She also stated that the CMP will also need to be updated to correct this oversight, but that process is not critical to be done now even though there is an inconsistency between the CMP and the LDC for the zoning of these properties.

She also stated that the recommended action for the Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning with conditions of the above property is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

M. Dunn stated that he doubts this would be the case but is wondering if there are going to be any non-conformities that we would be agreeing to by approving this, and are any of the properties non-conforming now with the standards for the MDR zoning. A. Landers stated that by making them Civic zoning we have made them non-conforming and by rezoning back to residential they would be brought back into conformance. M. Dunn stated that he is just wondering about setbacks and the like and if any of the lots would be out of conformance in the MDR. A. Landers stated that if they are they probably would have been out of conformance with the former General Residential standards because the MDR standards are not as strict for some of the setbacks. D. Stensaas stated that this issue came to attention because of a permit submitted for one of the properties and the only way we could allow the request is for me to create an administrative interpretation, in agreement with the Planning Director, that the current zoning was applied in error and that residential standards of the MDR district should be applied until the issue could be resolved via a correction to the Zoning Map. He also stated that legally this is a bad situation because

S. Mittlefehldt stated that she was wondering if anyone wanted to speak on this, or could she make a motion.

W. Premeau stated that if anyone is wondering why those homes are scattered in there with the other NMU properties, he stated it is because in the 1950s NMU used eminent domain to take homes from people in the area in order to build dorms, and those homes belonged to the people that put up a fight and kept their

homes.

S. Mittlefehldt stated that they can't do anything about that, but they can try to make the recent mistake right.

It was moved by S. Mittlefehldt, and seconded by M. Larson, and carried 5-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-11-20, the Planning Commission finds that the proposed rezoning is justified but not consistent with the Community Master Plan due to an error in the Community Master Plan that led to the error in the rezoning during the process of a blanket rezoning of multiple properties when the Land Development Code was adopted in February of 2019, and that the proposed rezoning otherwise meets the requirements of the Land Development Code Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-11-20 as presented.

NEW BUSINESS

2021 Street Reconstruction Projects

City Planner and Zoning Administrator D. Stensaas stated that City Engineer Mikel "Mik" Kilpela and his staff have prepared proposed street cross-sections and associated utility replacements for the street reconstruction projects that will be constructed in 2021. He stated that the adjacent property owners have all been sent details about the proposals. He stated that these projects have been subject to a comprehensive analysis process that evaluates several characteristics of the street, including the surface condition of the pavement – via the Pavement Surface Evaluation and Rating System (PASER) – as well as the type, age, and condition of utilities and their likelihood of failure, and that the projects are prioritized as a function of the City of Marquette's Capital Improvements Plan (CIP), which includes a 6-year program for implementation of civil infrastructure projects that is implemented annually and updated regularly. He showed a pie-chart illustrating the categories of projects that are included in the CIP. He also stated that via the City's annual budget process, the City Manager projects an amount of funds that will be available for CIP projects, and from that the City Engineer selects the highest priority street reconstruction projects from the CIP that will fit into the projected budget. He also showed a spreadsheet for the street reconstruction, maintenance, and sidewalk projects selected for this year and their associated costs, and stated that the entire process is outlined in the City Charter.

4. A. 05-STR-11-20: Washington St. Street Reconstruction Project (Front St. to Third St.)

D. Stensaas stated that he would not belabor the points made in the attached memo since the board knows the planning analysis is provided there. He also showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case and that would like to turn it over to Mr. Kilpela.

City Engineer Mikel Kilpela stated that is a streetscape project for Washington St. between Front St. and Third St. He reviewed the information in the fact sheet related to the need for the project, and explained in greater detail some of the design features described in the fact sheet and shown on the street cross sections. He also stated that this project started out as a project by the DDA to replace the brick pavers in that were failing and replace them with stamped concrete, and in the process we discovered that much of the sidewalk is not ADA compliant, as well as the grade on the brick pavers. The proposal is to raise the level of the roadway to allow for the sidewalks and the stamped concrete boulevard to be ADA compliant, as well as to keep the asphalt width the same, but change the 2 ft.-wide curbing to a 1.5 ft curbing, which would change the back-of-curb to back-of-curb width by 1 foot, but the asphalt width would remain the same. He stated that we are planning to do some minor utility work, with replacement of some storm drains, but that this is mainly a streetscape project that will replace some sidewalk, install the stamped concrete and new curbing, and adding some asphalt to raise the road, and along with proposing to replace some street trees and they will probably add additional street trees, and the DDA is planning to add some parking kiosks to replace the meter system. He showed pictures to illustrate the issue with the excessive grade of

the sidewalk and pavers. He also stated that the plan will keep the bump out at the intersection of Front St. He stated that just informationally, they will try to begin the project as early as possible, by late May, and hopefully it will be finished by mid-June

M. Dunn stated that he is wondering for his own information, is it typical to do these projects one block at a time. He stated that it probably doesn't matter as much in residential neighborhoods but that downtown it seems when you go to the trouble to block traffic and you are trying to get a cohesive look from block to block that it would make sense to do them in bigger chunks and he is wondering why so many of these projects seem to be just one block.

M. Kilpela stated that it is nice to do projects in a larger scope, but with this particular project this is what the DDA had funding for, to replace the brick pavers on this specific block, and that on the block to the west of this one and on Front St. the pavers have already been replaced with stamped concrete, so this is just filling in the gaps.

J. Cardillo stated that she has a couple of questions, and that she is curious about why they wanted to do this now, that the PASER rating isn't so bad, but she understands wanting to make the sidewalk more ADA compliant. She stated that she is wondering about the communications with the DDA, as she knows that the businesses there are dependent on that sidewalk space and she is wondering if the businesses are okay with losing that space in the spring and if the Engineer has been in contact with the DDA about this.

M. Kilpela stated that yes, he has been in contact with the DDA, even this week. He also stated that the DDA is fully aware and in support of the project. He stated that the asphalt isn't in bad shape, that they are mainly working on the sidewalk and replacing the pavers with stamped concrete in the terrace, and the only reason they are doing anything with the curbing and the roadway is to raise the road enough that they can make that sidewalk and terrace area ADA compliant.

J. Cardillo stated that her other question is with the infrastructure. She stated the Planning Commission is recommending a greater maximum building height downtown and though we don't expect that once that is adopted everyone will be rushing to build 74-foot buildings, but since they are looking at allowing more density downtown she is wondering if the existing infrastructure is capable of handling that and she wants to make sure that as they are considering the engineering aspects of the public infrastructure and discuss the possibility of increasing any of the infrastructure as we do these projects.

M. Kilpela stated that the infrastructure is fairly recent, that they have a 12-inch ductile iron water main that runs through there and the sanitary main is sufficiently sized, so in my opinion those could handle many more customers without any issues. J. Cardillo stated that if there are a couple of significantly larger buildings built in the next 15-20 years that infrastructure will be adequate. M. Kilpela stated yes and as far as the water main goes, domestic users only used a fraction of what the system is sized for – which is for fire flows – and so that domestic use isn't going to present issues.

W. Premeau stated the problem now is that the sidewalks drop off quickly and if you are walking around people on the sidewalks it is difficult at best, and this should be a big improvement to the walkability on that block.

M. Larson asked if this would be a good time to bring in the person that was in the waiting room.

D. Stensaas stated that nobody is in the waiting room anymore. M. Larson stated that he would make a motion in that case.

It was moved by M. Larson, and seconded by M. Dunn, and carried 5-0 that after review of the proposed cross-sections and associated background information for 05-STR-11-20 - the Washington St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction design as presented.

4. B. 06-STR-11-20: Newberry St. Street Reconstruction Project (Division St. to east end)

D. Stensaas discussed the memo for the case and showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case.

M. Kilpela stated that this is a very small project and he explained the proposal as detailed in the fact sheet, and he showed the existing and proposed street cross sections. He stated that there are no sidewalks and no curbing on the block and it allows parking on both sides and that the primary factor driving this project is that all of the homes are served by a 1 ½ inch water line. He also stated that the proposal will replace the street structure and add curbing and smooth out the shape of the cul-de-sac and the sanitary sewer and the services will be replaced and they will run a new water main to the end and put a hydrant at the end. He stated that the proposal is for a yield street with parking on both sides and because it is a low-volume dead-end street they are including the gutter pan in the parking area calculation and he said they will get rid of the sharp corner at the dead end and smoothen it out. He stated there is no storm sewer and that storm water sheet flows over the hill to the south and runs down to Division Street.

J. Cardillo stated that there is no public waiting to speak on this.

M. Dunn stated that he understands why there wouldn't be sidewalks here, and he is wondering if there is a threshold, like a certain street density, for adding sidewalks to a project and how is that decided.

D. Stensaas stated that there is no specific threshold, but if there is funding available sidewalks would typically be designed and installed if that is a possibility with funding, but that year to year I think it sometimes requires considering the total funding available and weighing the overall benefits for each project that might need sidewalks.

M. Kilpela stated that if there is a gap to fill that would be a good reason to add sidewalks, but that on this project, being a dead end and low volume street, it wasn't considered.

D. Stensaas stated that also he has had experience in his job prior to coming to work here and in this job with working in a lot of different neighborhoods to retrofit sidewalks into subdivisions where they weren't installed with the street and in some neighborhoods, including in Shiras Hills here in Marquette, we have seen sidewalks that were designed into a project be opposed by the adjacent property owners. He stated that it's a goal of the Community Master Plan is to always add sidewalks if it's possible and they will always try to do that.

J. Cardillo stated that she has also seen that in some of their projects here.

It was moved by S. Mittlefehldt, seconded by M. Dunn, and carried 5-0 that after review of the proposed cross-sections and associated background information for 06-STR-11-20 - the Newberry St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction design as presented.

4. C. 07-STR-11-20: Shiras Dr. Street Reconstruction Project

D. Stensaas also read the memo for the case and discussed the Master Plan compatibility section in detail. He also showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case.

City Engineer Mikel Kilpela reviewed the information in the fact sheet related to the need for the project, and explained in greater detail some of the design features described in the fact sheet and shown on the street cross sections. He also stated that there is parking allowed on both sides of the street and there is no water main, no sanitary sewer or storm sewer, and the road is in very rough shape. He also stated that there is no sanitary sewer but all the homes are served off side streets, and there is no storm sewer to tie

into. The proposal is to reconstruct the street with a 28-foot wide cross section from back-of-curb to back-of-curb, and parking is proposed to be on only one side of the street and not both because this is a main entrance to Shiras Hills and there are mailboxes on the east side of the road. He also stated that the plan for the water main is planned, and would be connected by a directional boring under US 41 to a main on the east side, and that would significantly help fire flows that are currently lower than what they should be. He also stated they plan to replace the asphalt curbing with concrete curbing and that stormwater would be accommodated with curb cuts and shallow swales and maybe some retention for water quality purposes. He also showed diagrams of the curbing and the cross-section layout, discussing the rationale to only allow parking on one side, including more space being available for emergency vehicles.

J. Cardillo asked M. Kilpela to identify which side the parking would be on. M. Kilpela stated on the opposite side as the mailboxes, which is the north-west side.

M. Larson asked if there have been any issues with the on-street parking or are we going to cause more issues by removing the parking, and are we trying to address an issue that doesn't exist.

M. Kilpela stated that on some other streets like this that we've done recently, and some others like this in Shiras Hills, we allow parking on both sides. He stated it could cause bottlenecks, but they could leave it with parking on both sides.

J. Cardillo stated she thinks that it would be an improvement, because there are bottlenecks on narrower streets like this, and this really isn't changing the street section either way so much as changing the traffic controls.

M. Dunn stated that the parking most of the homes down below, he doesn't think that they park up on Shiras Dr. because of the street hill, so we are probably only talking about a couple of houses and can't imagine there is much parking there.

S. Mittlefehldt stated that her thoughts is there isn't the density of parking needs there as closer to town, and she wishes someone from the neighborhood could speak about the parking demand because she can't tell for sure but it doesn't seem like there would be much demand area for on-street parking.

M. Larson stated that he is okay with it but wants to make sure they think about if historically it's had parking and there haven't been issues, and if you lived there and came to rely on that then this would come as a change, but that if it becomes an issue the people could come back to the City and ask to have it put back the way it was.

J. Cardillo stated that she agrees with M. Larson.

M. Kilpela stated that he and D. Stensaas had a sidebar conversation and think that it might be best to approve the cross-section as presented and that parking would not be affected, and that the Parking and Traffic Advisory Committee may have interest in signing one side or the other.

It was moved by M. Dunn, seconded by M. Larson, and carried 5-0 that after review of the proposed cross-sections and associated background information for 07-STR-11-20 - the Shiras St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction with the on-street parking allowed to be continued on both sides.

WORK SESSION

A. Annual Report to the City Commission

D. Stensaas stated that he just wanted to touch on the annual report that will be presented to the City Commission on December 21st, which is the same meeting at which they will be holding the public hearing for the draft LDC amendments, which is a nice coincidence. He stated that he has the presentation on the laptop downstairs that he was going to show it, but since he can't he just wants to let the members know that it's going to be a work session item at the next meeting and ask that they consider any goals for the

next year and any accomplishments since the last presentation, which was almost 18 months ago as the scheduled June presentation was postponed. He also stated to let him know of any issues that might be appropriate to include before the next meeting. He also stated that if anyone has photos that they might want to add to circulate those to him as well and that he wanted to make the presentation as heavy on graphics and light on text as possible.

J. Cardillo stated that the permit fee for rooftop solar might be one thing to include.

COMMISSION AND STAFF COMMENTS

M. Larson stated that he's wondering if Zoom meetings will continue indefinitely, is that allowed under the state directives. D. Stensaas he believes that is the case and stated that is the plan until he hears otherwise.

W. Premeau stated that regarding the permit for solar installations, don't forget that people have to get a county permit for electrical work for solar panels and there isn't for metal rooves and shingles.

D. Stensaas stated that when the internet went down earlier and he was talking to himself for a while without realizing it, he was talking about the fact that some communities have combined zoning and building departments in the same agency, like Traverse City does, and there they have worked out one fee for the zoning and building codes review. He stated that they can't do that with the Building Codes office being in a County department here. He also stated that they are required to estimate the average cost of processing the various permits and unless there is an exception made by the City Commission well ahead of budget time the staff has to use the fee that represents the average cost to process that permit.

ADJOURNMENT

The meeting was adjourned by Chair Cardillo at 7:25 p.m.

Prepared by:

David Stensaas

David Stensaas, City Planner and Zoning Administrator
Planning Commission Secretary
Imedat/smc



The proposed amendments to the **Land Development Code** are formatted in the following way:

- 1) New subsections and/or language is shown underlined and highlighted, as the example below indicates:
Example) H. Light Manufacturing
- 2) A subsection or language that is to be eliminated is indicated by strikethrough lines in the font, as the example below indicates:

Example) ~~F. Dwelling units must be located above the first floor.~~

Article 2 Definitions

Section 54.202 Specific Terms

Dwelling Unit: One (1) or more rooms, in a building, with bathroom and principal kitchen facilities, designed as a self-contained unit for permanent-residential occupancy by one (1) family for such purposes as cooking, bathing, gathering, entertainment, and sleeping. Tents, recreational vehicles and other structures designed for temporary occupancy are not to be used as dwelling units in the City of Marquette, with the exception of areas where they are specifically allowed, such as Tourist Park or other areas where camping may be authorized during emergencies or otherwise. See also the definitions of "Occupancy, Permanent" and "Occupancy, Temporary."

Health Services: Establishments engaged in providing diagnostic services including general medical services, medical laboratories, and outpatient care facilities. This definition may include an outpatient or inpatient/residential mental health or substance abuse treatment facility.

Homestay: An owner-occupied, single-family dwelling, or a dwelling unit in a duplex or multi-family dwelling structure in which the owner is present or intends to be present and residing on the premises when the rental unit is being rented, that may rent up to three (3) single bedrooms with bathroom access for overnight accommodates for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a Homestay for purposes of complying with City of Marquette ordinances. See also definition of "Bed and Breakfast" and "Bed and Breakfast Inn."

~~**Occupancy, Permanent:** Occupancy that takes place for 14 days or more with or without a rental or lease agreement.~~

Wall, Retaining: A structural wall, either freestanding or laterally braced, designed to withstand lateral and other forces from earth material in contact with one side of the wall, thereby preventing the material from sliding to a lower elevation.

Nov. 17, 2020

Article 3 Zoning Districts and Map

Section 54.306 Permitted Uses by District

The following [Figure 8](#) lists the permitted uses and special land uses in each district, except that the permitted uses and special land uses of the Marquette Downtown Waterfront (DMW) Form-Based Code and Third Street Corridor (TSC) Form-Based Code are in [Section 54.321](#) and [Section 54.322](#), respectively. Refer to [Article 2](#) for a description of the uses listed in the following [Figure 8](#).

Whenever a specific development standard is included for a particular use in [Figure 8](#), any development must comply with the requirements of the referenced section. All development standards for specific uses are listed in [Article 6](#) and in other areas of this Ordinance. Additionally, any use that is a special land use must also comply with the standards of [Section 54.1403\(C\)](#).

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

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Rooming House			S		S	S								Section 54.640
Medical Uses														
Emergency Services					P	P	P	P						
Health Services					P	P	P	P						
Hospice					P	P	P	P						
Hospital			S		S	S	S	S						Section 54.625
Medical Hospital Related Accessory Uses					P	P	P	P						
Medical Hospital Related Office					P	P	P	P						
Medical Hospital Related Uses					P	P	P	P						
Office, Medical					P	P	P	P			P			Section 54.631
Veterinary Clinic (Domestic Animals Only)					P	P	P	P			P			
Public and Quasi-Public Uses														
Cemetery	S	S	S						P	P				Section 54.606
Public or Governmental Building	S	S	S		P	P	P	P	P	P	P	P	P	
Recreational Use, Land Intensive												S	S	Section 54.637
Recreational Use, Public	S	S	S		S	S	S	S	P	P		P	P	
Religious Institution	S	S	S		P	S	P	P			P			Section 54.638
School, Primary or Secondary	S	S	S		S	S			P	P				Section 54.641
School, University		S	S		S	S			P	P				Section 54.607
Commercial and Retail Uses														
Adult Entertainment Uses											S			Section 54.601
Bar					S	P	P	P						
Child Care Center or Day Care Center	S	S			P	S	P	P						Section 54.609
Drive-Through Uses						S	P	P						Section 54.611
Farmers' Markets					P	P	P	P	P	P				Section 54.618
Gasoline Service Stations						S	P	P			P			
Indoor Recreation					P	P	P	P	P	P	P			
Office, Professional					P	P	P	P	P	P	P			Section 54.631
Outdoor Entertainment and Community Events (Principal Use)					S	P			P	P		S		Section 54.633(D)

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Outdoor Entertainment and Community Events (Temporary Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.633(B)
Outdoor Food and Beverage Service					S	P	P	P							Section 54.634
Outdoor Recreation			S		P	P	P	P	P	P			P	P	
Pet Boarding Facility							S	S			S				
Restaurant, Indoor Service					P	P	P	P							
Retail Business, Indoor					P	P	P	P			P				
Retail Business, Outdoor Permanent							S	S			S				
Retail Sales, Outdoor Temporary					P	P	P	P							Section 54.635
Service Establishment					P	P	P	P			P				
Storage, Open							P	P	P	P	P	P	P		Section 54.632
Vehicle Repair and Service					S	S	S	P			P				Section 54.627
Industrial Uses															
Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards	
Major Repair and Maintenance Operations											S		P	Section 54.627	
Manufacturing, Heavy											S			Section 54.627	
Manufacturing, Light					S	S	S	S			P			Section 54.627	
Natural Resource Extraction Operations												S		Section 54.629	
Port Facilities and Docks									S	S		S	S	Section 54.636	
Railroad Facilities											P				
Storage, Bulk								S			S		P	Section 54.605	
Utility Electrical Power Generation													P		
Warehousing								S			P		P		
Wholesale Trade Establishment							P	P			P				
Wholesaling Operations								S			P				
Other Uses															
Accessory Building or Structure	P	P	P		P	P	P	P	P	P	P	P	P	Section 54.705	
Accessory Use, Non-Single Family Residential Lots	P	P	S		S	S	S	S	S	S	S	S	S		
Accessory Use, Single-Family Residential Lots	P	P	P		P	S									
Agriculture-Like Operation, including Forestry									P	P		P	P		
Food Production, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.619	
Marihuana Designated Consumption Establishment						S	S							Section 54.628	
Marihuana Grower – Class A						S	S	S			S			Section 54.628	
Marihuana Grower – Class B							S	S			S			Section 54.628	
Marihuana Grower – Class C							S	S			S			Section 54.628	
Marihuana Grower – Excess							S	S			S			Section 54.628	
Marihuana Microbusiness – Light Manufacturing						S	S	S			S			Section 54.628	
Marihuana Microbusiness – Heavy Manufacturing											S			Section 54.628	
Marihuana Processor – Light Manufacturing						S	S	S			S			Section 54.628	
Marihuana Processor – Heavy Manufacturing											S			Section 54.628	
Marihuana Retailer					S*	S	S	S			S			Section 54.628	
Marihuana Safety Compliance Facilities					S	S	S	S			S			Section 54.628	

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Marihuana Secure Transporters								S			S			Section 54.628
Recycling Collection and Transfer Stations									S					
Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.										S	S		S	
Wireless Telecommunications Facilities						S	S	S	P	P	P	S	P	Section 54.642
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)														
Third Street Corridor Form-Based Code (see Section 54.322)														
* Marijuana Retailer is a Special Land Use in the T5 subdistrict only.														

Section 54.312 CBD, Central Business District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Adult Foster Care, Family Home • Bar • Child or Day Care, Family Home • Dwelling, Live/Work • Dwelling, Two-Family (Duplex) • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Food and Beverage Service • Outdoor Recreation • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	• Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Bed and Breakfast • Bed and Breakfast Inn • Child Care Center or Day Care Center • Domestic Violence Abuse Shelter • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Foster Family Group Home • Fraternity or Sorority House • Gasoline Service Stations • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Grower – Class A • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • ~~Outdoor Food and Beverage Service~~ • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Vehicle Repair and Service • Wireless Telecommunications Facilities

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Where there is a discrepancy between [Section 54.306](#) and this table, [Section 54.306](#) shall prevail.

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	None	Front Yard (ft.)	0
Min. Lot Width (ft.)	None	Side Yard (one) (ft.)	5 (H)
Max. Impervious Surface Coverage (%)	8	Side Yard (total of 2) (ft.)	10 (H)
Max. Building Height of Primary Building (ft.) (O)	60 74	Rear Yard (ft.)	10 (U)
Max. Building Height of Accessory Building	18		
Max. Building Height (stories)	-		

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

Section 54.322 Third Street Corridor District Form-Based Code

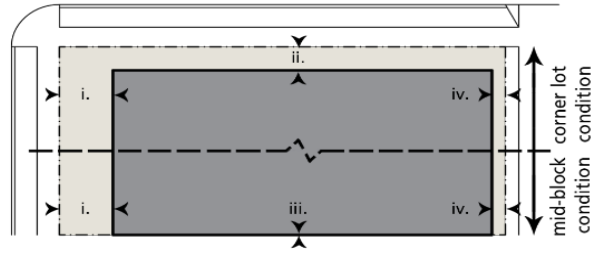
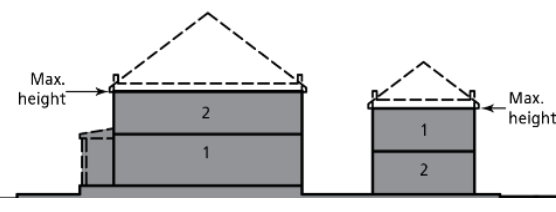
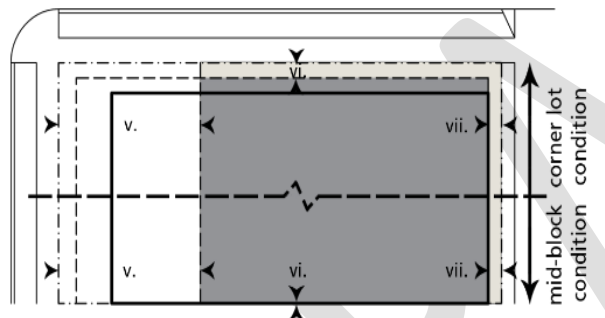
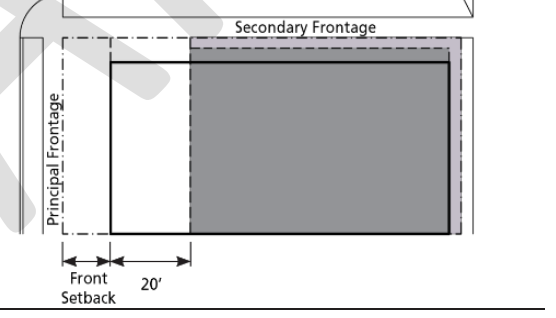
Third St. Corridor Transect District - shown for reference for the following section:



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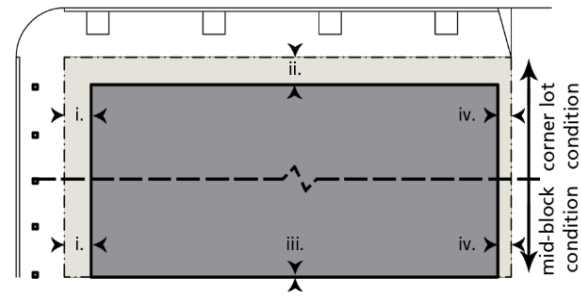
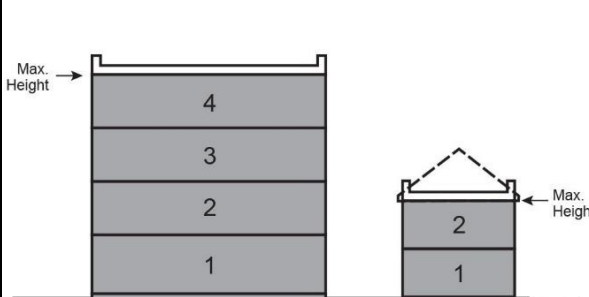
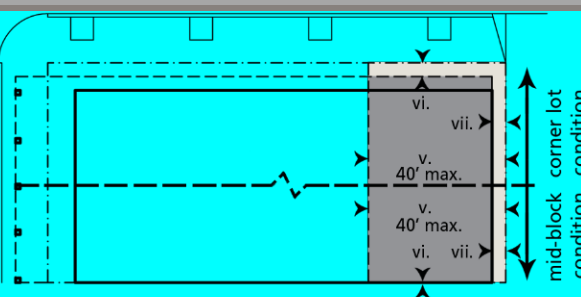
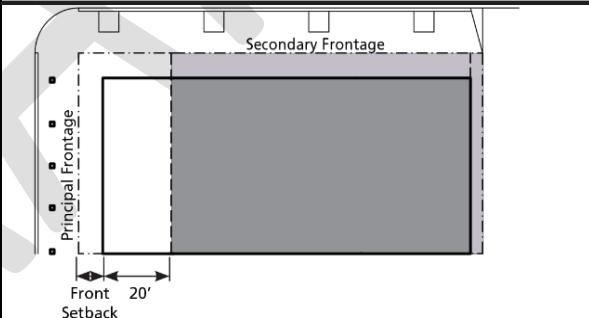
Figure 12. T4 Standards

A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	5 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	10 ft. max.	Stories	2
iii. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	To eave / parapet	30 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Principal Bldg.	15 ft. min.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min.	Lot width	14 ft. min.
vi. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	Lot coverage	70% max.
vii. Rear Setback	3 ft. min.	Façade buildout at setback	60% min.
Abutting MDR Outbuilding	10 ft. min.	PARKING AND STORAGE LOCATION	
ENCROACHMENTS			
i. Setback encroachments		PARKING	
Open porch	May encroach extend to within no more than 5 feet of the front lot line	Principal Frontage setback	Not permitted
Balcony and/or bay window	80% max. (distance between façade and front lot line)	20 ft. behind front setback	Not permitted
Stoop, Terrace	80% max. (distance between façade and front lot line)	Rear of lot	Permitted
ii. Sidewalk encroachments		TRASH & STORAGE* LOCATION	
Awning	Determined by City process for use of right-of-way	Front setback	Not permitted
Rooftop Patio	To the property line but not over a public sidewalk.	20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
		* Storage includes boats and recreational vehicles.	

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Figure 13. T5 Standards

A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	05 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	12 ft. max.	Stories	4 max.
iii. Side Setback	6 ft. max.	To eave / parapet	48 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Principal Bldg.	15 ft. min.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min. 40 ft. max from rear property line	Lot width	20 ft. min.
vi. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	Lot coverage	90% max.
vii. Rear Setback	3 ft. min.	Façade buildout at setback	75% min.
Abutting MDR Outbuilding	10 ft. min.	PARKING AND STORAGE LOCATION	
ENCROACHMENTS			
i. Setback encroachments		PARKING	
Balcony and/or bay window	80% max. (distance between façade and front lot line)	Principal Frontage setback	Not permitted
		20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
ii. Sidewalk encroachments		TRASH & STORAGE* LOCATION	
Awning	Determined by City process for use of right-of-way	Front setback	Not permitted
		20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
Rooftop Patio	To the property line but not over a public sidewalk.	* Storage includes boats and recreational vehicles.	

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Section 54.320 RO, Riparian Overlay District

- (E) **Boundary of Riparian Overlay District.** The RO district is a floating zone on the Official Zoning Map with boundaries determined by the presence of regulated natural features such as waterways, steep slopes, and wetlands, where development or disturbance may adversely affect water quality, wetlands, or other waterbodies. Where a portion of a parcel is within the RO district, the regulations of the RO district shall apply only to that portion of the parcel within the RO district. The RO district includes any land that is located within:

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- (H) **Permitted and Prohibited Uses and Structures in Riparian Buffers.** The riparian buffer, including wetlands and steep slopes, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources as follows:
- (1) **Allowable Uses and Structures.** No buildings or impervious surfaces shall be constructed or placed within the riparian buffer area except as permitted within this Ordinance. The following structures, practices, and activities are permitted in the riparian buffer, with specific design or maintenance features, subject to the review of the City of Marquette Planning Commission, or the Zoning Administrator per 54.1401(B), and subject to all applicable Local, State and Federal regulations.
- a. Roads, road crossings, bridges, paths, utilities, and utility rights-of-way, where permitted.
 - b. Flood control structures in accordance with all applicable regulatory permits.
 - c. An access path perpendicular to the waterway which is 10 feet wide. This path may be mowed.
 - d. Removal of poison ivy, poison sumac, poison oak and species that are recognized as highly invasive, as contained on a "List of Invasive Species" maintained on file in the office of the City Clerk.
 - e. Stream restoration projects, facilities and activities.
 - f. Water quality monitoring and stream gauging.
 - g. Individual trees within the riparian buffer that are in danger of falling on dwellings or other structures, or causing blockage of the stream may be removed.
 - h. Other timber cutting techniques within the riparian buffer that are approved by the City to preserve the forest from extensive pest infestation, disease infestation, or threat from fire
- (I) **Required Planting.**
- (1) **Activities that Require Planting.** In addition to maintaining the required vegetative strip ([Section 54.320\(F\)](#)) within all riparian buffer areas, the following condition(s) shall trigger the requirement for inventorying and, if necessary, planting of native vegetation in areas where riparian buffers are required as shown on the Official Zoning Map:
- a. Site plan review for parcel, site condominium, planned unit development (PUD).
 - b. Application for a building permit.
 - c. Any work requiring a Soil Erosion and Sedimentation Control Permit.
 - d. Any work requiring an Inland Lakes and Streams Permit.

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- (K) **Waivers.** Waivers from the provisions of the Riparian Overlay District must meet the following requirements:
- (1) **Buffer Requirements Eligible for Waiver Applications.** The City of Marquette Planning Commission, or the Zoning Administrator per 54.1401(B), may grant a waiver from the provisions of the Riparian Overlay District for the following:
- a. **Riparian Buffer Width.** The buffer width may be reduced at some points, provided the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot. The Planning Commission or Zoning Administrator may consider credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of the Riparian Overlay District. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.
 - b. **Uses and Activities.** The following uses and activities may be considered by the Planning Commission or Zoning Administrator. In granting a request for a waiver, the Planning Commission may require site design, landscaping planting, fencing, signs, and water quality best management practices to reduce adverse impacts on water quality, waterways, wetlands and floodplains.
 - i. Those projects or activities for which it can be demonstrated that there is no prudent, practical, or reasonable alternative.
 - ii. Those projects or activities serving a public need where no feasible alternative is available.
 - iii. The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed.
- (2) **Waiver Application Requirements.** The applicant must submit a written request for a waiver to the Planning Commission or Zoning Administrator. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The City shall require an alternative analysis that clearly demonstrates that no other prudent, practical, or reasonable alternatives exist and that minimal impact will occur as a result of the project or development.
- (3) **Appeals of Waiver Decisions.** Decisions by the Planning Commission or Zoning Administrator on waiver applications may be appealed to the Board of Zoning Appeals pursuant to [Section 54.1404](#)

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Section 54.323 PUD, Planned Unit Development District

- (N) Amendments to PUD Plan.** Proposed amendments or changes to an approved PUD plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, as guided by [Section 54.323\(N\)\(1\)](#), and in such event may approve or deny the proposed amendment. If the Zoning Administrator determines the proposed amendment is major in nature, the Planning Commission shall review the amendment in accordance with the provisions and procedures of this Section as they relate to final approval of the PUD and make a recommendation to the City Commission to approve or deny the changes. The Zoning Administrator may refer any proposed amendment to the Planning Commission at his/her discretion for determination of minor/major amendment status.
- (1) Minor Amendment.** Minor amendments are those that may have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways, and the layout of parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator without notice or hearing, provided no such changes shall substantially increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, significantly reduce or increase the number of approved parking spaces, or encroach on natural features proposed by the plan to be protected, or that would alter contractual terms related to the timing or other non-dimensional aspects of development. The degree of permitted minor amendments may be further described in the PUD Agreement. The Zoning Administrator shall inform the Planning Commission and City Commission of any approved minor amendments. Minor changes to site lighting, signage, landscaping, non-structural building elements, and for temporary structures and uses, may be made via approval of a Zoning Compliance Permit that is linked to the PUD rather than via a Minor PUD Amendment, per the discretion of the Zoning Administrator.

Article 4 Schedule of Regulations

Section 54.403 Footnotes to Schedule of Regulations

- (C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts.** In the MDR and MFR districts, the minimum lot area for a two-family dwelling (duplexes) is:
- (1)** 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
 - (2)** 9,000 sq. ft. for lots created after the adoption of this Ordinance.
- (D) Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts.** In the MDR and MFR districts, the minimum lot width for a two-family dwelling (duplex) is:
- (1)** 50 feet for lots created prior to the adoption of this Ordinance.
 - (2)** 75 feet for lots created after the adoption of this Ordinance.

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Article 6 Standards Applicable to Specific Land Uses

Section 54.612 Dwelling, Accessory Unit

Accessory dwelling units (ADU) shall comply with all of the following standards:

(A) One ADU Per Lot. One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.

(B) Minimum Lot Area and Width. ADUs are only permitted on lots that meet the minimum lot area and lot width standards of the zoning district.

(C) Setbacks and Height. ADUs must meet all requirements of this Ordinance for minimum setbacks and maximum height. However, the height of an ADU shall not exceed two (2) stories or 20 feet.

(D) Maximum Occupancy. The occupancy of the accessory dwelling unit shall not exceed two (2) persons unrelated adults.

(E) Family Member Occupancy Only. The ADU shall be occupied only by persons related by blood, marriage, or adoption to the family occupying the principal dwelling or employees not related to the family occupying the principal dwelling.

(E) Owner-Occupancy Required of the Principal Dwelling is as follows:

(1) Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.

(2) Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through condominium or other means.

(3) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the Marquette County Register of Deeds a covenant in a form acceptable to the City Attorney that the existence of the ADU is predicated upon the occupancy of either the principal or accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. The applicant shall provide the City with evidence of filing of the restrictive covenant with the Register of Deeds prior to the City issuing a final certificate of occupancy for the ADU and as a condition of the issuance of the Zoning Compliance Permit for development of the ADU. Any owner of the property must notify a prospective buyer of the limitations of this Section. Violations of the terms of this covenant shall result in the loss of the special use permit.

(F) Yearly Certification. Conformance with the occupancy conditions of the ADU special use permit shall be certified yearly by the property owner, subject to inspection by the City. The City may adopt an ordinance or administrative standards for certification and inspection. Inspection shall be allowed by the owner after 48 hours' notice by certified mail from the City. The certification process shall be subject to an appropriate fee as determined by the City Commission.

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Section 54.619 Food Production, Minor

Minor Food Production, such as home gardens and community gardens, are subject to the following requirements:

- (A) **Minimum Setbacks and Clear Vision Triangle Area.** All garden structures must maintain a three-foot setback from all property lines as well as meet traffic visibility regulations of [Section 54.704](#), with the exception of an arbor that is adjacent to the front property line as part of a fence or freestanding. Garden vegetation shall not encroach onto adjacent lots.
- (B) **Permitted Structures.** In addition to the accessory structure regulations of [Section 54.705](#), the following requirements shall apply to Minor Food Production structures (such as home gardens and community gardens). If these standards are met, the structures are in compliance with this section and no permit is required:
- (1) **Trellises and Arbors.** If located in a required setback area (see [Article 4](#)), the maximum height of a trellis or arbor is 8 feet. Arbors may be freestanding or built into fences along the front property line.
 - (2) **Raised Planting Beds.** If located in a required setback (see [Article 4](#)) or in a front yard, the maximum height of a raised planting bed is 24 inches. Planting beds must be kept out the public right-of-way. Raised planting beds higher than 24 inches must meet the minimum setback requirements for accessory structures in the district ([Section 54.705](#)).
 - (3) **Temporary Hoop Houses or Plant Covers.** Temporary hoop houses or plant covers for early start-up plants are permitted (see [Section 54.705](#) for permanent accessory structures), provided the temporary hoop houses or plant covers:
 - (a) Do not exceed 8 feet in height in a front yard and no more than 16 feet in height in a rear or side yard.
 - (b) Maintain a setback of at least 3 feet from all lot lines and meet the clear vision requirements of [Section 54.704](#).
 - (c) Are maintained in good repair.
- (I) **Farm Animals Prohibited.** Unless permitted in [Section 54.641](#), the keeping of farm animals (e.g., chickens, honeybees, rabbits, etc.) is not permitted as a Residential Limited Animal Keeping use.

Section 54.621 Home Occupations

- (A) **One Non-Resident Employee.** A Home Occupation shall not employ more than one (1) person who is not a member of the household.
- (B) **Signs.** A Home Occupation shall not have signage unless permitted in [Article 11](#).
- (C) **Accessory Structure Use Prohibited.** A Home Occupation shall not be conducted in an accessory building. Activities related to the home occupation may take place in an accessory structure that is properly permitted by the City and the County Building Codes Department (if necessary) and if those activities do not create nuisance conditions for neighboring properties including loud noise, dust, smoke, bright light, etc. and are not activities that meet the definition of "manufacturing" (heavy or

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light) or “industrial” as defined in Article 2.

- (D) **Limited Customer Traffic.** A Home Occupation shall not constitute a retail store, but limited customer traffic is permitted. No commodity other than that produced or processed on the premises shall be sold.
- (E) **Commercial Vehicles.** Commercial vehicles used for the home occupation cannot be used primarily for commercial advertising.
- (F) **Maximum Floor Area.** A Home Occupation shall not occupy more than 25% of the floor area of the dwelling unit and any accessory structures (combined floor area) utilized for the occupation, or a maximum of 500 square feet, whichever is smaller.
- (G) **Non-Transferrable.** Approval of a Home Occupation shall vest only in the person making the application and is non-transferrable to another person.
- (H) **Application and City Approval.** A Home Occupation requires an application and approval from the City of Marquette.
- (I) **Revocation.** An approved permit for a Home Occupation will be revoked for producing nuisance violations or other violations of this section if the violations are not corrected.

Section 54.622 Home Offices

A Home Office is a dedicated space in a residential dwelling unit where the resident(s) may carry out certain functions of a commercial, service, or organizational nature – such as administration and sales – without a permit, provided the following conditions are met:

- (A) **Maximum Floor Area.** The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.
- (B) **Resident Employees Only.** No persons who are not lawful residents of the dwelling may be employed.
- (C) **Signs.** There shall be no signs except as provided for in [Article 11](#).
- (D) **No Customer or Client Traffic.** No persons other than residents of the dwelling shall not typically or regularly visit the home office for business purposes.
- (E) **Equipment Operation.** There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
- (F) **Accessory Structure Use Prohibited.** No activity related to the office shall take place in an accessory structure. A Home Office use may be conducted in an accessory structure that is properly permitted by the City and the County Building Codes Department.
- ~~(G) **Non-Transferable Approval.** Approval of a home office shall vest only in the person making application, and shall not be transferable to another person.~~
- ~~(H) **Authorized Applicant.** Application for approval of a home office shall include a signature indicating approval of the property owner if that person is different from the applicant.~~

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Section 54.641 Residential Limited Animal Keeping

(A) Requirements Applicable to All Residential Limited Animal Keeping.

- (1) **Accessory Use of On-Site Residents.** The accessory use of Residential Limited Animal Keeping is permitted upon application for a non-transferable Residential Limited Animal Keeping Permit approved by the Zoning Administrator, which is for enclosures and structures that are required for chickens and rabbits, or for beehives. and Upon approval, the permit is intended to be for the benefit of the occupants of the dwelling on-site, and does not allow for commercial animal uses.

Article 7 General Provisions

Section 54.702 Permitted Encroachments into Required Yard Setbacks

The following features may be located within required yard setbacks to the extent indicated. Unless explicitly permitted, under no circumstances shall any structure or attachment to a structure protrude to within five (5) feet of a right-of-way line and/or rear property line, or closer than three (3) feet to the side yard property line.

- (E) **Bay Windows, Basement Window Wells, and Chimneys.** Bay windows, Basement window wells, and chimneys may project into yard setbacks by up to two (2) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.

Section 54.705 Accessory Buildings and Structures

(A) Accessory Buildings and Structures in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, and Mixed-Use (M-U) District.

- (1) **Attached Accessory Buildings.** Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main building.
- (2) **Location.** Detached accessory buildings shall not be located in any required yard setback except as permitted in [Section 54.705\(A\)\(4\)](#).
- (3) **Maximum Lot Coverage.** Detached accessory buildings shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (4) **Separation and Setback Distances.** No permanent accessory building shall be located in a minimum front yard setback. No detached accessory building shall be located closer than five (5) feet to any main building nor closer than three (3) feet from a side or rear lot line, except swimming pools, which are regulated in [Section 54.707](#). Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including

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an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.

Section 54.704 Clear Vision Triangle Area

- (A) **Snow Storage.** Snow storage on lot corners and near driveway entrances may be permitted in the clear vision triangle (CVT) area provided that the snow storage does not exceed thirty (30) inches above the road level within a clear vision triangle area. In winter circumstances which preclude the removal of snow from a CVT by means available to the property owner, or if snowfall accumulations make snow removal adjacent to the right-of-way impractical throughout the city, this requirement may be suspended.

Section 54.706 Fences and Walls

(E) Special Purpose Fences.

- (3) **Temporary Fences.** Temporary fences, as defined herein, may be permitted by the City in conjunction with an approved temporary activity/purposes, such as construction, landscaping and grading erosion control, temporary sales areas, temporary events, or snow fence fencing. ~~the purposes of which is to secure a site and/or restrict areas accessible to the public.~~ A The type of temporary fencing used must be appropriate for the temporary activity, and in most cases a temporary fence must be installed prior to the temporary activity and should be removed soon after the end of the temporary activity. Temporary fencing that does not meet these standards may be considered a violation of this section.

Section 54.708 Solar Energy

- (C) **Roof-Mounted and Wall-Mounted Solar Energy Systems:** Roof-mounted and wall-mounted solar energy systems for on-site use are permitted accessory structures in all zoning districts, with the exception of solar collectors/panels that are built into roof shingles, subject to the following regulations:

Height. Roof-mounted systems shall not extend more than three (3) feet above the surface of the roof. Wall-mounted systems shall not exceed the height of the wall.

Location. Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, and may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line per Section 54.702(B), but shall not be located in a required setback nor protrude beyond the edge of the roof. However, a solar panel may function as a roof element, such as an awning or carport. Shingles that incorporate solar panels, which do not require brackets and thus do not protrude from the roof, are not required to obtain a permit as an accessory structure.

Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.

- (D) **Ground-Mounted Solar Energy Systems (less than 20 ~~10~~ kW or less).** Ground mounted and freestanding solar energy systems of less than 20 kW ~~10kW or less~~ for on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

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Location and Setbacks. Ground-mounted solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall be located at least ~~five (5)~~ **three (3)** feet from a side lot line and ~~or at least five (5) feet from a rear lot line.~~ Solar panels shall not be installed in Riparian Overlay areas or locations that are subject to annual flooding.

Height. The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt and within ten (10) feet of a residential lot line; and shall not exceed sixteen (16) feet on a residential property or within twenty (20) feet of a residential lot line.

Area. Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district.

Power Lines. All power lines between solar panels and inverters must be placed underground.

- (E) **Ground-Mounted Solar Energy Facilities – Utility Grade (over ~~20~~ **10** kW, operated by a public utility, government entity, or on-site business only).** Ground mounted and freestanding solar energy systems over ~~20~~ **10** kW capacity are permitted for public utilities, government entities, and on-site businesses only, subject to special land use approval in the C, I-M, CR, and BLP zoning districts and subject to the following regulations:

- (F) **General Standards.** The following requirements are applicable to all roof-mounted, wall-mounted, or ground-mounted solar energy systems.

Removal Provisions. As a condition of approval, the City may require that the property owner enter into an agreement with the City for the removal of the solar energy system upon disuse or abandonment of the system as described in [Section 54.708\(F\)\(6\)](#). The agreement shall be in recordable form, provide the necessary authority for the City to enter the property to remove the unit when a property owner fails to do so as required in [Section 54.708\(F\)\(6\)](#), and also provide that the City may have a lien for costs if it becomes necessary for the City to exercise its rights under the agreement. This agreement shall be recorded with the Marquette County Register of Deeds.

Removal. If a solar energy system ceases to perform its intended function (generating electricity) for more than ~~eighteen (18)~~ **twelve (12)** consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities. ~~no later than ninety (90) days after the end of the twelve (12) month period.~~ Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, ~~the City may remove or secure the removal of the solar energy system or portion thereof only if there is a recorded agreement authorizing the City to do so pursuant to Section 54.708(F)(5).~~ If there is a recorded agreement authorizing the City to remove the solar energy system or portion thereof pursuant to [Section 54.708\(F\)\(5\)](#), the City's actual cost and reasonable administrative charges may be placed as a lien on the property and the lien on the property shall be superior to all other liens except taxes. If there is no recorded agreement authorizing the City to remove the solar energy system or portion thereof the City may issue Civil Infraction tickets to the owner and/or operator and seek an order to remove the system in the Marquette County Circuit Court.

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Article 9 Parking, Loading, and Access Management

Section 54.901 Intent

It is hereby determined that the provision of off-street parking spaces is necessary to reduce traffic hazards and the congestion of streets. It is also determined that regulation of location, design, maintenance, and other features of off-street parking lots is in the interest of public safety and welfare.

Section 54.903 Minimum/Maximum Number of Parking Spaces Required

In all districts there shall be provided off-street parking for motor vehicles for specified land uses. When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum number of spaces to be provided shall be based on the following schedule, which may only be increased in accordance with [Section 54.902\(H\)](#) and may only be reduced in accordance with the parking reduction standards of [Section 54.902\(G\)](#) or the shared parking standards of [Section 54.902\(C\)](#):

Land Use	Minimum Parking Requirement
(A) Residential and Lodging	
(1) Single-Family and Two-Family units	Two (2) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit. For parking spaces provided for residential dwelling units off-site, one (1) space per dwelling unit may be permitted off-site if proof of a lease arrangement for long-term parking is provided to the City with the application.
(2) Multiple-Family units with 3 or 4 dwelling units	One and a half (1.5) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit.
(3) Multiple-Family units with 5 to 19 or more dwelling units, except subsidized (below market rate) and senior housing.	1.125 spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 1 spaces per dwelling unit.
(4) Multiple-Family units with 20 or more dwelling units, subsidized housing units (including Section 8 and other programs)	One space per dwelling unit.
(5) Attached housing exclusively for senior citizens that is not congregate care.	One-half space per dwelling unit plus one space per employee on peak shift.
(6) Hotels and Motels	1 1.25 spaces per rental unit, plus 1 space per employee on peak shift.
(7) Short-Term Rentals (Homestays and Vacation Homes)	One (1) space per dwelling unit.
(8) Nursing Homes, Convalescent Homes, Extended Care Facilities, Assisted Living Facilities (congregate care facilities)	One (1) space for each three (3) units or beds

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Article 11 Signs

Section 54.1109 General Sign Standards

(D) Blade Signs:

- (4) **Maximum Projection from the Wall.** From the bracket on the building wall where it is attached, a blade sign may project at least 3 (three) feet, and to a maximum of 4 (four) feet into the public right-of-way (above a sidewalk). A blade sign may project three (3) inches for each linear foot of distance to the nearest side lot line, provided that in no instance may a sign project more than four (4) feet into the public right-of-way. This requirement shall not apply to blade signs suspended under a canopy or marquee pursuant to [Section 54.1109\(E\)\(6\)](#).

(I) Changeable Signs and Electronic Message Center Signs (EMCs):

- (1) **Permitted Zoning Districts.** See [Section 54.1105](#).
- (2) **Prohibited Areas.** EMCs are prohibited on any lot fronting Lakeshore Boulevard.
- (3) **Maximum Area.** The face of the EMC may not exceed ~~15~~ 16 square feet, with the exception of in General Commercial (GC) zoning districts west of the Lincoln Avenue right of way – where the face of the sign may not exceed 32 square feet.

Note: EMCs are **only** allowed in the GC, IM, and BLP districts, with the exception of drive-through menu boards in the CBD. NMU and the public schools are exempt, and there are EMCs on their properties, as well as *non-conforming* EMCs in the downtown and on N. 3rd St. and some other scattered locations. There are also several size-nonconforming EMCs in the GC districts.

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Article 14 Administrative Procedures

Section 54.1401 Zoning Permits and Zoning Compliance Review

(B) Permitted Uses and Development Subject to Zoning Compliance Review. The following uses and development are subject to Zoning Compliance Review:

- (1) ~~One or two family~~ Residential dwellings (one-family, two-family, multi-family) and associated accessory structures, including additions and structural alterations, and structural alterations to any other building or structure:
Structural alterations include, but are not limited to, replacement of structural members of decks, porches, or steps, alterations to the means of ingress and egress, and other changes regulated by this Ordinance, provided such alterations are not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#). The Zoning Administrator reserves the right to require a Zoning Compliance Review for the replacement of a non-structural member of a deck, porch, or other structure if deemed necessary by the Zoning Administrator to determine compliance with this Ordinance.
- (2) Interior remodeling of a non-residential use, provided such remodeling is not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#).
- (3) 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.
- (4) The establishment of a permitted use in the district, provided that the use must meet all requirements of this Ordinance including any special requirements listed for that zoning district. Any development requiring Site Plan Review must be reviewed in accordance with to [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).

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Section 54.1402 Site Plan Review

Figure 49. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required	Minor Site Plan Review	Exempt From Site Plan Review
Special land uses	•		
Planned Unit Developments	•		
Any earthwork greater than 20,000 square feet in size	•		
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 (see below for exemptions)	•		
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 three (3) to twenty (20) or more dwelling units, and for all 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 2,000 2,500 square feet and which, unless otherwise exempt		•	
Any expansion or change in an existing land use if more parking in addition to that already provided is required		•	
Any earthwork greater than 20,000 square feet in size		•	
Site improvements that include landscaping, site access, and parking lot grading, layout, and new off-street parking, unless the activity is exempt		•	
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			•

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Landscaping that is less than 25% of the parcel size or 5,000 square feet, whichever is less			•
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			•

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Figure 50. 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.	•	•	•
Date of preparation and any revisions.	•	•	•
North arrow.	•	•	•
Complete and current legal description and size of property in acres.	•	•	•
A survey of the property, sealed by a surveyor licensed in the State of Michigan.		•	•
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.	•		
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.	•	•	•
Locations of all significant natural features, including Riparian Buffers (see Section 54.804), wetlands (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees (see Error! Reference source not found.), floodplains, etc.)	•	•	•
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.	•	•	•
Lot lines and all structures on the property and within 100 feet of the site's property lines.		•	•
Existing topography at a minimum of two (2) foot contour intervals.		•	•
Proposed Construction			
Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See Article 3 , Article 4 , and Article 7 .	•	•	•
Floor area and ground coverage ratios. See Article 3 and Article 4 .	•	•	•
Location and dimensions of parking spaces. See Article 9 .	•	•	•
Proposed locations of utility services (with sizes) and storm water management, including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements. See Section 54.803 .		•	•
Proposed topography with a site grading plan with topography at a minimum maximum of two (2) foot contour intervals.		•	•
Location and method of screening for all waste dumpsters. See Section 54.1003(F) .		•	•
A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown		•	•
General landscaping design concept acceptable to the Zoning Administrator.	•		

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ORDINANCE #694

AN ORDINANCE TO AMEND SEVERAL SECTIONS OF MARQUETTE CITY CODE CHAPTER 54 – LAND DEVELOPMENT CODE:

ARTICLE 2 – DEFINITIONS

ARTICLE 3 – ZONING DISTRICTS AND MAP, SECS. 54.306, 54.312, 54.320, 54.322 AND 54.323

ARTICLE 4 – SCHEDULE AND REGULATIONS, SEC. 54.403

ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES, SECS. 54.612, 54.619, 54.621, 54.622 AND 54.641

ARTICLE 7 – GENERAL PROVISIONS, SECS. 54.702, 54.704, 54.705, 54.706 AND 54.708

ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT, SEC. 54.903

ARTICLE 11 – SIGNS, SEC. 54.1106

ARTICLE 14 – ADMINISTRATIVE PROCEDURES, SECS. 54.1401 AND 54.1402

SUMMARY. This ordinance is intended to update the Land Development Code in several areas, where the need for improvements has been identified by staff and the City Planning Commission.

SECTION 1. Article 2 - Definitions.

Chapter 54 – LAND DEVELOPMENT CODE, Article 2 – Definitions is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 2 – Definitions is hereby adopted:

Article 2 Definitions

Section 54.201 Rules of Interpretation

For the purpose of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

- (A) All words used in the present tense shall include the future;
- (B) Words in the singular number include the plural number and all words in the plural number include the singular number;
- (C) The word "building" includes the word "structure," and "dwelling" includes "residence;"
- (D) The word "person" includes "corporation," "co-partnership," "company," "family," "firm," as well as an "individual";
- (E) The word "shall" is mandatory and the word "may" is permissive;
- (F) The word "lot" includes "plot" or "parcel;"
- (G) The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."
- (H) Terms not herein defined shall have the meaning customarily assigned to them.

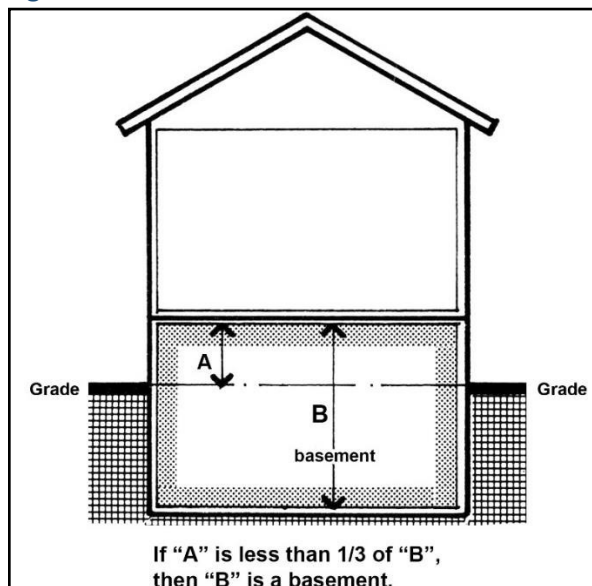
Section 54.202 Specific Terms

- (A) The following terms shall have the following meaning:
 - (1) **Abutting:** Having property or district lines in common.
 - (2) **Accessory Building and Accessory Structures:** A building and/or structure, the use of which is clearly subordinate and incidental to that of the principal building or to the use of the land located on the same lot.
 - (3) **Accessory Office Residential:** See definitions of "Home Occupation" and "Live/Work or Accessory Office Residential."
 - (4) **Accessory Use:** See definition of "Use, Accessory."
 - (5) **Adult Foster Care, Family Home:** An adult foster care facility with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

- (6) **Adult Foster Care, Large Group Home:** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care.
- (7) **Adult Foster Care, Small Group Home:** An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.
- (8) **Adult Foster Care Facility:** A governmental or nongovernmental establishment that provides foster care to adults. Subject to Michigan Public Act 218 of 1979, as amended, adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, home for the aged, hospital, hospital for the mentally ill, facility for the developmentally disabled, county infirmary, child caring institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institution, and any other use excluded under Act 218 of 1979, as amended.
- (9) **Adult Entertainment Uses:** See [Section 54.601](#).
- (10) **Agriculture:** A land use that includes all of the following: (1) a farm operation, (2) producing a farm product, and (3) as commercial activity. The land use also includes accessory uses for housing and dwellings for the farmer and farm employees.
- (11) **Agriculture-Like:** A land use that is one (1) of the following:
- (a) A land use which may be the principal use or accessory use on a parcel that includes some, but not all, of the following: (1) a farm operation, (2) producing a farm product, or (3) commercial agriculture activity; or
 - (b) Any agriculture or agriculture-like land use where the Right to Farm Act (MCL 286.471 et seq., as amended) or Generally Accepted Agricultural and Management Practices (GAAMPs) delegates regulatory control back to local government, such as but not limited to, agriculture considered to be in a Category 4 Site, as used in the Site Selection and Odor Control for New and Expanding Livestock Facilities GAAMPs, which is published by the Michigan Department of Agriculture & Rural Development (MDARD) and may be amended by MDARD from time to time.
- (12) **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation. However, an alley can be used for the placement of public utilities.
- (13) **Alterations:** Any change, addition or modification to a structure or type of occupancy or use of structure or land or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed".

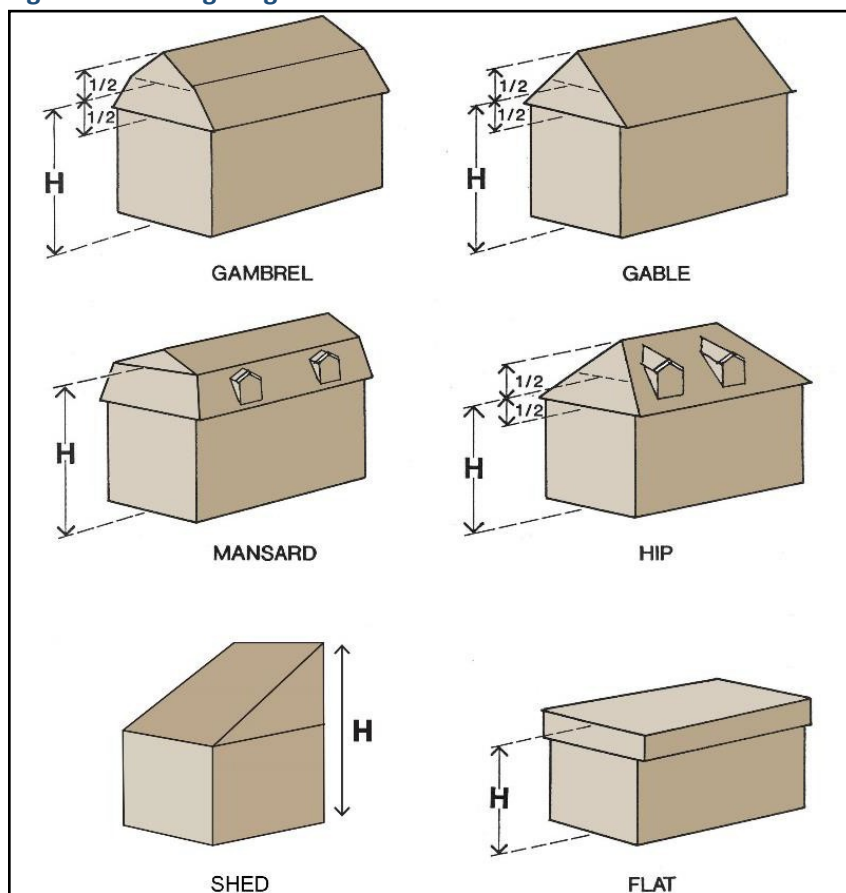
- (14) **Animal:** A farm animal or a domestic animal, but not an animal used for research in a scientific laboratory, or specimens in a zoo, or wild animal in a rehabilitation facility.
- (15) **Animal, Farm:** A farm animal includes exotic animals and any other animal, including domestic animals, so long as the animal is kept for the purpose of a farm product, for farm operation, or service to humans. Farm animal does not include animals used for research in a scientific laboratory, specimens in a zoo, wild animals, and other animals in a rehabilitation facility.
- (16) **Animal, Domestic:** Domestic animals, otherwise known pets, are animals primarily for a person's company, companionship, performance, attractive appearances, loyalty, for human therapy, playful personalities, or is a service animal pursuant to MCL 287.291. Domestic animals do not include working animals, farm animals, animals used for research in a scientific laboratory, specimens in a zoo, wild animals, and other animals in a rehabilitation facility.
- (17) **Art Accessory Structure.** See definition of "Structural Amenity" and the regulations of [Section 54.702\(G\)](#).
- (18) **Assisted Living Facility:** See definition of "Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility."
- (19) **Bar:** An establishment selling alcoholic beverages for on-premises consumption where more than 50% of the gross sales revenue are from the sale of alcoholic beverages. Bars may include a restaurant in accordance with the regulations of the zoning district.
- (20) **Basement:** A portion of the building partially underground, which has less than one third ($1/3$) of its height measured from finished floor to finished ceiling, above the average grade of the adjoining ground. (See [Figure 1. Basement](#))

Figure 1. Basement



- (21) **Bed and Breakfast:** An owner-occupied dwelling where no more than 5 (five) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals only to those persons temporarily residing at the establishment. See also definition of “Bed and Breakfast Inn” and “Homestay.”
- (22) **Bed and Breakfast Inn:** A structure primarily used for lodging purposes where the use as a residence is clearly secondary. A structure where more than 5 (five) but not more than 30 (thirty) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals to the public and persons temporarily residing at the establishment. See also definition of “Bed and Breakfast” and “Homestay.”
- (23) **Best Management Practices (BMPs).** Conservation practices or management measures approved by the Michigan Department of Environmental Quality (MDEQ) or the City that prevent, control, and reduce nonpoint source pollution.
- (24) **Building:** A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals, or property. The term building shall be construed under this Ordinance as if followed by the words "or parts thereof." Roof shall include coverings of any material whether or not permanent in nature. Unconventional enclosed structures, such as converted shipping containers, may be classified as “buildings” if they meet all of the requirements of a building pursuant to this Ordinance and the Building Code.
- (a) **Building, Non-Residential:** A building in which less than 50 percent of the gross floor area is occupied by dwelling units.
- (25) **Building, Accessory:** See definition of “Accessory Building and Structures.”
- (26) **Building, Height:** The vertical distance between the average grade (see definition of “Grade”) and the highest point of the roof surface for flat roofs; to the deck line of Mansard roofs; the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. (See [Figure 2. Building Height](#))

Figure 2. Building Height



(27) Building(s), Main or Principal:

- (a) Any individual structure, on a lot or site, which contains one or more principal or special land uses.
- (b) The separate structures, on a single site, in which one or more principal or special land uses are located.

(28) Building, Nonconforming: Any structure, the construction of which was lawfully established prior to the passage of this Ordinance (or any amendments thereto), that for any reason does not meet all of the applicable regulations contained in the ordinance (or its amendments).

(29) Building Code: The building code as currently enforced pursuant to the laws of the State of Michigan.

(30) Building Façade: That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

(31) Bulk Storage: See definition of "Storage, Bulk."

- (32) Child Care or Day Care, Family Home:** 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.
- (33) Child Care or Day Care, Group Home:** 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.
- (34) Child Care Center or Day Care Center:** 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.”
- (35) Clear Vision Triangle Area:** See [Section 54.704](#).
- (36) Colony, Honeybee:** See “Honeybee Colony or Hive”
- (37) Commercial:** An activity conducted with the intent of realizing a financial gain from the sale of goods or services to others.
- (38) Commercial Development:** Development for the purpose of exchanging, buying, or selling commodities on a large scale, which involve transportation from place to place.
- (39) Community Garden:** A collective activity by a group of people, utilizing either individual or shared plots to grow food crops, plant fiber, ornamentals, or other plants for personal or institutional use, consumption, or donation. Community gardens may include common areas maintained and used by group members.
- (40) Condominium:** A condominium project established in conformance with the Michigan Condominium Act (Act 59 of 1978).
- (41) Condominium Act:** Public Act 59, 1978, as amended.

- (42) Condominium Common Elements:** Portions of the condominium project other than the condominium units.
- (43) Condominium General Common Elements:** Condominium General Common Elements include the following:
- (a)** The land in the condominium project;
 - (b)** The foundations, main walls, roofs, halls, lobbies, stairway entrances, exits or communication ways;
 - (c)** The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
 - (d)** The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated;
 - (e)** The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks and pumps the like;
 - (f)** The elevators, incinerators and, in general, all devices or installations existing for common use; and;
 - (g)** All other elements of the condominium project owned in common and intended for the common use or necessary to the existence, upkeep and safety of the project.
- (44) Condominium Limited Common Elements:** Those common elements which are reserved in the master deed for the exclusive uses of less than all of the co-owners.
- (45) Condominium Project:** A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
- (46) Condominium Subdivision Plan:** A plan meeting the requirements of Section 66 of the Condominium Act, which shall consist of: site, survey and utility plans; floor plans; and Sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements. The condominium subdivision plan shall also include the adopted site plan and/or Exhibit B as required by P.A. 59 of 1978, as amended.
- (47) Condominium Unit:** That portion of the condominium project designed and intended for separate fee simple ownership and use, as described in the master deed.
- (48) Convalescent Home:** See definition of "Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility."
- (49) District, Zoning:** A portion of the incorporated area of the city in which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this Ordinance.

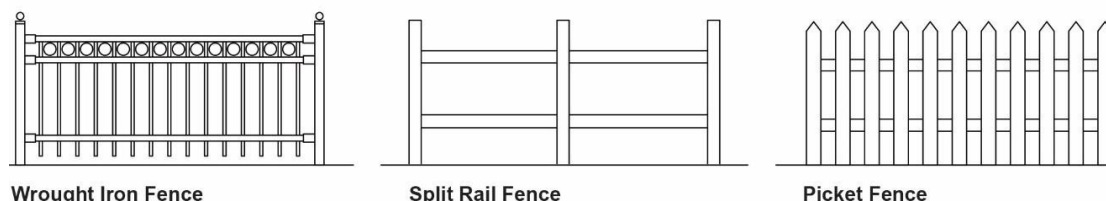
- (50) Distributive Operations:** See definition of “Warehousing.”
- (51) Domestic Violence Abuse Shelter:** A home for the temporary residence of victims of domestic violence.
- (52) Drive-Through Use:** A retail, service, or restaurant establishment providing a driveway approach or parking spaces designed and used to serve patrons remaining in motor vehicles, such as drive-in restaurants, drive-through restaurants, cleaners, banks, and pharmacies.
- (53) Driveway:** A private or public approach giving vehicles access from a public way to a building or parking space(s) on the same site.
- (54) Dwelling Unit:** One (1) or more rooms, in a building, with bathroom and principal kitchen facilities, designed as a self-contained unit for residential occupancy by one (1) family for such purposes as cooking, bathing, gathering, entertainment, and sleeping. Tents, recreational vehicles and other structures designed for temporary occupancy are not to be used as dwelling units in the City of Marquette, with the exception of areas where they are specifically allowed, such as Tourist Park or other areas where camping may be authorized during emergencies or otherwise. See also the definition of “Occupancy, Temporary.”
- (55) Dwelling, Accessory Unit:** A residential dwelling unit, but not a mobile home, located on the same lot as a detached single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building in accordance with the provisions of this Ordinance.
- (56) Dwelling, Intentional Community:** See definition of “Intentional Community.”
- (57) Dwelling, Two-Family (Duplex):** A building containing two (2) separate dwelling units, attached side-to-side or with one (1) dwelling unit located above the second dwelling unit and without interior access to the other dwelling unit; designed for or occupied exclusively by two (2) families living independently of each other.
- (58) Dwelling, Multiple Family:** A building or portion thereof designed or modified to contain three (3) or more separate dwelling units, without interior access to the other dwelling units; designed for or occupied exclusively by three (3) or more families living independently of each other.
- (59) Dwelling, Single-Family:** A building designed exclusively for use as one (1) dwelling unit in a single-family zoning district. Not more than one (1) family may occupy each dwelling unit.
- (60) Earthwork:** The removal of earth materials, clearing of vegetation, mass grading, or regrading of a site.
- (61) Easement:** A quantity of land set aside or over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or some particular person or part of

the public for specific uses and purposes, and shall be designated a "public" or "private" easement depending on the nature of the user.

- (62) Electrical Code:** The electrical code as currently enforced pursuant to the laws of the State of Michigan.
- (63) Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.
- (64) Emergency Services:** Facilities that provide ambulatory and related services.
- (65) Enclosed:** To surround or close off on all sides
- (66) Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal departments, of emergency outdoor warning sirens; overhead, surface, or underground gas, electrical, steam, fuel, or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, hydrants, and similar accessories in connection therewith necessary for the furnishing of such services. "Essential Services" do not include telecommunication towers, solar energy facilities, and wind energy conversion systems.
- (67) Façade:** See "Building Façade."
- (68) Family:** "Family" means either of the following.
- (a)** Any group of individuals living together as a single housekeeping unit or the functional equivalent of a family, where the residents are a close group with social, economic, and psychological commitments to each other and whose relationship is of a continuous, non-transient, domestic character with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit;
 - (b)** Not more than four (4) unrelated persons living together as a single housekeeping unit;
 - (c)** The tenants of a short-term rental property for which a valid permit has been issued by the Fire Department;
 - (d)** The "functional equivalent of a family" shall not include any organization such as a club, fraternity, sorority, lodge, monastery, or intentional community, nor any individuals whose association is seasonal or for limited durations defined by their occupation/jobs or educational pursuits, nor shall it include a group who share a dwelling unit explicitly for financial or philosophical reasons, or include any state-licensed facility except to the extent permitted by law.

- (69) **Farm:** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- (70) **Farm Operation:** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes the activities listed in the definition of “Farm Operation” in the Michigan Right to Farm Act (P.A. 93 of 1981, as amended).
- (71) **Farm Product:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, Cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.
- (72) **Farmers Market:** A location established in accordance with local ordinance and operated in compliance with Act No. 92, the Michigan Food Law, as amended, where farmers may transport and sell to the public fruits, vegetables or other agricultural products. Vendors of other retail items may also be permitted by the City.
- (73) **Fence:** A vertical structure of definite height and location to serve as an enclosure, dividing marker, or barrier in carrying out the requirements of this Ordinance. A fence includes a barrier designed to bound an area, including partitions and gates. A fence enclosed above by an impermeable material shall be regulated as a building.
- (74) **Fence, Adjacent Grade:** Adjacent grade for a fence shall be construed as the average grade measured at a point three (3) feet on each side of the fence. In the case of a fence on a retaining wall, adjacent grade shall be the grade of the top of the retaining wall.
- (75) **Fence, Decorative:** An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or screening. Examples of decorative fence include, but are not limited to, split rail fence, wrought iron fence, and picket fence with at least 50% of the area of its vertical plane open to light and air from both sides. Decorative fence does not include chain link fence, wire-woven fence, mesh-like fence, and cyclone fence. (See [Figure 3. Decorative Fence Examples](#))

Figure 3. Decorative Fence Examples



- (76) **Fence Height:** The average distance between the top element in the fence and the adjacent grade over a straight section of fence with no corners.
- (77) **Fence, Protective Measures:** A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location
- (78) **Fence, Screening:** A structure of definite height and location, maintained to prevent passage of light and to screen and separate a use from adjacent property.
- (79) **Fence, Temporary:** A fence approved by the City in conjunction with an approved temporary activity, such as construction or temporary/seasonal events, the purpose of which is to secure a site and/or restrict areas accessible to the public. A temporary fence is generally installed prior to the temporary activity and removed soon after the end of the temporary activity. Temporary fences must comply with all other provisions of this Ordinance. The City may require a permit for a temporary fence.
- (80) **Floor:** The level base of the room, hollow structure, or enclosed area capable of supporting individuals of other materials, including basements.
- (81) **Floor Area:** The total gross area of all floors, as measured to the outside surfaces of exterior walls.
- (82) **Flyway Barrier:** See “Honeybee Flyway Barrier.”
- (83) **Foster Family Home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the adoption code, chapter X of Act No. 288 of the Public Acts of 1939, as amended, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
- (84) **Foster Family Group Home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to chapter X of Act No. 288 of the Public Acts of 1939, as amended, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian
- (85) **Fraternity of Sorority House:** A building occupied and maintained exclusively for students affiliated with and formally recognized as a group by an academic or professional college or university or other recognized institution of higher learning.
- (86) **Front Area:** That area located between the edge of the physical street and the nearest point of the dwelling, projected parallel to the street

- (87) **Gasoline Service Station:** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the retail sale of minor accessories, but not including “Vehicle Repair and Service” unless approved as a separate land use on the site.
- (88) **Grade:** The average level of the finished surface levels of the ground adjacent to all exterior walls of those buildings more than five feet from a right-of-way. The average level of the finished surface level of the ground adjacent to each side of a building wall shall be determined by averaging the highest and lowest points along the wall. For buildings closer than five feet to a right-of-way, the grade is the curb elevation at the center of the building. If there is no curb, the City Engineer shall establish the grade.
- (89) **Ground Coverage:** See “Lot Coverage”, these terms have the same meaning.
- (90) **Halfway House:** A house licensed by a State Agency for the continued care, treatment and counseling of individuals who have successfully completed institutional treatment and who will benefit from a controlled atmosphere in a residential setting.
- (91) **Hard Parking Surface:** For one- and two-family dwellings a hard parking surface shall comprise of compacted gravel at least six (6) inches in depth, concrete or asphalt pavement, pavers (pervious or impervious) or other products designed for parking. For all other uses, a hard parking surface shall exclude gravel. The City Engineer may require minimum standards for hard parking surface (e.g., material depth, material specifications, construction techniques, etc.).
- (92) **Health Services:** Establishments engaged in providing diagnostic services including general medical services, medical laboratories, and outpatient care facilities. This definition may include an outpatient or inpatient/residential mental health or substance abuse treatment facility.
- (93) **Hive, Honeybee:** See “Honeybee Colony or Hive”
- (94) **Home Occupation:** An occupation or profession, carried on in a dwelling unit by members of the immediate family residing on the premises, which are clearly incidental or secondary to the use of the dwelling for dwelling purposes.
- (95) **Homeless Shelter:** A residential facility that provides temporary accommodations and support services for persons or families requiring interim housing arrangements and who would otherwise be without safe overnight shelter.
- (96) **Homestay:** An owner-occupied, single-family dwelling, or a dwelling unit in a duplex or multi-family dwelling structure in which the owner is present or intends to be present and residing on the premises when the rental unit is being rented, that may rent up to three (3) single bedrooms with bathroom access for overnight accommodates for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a Homestay for purposes of complying with City of Marquette ordinances. See also definition of “Bed and Breakfast” and “Bed and Breakfast Inn.”
- (97) **Honeybee:** All life stages of the common domestic honeybee, *Apis mellifera* species.

- (98) **Honeybee Colony or Hive:** An aggregate of honeybees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the honeybees.
- (99) **Honeybee Flyway Barrier:** A solid wall, fence, or dense vegetation or combination thereof that provides an obstruction through which honeybees cannot readily fly. The flyway barrier must surround the immediate vicinity of the colony(s) or hive(s) yet leave sufficient space for beekeeper to maintain colony(s) or hive(s). Property line fences or barriers do not constitute flyway barriers.
- (100) **Honeybee Swarm:** A partial honeybee colony in search of shelter that has split from an established honeybee colony.
- (101) **Hoop House:** An enclosed, temporary semi-circular tunnel structure composed of solid framing and a flexible plastic covering, the purpose of which is for growing plants inside the structure.
- (102) **Hospice:** A facility that provides residential living quarters for up to six (6) terminally ill persons.
- (103) **Hospitals:** An institution providing health services for inpatient and/or outpatient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, outpatient departments, central staff service facilities, and staff offices that are an integral part of the institution. This definition may include an inpatient mental health or substance abuse treatment facility.
- (104) **Hospital Hospitality Houses:** A noncommercial use of a residential structure where rooms are let to transient patients and family members of transient patients of a local hospital concurrent with the patient's treatment at the hospital.
- (105) **Hotel or Motel:** A commercial establishment offering overnight lodging to travelers and sometimes permanent residents, and often having amenities such as restaurants, swimming pools, stores, etc., that may be available to the public. Each hotel or motel room must contain at least a bedroom and bathroom.
- (106) **Impervious Surface:** Any surface that cannot be effectively and easily penetrated by water, thereby resulting in runoff. Examples include, but are not limited to, "Lot Coverage" (as defined in this Ordinance) and any material (asphalt, concrete, compacted stone and gravel, etc.) used in roads, driveways, decks, terraces, patios, porches, or sidewalks that cannot be effectively and easily penetrated by water. Impervious surfaces shall exclude roads, driveways, and sidewalks that are composed of materials that will allow infiltration and prevent runoff, such as permeable pavers, permeable pavement, or crushed stone or pea stone that does not bind. The definition of an impervious surface shall also exclude decks, terraces, patios, or porches that are composed of pervious materials and/or designed to allow for easy infiltration and underlain with materials that will allow infiltration and prevent runoff. Natural and artificial water bodies, including swimming pools, shall not be classified as impervious surfaces.

- (107) Indoor Recreation:** Indoor commercial or non-commercial amusement services such as bowling alleys, skating rinks, billiard halls, stadium and sports arenas, movie theaters (excluding drive-in theaters), dance halls, event venues, reception halls, recreation assembly uses, and other indoor recreational facilities. "Indoor Recreation" excludes "Adult Entertainment Uses."
- (108) Industrial:** Of, relating to, concerning, or arising from the assembly, fabrication, finishing, manufacturing, packaging, or processing of goods.
- (109) Intentional Community:** A planned residential community designed to have a high degree of social cohesion. The members of an intentional community typically have common interests, which may be an organizing factor, such as a social, religious, or spiritual philosophy, and are likely to share responsibilities and resources. Intentional communities include cooperative housing communities, communes, convents, eco-villages, and housing cooperatives. Property may be owned collectively, and/or new members of an intentional community may be selected by the community's existing membership.
- (110) Land Development Code:** The official Zoning Ordinance adopted by the City Commission of the City of Marquette, Michigan in accordance with Public Act 110 of 2006, as amended.
- (111) Landscaping:** The modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation, installation of new vegetation, and the continued maintenance thereof together with the installation of minor structures, appurtenances, and accessories such as mulch.
- (112) Lessee:** A person or party to whom a lease is granted; a tenant under a lease. Also, a renter.
- (113) Lessor:** A person, group, etc., who grants a lease. Also a landlord.
- (114) Live/Work or Accessory Office Residential:** A mixed-use dwelling unit combining a permitted residential use type with an office or limited commercial use type or, if permitted by this Ordinance, a limited industrial use type. This use classification includes but is not limited to: office, live/work facilities, or other similar uses.
- (115) Loading Space:** An off-street space typically on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- (116) Lot:** For purpose of this Ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Two (2) or more contiguous lots may be classified as a single lot only if one of the lots, by itself, cannot meet the minimum area, width, setback, lot coverage, or frontage requirements. Every lot shall have its front line abutting a public street, or a private street meeting the standards of an approved PUD, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, complete lots of record and portions of lots of record, or of portions of lots of record; or
- (d) A parcel of land described by metes and bounds.

(117) Lot Coverage: The area of a lot covered by the maximum horizontal cross section of a building or buildings to the area of the site (i.e. 20 square feet of building cross section on 100 square feet of land would give a ratio of 2,000/10,000 or 0.20). Also referred to as Ground Coverage. Accessory structures four (4) feet in height or less shall not be considered in computing maximum percent of lot coverage/ground.

(118) Lot, Nonconforming: A lot, the area, width or other characteristic of which fails to meet requirements of the Zoning District in which it is located and which was conforming ("of record") prior to enactment of this Ordinance.

(119) Lot of Record: A lot that is part of a plat, site condominium, or a lot or parcel described by metes and bounds recorded in the Office of the County Register of Deeds prior to, or at the time of, adoption of this Ordinance.

(120) Lot Frontage: See "Lot Line, Front."

(121) Lot Lines: The line abounding a lot as defined herein (See [Figure 4. Lot Types](#), [Figure 6. Yard Terms](#), and [Figure 7. Yards of a Corner Lot](#)):

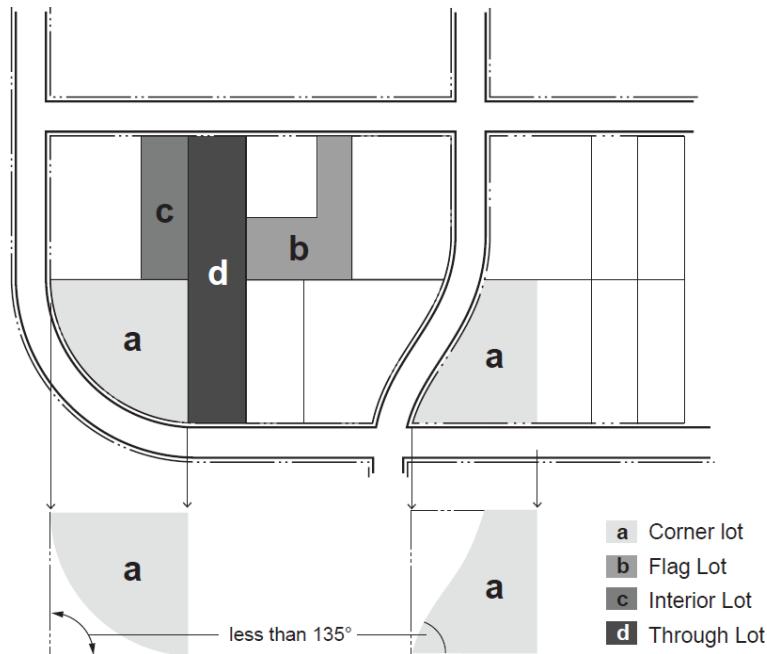
- (a) **Lot Line, Front:** Those property boundary lines separating the lot from any right-of-way, unless otherwise stated in this Ordinance.
- (b) **Lot Line, Rear:** That lot line opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line shall be opposite the front lot line that provides the primary frontage, at the discretion of the property owner.
- (c) **Lot Line, Side:** Any lot line that is not a front lot line or a rear lot line.

(122) Lot Types: Lot Types are as follows (See [Figure 4. Lot Types](#))

- (a) **Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of the ordinance, if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
- (b) **Lot, Flag:** A pre-existing nonconforming lot that uses a narrow, unbuildable strip of land that does not meet the frontage requirements of the district in which it is located, which provides access to, or legal frontage on, a public or private street.
- (c) **Lot, Interior:** A lot other than a corner lot with only one (1) frontage on a street or road.

- (d) **Lot, Through or Double-Frontage:** An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. All sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. Properties that share a property line with a city street on one side and limited access highway on the other side are not “Through Lots.”

Figure 4. Lot Types



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

(124)**Major Repair and Maintenance Operations:** The servicing, repairing, altering, or maintenance of any heavy equipment or heavy machinery to perpetuate the use or purpose for which such premises, appliance, apparatus, or equipment was originally intended.

(125) **Major Street:** See “Street, Major.”

(126)**Manufacturing, Heavy:** 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

(127)Manufacturing, Light: 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.

(128)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.

(129)Marihuana Establishments: Marihuana Establishment means a marihuana grower (Class A, B, or C) or excess grower, marihuana safety compliance facility, marihuana processor (light manufacturing or heavy manufacturing), marihuana microbusiness (light manufacturing or heavy manufacturing), marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment.

(130)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.

(131)Marihuana Grower – Class B: 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.

(132)Marihuana Grower – Class C: 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.

(133)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.

- (134)Marihuana Microbusiness – 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. See **Manufacturing, Light** definition.
- (135)Marihuana Microbusiness – 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. See **Manufacturing, Heavy** definition.
- (136)Marihuana Processor – Light Manufacturing:** 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. See **Manufacturing, Light** definition.
- (137)Marihuana Processor – Heavy Manufacturing:** 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. See **Manufacturing, Heavy** definition.
- (138)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.
- (139)Marihuana Safety Compliance Facility:** Marihuana Safety Compliance Facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (140)Marihuana Secure Transporters:** Marihuana Secure Transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (141)Master Plan:** Comprehensive land use plan adopted by the Planning Commission pursuant to Public Act 33 of 2008, as amended.
- (142)Medical Hospital Related Accessory Uses:** Privately owned facilities that provide support for patients, employees, and visitors of a hospital to include; financial institutions, insurance companies, medical equipment sales, pharmaceutical sales, barber shops, clothing rental, health clubs, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning services), restaurants and cafeterias, bookstores, floral shops and gift stores provided there is no visible indication outside of any building. The definition excludes “Hospital Hospitality Houses.”

(143) Medical Hospital Related Office: A place that functions such as directing, consulting, record keeping, clerical work, and sales without the presence of merchandise of a hospital.

(144) Medical Hospital Related Uses: Medical schools and associated dormitories, medical conference centers, medical appliance sales, facilities for carrying on investigation in the natural or physical sciences, or engineering and development as an extension of investigation with the objective of creating end products.

(145) Minor Street: See “Street, Minor.”

(146) Mobile Home: A mobile home is a structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. When occupied as a dwelling unit, such home must be located in an area that was approved in accordance with City ordinances, specifically to accommodate this type of housing. The term “mobile home” shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

(147) Mobile Home Park: A parcel of land designed for the placement of mobile homes for residential use.

(148) Motel: See definition of “Hotel or Motel.”

(149) Natural Resource Extraction Operations: A lot or part thereof used for the purpose of extracting natural resources such as minerals, stone, sand, gravel, clay, or topsoil for sale, but excludes the process of grading a lot preparatory to the construction of a building for which a building permit has been approved.

(150) Nearest vertical plane/ exterior wall of the structure: For the purposes of determining the size of required yards, the “nearest vertical plane/ exterior wall of the structure” is that exterior wall of any living space, including cladding, which is closest to the nearest property line (or right-of-way line). This includes any cantilevered walls that do not extend to the ground. Not included are items identified in this Ordinance that are permitted to encroach into required yard setbacks.

(151) Nonconforming Building: See definition of “Building, Nonconforming.”

(152) Nonconforming Lot: See definition of “Lot, Nonconforming.”

(153) Nonconforming Use: See definition of “Use, Nonconforming.”

(154) Nonpoint Source Pollution. Pollution that is generated by various land use activities rather than from an identifiable or discrete source and is conveyed to waterways through natural and manmade processes, such as rainfall, storm water runoff, or groundwater seepage rather than direct discharges.

- (155)Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility:** An establishment licensed under State law that provides full-time convalescent, or extended care, or both for three (3) or more individuals who are not related by blood or marriage to the operator and, who, by reason of chronic illness or infirmity are unable to care for themselves. Surgical and obstetrical services and care for the acutely ill are not available on the premises.
- (156)Occupants, Capacity:** Maximum number of persons who may occupy a structure as determined by the City Fire Chief, as authorized by state or local statute.
- (157)Occupancy:** Being present in any manner of form. Includes the meaning of intent, design, or arrangement for the use, or inhabitation of.
- (158)Occupancy, Temporary:** Occupancy that takes place in a tent or recreational vehicle for less than 14 days without a rental or lease agreement.
- (159)Office, Medical:** A building used exclusively by physicians, dentists, and similar medical personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises. This definition may include an inpatient mental health or substance abuse treatment facility.
- (160)Office, Professional:** A building or portion of a building wherein office-related services are performed including, predominantly administrative, professional, executive, research, or clerical operations.
- (161)Open Space:** That portion of a site not covered by structures (see also outdoor livability space).
- (162) Open Storage:** See definition of "Storage, Open."
- (163)Outdoor Entertainment and Community Events:** A commercial or noncommercial outdoor occurrence or noteworthy happening of seasonal, civic, commerce, or church importance, which is organized and sponsored by an individual or business entity or non-profit community group, organization, club or society, and which promotes economic development or offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Outdoor entertainment and community events typically run for a fixed period of time if approved as a temporary uses or temporary accessory use to a permitted use.
- (164)Outdoor Food and Beverage Service:** An establishment where food and/or beverages are prepared and served for consumption outdoors in a designated dining area, which excludes drive-through restaurants. See definitions of "Bar" and "Restaurant, Indoor Service."

- (165) Outdoor Livability Space:** Any area of a site which is not covered by a structure, is not included in required parking area, and is available for use by residents and visitors.
- (166) Outdoor Recreation:** Outdoor commercial or non-commercial amusement services or activities, and other primary uses of land and/or water resources that place importance on enjoyment of the outdoor space in ways that support leisure or reflective pursuits and which do not otherwise fit into land uses identified in this document.
- (167) Outdoor Temporary Retail Sales:** A seasonal or temporary outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement. The City may require an Outdoor Temporary Sales permit in accordance with an applicable ordinance prior to the establishment of the outdoor temporary sales use.
- (168) Parapet:** A portion of a wall that projects above a roof.
- (169) Parcel:** See definition of "Lot."
- (170) Parking Lot:** A durable, smooth, hard surfaced, and dust free area with well-defined entrances and exit lanes for unencumbered access to individual parking spaces. See definition of "Hard Parking Surface."
- (171) Parking Space:** A defined area for the storage or parking of a single permitted vehicle. This area is to be exclusive of drives, driveways, aisle, or entrances giving access to the space from the public right-of-way.
- (172) Permanent Structure:** Any building, (whether residential, commercial, or industrial), mobile home, accessory structure or related building, or any septic system, tile field or other waste handling facility erected, installed or moved onto a parcel of property. Excluded are recreational vehicles, picnicking shelters or moveable storage sheds, stairways, docks, or erosion control structures.
- (173) Pet Boarding Facility:** A business for the temporary boarding and care of common household pets, sometimes referred to as a "doggy day care." Boarding generally occurs during daytime hours, but may include overnight boarding. Pet boarding facilities may provide related services such as retail sales, grooming, or training, but no animals may be bred or sold at a pet boarding facility.
- (174) Planned Unit Development (PUD):** A development of flexible design, which meets the requirements of the Planned Unit Development District, other applicable sections of this Ordinance and any additional requirements placed upon it by the Planning Commission.
- (175) Planning Commission:** The City Planning Commission of the City of Marquette, established by Public Act 33 of 2008, as amended.
- (176) Porches, Open:** An entrance to a building or structure, which may be covered by a roof, that projects from the main wall of the building or structure but is unenclosed except for columns supporting the roof and a required rail/barrier.

(177) Port Facilities and Docks: A facility for the docking, loading, or unloading of ships, barges, or boats, including marinas and facilities that primarily transport freight. This use excludes warehousing and outdoor storage of materials, goods, or products.

(178) Public Recreational Use. See “Recreational Use, Public.”

(179) Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulation to the public, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water, or storm water control. “Public utility” does not include telecommunication towers, solar energy facilities, and wind energy conversion systems.

(180) Recreational Use, Land Intensive: A public or quasi-public recreational use which is at least 3 acres in size and for which a large land area is required.

(181) Recreational Use, Public: A publicly-owned or -operated indoor or outdoor recreation facility, including facilities for conservation and related educational opportunities. A Public Recreation Use does not include Outdoor Entertainment and Community Event Uses unless separately approved in accordance with this Ordinance.

(182) Recreational Vehicle: Includes camping trailers, travel trailers, pickup campers, motor homes, folding tent trailers, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers, and similar equipment used for transporting recreational equipment. For the purposes of this Ordinance, a recreational vehicle is not to be used as a single-family dwelling unit in residential zoning districts. See also definitions of “Camping Trailer” and “Travel Trailer.”

(183) Religious Institution: A Religious Institution for the purpose of this Ordinance shall mean: 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.

(184) Renter: A person or organization that holds, or has the use of, property by payment of rent.

(185) Restaurant, Indoor Service: An establishment where food is prepared and served for consumption within the principal building or for carry-out for off-premises consumption.

(186) Restaurant, Drive-Through. See definition of “Drive-Through Use.”

(187) Retail Business: A business that sells commodities or goods in small quantities to the public for personal, household, or business consumption.

(188)Roofline: The outline or contour of a roof, as observed from an adjacent street, particularly as it applies to the façade where a parapet may form a portion of the roofline.

(189)Rooming House: Any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith, cooking or kitchen accommodations for individuals leasing or renting rooms. In the case of single- and two-family dwellings, the number of such bedrooms leased or rented to roomers shall not exceed three (3), unless such dwellings be made to comply in all respects with the provisions of this act relating to multiple dwellings.

(190) Service: A useful labor that does not produce a tangible commodity.

(191)Service Establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises including printing, legal, engineering, consulting, barber and beauty shops, photographic studios, drop-off/pick-up dry cleaners with no on-site treatment, and other similar services.

(192)Setback: The minimum required horizontal distance between the foundation of a building or other structure, excluding allowable projections and encroachments, and the lot line or right-of-way line. See definitions for “Yard” and [Figure 6](#).

(193) Shoreline: The area of the shorelines where land and water meet.

(194)Short-Term Rental: A residential rental property for which a dwelling unit or rooms may be rented for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities customarily are available for guests to prepare their own meals. Homestays and Vacation Home Rentals, as defined in this Ordinance, are the two types of short-term rentals permitted in the City of Marquette.

(195)Single Housekeeping Unit: One person or two or more individuals living together sharing household responsibilities and activities, which may include sharing expenses, chores, eating meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

(196) Sign: Refer to [Article 11](#).

(197)Site: One or more lots under the same ownership or control, which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of this Ordinance.

(198)Site Area, Net: In the Planned Unit Development District the net site area shall include the area of any existing or required right-of-way located within the boundaries of the site. In all other districts, the net site area shall be the total site area exclusive of any existing or required right-of-way.

(199)Site Improvements: Any work performed on a site that is not building construction or earthwork.

(200)Site Plan: A graphic document of existing site conditions and proposed alterations and construction submitted in compliance with the requirements of this Ordinance.

(201)Storage, Bulk: Goods for sale, storage, or display that have a large size, mass, or volume and are not easily moved or carried, such as railroad ties, large bags of feed, fertilizer, wood, sand, gravel, stone, lumber, equipment, and other similar materials and supplies.

(202)Storage, Open: The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

(203)Stream Channel. Part of a watercourse either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:

- (a)** Hydrophytic vegetation, hydric soils, or other hydrologic indicators in the area(s) where groundwater enters the stream channel in the vicinity of the stream headwaters, channel bed, or channel banks.
- (b)** Flowing water not directly related to a storm event.
- (c)** Historical records of a local high groundwater table, such as well and stream gauge records.

(204)Street: An improvement in a dedicated public right-of-way that affords the principal means of vehicular and non-motorized access to abutting property. A street includes the entire right-of-way and any improvements constructed thereon whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, and including the land between the right-of-way lanes whether improved or unimproved and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas and other areas within the right-of-way lines.

(205)Street, Major: A street, designated as a major street pursuant to Act 51 of the public Acts of 1951, with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials/streets. A “Major Street” includes an arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate area and region beyond, and may be designated in the Major Thoroughfare Plan as a major thoroughfare, parkway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.

(206)Street, Marginal Access: A minor street parallel and adjacent to a major thoroughfare, and which provides access to abutting properties and protection from through traffic.

(207)Street, Minor: A street designated as a minor street pursuant to Act 51 of the Public Acts of 1951 intended primarily for providing access to abutting properties. A “Minor Street” includes a street supplementary to a secondary street intended to serve the local needs of the neighborhood and of limited continuity used primarily as access to abutting residential properties.

- (208) Street, Secondary:** A street intended to serve as a means of access from minor streets to a major street and has considerable continuity within the framework of the Major Thoroughfare Plan.
- (209) Structural Amenity:** A non-plant element such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator, and which meets the requirements of [Section 54.702\(G\)](#).
- (210) Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, except driveways and pavement, but including retaining walls.
- (211) Structure, Temporary:** A structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Examples of temporary structures include, but are not limited to, tents, portable storage units, portable offices, and attendant shelters.
- (212) Survey:** A depiction of real property and relative improvements (i.e. a tract of land and structures) to determine and delineate the form, extent, and position of the property and improvements by using linear and angular measurements and prepared by a Michigan Licensed Surveyor. Depending upon the level of detail required, an acceptable survey for zoning procedures may be either a **Level 1 Survey /Boundary Survey**, or a **Level 2 Survey/Location Sketch** (less detailed than a Level 1 Survey) as determined by the Zoning Administrator per [Section 54.1402\(C\)](#).
- (213) Swarm, Honeybee:** See “Honeybee Swarm.”
- (214) Temporary Structure:** See definition of “Structure, Temporary.”
- (215) Temporary Use:** See definition of “Use, Temporary.”
- (216) Tenant:** A person entitled by written, oral, or implied agreement to occupy a dwelling unit to the exclusion of others. Tenant shall not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.
- (217) Tent:** A structure whose walls and roof are entirely or primarily made of fabric. When used for temporary residential occupancy in accordance with City ordinances, a tent must be located in a rear yard. Tents shall not be used for residential occupancy in locations not approved for the use.
- (218) Transitional Yard:** See definition of “Yard, Transitional.”
- (219) Travel Trailer:** A vehicular, portable structure mounted on wheels and of a size and weight as not to require special highway movement permits alone or when drawn by a stock passenger automobile or a fifth wheel hitch mounted on a motor vehicle, and is primarily designed, and used for temporary residential occupancy during recreational

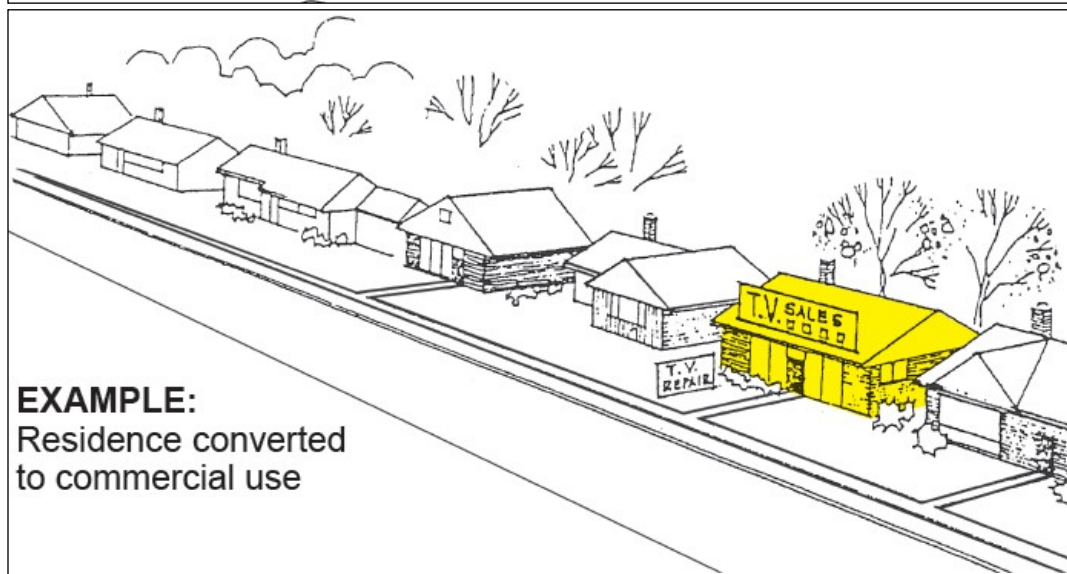
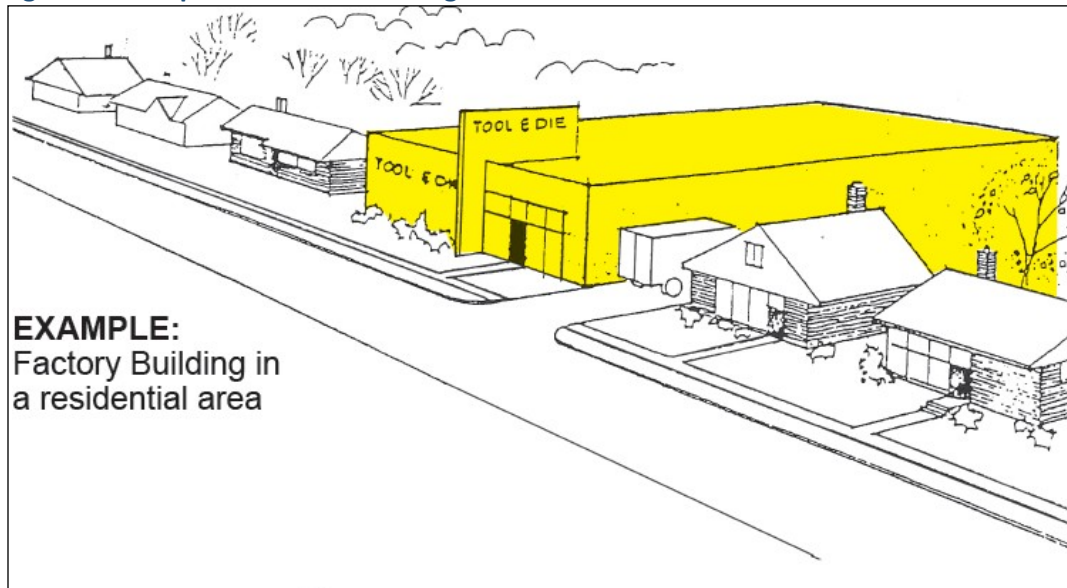
camping or travel. See also definitions of “Camping Trailer” and “Recreational Vehicle.”

(220)Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

(221)Use, Accessory: Any use of land and/or structures that is clearly incidental, subordinate, and devoted exclusively to a permitted principal use(s) or special land use(s) on the same lot as the principal use to which it is accessory.

(222)Use, Nonconforming: Any use of a structure, use of land, or use of a structure and land in combination that was lawfully established prior to the time of passage of this Ordinance (or any amendments thereto) and which does not conform to all of the applicable regulations contained in the ordinance (or its amendments). For example purposes only, a nonconforming use may be a factory building in a residential area or a residence converted to a commercial use (See [Figure 5. Examples of Nonconforming Use](#)).

Figure 5. Examples of Nonconforming Use



(223)Use, Permitted: A use by right that is specifically authorized in a particular zoning district.

(224)Use, Principal: The main use of land or structures as distinguished from a secondary or accessory use.

(225)Use, Special Land: Any building, structure, or use that complies with the applicable regulations governing uses, other than principal and accessory uses, in the zoning district in which such building, structure, or use is located, and for which a permit has been issued by the City Planning Commission.

(226)Uses Subject to Standards Applicable to Specific Land Uses: A use that includes associated development and performance standards unique to the use (see [Article 6](#)).

(227)Use, Temporary: A use intended and/or permitted for limited duration in accordance with City ordinances, subject to City approval.

(228)Utility Electrical Power Generation: The erection, construction, alteration, operation, or maintenance by public utilities or municipal departments for the purpose of electrical power generation facilities and similar accessories in connection therewith.

(229)Vacation Home Rental: A single-family home, or a dwelling unit in a duplex or multi-family dwelling structure, or any other dwelling unit, in which up to four (4) bedrooms are rented by a single lessee or renter for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities are available for guests to prepare their own meals. The property owner may or may not live in the dwelling unit for part of the year, but the property owner may not live in the unit concurrently with any lessee. Only properties that have received approval of a rental registration application are recognized as a Vacation Home Rental for purposes of complying with City of Marquette ordinances.

(230) Variance: See definition of “Zoning Variance.”

(231)Vehicle Repair and Service: Engine tune-ups and rebuilding; transmission service and rebuilding; servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; collision service such as body, frame, or fender straightening or repair; steam cleaning, undercoating, and rustproofing; and other similar servicing or repairs that may require disassembly or storing of automobiles on the premises overnight while awaiting repairs or pick up.

(232)Veterinary Clinic (Domestic Animals Only): An institution that is licensed by the State of Michigan to provide for the care, diagnosis, and treatment of sick or injured domestic animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages within the walls of the clinic structure, but shall not include overnight boarding unless separately approved for a pet boarding facility use. A veterinary clinic may include such related facilities as laboratories, testing services, and offices.

(233) Wall, Decorative Masonry: A solid wall composed of decorative masonry materials, including brick, face brick, stone, or similar decorative masonry material. Poured concrete, concrete masonry units (CMUs), split-faced block and similar materials are not acceptable decorative masonry materials.

(234) Wall, Retaining: A structural wall, either freestanding or laterally braced, designed to withstand lateral and other forces from earth material in contact with one side of the wall, thereby preventing the material from sliding to a lower elevation.

(235) Warehousing: A use engaged primarily in indoor storage, wholesale, and distribution of goods, products, supplies, and equipment, excluding bulk storage of materials.

(236) Water Pollution. Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to:

- (a)** The City's potable water intake in Lake Superior.
- (b)** Public health, safety, or welfare.
- (c)** Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses.
- (d)** Livestock, wild animals, or birds.
- (e)** Fish or other aquatic life.

(237) Water Pollution Hazard. A land use or activity that causes a relatively high risk of potential water pollution.

(238) Waterway. For the purposes of this Ordinance, waterways shall include rivers, stream channels, brooks, drains, and other riparian water bodies illustrated on the Official Zoning Map.

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

(240) Wholesale Trade Establishments: An establishment or place of business primarily engaged in selling and/or distributing wholesale merchandise to retailers, business users, other wholesalers, or individuals.

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

(242) Wireless Communication Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(243) Wireless Communication Backhaul Network: The lines that connect a provider's towers and/or cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(244)Wireless Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(245)Wireless Communication Tower, Height: The distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(246)Wireless Communication Tower, Preexisting and preexisting antennas: Any tower or antenna for which a building permit or special land use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(247)Wireless Communication Tower Structure, Alternative: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(248)Yard: Open space on the same site as a main building, unoccupied and unobstructed by man-made fixed objects from the ground upward except as otherwise provided in the City Code, as defined therein.

(249)Yard, Front: An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line/right-of-way line and the nearest vertical plane/exterior foundation of the main structure. Through lots must provide a front yard on both streets. On a corner lot, two (2) front yards are required, and one (1) rear yard setback is required, which shall be opposite the front lot line that provides the primary frontage, at the discretion of the property owner. (See [Figure 6. Yard Terms](#) and [Figure 7. Yards of a Corner Lot](#))

(250)Yard, Rear: An open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the nearest vertical plane/exterior foundation of the main structure. In the case of a corner lot, the rear yard shall be opposite the front lot line that provides the primary frontage, at the discretion of the property owner. (See [Figure 6. Yard Terms](#) and [Figure 7. Yards of a Corner Lot](#))

(251) Yard, Side: An open space extending the distance between the front yard and the rear yard, the depth of which is the horizontal distance between the side lot line and the nearest vertical plan/exterior foundation of the main structure. If no front or rear yard is required, the side yard area must extend the full depth of the lot. Side yards on through lots must run the full length of the lot between street right-of-way lines. (See [Figure 6. Yard Terms](#) and [Figure 7. Yards of a Corner Lot](#))

Figure 6. Yard Terms

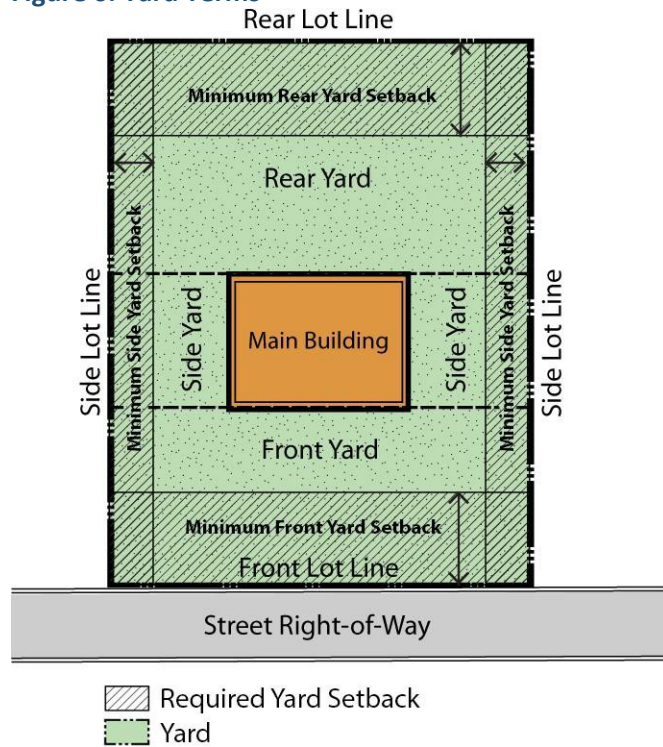
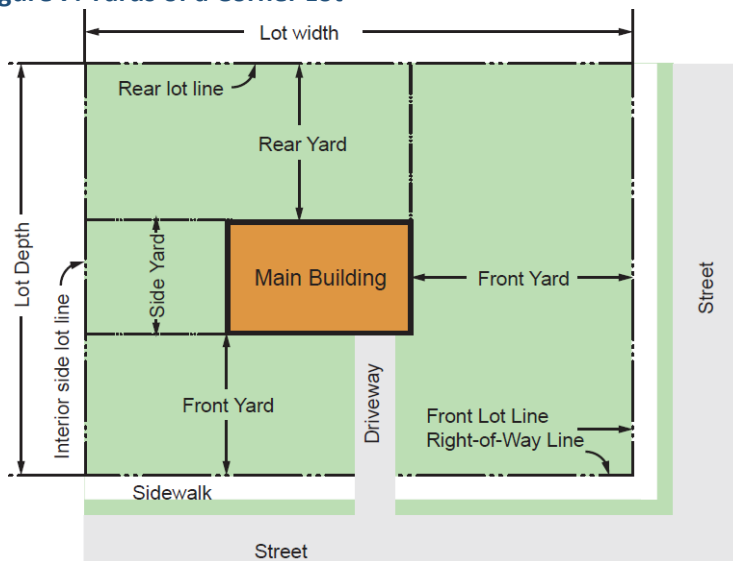


Figure 7. Yards of a Corner Lot



(252)Yard, Transitional: A required yard located on sites abutting zoning district boundaries for the purpose of creating a buffer zone to reduce conflict between incompatible districts or land uses. The provision for transition yards as documented in [Article 10](#) are not modified by any of the provisions for yard setbacks.

(253)Zoning Administrator: The person(s) appointed by the City Manager to administer and enforce this Land Development Code in accordance with the duties of [Section 54.1301](#).

(254) Zoning District: See definition of “District,Zoning.”

(255) Zoning Ordinance: See “Land DevelopmentCode.”

(256)Zoning Variance: A modification of the literal provisions of the Land Development Code granted by the Board of Zoning Appeals when in its judgment the strict enforcement of the Land Development Code would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

SECTION 2. Article 3 – Zoning Districts and Map, Section 54.306

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.306 Permitted Uses by District is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.306 Permitted Uses by District is hereby adopted:

Section 54.306 Permitted Uses by District

The following [Figure 8](#) lists the permitted uses and special land uses in each district, except that the permitted uses and special land uses of the Marquette Downtown Waterfront (DMW) Form-Based Code and Third Street Corridor (TSC) Form-Based Code are in [Section 54.321](#) and [Section 54.322](#), respectively. Refer to [Article 2](#) for a description of the uses listed in the following [Figure 8](#).

Whenever a specific development standard is included for a particular use in [Figure 8](#), any development must comply with the requirements of the referenced section. All development standards for specific uses are listed in [Article 6](#) and in other areas of this Ordinance. Additionally, any use that is a special land use must also comply with the standards of [Section 54.1403\(C\)](#).

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

Key:	P=Permitted		S=Special Land Use		[blank]=Use Not Permitted									
Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Residential Uses														
Adult Foster Care, Family Home	P	P	P	P	P	P								
Adult Foster Care, Large Group Home			S											Section 54.602
Adult Foster Care, Small Group Home	S	S	S		S									Section 54.602
Child or Day Care, Family Home	P	P	P	P	P	P								
Child or Day Care, Group Home	S	S	S		S									Section 54.608
Dwelling, Accessory Unit	S	S	S		S	S								Section 54.612
Dwelling, Intentional Community	S	S	S		S	S								Section 54.614
Dwelling, Live/Work					P	P								Section 54.615
Dwelling, Multiple-Family			P		P	S								Section 54.616
Dwelling, Single-Family Attached			P		P	S								
Dwelling, Single-Family Detached	P	P	P		P	S								Section 54.617
Dwelling, Two-Family (Duplex)	S	S	P		P	P								Section 54.613
Foster Family Group Home	S	S	S		S	S								
Foster Family Home	P	P	P		P	P								
Home Occupation	P	P	P		P	P								Section 54.621
Home Office	P	P	P		P	P								Section 54.622
Mobile Home Park				P										Section 54.630
Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility			S		S	S								Section 54.632
Residential Limited Animal Keeping	P	P												Section 54.641
Lodging Uses														
Bed and Breakfast			S		S	S								Section 54.603
Bed and Breakfast Inn					S	S								Section 54.604
Domestic Violence Abuse Shelter			S		S	S								Section 54.610
Fraternity or Sorority House			S		S	S								
Halfway House			S											Section 54.620
Homeless Shelter					S	S								Section 54.623
Homestays and Vacation Home Rentals	P	P	P		P	P								Section 54.624
Hospital Hospitality House		S			S	S								Section 54.626
Hotel or Motel					S	S	P	P						

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Rooming House			S		S	S								Section 54.642
Medical Uses														
Emergency Services					P	P	P	P						
Health Services					P	P	P	P						
Hospice					P	P	P	P						
Hospital			S		S	S	S	S						Section 54.625
Medical Hospital Related Accessory Uses					P	P	P	P						
Medical Hospital Related Office					P	P	P	P						
Medical Hospital Related Uses					P	P	P	P						
Office, Medical					P	P	P	P			P			Section 54.633
Veterinary Clinic (Domestic Animals Only)					P	P	P	P			P			
Public and Quasi-Public Uses														
Cemetery	S	S	S						P	P				Section 54.606
Public or Governmental Building	S	S	S		P	P	P	P	P	P	P	P	P	
Recreational Use, Land Intensive												S	S	Section 54.639
Recreational Use, Public	S	S	S		S	S	S	S	P	P		P	P	
Religious Institution	S	S	S		P	S	P	P			P			Section 54.640
School, Primary or Secondary	S	S	S		S	S			P	P				Section 54.643
School, University		S	S		S	S			P	P				Section 54.607
Commercial and Retail Uses														
Adult Entertainment Uses											S			Section 54.601
Bar					S	P	P	P						
Child Care Center or Day Care Center	S	S			P	S	P	P						Section 54.609
Drive-Through Uses						S	P	P						Section 54.611
Farmers' Markets					P	P	P	P	P	P				Section 54.618
Gasoline Service Stations						S	P	P			P			
Indoor Recreation					P	P	P	P	P	P	P			
Office, Professional					P	P	P	P	P	P	P			Section 54.633
Outdoor Entertainment and Community Events (Principal Use)					S	P			P	P		S		Section 54.635(D)
Outdoor Entertainment and Community Events (Temporary Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.635(B)
Outdoor Food and Beverage Service					S	P	P	P						Section 54.636
Outdoor Recreation			S		P	P	P	P	P	P		P	P	
Pet Boarding Facility							S	S			S			
Restaurant, Indoor Service					P	P	P	P						
Retail Business, Indoor					P	P	P	P			P			
Retail Business, Outdoor Permanent							S	S			S			
Retail Sales, Outdoor Temporary					P	P	P	P						Section 54.637
Service Establishment					P	P	P	P			P			
Storage, Open							P	P	P	P	P	P	P	Section 54.634
Vehicle Repair and Service					S	S	S	P			P			Section 54.627

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

Land Use	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
Industrial Uses														
Major Repair and Maintenance Operations											S		P	Section 54.627
Manufacturing, Heavy											S			Section 54.627
Manufacturing, Light					S	S	S	S			P			Section 54.627
Natural Resource Extraction Operations												S		Section 54.631
Port Facilities and Docks									S	S		S	S	Section 54.638
Railroad Facilities											P			
Storage, Bulk								S			S		P	Section 54.605
Utility Electrical Power Generation													P	
Warehousing								S			P		P	
Wholesale Trade Establishment							P	P			P			
Wholesaling Operations								S			P			
Other Uses														
Accessory Building or Structure	P	P	P		P	P	P	P	P	P	P	P	P	Section 54.705
Accessory Use, Non-Single Family Residential Lots	P	P	S		S	S	S	S	S	S	S	S	S	
Accessory Use, Single-Family Residential Lots	P	P	P		P	S								
Agriculture-Like Operation, including Forestry									P	P		P	P	
Food Production, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 54.619
Marihuana Designated Consumption Establishment						S	S							Section 54.628
Marihuana Grower – Class A						S	S	S			S			Section 54.628
Marihuana Grower – Class B							S	S			S			Section 54.628
Marihuana Grower – Class C							S	S			S			Section 54.628
Marihuana Grower _ Excess							S	S			S			Section 54.628
Marihuana Microbusiness- Light Manufacturing						S	S	S			S			Section 54.628
Marihuana Microbusiness- Heavy Manufacturing											S			Section 54.628
Marihuana Processor- Light Manufacturing						S	S	S			S			Section 54.628
Marihuana Processor – Heavy Manufacturing											S			Section 54.628
Marihuana Retailer						S	S	S			S			Section 54.628
Marihuana Safety Compliance Facilities					S	S	S	S			S			Section 54.628
Marihuana Secure Transporters								S			S			Section 54.628
Recycling Collection and Transfer Stations									S					
Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.									S	S		S		
Wireless Telecommunications Facilities						S	S	S	P	P	P	S	P	Section 54.644
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)														
Third Street Corridor (TSC) Form-Based Code (see Section 54.322)														

SECTION 3. Article 3 – Zoning Districts and Map, Section 54.312

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.312 CBD, Central Business District is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.312 CBD, Central Business District is hereby adopted:

Section 54.312 CBD, Central Business District

(A) Intent	
The CBD is the historic hub of city commerce and intended to provide suitable regulations for the business-oriented core area of the city which serves both local and regional markets such as offices, retail or wholesale sales or service, light manufacturing, and mixed uses that include residential.	
(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Adult Foster Care, Family Home • Bar • Child or Day Care, Family Home • Dwelling, Live/Work • Dwelling, Two-Family (Duplex) • Emergency Services • Farmers' Markets • Food Production, Minor • Foster Family Home • Health Services • Home Occupation • Home Office • Homestays and Vacation Home • Hospice • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Food and Beverage Service • Outdoor Recreation • Public or Governmental Building • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	• Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Bed and Breakfast • Bed and Breakfast Inn • Child Care Center or Day Care Center • Domestic Violence Abuse Shelter • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Foster Family Group Home • Fraternity or Sorority House • Gasoline Service Stations • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Grower – Class A • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University • Vehicle Repair and Service • Wireless Telecommunications Facilities
Where there is a discrepancy between Section 54.306 and this table, Section 54.306 shall prevail.	

(D) Dimensional Regulations			
Lot, Coverage, and Building Height Standards		Minimum Setbacks	
<i>Min. Lot Area (sq. ft.)</i>	None	<i>Front Yard (ft.)</i>	0
<i>Min. Lot Width (ft.)</i>	None	<i>Side Yard (one) (ft.)</i>	5 (H)
<i>Max. Impervious Surface Coverage (%)</i>	(R)	<i>Side Yard (total of 2) (ft.)</i>	10 (H)
<i>Max. Building Height of Primary Building (ft.)</i> (O)	74	<i>Rear Yard (ft.)</i>	10 (L)
<i>Max. Building Height of Accessory Building</i>	18		
<i>Max. Building Height (stories)</i>	-		
Where there is a discrepancy between Article 4 and this table, Article 4 shall prevail.			

(E) Requirements for Uses in the CBD	
(1) There shall be not outdoor storage. (2) Outdoor vehicular sales, and service areas are prohibited.	

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

SECTION 4. Article 3 – Zoning Districts and Map, Section 54.320

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.320 RO, Riparian Overlay District is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.320 RO, Riparian Overlay District is hereby adopted:

Section 54.320 RO, Riparian Overlay District

- (A) **Purpose.** The purpose of a Riparian Overlay District in the City of Marquette is to fulfill the objectives of the City of Marquette Community Master Plan of ensuring the protection of water quality within the local waterways and ultimately Lake Superior. Erosion and sedimentation reduce water quality by adding excessive amounts of nutrients, animal wastes, toxins, and turbidity in storm runoff. The enhancement of the natural vegetation adjacent to waterways is intended to protect the physical integrity of the system, reduce the amount of non-point source pollution entering these systems, and protect and enhance the aquatic habitat of the region.
- (B) **Intent.** The intent of the Riparian Overlay District is to fulfill the objectives of the City of Marquette Community Master Plan which includes establishing minimal acceptable requirements for the design and preservation of buffers to protect the waterways, wetlands, and floodplains of the City of Marquette and to protect the water quality of Lake Superior, watercourses, reservoirs, lakes, and other significant water resources within the City of Marquette.
- (C) **Background.** Buffers adjacent to waterways help water quality by providing numerous environmental protection and resource management benefits that can include the following:
- (1) Restoring and maintaining the chemical, physical, and biological integrity of the water resources.
 - (2) Removing and filtering pollutants delivered from urban storm water.
 - (3) Reducing erosion and sediment entering the waterway.
 - (4) Stabilizing stream banks.
 - (5) Providing infiltration of storm water runoff.
 - (6) Maintaining base flow of streams.
 - (7) Contributing the natural organic matter that is a source of food and energy for the aquatic ecosystem.
 - (8) Providing tree canopy to shade waterways, keeping dissolved oxygen levels high, and promoting desirable aquatic organisms.
 - (9) Encouraging riparian wildlife habitat.
 - (10) Furnishing scenic value and recreational opportunity for residents and visitors alike.

It is the desire of the City of Marquette to protect and maintain the native vegetation in riparian and wetland areas by implementing specifications for the establishment, protection, and maintenance of vegetation along all waterways within the City's jurisdictional authority.

(D) **Definitions.** In addition to the general definitions of [Article 2](#), the following definitions shall apply to the Riparian Overlay District:

- (1) **Best Management Practices (BMPs).** See [Article 2](#).
- (2) **Buffer.** A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a waterway, lake, or reservoir.
- (3) **Buffer Corridor.** The total width of the buffers on each side of a waterway and the waterway itself.
- (4) **Wetlands.** See [Article 2](#).
- (5) **Nonpoint Source Pollution.** See [Article 2](#).
- (6) **Stream Channel.** See [Article 2](#).
- (7) **Top of Bank.** The top of bank is the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.
- (8) **Waterway.** See [Article 2](#).
- (9) **Water Pollution.** See [Article 2](#).
- (10) **Water Pollution Hazard.** See [Article 2](#).

(E) **Boundary of Riparian Overlay District.** The RO district is a floating zone with boundaries determined by the presence of regulated natural features such as waterways, steep slopes, and wetlands, where development or disturbance may adversely affect water quality, wetlands, or other waterbodies. Where a portion of a parcel is within the RO district, the regulations of the RO district shall apply only to that portion of the parcel within the RO district. The RO district includes any land that is located within:

- (1) A waterway, including the top bank, and 25 feet perpendicularly away from the bank plus any additional buffer width as specified in this Section.
- (2) A wetland and 10 feet beyond the edge of the wetland.
- (3) Steep slopes adjacent to a waterway, which are added to the 25-foot riparian buffer of a waterway or drain ([Section 54.320\(E\)\(1\)](#)) in relation to the slope of the bank, calculated as follows: (See [Figure 40](#) in [Section 54.806](#) regarding calculating the percentage of a slope.)

Percent Slope	Buffer Extension	Total Width of Riparian Buffer	Total Width of Buffer Corridor
15%-17%	Add 5 feet	30 feet	Waterway plus 60 feet
18%-20%	Add 10 feet	35 feet	Waterway plus 70 feet
21%-23%	Add 15 feet	40 feet	Waterway plus 80 feet
24%-25%	Add 20 feet	45 feet	Waterway plus 90 feet
Greater than 25%	Add 25 feet	50 feet	Waterway plus 100 feet

(F) Vegetative Strip Required. A riparian buffer for the areas delineated in [Section 54.320\(E\)](#) shall consist of a vegetated strip of land extending along both sides of the waterway and its adjacent wetlands or steep slopes. The riparian buffer shall contain undisturbed (unmowed) native vegetation. Permitted species must comply with [Section 54.320\(H\)\(5\)](#).

(G) Permitted and Prohibited Uses and Structures in Riparian Buffers. The riparian buffer, including wetlands and steep slopes, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources as follows:

(1) Allowable Uses and Structures. No buildings or impervious surfaces shall be constructed or placed within the riparian buffer area except as permitted within this Ordinance. The following structures, practices, and activities are permitted in the riparian buffer, with specific design or maintenance features, subject to the review of the City of Marquette Planning Commission, or the Zoning Administrator per [54.1401\(B\)](#), and subject to all applicable Local, State and Federal regulations.

- (a)** Roads, road crossings, bridges, paths, utilities, and utility rights-of-way, where permitted.
- (b)** Flood control structures in accordance with all applicable regulatory permits.
- (c)** An access path perpendicular to the waterway which is 10 feet wide. This path may be mowed.
- (d)** Removal of poison ivy, poison sumac, poison oak and species that are recognized as highly invasive, as contained on a "List of Invasive Species" maintained on file in the office of the City Clerk.
- (e)** Stream restoration projects, facilities and activities.
- (f)** Water quality monitoring and stream gauging.
- (g)** Individual trees within the riparian buffer that are in danger of falling on dwellings or other structures, or causing blockage of the stream may be removed.
- (h)** Other timber cutting techniques within the riparian buffer that are approved by the City to preserve the forest from extensive pest infestation, disease infestation, or threat from fire.

(2) Prohibited Activities. The following practices and activities are prohibited within the riparian buffer:

- (a)** Clearing, cutting, and mowing of existing vegetation (except as listed below).
- (b)** Soil disturbance by grading, stripping, or other practices.
- (c)** Filling or dumping.
- (d)** Drainage by ditching, underdrains, or other systems.
- (e)** Use, storage, or application of pesticides and herbicides.
- (f)** Housing, grazing, or other maintenance of livestock.

- (g) Storage or operation of motorized vehicles, except for permitted maintenance or emergency use.
- (h) Use, storage, or application of any fertilizer.
- (i) Construction or placement of buildings and structures unless permitted by [Section 54.320\(G\)\(1\)](#).

(3) Water Pollution Hazards. In addition to being prohibited within the required riparian buffers delineated in [Section 54.320\(E\)](#), the following land uses and/or activities are designated as potential water pollution hazards and must be set back from any waterway or waterbody by the distance indicated below:

- (a) Storage of hazardous substances - (150 feet)
- (b) Above ground or underground petroleum storage facilities - (150 feet)
- (c) Drainfields from onsite sewage disposal and treatment system (i.e., septic systems) - (100 feet)
- (d) Raised septic systems - (250 feet)
- (e) Solid waste landfills or junkyards - (300 feet)
- (f) Confined animal feedlot operations - (250 feet)
- (g) Land application of biosolids - (100 feet)

(H) Required Planting.

(1) Activities that Require Planting. In addition to maintaining the required vegetative strip ([Section 54.320\(F\)](#)) within all riparian buffer areas, the following condition(s) shall trigger the requirement for inventorying and, if necessary, planting of native vegetation in areas where riparian buffers are required:

- (a) Site plan review for parcel, site condominium, planned unit development (PUD).
- (b) Application for a building permit.
- (c) Any work requiring a Soil Erosion and Sedimentation Control Permit.
- (d) Any work requiring an Inland Lakes and Streams Permit.

(2) Required Plan Information. All plans prepared for recording, site plan review, and all right-of-way plans shall clearly:

- (a) Show the extent, including dimensions, of any riparian buffer on the subject property.
- (b) Identify all adjacent wetlands.
- (c) Identify percent slope of lands adjacent to waterway.
- (d) Identify the 100-year floodplain limits.
- (e) Label the riparian buffer.
- (f) Provide a note to reference the riparian buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Marquette".

(3) Required Native Trees and Shrubs. The following are the required minimum frequencies for plants in a riparian buffer area when an activity requires inventory and, if necessary, planting (see [Section 54.320\(H\)\(5\)](#) for species requirements):

- (a) One (1) native tree per every 10 lineal feet of each stream bank.
- (b) Four (4) native shrubs per every 10 lineal feet of each stream bank.

- (4) **Required Native Groundcover.** If any part of the riparian buffer area is fallow or lacking any plants at all, native grass and/or native wildflowers shall be planted using the following (see [Section 54.320\(H\)\(5\)](#) for species requirements):
- (a) Grass seed at a rate required by seed package.
 - (b) Straw mulch at one bale per 100 square feet.
- (5) **Permitted and Prohibited Species of Plantings.** A list of allowable and prohibited native species of trees, shrubs, and groundcover shall be maintained by City staff and may include recommended species of the Natural Resources Conservation Service (NRCS) based on general soil type.
- (I) **Enforcement Procedures.** Riparian buffers meeting the requirements of this Ordinance are required on all parcels of land in the city to which they apply. The City of Marquette is authorized and empowered to enforce the requirements of this Ordinance in accordance with [Article 15](#) and other applicable provisions of this Ordinance.
- (J) **Access.** The creation of riparian buffer area by this Ordinance shall not be interpreted to mean that this conveys to the general public the right of access to this area. However, the City of Marquette shall reserve the right to inspect the buffer for compliance to this Ordinance.
- (K) **Waivers.** Waivers from the provisions of the Riparian Overlay District must meet the following requirements:
- (1) **Buffer Requirements Eligible for Waiver Applications.** The City of Marquette Planning Commission, or the Zoning Administrator per [54.1401\(B\)](#), may grant a waiver from the provisions of the Riparian Overlay District for the following:
- (a) **Riparian Buffer Width.** The buffer width may be reduced at some points, provided the average width of the buffer meets the minimum requirement. This averaging of the buffer may be used to allow for the presence of an existing structure or to recover a lost lot. The Planning Commission or Zoning Administrator may consider credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of the Riparian Overlay District. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.
 - (b) **Uses and Activities.** The following uses and activities may be considered by the Planning Commission or Zoning Administrator. In granting a request for a waiver, the Planning Commission may require site design, landscaping planting, fencing, signs, and water quality best management practices to reduce adverse impacts on water quality, waterways, wetlands and floodplains.
 - (i) Those projects or activities for which it can be demonstrated that there is no prudent, practical, or reasonable alternative.
 - (ii) Those projects or activities serving a public need where no feasible alternative is available.
 - (iii) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed.

- (2) **Waiver Application Requirements.** The applicant must submit a written request for a waiver to the Planning Commission or Zoning Administrator. The application shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The City shall require an alternative analysis that clearly demonstrates that no other prudent, practical, or reasonable alternatives exist and that minimal impact will occur as a result of the project or development.
- (3) **Appeals of Waiver Decisions.** Decisions by the Planning Commission or Zoning Administrator on waiver applications may be appealed to the Board of Zoning Appeals pursuant to [Section 54.1404](#).

SECTION 5. Article 3 – Zoning Districts and Map, Section 54.322

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.322 Third Street Corridor District Form-Based Code is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.322 Third Street Corridor District Form-Based Code is hereby adopted:

Section 54.322 Third Street Corridor District Form-Based Code

(A) Third Street Corridor District Form-Based Code Introduction.

(1) Intent.

- (a) The Third Street Corridor District Form-Based Code is designed to foster infill redevelopment in a sustainable *mixed-use* pattern as part of a vibrant, diverse, urban corridor.
- (b) This Section is intended to promote traditional urban form and a lively mix of uses, allowing for *shopfronts*, sidewalk cafes, and other commercial uses at the street level, with wide sidewalks and shade trees, overlooked by upper *story* residences and offices.
- (c) Physical access and a sense of connection to the historic downtown, the university, and the adjacent neighborhoods are very important to the future of the corridor.
- (d) A range of open spaces including *plazas*, *squares*, and playgrounds should be distributed within neighborhoods and along *mixed-use* corridors.
- (e) Buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.
- (f) The Transect District descriptions in [Section 54.322\(A\)\(3\)](#) Transect Districts shall constitute the intent of this Section with regard to the general character of both of these environments.

- (2) **Conflicting Ordinances.** Wherever there appears to be a conflict between the Third Street Corridor District Form-Based Code and other sections of the Marquette City Land Development Code, the requirements specifically set forth in the Third Street Corridor District Form-Based Code shall prevail. For development standards not covered by the Third Street Corridor District Form-Based Code, the other applicable sections in the Marquette City Land Development Code shall be used as the requirement. Similarly, all development shall comply with all relative Federal, State, or local regulations and ordinances regarding health and safety.

- (3) **Transect Districts.** Zoning districts under this Section are limited to the following Transect District designations:

- (a) **T5 Urban Center (T5):** This district consists of higher intensity *mixed-use* buildings that accommodate retail, offices, institutional, townhouses, and apartments. The thoroughfares have wide sidewalks and buildings are set close to the sidewalks.
- (b) **T4 General Urban (T4):** This district includes a mix of uses but is primarily in the form of medium intensity residential structures. It may have a wide range of building types: houses, townhouses, duplexes, small apartment buildings, *live-work* units, and small commercial buildings. Setbacks and landscaping are variable. Commercial uses

are freely permitted although the form is more residential in character than the T5 District.

- (4) **Approval Process.** In order to obtain zoning compliance approval for construction within the boundaries of this Section, an applicant shall follow the site plan review process outlined in [Section 54.1402](#) of the City of Marquette Land Development Code; however, Planning Commission review and approval of a site plan is not necessary if the development meets the criteria for Zoning Compliance Review standards of [Section 54.1401](#) or is otherwise exempt from the site plan review requirements by this Section.
- (5) **Appeals.** Deviations from the Building Form Standards (see [Figure 12](#) and [Figure 13](#)) can be approved only through a variance process as provided for in [Section 54.1404](#) of the City of Marquette Land Development Code or by the Administrative Waiver process pursuant to [Section 54.322\(A\)\(5\)\(a\)](#) below.
- (a) An administrative waiver is a ruling that would permit a practice that is not consistent with a specific provision of this Section but is justified by the provisions of [Section 54.322\(A\)\(1\)](#). The Zoning Administrator shall have the authority to approve or disapprove administratively a request for an administrative waiver if listed as eligible for an administrative waiver within this Section.
- (b) **General Standards.** No administrative waiver shall be approved unless the Community Development Director or his designee shall find:
- (i) The administrative waiver is consistent with [Section 54.322\(A\)\(1\)](#) of this Section.
 - (ii) The administrative waiver is consistent with the Master Plan.
 - (iii) The administrative waiver will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.
 - (iv) The administrative waiver will not substantially injure the value of adjoining property; or that the use is a public necessity.
 - (v) The location and character of the use, if developed according to the plans and information approved, will be in harmony with proximate land uses, and consistent with the purposes of the district.
 - (vi) The administrative waiver will advance the presence of the intended form of the development.
 - (vii) The administrative waiver will advance pedestrian-friendly activity.
 - (viii) The administrative waiver will provide for the enhancement, coordination, or demarcation between the public and private realm.

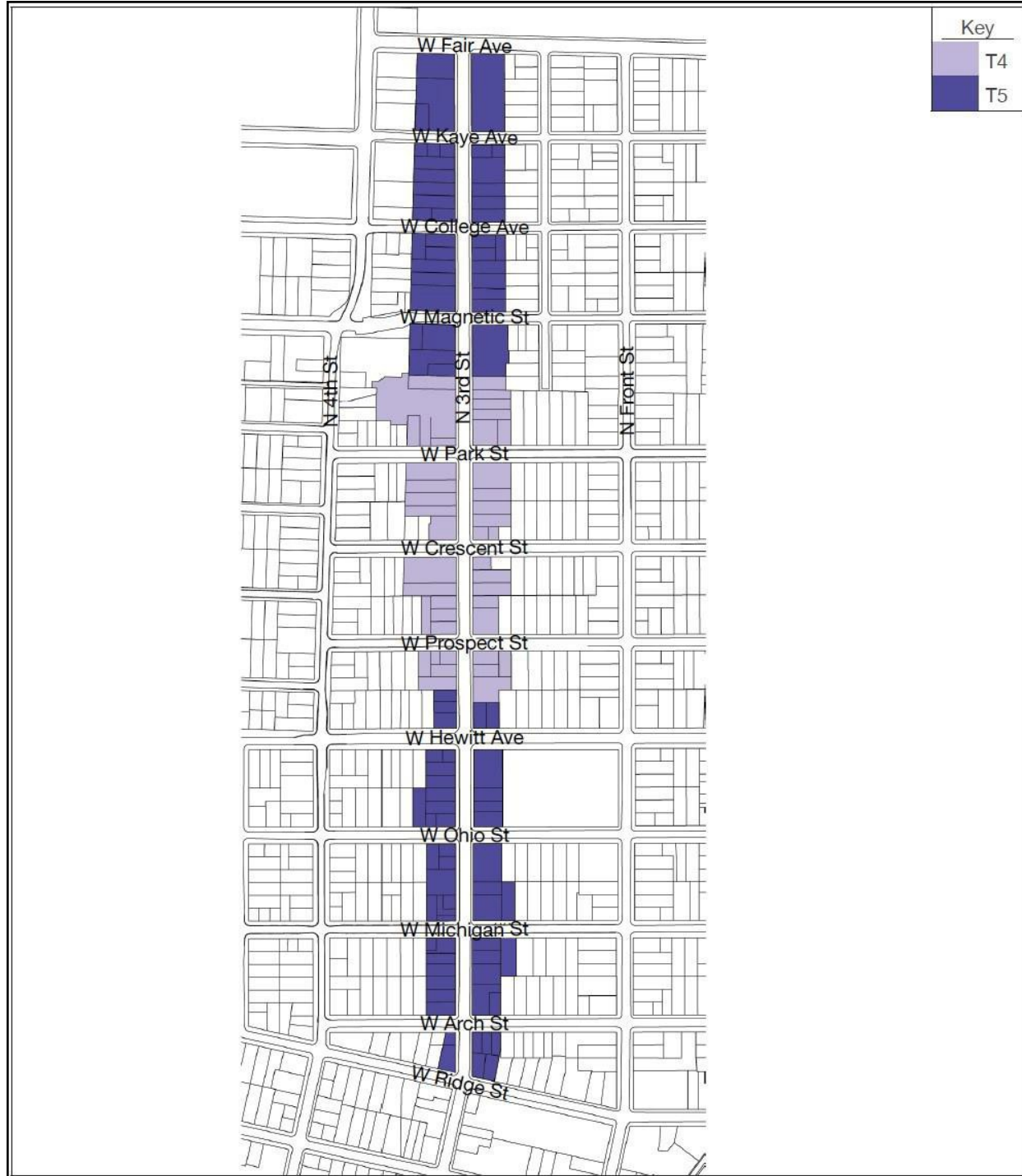
- (ix) **Specific Standards.** Items eligible for administrative waivers have specific standards in the sections of the Section related to those items.
- (x) Any decision regarding a grant or denial of an administrative waiver shall in writing state the reasons for the grant or denial and shall be delivered to the applicant by either first class mail or electronically.
- (c) The request for an administrative waiver, waiver, or variance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

(6) The Third Street Regulating Plan.

- (a) **Transect Districts.** The Regulating Plan includes Transect Districts (T4 and T5), which are described in [Section 54.322\(A\)\(3\)](#).
- (b) The regulating plan is the controlling document and principal tool for implementing the Third Street Corridor District. It identifies the transect district (T-zone) for the building site (See [Figure 12](#) and [Figure 13](#)), which provides standards for the disposition of each lot, and illustrates how each relates to the adjacent properties and to the street.
- (c) New development on the Third Street corridor shall provide sidewalk improvements, *civic space*, and contribute to a shared parking and access strategy to create a complementary pattern for growth and development. The rules below will enhance a compact, *mixed-use* corridor that complements the adjacent neighborhoods and provides flexible opportunities for residential, employment, and commerce uses.
- (d) **Parking and access:**
 - (i) Access and parking for lots fronting the Third Street corridor is regulated by this Section.
 - (ii) The location of new curb cuts shall be limited to no more than one per 100 feet of street *frontage*.
 - (iii) Where designated on the regulating plan:
 - a. Alleys shall provide access to the rear of all lots. Alley construction within the rear setback is required as part of a redevelopment project. Alleys shall be constructed to meet the City construction standards in order to be suitable for emergency and service vehicle access.
 - b. Alleys shown on the regulating plan represent suggested & approximate configurations. Access through the block and to the rear of lots within the block is required. The specific configuration should include shared parking areas and other uses so long as reasonable service access is unimpeded.

- (e) **Bicycle Parking.** Bicycle parking is to be allocated across the Transect Zones by type, but detailed in quantity and location by land use, demand, and building size.

Figure 9. Third Street Corridor Regulating Plan and Transect Districts (See City of Marquette Official Zoning Map for Adopted District Boundaries)



(7) **How to Use this Section.** There are two basic steps to understand what the code prescribes on property within the Third Street Corridor District. The Section will prescribe building placement, the parameters for its three-dimensional form, both required and allowed architectural/functional elements, and the range of allowable uses. Following are the steps to follow in using this Section:

- (a) Consult the regulating plan, and note this plan identifies two (2) sub-districts within the Third Street Corridor District. Find the property in question. Note the color of the sub-district — this determines the applicable building form standards, streetscape standards and landscape standards for each property. See regulating plan key for guidance.
- (b) Find the appropriate Building Form Standards (BFS) ([Figure 12](#) and [Figure 13](#)) in the code (color coded to match the regulating plan). The BFS explains the basic parameters for building on a particular site in terms of building placement and building form. See [Figure 22. Use](#) for specific building use.
- (c) See [Figure 25. Public Frontage Type](#) for illustrations of general parameters pertaining to streetscape improvements.

(8) **Definitions.** The following definitions apply to the Third Street Corridor District only, unless the term has general applicability:

- (a) **Bicycle Corral:** a series of bicycle parking racks that replace on-street automobile parking. Typically applied where bicycle parking and demand and pedestrian volumes are high. Depending on its configuration, a single motor vehicle parking space may yield between 6 and 12 bicycle parkingspaces.
- (b) **Bicycle Locker:** an enclosed and secured locker that provides bicycle parking for long-term use.
- (c) **Bicycle Sharing:** a fleet of bicycles made publicly available for shared use to individuals for a short period of time.
- (d) **Bicycle Shelter:** a roofed shelter that provides protection from the elements on three sides and multiple bicycle racks for public use.
- (e) **Block:** the aggregate of private lots, passages, rear alleys and rear lanes, circumscribed by connecting thoroughfares.
- (f) **Civic Space:** an outdoor informal or formal area permanently dedicated for public use.
- (g) **Elevation:** an exterior wall of a building not along a *frontage line*. See: *façade*.
- (h) **Encroach:** to break the plane of a vertical or horizontal regulatory limit with a structural element extending into a setback, into the public frontage, or above a height limit.
- (i) **Encroachment:** any structural element that breaks the plane of a vertical or horizontal regulatory limit extending into the public frontage setback, or above a height limit.

- (j) **Façade:** the exterior wall or *elevation* of a building that is set along a *frontage line*.
- (k) **Forecourt:** a *private frontage* wherein a portion of the *façade* is close to the frontage and the central portion is set back.
- (l) **Frontage:** the area between a building *façade* and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private and public *frontages*.
- (m) **Frontage Buildout:** the percentage of the lot width that is occupied by the building *façade* at the front setback.
- (n) **Frontage Line:** a lot line bordering a public frontage. *Façades* facing *frontage lines* define the public realm and are therefore more regulated than the *elevations* facing other lot lines.
- (o) **Landscaped Area:** the area of a lot or parcel exclusive of building footprints, driveway and walkway pavements, and other impervious hardscape areas, and exclusive of ponds, pools and other water features.
- (p) **Liner Building:** a building specifically designed to mask a parking lot or a parking structure from a public frontage.
- (q) **Live-Work:** a *mixed-use* unit consisting of a commercial and residential use. The commercial use may be anywhere in the unit.
- (r) **Lot Coverage:** the percentage of a lot that is covered by buildings and other roofed structures.
- (s) **Mixed-Use:** multiple uses within the same building or in multiple buildings.
- (t) **Outbuilding:** an accessory building, usually located toward the rear of the same lot as a principal building.
- (u) **Plaza:** a *civic space* type designed for civic purposes and commercial activities in the more urban areas, generally paved and spatially defined by building *frontages*.
- (v) **Principal Entrance:** the main point of access for pedestrians into a building.
- (w) **Principal Frontage:** on corner lots, the *private frontage* designated to bear the address and *principal entrance* to the building, and the measure of minimum lot width. Prescriptions for the parking locations pertain only to the *principal frontage*. Prescriptions for the front setback pertain to both *frontages* of a corner lot. See frontage.
- (x) **Private Frontage:** the privately owned setback between the *frontage line* and principal building *façade*.

- (y) **Secondary Frontage:** on corner lots, the *private frontage* not on the primary thoroughfare.
- (z) **Shopfront:** a private building frontage for parking spaces that are available to more than one use with the building entrance at sidewalk grade.
- (aa) **Square:** a *civic space* type designed for unstructured recreation and civic purposes, spatially defined by building *frontages* with formal paths, lawns, and trees.
- (bb) **Stoop:** a *private frontage* wherein the *façade* is aligned close to the *frontage line* with the first *story* elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.
- (cc) **Story:** a habitable level within a building, excluding an attic or raised basement.
- (dd) **Street Screen:** a freestanding wall built along the *frontage line* with the *façade*. It may mask a parking lot from the public frontage, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Synonym: street wall).
- (ee) **Substantial Modification:** alternation to a building that is valued at more than 50% of the replacement cost of the entire building, if new.
- (ff) **Terrace:** a *private frontage* type with a shallow setback and front elevated patio, usually with a low wall at the *frontage line*. This type buffers residential uses from urban sidewalks. *Terraces* are also suitable for outdoor cafes.
- (gg) **Use, Civic:** community uses open to the public including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; and government functions open to the public.
- (hh) **Use, Commerce:** for the purpose of the Third Street Corridor District, commerce uses shall be considered to encompass all of the following:
 - (i) Executive, Administrative, and Professional Offices
 - (ii) Medical and Dental Offices, and Clinics
 - (iii) Day Care Centers
 - (iv) On-premise Alcohol Sales
 - (v) Sidewalk Cafes
 - (vi) Outdoor Food and Beverage Service
 - (vii) Outdoor Recreation
 - (viii) All of the Civic Use Categories
 - (ix) All of the Retail Use Categories
 - (x) Parking Facilities and Structures, including a parking lot attendant shelter.
- (ii) **Use, Special Land:** for the purpose of the Third Street Corridor District, special land uses (see [Section 54.322\(C\)\(7\)\(a\)](#)) may be considered for placement in the residential

classification after review by the Planning Commission in accordance with [Section 54.1403](#) of the City of Marquette Land Development Code.

(jj) Use, Light Industrial: for the purpose of the Third Street Corridor District, light industrial uses shall be considered to encompass all of the following:

(i) Light Manufacturing

(kk) Use, Lodging: for the purpose of the Third Street Corridor District, lodging uses are defined as premises available for daily and weekly renting of bedrooms and shall be considered to encompass all of the following:

(i) Bed and Breakfast

(ii) Bed Breakfast Inn

(iii) Motel

(iv) Hotel

(ll) Use, Residential: for the purpose of the Third Street Corridor District, residential uses shall be considered to encompass all of the following:

(i) Dwelling Units

(ii) Adult Foster Care Family Home

(iii) Family Day Care Homes

(iv) Foster Family Homes

(v) Domestic Violence Shelter

(mm) Use, Retail: shall be considered to encompass all of the following:

(i) Retail Service: establishments providing services, as opposed to products, to the general public, including restaurants, finance, real estate and insurance, travel agencies, health and educational services, galleries, and temporary storage of recreational equipment, provided that the temporary storage is ancillary to the primary retail service.

(ii) Retail Specialty: Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises.

(iii) Retail Trade: Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

(B) Third Street Corridor Form-Based Code General Standards.

(1) Instructions.

(a) Site and buildings plans submitted under this Section require administrative approval by the Planning Department.

(b) Building and site plans submitted under this Section shall show the following, in compliance with the standards described in this Section:

- (i) For site and building approval:
 - a. Building Placement
 - b. Building Specifications
 - c. Building Use
 - d. Parking Standards
 - e. Fencing Standards
 - f. Landscape Standards
 - g. Signage Standards

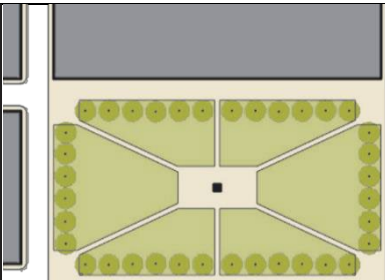
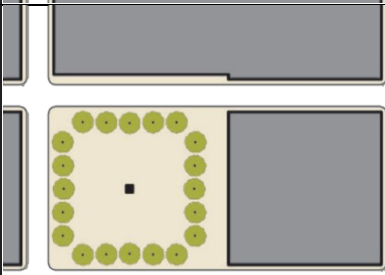
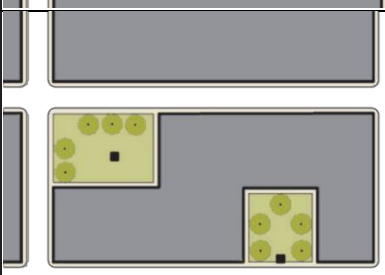
(2) Pre-Existing Conditions.

- (a) Existing buildings and appurtenances that do not conform to the provisions of this Section may continue in use as they are until a *substantial modification* is requested.
- (b) The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Section.

(3) Civic Spaces (CS)

- (a) Civic spaces shall be generally designed as described in [Figure 10. Civic Space](#).

Figure 10. Civic Space

a. Square: A square is spatially defined by building <i>frontages</i> . Its landscape shall consist of paths, lawns, and trees, formally disposed. <i>Squares</i> shall be located at the intersection of important thoroughfares. The minimum size shall be 1/4 acre and the maximum shall be 3 acres.		T4
		T5
b. Plaza: A plaza shall be spatially defined by building <i>frontages</i> . Its landscape shall consist primarily of pavement. Trees are optional. <i>Plazas</i> should be located at the intersection of important streets. The minimum size shall be 1/4 acre and the maximum shall be 2 acres.		T4
		T5
c. Playground: A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a <i>block</i> . Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.		T4
		T5

- (4) **Street Trees.** The following should be viewed as an open-ended species list for planting along the Third Street Corridor District. In an effort to diversify the tree species found within the Third Street Corridor District, and to establish trees with the greatest likelihood of both surviving and thriving, all suitable tree species should be considered for use within the District. Criteria for determining “suitable” tree species include tree characteristics (growth rate, form), site characteristics (available above-ground space, exposure), along with exterior factors such as USDA hardiness zones, microclimates, and plant availability.

Figure 11. Approved Street Trees

Common Name	Botanical Name	Growth Habit
American Elm	<i>Ulmus Americana</i>	high spreading canopy, hardy tree survives harsh winters
Armstrong Freeman Maple	<i>Acer freemanii</i> ‘Armstrong’	narrow form, smooth gray bark, prone to poor branching angles
Catalpa	<i>Catalpa speciosa</i>	medium sized, long legume-like fruits, may be damaged by ice
Green Ash	<i>Fraxinus pennsylvanica</i>	variable form, greenish-yellow flowers, can withstand periods of flood
Hackberry	<i>Celtis occidentalis</i>	medium sized with slender trunk, pendulous branches, tolerant to urban conditions
Horse Chesnut	<i>Aesculus hippocastanum</i>	large deciduous tree with domed crown, stout branches, spectacular spring flowers
Ironwood	<i>Ostrya virginiana</i>	small tree, develops round crown, persistent through winter
Ivory Silk Japanese Tree Lilac	<i>Syringa reticulata</i> ‘Ivory Silk’	upright branching, creamy white flowers, small tree with low branching
Pagoda Dogwood	<i>Cornus alternifolia</i>	small with shelving branches, cream-colored flowers
Pin Oak	<i>Quercus palustri</i>	distinct branching with pyramid shape, fast growing
Red Maple	<i>Acer rubrum</i>	upright oval shape, fast growing and tolerant
Red Oak	<i>Quercus rubra</i>	round in shape with bristle tipped leaves, tolerates pollution and compacted soil
Sugar Maple	<i>Acer saccharum</i>	oval shape, vibrant fall leaves, tolerates shade and most soils

(C) Third Street Corridor Form-Based Code Parcel Standards.

(1) Building Placement.

- (a) Newly platted lots shall be dimensioned according to [Figure 12](#) and [Figure 13](#).

- (b) Buildings shall be placed in relation to the boundaries of their lots according to [Figure 12](#) and [Figure 13](#).
- (c) *Lot coverage* by building shall not exceed that recorded in [Figure 12](#) and [Figure 13](#).
- (d) *Façades* shall be built parallel to a rectilinear *principal frontage line* or to the tangent of a curved *principal frontage line*, and along a minimum percentage of the frontage width at the setback, as specified as *frontage buildout* on [Figure 12](#) and [Figure 13](#).
- (e) Setbacks for principal buildings shall be as shown in [Figure 12](#) and [Figure 13](#). Setbacks may be adjusted by up to 10% by administrative waiver to accommodate specific site conditions. The Planning Director or his designee shall make the following written findings:
- (i) The waiver is consistent with the provisions of [Section 54.322\(A\)\(1\)](#).
 - (ii) The waiver is consistent with the Community Master Plan.
 - (iii) The building placement will not materially endanger the public health or safety.
 - (iv) The building placement will not substantially injure the value of adjoining property; or that the use is a public necessity.
 - (v) The location and character of the building placement, if developed according to the plans and information approved, will be in harmony with proximate land uses, and consistent with the purposes of the district.
 - (vi) The building placement will not adversely affect the district by altering its character.
- (f) Rear setbacks for *outbuildings* shall be a minimum of 3 feet measured from the property line. In the absence of rear alley or rear lane, the rear setback shall be as shown in [Figure 12](#) and [Figure 13](#).

Figure 12. T4 Standards

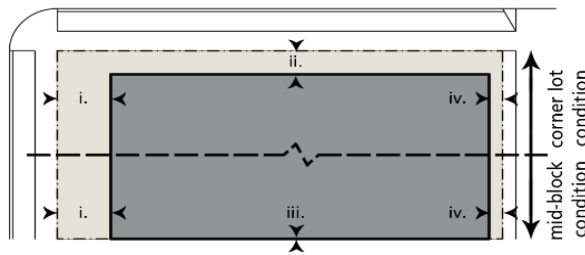
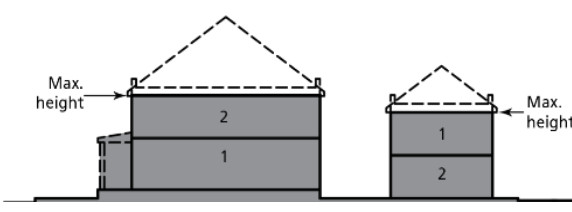
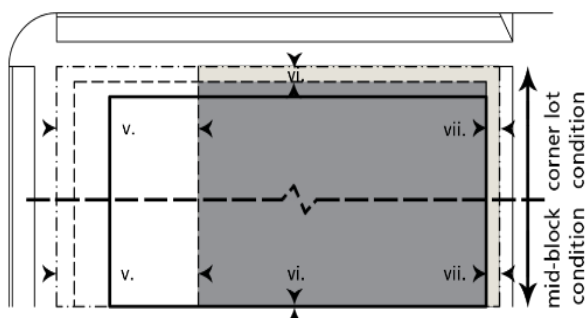
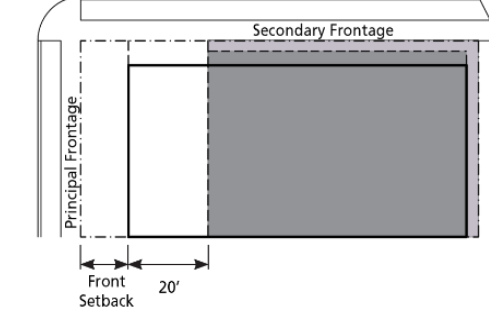
A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	5 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	10 ft. max.	Stories	2
iii. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	To eave / parapet	30 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Principal Bldg.	15 ft. min.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min.	Lot width	14 ft. min.
vi. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	Lot coverage	70% max.
vii. Rear Setback	3 ft. min.	Façade buildout at setback	60% min.
Abutting MDR Outbuilding	10 ft. min.	PARKING AND STORAGE LOCATION	
			
ENCROACHMENTS		PARKING	
i. Setback encroachments		Principal Frontage setback	Not permitted
Open porch	May encroach to within no more than 5 feet of the front lot line	20 ft. behind front setback	Not permitted
Balcony and/or bay window	80% max. (distance between façade and front lot line)	Rear of lot	Permitted
Stoop, Terrace	80% max. (distance between façade and front lot line)	TRASH & STORAGE* LOCATION	
ii. Sidewalk encroachments		Front setback	Not permitted
Awning	Determined by City process for use of right-of-way	20 ft. behind front setback	Not permitted
Rooftop Patio	To the property line but not over a public sidewalk	Rear of lot	Permitted
		* Storage includes boats and recreational vehicles.	

Figure 13. T5 Standards

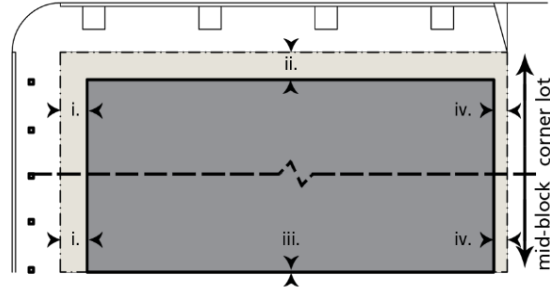
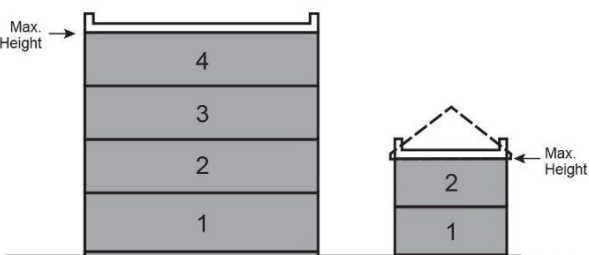
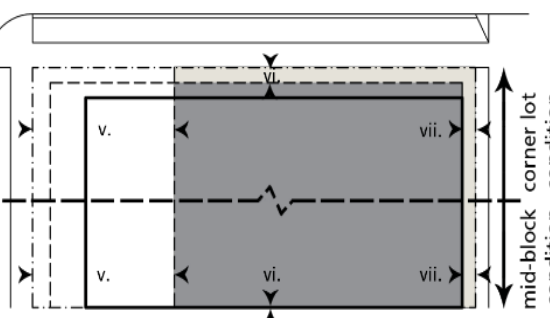
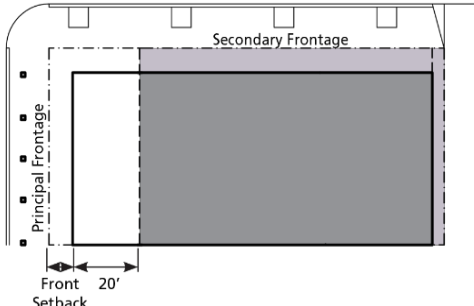
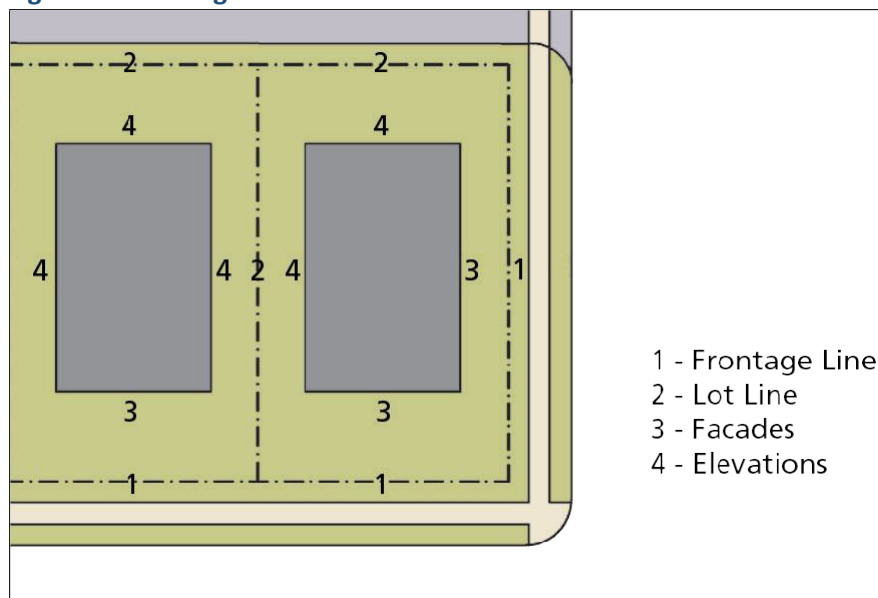
A. BUILDING PLACEMENT		B. BUILDING FORM	
PRINCIPAL BUILDING		HEIGHT	
			
i. Front Setback (Principal)	0 ft. – 18 ft.	PRINCIPAL BUILDING	
ii. Front Setback (Secondary)	12 ft. max.	Stories	4 max.
iii. Side Setback	6 ft. max.	To eave / parapet	48 ft. max.
iv. Rear Setback	3 ft. min.	OUTBUILDING	
Abutting MDR Principal Bldg.	15 ft. min.	Stories	2
OUTBUILDING		To eave / parapet	30 ft. max.
		MASS	
v. Front Setback (Principal)	20 ft. min.	Lot width	20 ft. min.
vi. Side Setback	0 ft. if attached to a neighboring structure; otherwise 3 ft.	Lot coverage	90% max.
vii. Rear Setback	3 ft. min.	Façade buildout at setback	75% min.
Abutting MDR Outbuilding	10 ft. min.	PARKING AND STORAGE LOCATION	
ENCROACHMENTS			
i. Setback encroachments		PARKING	
Balcony and/or bay window	80% max. (distance between façade and front lot line)	Principal Frontage setback	Not permitted
		20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
ii. Sidewalk encroachments		TRASH & STORAGE* LOCATION	
Awning	Determined by City process for use of right-of-way	Front setback	Not permitted
		20 ft. behind front setback	Not permitted
		Rear of lot	Permitted
Rooftop Patio	To the property line but not over a public sidewalk.	* Storage includes boats and recreational vehicles.	

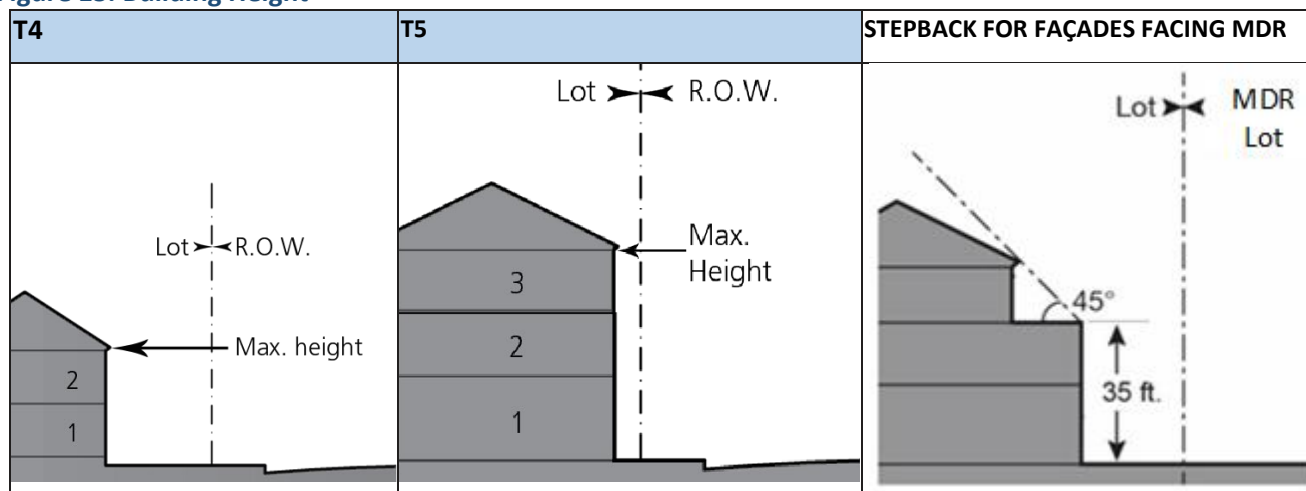
Figure 14. Frontages and Elevations



(2) Building Specifications: Height

- (a) Building height is pursuant to [Figure 15](#), measured as follows:
 - (i) Building height is measured in above ground stories.
 - (ii) Stories are measured from finished floor to finished ceiling.
 - (iii) Stories above the ground floor are limited to 14 feet after which height they are counted as two stories.
 - (iv) For residential uses, a ground floor *story* of 18 feet or less is counted as one *story*. Ground floors exceeding 18 feet in height are counted as two stories.
 - (v) For non-residential and *mixed-uses* a ground floor *story* shall be no less than 10 feet in height. A ground floor *story* of 25 feet or less is counted as one *story*. Ground floors exceeding 25 feet in height are counted as two stories.
 - (vi) Height limits do not apply to unfinished attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
 - (vii) Building setbacks shall be required in T5 pursuant to the following dimensions (See [Figure 15](#)):
 - a. *Façades* facing MDR parcels shall maintain a 45° height plane beginning at 35 feet above the average grade at the property line.

Figure 15. Building Height



(3) Building Specifications: Frontage Requirements

- (a) Lot lines abutting a right-of-way are designated a primary frontage or *secondary frontage* as follows:
 - (i) For lots abutting a right-of-way along a single lot line, the lot line abutting the right- of-way is designated the primary frontage.
 - (ii) For lots abutting a right-of-way along multiple lot lines, the lot line relating to the address of the principal building is designated the primary frontage. All remaining lot lines are designed *secondary frontages*.
- (b) Regulations pertaining to primary *frontages* and *secondary frontages*, collectively frontage requirements, apply to the area of the lot within the front setback and secondary front setback including the following:
 - (i) Building *façades*.
 - (ii) Structures that project from the *façade* such as porches, *terraces*, *stoops*, awnings, canopies, and bay windows.
 - (iii) Landscape elements between the building *façade* and the lot line.
- (c) Where building *façades* do not occupy the entire frontage length in T5, a *street screen* may be erected as follows:
 - (i) *Street screens* shall be between 3 and 6 feet in height.
 - (ii) Openings in the *street screen* for vehicular access may be no wider than 24feet.

- (iii) *Street screens* may be made of the following materials: brick, stone; stucco over masonry, iron, steel, or aluminum that appears to be iron. Non-opaque *street screens* require planting behind to increase opacity.
- (d) *Frontages* are divided into the following types: porch, stoop, terrace, common entry, forecourt, and *shopfront*.
- (e) The Zoning Administrator shall designate which frontage type corresponds to the building(s) on the site or are proposed to be built, and the site shall comply with the standards for that type when new construction or substantial rehabilitation is proposed.
 - (i) Frontage types are limited by transect zone according to [Figure 16](#), [Figure 17](#), and [Figure 18](#).
 - (ii) A *shopfront* frontage is required for all ground floor retail uses. *Shopfronts* may be combined with *terraces* and *forecourts*.
- (f) Where buildings have multiple *frontages* or multiple buildings are located on one lot, similar frontage types should be selected for all *frontages*.
- (g) Loading docks and service areas up to a combined width of 30 feet may be incorporated into *frontages* as follows:
 - (i) At *secondary frontages* located towards the rear of the lot.
 - (ii) At primary *frontages* where lots have no *secondary frontage* and lot width exceeds 100 feet.
- (h) Roof overhangs, cornices, window and door surrounds and other *façade* decorations may *encroach* into the front setback up to 2 feet beyond the structure they are attached to but not beyond the lot line.
- (i) Other structural *encroachments* shall be pursuant to [Figure 12](#) and [Figure 13](#), and may also be subject to other City policies and/or procedures for regulating use of the public right-of-way.
- (j) *Encroachments* into the front setback are prohibited except where specifically permitted in this Section or [Figure 12](#) and [Figure 13](#).

Figure 16. Private Frontages (Porches and Stoops)

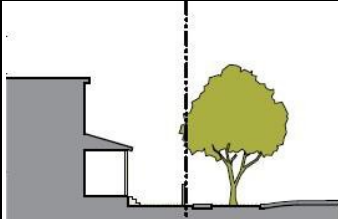
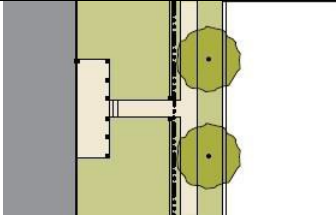
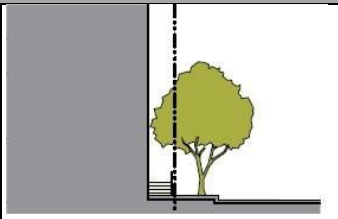
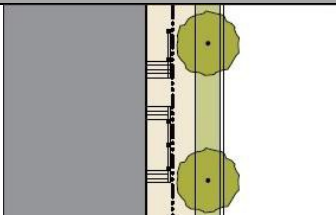
FRONT SETBACK REGULATIONS		SECTION		PLAN	
		PRIVATE FRONTAGE	PUBLIC FRONTAGE	PRIVATE FRONTAGE	PUBLIC FRONTAGE
PORCH					
Transect district	T4				
Required elements	Porch; hedges, fences, or walls				
Porch requirements	Shall occupy a minimum of 50% of the width of the building façade.				
Porch encroachments into setback	May encroach to no more than 5 feet of the front lot line.				
Surface Treatment	Grass, groundcover				
Special requirements	Fences, hedges and walls shall be along <i>frontage lines</i> or parallel with the <i>façade</i> of the principal building. The first floor shall have a minimum elevation of 18 inches above average grade along the front lot line and a maximum elevation of 36 inches.				
STOOP					
Transect district	T4, T5				
Permitted elements	Hedges and metal fences				
Encroachments into setback	80% of the distance between façade and front lot line				
Surface Treatment	Paved in coordination with the public frontage or with pervious materials				
Special requirements	May be recessed into the building <i>façade</i> where a front setback is less than 10 feet. The first floor shall have a minimum elevation of 20 inches above average grade along the front lot line and a maximum of 36 inches. <i>Stoops</i> shall have a landing between 4 and 6 feet deep. Stairs providing access to a <i>stoop</i> may <i>encroach</i> up to the lot line.				

Figure 17. Private Frontages (Terraces and Common Entries)

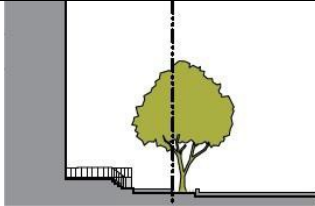
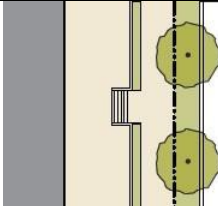
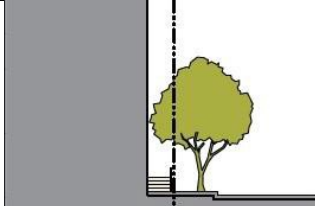
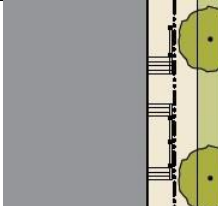
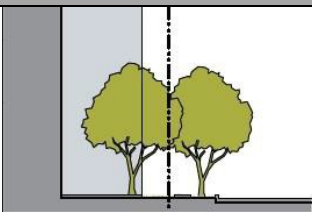
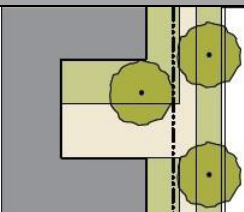
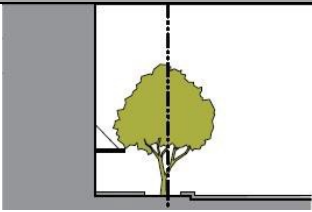
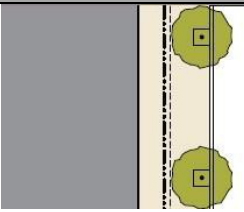
FRONT SETBACK REGULATIONS		SECTION		PLAN	
		PRIVATE FRONTAGE	PUBLIC FRONTAGE	PRIVATE FRONTAGE	PUBLIC FRONTAGE
TERRACE					
Transect district	T4, T5				
Permitted elements	May be combined with stoop				
Awnings	May be fabric or solid material, and may be fixed or movable. Plastic is prohibited. May not extend beyond the terrace. 8 foot minimum clearance shall be maintained above the terrace.				
Encroachments into setback	Terraces may encroach 100% of setback, but shall be no less than 6 ft. in width.				
Surface Treatment	Paved or landscaped				
Special requirements	Ramps for wheelchair access may be located within front setback. Terraces shall have a minimum elevation of 12 inches above average grade along the front lot line and a maximum elevation of 24 inches. Terrace frontages may include all elements of a shopfront frontage located at the level of the terrace.				
COMMON ENTRY					
Transect district	T4, T5				
Permitted elements	A landscaping planter may line the façade				
Encroachments into setback	A landscaping planter may encroach to within 5 feet of the lot line				
Surface Treatment	Any setback area not within the landscaping planter shall be paved at grade.				
Special requirements	Landscaping planters may extend no more than 3 ft. from the façade at grade. The first story of the façade shall be no less than 15% glazed in clear glass.				

Figure 18. Private Frontages (Forecourts and Shopfronts)

FRONT SETBACK REGULATIONS		SECTION		PLAN	
		PRIVATE FRONTAGE	PUBLIC FRONTAGE	PRIVATE FRONTAGE	PUBLIC FRONTAGE
FORECOURT					
Transect district	T5				
Permitted elements	May be combined with <i>terrace</i> , <i>stoop</i> , or <i>shopfront</i> .				
<i>Encroachments</i> into setback	May recess from the <i>frontage line</i> a maximum of 20 feet for pedestrian entries or a maximum of 30 feet for vehicular access.				
Surface Treatment	Paved in coordination with the public frontage or with pervious materials.				
Special requirements	Shall provide access to the main building entrance. Driveways within <i>forecourts</i> shall not exceed 20 ft. in width. Portions of the driveway in the public <i>frontage</i> shall not exceed 12 ft. in width and shall be paved in coordination with the adjacent public <i>frontage</i> .				
SHOPFRONT					
Transect district	T4, T5				
Permitted elements	Awnings				
Awnings	May be fabric or solid material, and may be fixed or movable. Plastic is prohibited. 8 foot minimum vertical clearance shall be maintained below the awning.				
<i>Encroachments</i> into setback	Display windows may <i>encroach</i> up to 5 feet.				
Surface Treatment	Paved.				
Special requirements	<i>Façade</i> shall be glazed with clear glass for no less than 30% of the ground floor (up to 16 ft. above grade) at <i>frontages</i> , calculated as a percentage of each <i>façade</i> individually.				

(4) Fencing Standards.

- (a) Hedges in *frontage* fences shall be evergreen.

- (b) Wood *frontage* fences shall be painted or stained.
- (c) No single *frontage* fence horizontal panel shall exceed 42 inches in height along a *frontage* lot line. *Frontage* fence horizontal panels must be of open construction.
- (d) Private lot line fences, fences in the front or side yard, as well as fences completely on private property, must be of fifty-percent open construction (see examples in [Figure 19](#)), with the following conditions and exceptions:
 - (i) A fence in a front yard serves as a decorative landscape element, and must have at least 50% of the area of its vertical plane open to light and air from both sides. Picket fences, wrought iron fences, wood lattice, and combinations thereof are appropriate. Split-rail, wire-woven, mesh-like and other similar appearing fences, including those commonly referred to as cyclone and chain-link fences, and mesh-like fences commonly used to contain farm animals are prohibited.
 - (ii) Private lot line fences in the rear yard shall be between 48 and 72 inches in height and may be of open or closed construction. See [Figure 21. Fence Locations](#).
 - (iii) A fence and/or wall in the side or rear yard for an approved commercial Outdoor Food and Beverage Service Use, and for Outdoor Entertainment and Community Events uses approved by a Special Land Use permit, may be up to eight (8) feet in height and of solid/opaque construction for the purposes of visual and noise screening of that particular use.
- (e) *Frontage* fences may occur at the lot line, or up to 18" behind the lot line to permit landscaping.
- (f) When erected on a lot line, all of the fence and any of its supporting structures shall be contained within the lot.
- (g) The supporting members and posts shall be on the inside, and the smooth or flat faces on the outside. If two faces are used, each face shall be of the same type and finish. Board on board fences are considered equal treatment.
- (h) Barbed wire, razor wire, and electrically charged fences are not permitted.

Figure 19. Fence Types (Hedgerow, Post and Hedge, Picket Fence, and Metal)

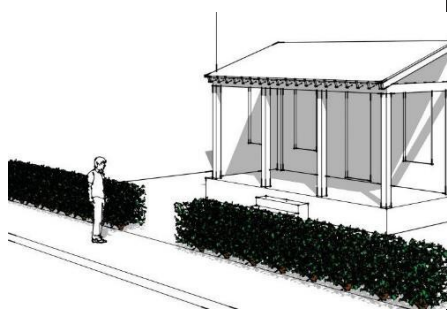
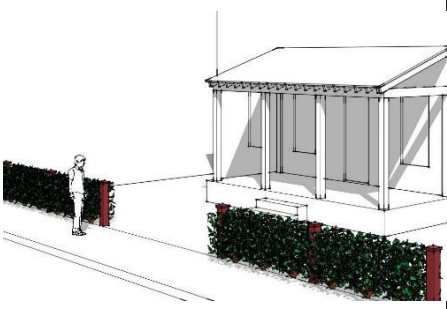
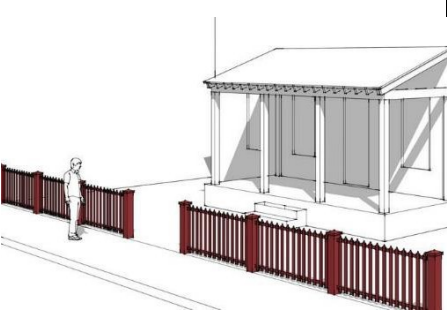
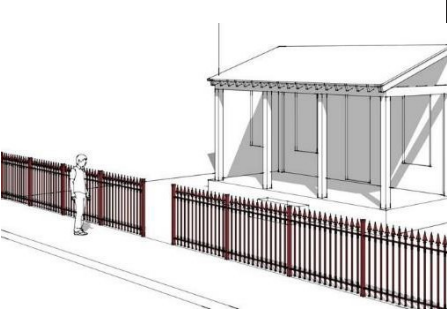
	T4 T5 SPECIFICATIONS			
HEDGEROW	P		a. Plant type	Evergreen
			b. Setback	0" or 18" for landscape
POST AND HEDGE	P		a. Plant type	Evergreen
			b. Setback	0" or 18" for landscape
PICKET FENCE	P		a. Picket spacing	$1 \leq 2.5$ times width of picket
			b. Setback	0" or 18" for landscape
METAL	P	P	a. Material	Aluminum or wrought iron
			b. Finish	Powder coat, or paint
			c. Picket spacing	$1 \leq 2.5$ times width of picket
			d. Setback	0" or 18" for landscape

Figure 20. Fence Types (Masonry, and Metal and Masonry)

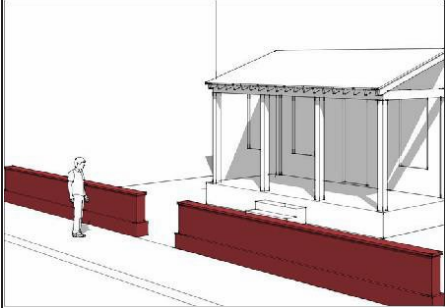
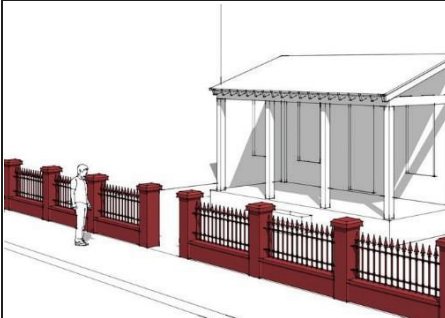
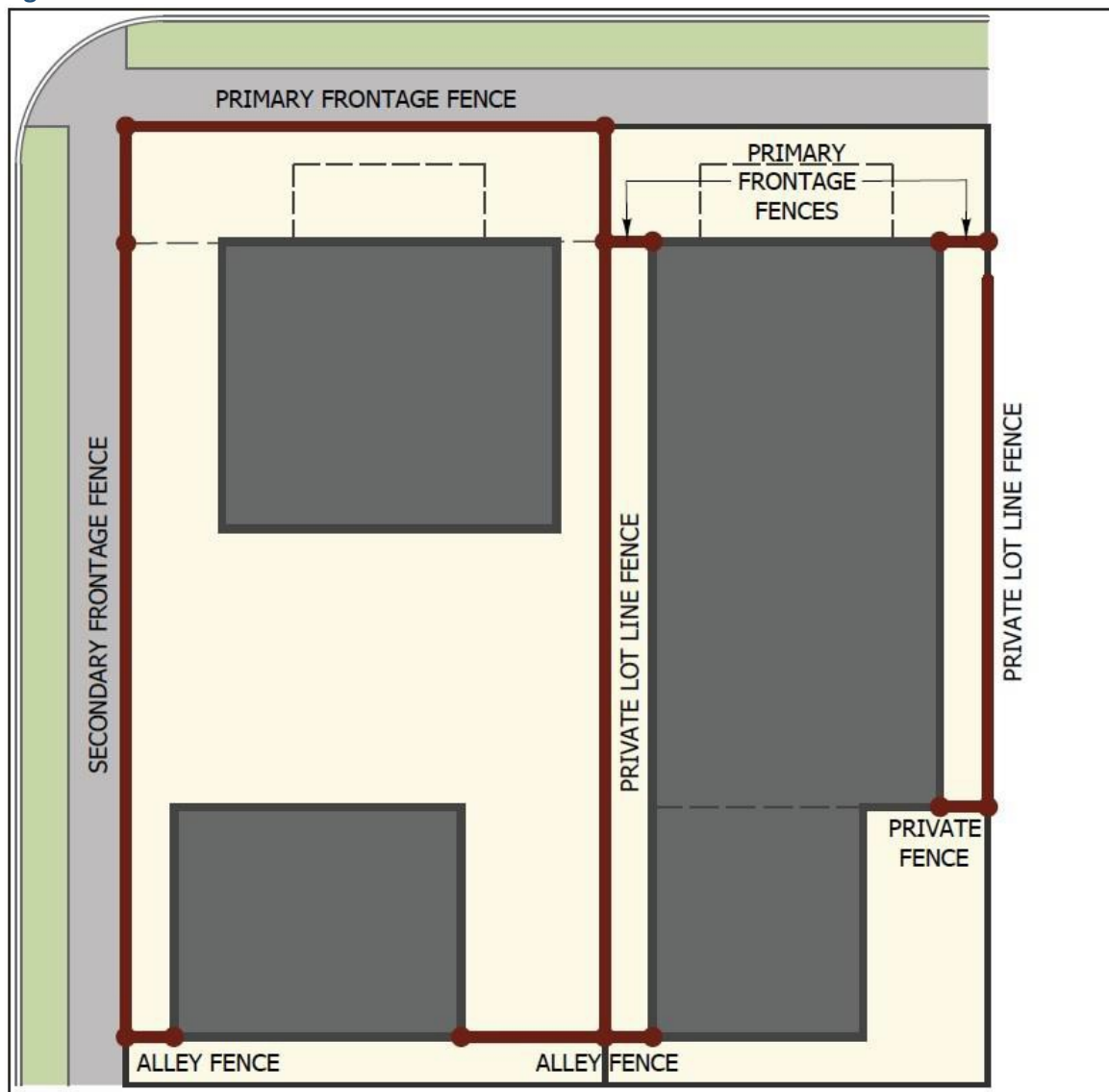
	T4		T5 SPECIFICATIONS	
MASONRY	P	P	a. Material	Stone, brick, or stucco
			b. Setback	0" or 18" for landscape
METAL AND MASONRY	P	P	a. Material	Stone, brick or stucco with metal panels
			b. Setback	0" or 18" for landscape

Figure 21. Fence Locations



(5) **Signage Standards.** See [Article 11](#).

(6) **Architectural Standards.** This section does not apply to single-family and two-family edge yard and side yard residential unit building types.

(a) **Façade Standards:**

- (i) Glazing (i.e., windows) above the first *story* shall not exceed 60% of the total building *façade* wall area, with each *façade* being calculated independently.
- (ii) The *shopfront private frontage* shall be no less than 70% glazing (i.e., windows).
- (iii) All glass shall be clear and free of color.

- (iv) Low pitch or flat roofs shall be enclosed by a parapet that as high as necessary to conceal mechanical equipment.
 - (v) Exterior building materials shall be masonry, concrete, tile, stone, and wood, unless otherwise designated by the individual building form standards; glass curtain walls and reflective glass of greater than 30% reflectance are prohibited due to the undesirable blinding effect compounded by snow.
- (7) **Use.** Buildings, as the primary element of town planning, are subject to variations in use, placement and configuration.
 - (a) Special land uses shall be administered by the Planning Commission in accordance with [Section 54.1403](#) of the Land Development Code. Special land use permits shall be granted if the following conditions are met:
 - (i) The use will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.
 - (ii) The use will not substantially injure the value of adjoining property; or that the use in a public necessity.
 - (iii) The location and character, if developed according to the plans and information approved, will be in harmony with the proximate land uses, and consistent with the purposes of the district.
 - (b) Uses permitted By Right. See [Figure 22](#).
 - (c) Special Land Uses. See [Figure 22](#).
 - (d) General to all sub-districts:
 - (i) All buildings in each transect district shall conform to the uses and types on [Figure 22. Use](#).

Figure 22. Use

USE	T4	T5	USE	T4	T5
A. RESIDENTIAL			E. INSTITUTIONAL		
Mixed-use building	P	P	Conference center		P
Multi-family dwelling (Section 54.616)	P	P	Live theater	S	P
Live-work unit (Section 54.615)	P	P	Movie theater	S	P
Two-family dwelling (Section 54.613)	P	P	Museum	P	P
Townhouse	P	P	Religious assembly (Section 54.640)	P	P
Mixed-use building	P	P	F. AUTOMOTIVE		
Multi-family dwelling (Section 54.616)	P	P	Gasoline	P	P
Live-work unit (Section 54.615)	P	P	Service	P	P
Two-family dwelling (Section 54.613)	P	P	Sales	P	P
Townhouse	P	P	Truck maintenance (Section 54.627)		
Single-family dwelling (Section 54.617)	P	P	Drive-through facility (Section 54.611)	P	P
Group day care home (Section 54.608)	S	S	G. CIVIL SUPPORT		
Foster family home	S	S	Funeral home	P	P
Halfway house (Section 54.620)	S	S	Hospital (Section 54.625)		S
Home occupation (Section 54.621)	P	P	Medical clinic	P	P
Home office (Section 54.622)	P	P	Veterinary clinic	P	P
Dwelling, Intentional Community (Section 54.614)	S	S	Pet boarding facility	S	S
Family Day Care Home	P	P	Cemetery (Section 54.606)	S	S
Adult Foster Care Family Home	P	P	Public or Governmental Building	P	P
Domestic Violence Shelter (Section 54.610)	S	S	Recreational Use, Public	S	S
B. LODGING			H. EDUCATION		
Hotel or Motel	S	P	High school	S	S
Bed & Breakfast Inn (up to 12 rooms) (Section 54.604)	P	P	Elementary school	P	P
Bed & Breakfast (up to 6 rooms) (Section 54.603)	P	P	Day care center	P	P
Rooming Houses (Section 54.642)	S	S	I. INDUSTRIAL		
Hospital Hospitality Houses (Section 54.626)	S	S	Heavy industrial facility (Section 54.627)		
Homestays and Vacation Home Rentals (Section 54.624)	P	P	Light industrial facility (Section 54.627)	S	S
C. OFFICE			Laboratory facility	S	S
Office building (Section 54.633)	P	P	Warehouse	S	S
Mixed-use building	P	P	Mini-storage		S
Live-work unit (Section 54.615)	P	P	Marihuana Safety Compliance Facility (Section 54.628)	S	S
D. RETAIL			J. OTHER USES		
Outdoor Entertainment and Community Events (Temporary Use) (Section 54.635(B))	P	P	Accessory Building or Structure (See Figure 12 , Figure 13 , and, as applicable, Section 54.705)	P	P
Outdoor Entertainment and Community Events (Principal Use) (Section 54.635(D))	S	S	Accessory Use, Non-Single Family Residential Lots	S	S
Retail building	P	P	Accessory Use, Single-Family Residential Lots	P	P
Gallery	P	P	Food Production, Minor	P	P
Restaurant, without Outdoor Food and Beverage Service	P	P	Outdoor Recreation	P	P
Restaurant, with Outdoor Food and Beverage Service (Section 54.636)	S	S	Wireless Telecommunications Facilities (Section 54.644)	S	S
Mixed-use building	P	P			
Open market building	P	P			
Indoor Recreation	P	P			
Farmers' Markets (Section 54.618)	P	P			
Kiosk	P	P			
Push cart	P	P			
Marihuana Retailer (Section 54.628)		S			
				Permitted Use	P
				Special Land Use	S

(8) Parking Location and Access.

- (a) Parking shall not be located within 25 feet of the primary *frontage*.
- (b) Required parking may be fulfilled in the following locations:
 - (i) Parking spaces provided within the lot.
 - (ii) Parking spaces provided along a parking lane (on-street) corresponding to lot *frontages*.
 - (iii) Parking spaces may be leased from a private or public parking facility within 500 feet of the lot.
- (c) Off-street parking shall be accessed by alleys where available.
- (d) Where alleys are not available, off-street parking may be accessed from the following locations:
 - (i) From *secondary frontages*; driveways should be located near the rear lot line.
 - (ii) Where *secondary frontages* are not available, parking may be accessed from the primary *frontage* in T4 for lots with a minimum width of 45 feet, in T5 for lots with a minimum width of 60 feet.
- (e) Driveways providing access to off-street parking are limited to 10 feet in width in T4 and 24 feet in T5.

(9) Off-Street Parking Design.

- (a) Off-street parking for single-family residential uses are not subject to the design requirements of this section.
- (b) All off-street parking spaces and aisles shall meet AASHTO size and configuration standards.
- (c) Off-street parking facilities shall have a minimum vertical clearance of 7 feet. Where such a facility is to be used by trucks or for loading, the minimum clearance is 15 feet.
- (d) Parking lots and structures visible from *frontages* require one of the following screening methods or a combination of methods:
 - (i) *Liner buildings*, optional at parking lots and required at parking structures. A minimum of 70% of parking structure width shall be screened ground floor *frontages*.

- (ii) A masonry wall no less than 4 feet in height.
 - (iii) A metal fence with an evergreen hedge or other landscape element to screen the view of parking.
- (e) **Parking Lot Attendant Shelter.** A parking lot may have one (1) attendant shelter building for security and collecting fees, provided the attendant shelter building complies with all building setback requirements.

Figure 23. Parking Requirements (Required Number of Spaces by Use per Figure 22)

	T4	T5
Residential *	1.125 / dwelling	1.0 / dwelling
Lodging	1.0 / bedroom	1.0 / bedroom
Office	no minimum	no minimum
Retail	no minimum	no minimum
Institutional	1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to Figure 24 . Parking may be provided by ownership or lease offsite within 1,000 feet.	1.0 / 5 seat assembly use 1.0 / 1,000 sq. ft. of exhibition or indoor recreation area. Parking requirement may be reduced pursuant to Figure 24 . Parking may be provided by ownership or lease offsite within 1,000 feet.
Automotive, Civil Support, Education, Industrial, Other Uses	See Article 9, Section 54.903 for the specific use parking space requirements	See Article 9, Section 54.903 for the specific use parking space requirements

* Senior housing or student housing requirements may be reduced by 50%.

Figure 24. Parking Occupancy Rates

USES	MONDAY THROUGH FRIDAY			SATURDAY AND SUNDAY		
	8AM – 6PM	6PM – 12AM	12AM – 8AM	8AM – 6PM	6PM – 12AM	12AM – 8AM
Residential	60%	100%	100%	80%	100%	100%
Lodging	70%	100%	100%	70%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Retail	90%	80%	5%	100%	70%	5%
Restaurant	70%	100%	100%	70%	100%	100%
Movie theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference	100%	100%	5%	100%	100%	5%
Civic (non-church)	100%	20%	5%	10%	10%	5%
Civic (church)	20%	20%	5%	100%	50%	5%

Calculation of parking space requirements from [Figure 23](#) may be reduced by the rates above, as they correspond to a particular use and the hours of operation for that use.

(10) Bicycle Parking.

(a) Intent. Short and long-term bicycle parking facilities shall:

- (i)** Maximize visibility and minimize opportunities for vandalism by being located in locations within clear view of pedestrian traffic, windows, doors, and/or well-lit areas.
- (ii)** Deter theft and provide for convenient parking ingress and egress by supporting the bicycle frame in at least two places.
- (iii)** Protect bicycles from inclement weather to the extent possible, as long as the facilities meet or exceed visibility, spacing, and performance standards.
- (iv)** Secure bicycles at a safe distance away from automobiles parked on-street, in lots, or in structures so that bicycles will not be damaged by opening doors or errant driving behavior.
- (v)** Not obstruct pedestrian movement in any way.
- (vi)** Not obstruct stairs, walls, berms, or handicap accessible ramps.
- (vii)** Provide enough space for bicycles of all types to maximize the intended bicycle parking capacity of a given facility.

(11) Landscape Standards.

(a) Intent. A transect-based landscape plan provides many aesthetic, ecological, functional and health/safety benefits. The standards of this section promote public health, safety, and welfare by establishing minimum standards for the design, construction and maintenance of landscape improvements for public *frontages* and *private frontages*, lots, *civic spaces*, and thoroughfares.

- (i) Aesthetics/Walkability.** These standards should enhance the overall aesthetic condition of communities, neighborhoods and the public realm with landscaping by:
 - a.** Providing spatial definition to the public realm
 - b.** Providing screening of unsightly places and/or mitigation of conditions that are incongruent with [Section 54.322\(A\)\(1\)](#) of this Section.
- (ii) Health/Safety.** These standards should enhance comfort, safety, and utilization of the public realm by moderating the local microclimate through the application of trees and landscaping to:
 - a.** Improve air quality
 - b.** Mitigate noise pollution
 - c.** Provide seasonal shade, sun and temperature regulation

- d. Reduce reflected light
- e. Mitigate wind gusts
- f. Provide a partial barrier between sidewalks and vehicular lanes
- g. Provide areas for the convenient removal and storage of snow

(b) Landscape Design Standards Applicable to All Sub-Districts.

- (i) The spacing and placement of plants shall be adequate and appropriate for the typical size, shape, and habit of the plant species at maturity.
- (ii) Proposed trees and understory trees shall be centered horizontally and minimally:
 - a. Two (2) feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;
 - b. Three (3) feet from walkways, curbing and other impervious pavements when planted in a continuous swale;
 - c. Five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls and other ground level obstructions;
 - d. Six (6) feet from porch eaves, and awnings and similar overhead obstructions associated with the ground level of buildings;
 - e. Eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.
- (iii) Proposed trees shall be a minimum height of ten (10) feet and / or three (3) inches in caliper.
- (iv) Proposed understory trees shall be a minimum of eight (8) feet in height and/ or two-and-one-half (2-1/2) inches in caliper.
- (v) Proposed Shrubs shall be of a five (5) gallon container minimum. Shrubs shall be 18" – 24" minimum clear from any sidewalk or pavement edge at the Lot line.
- (vi) Ground vegetation or Shrub plantings with spines, thorns, or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first two (2) feet of the front setback.
- (vii) Bare and exposed ground on the site and / or in *landscaped areas* shall be covered with live plant materials and / or mulch.
- (viii) Artificial plants or artificial turf are prohibited.

- (ix) Buffers and screening elements shall be used to screen parking areas from public view, to screen service yards and other places that are unsightly.

(c) Landscape Construction Standards.

- (i) All plant materials shall meet with the minimum container size, class and other requirements outlined in American Standard for Nursery Stock (ANSI Z60.1-2004) published by the American Nursery and Landscape Association (ANLA) or other local Nursery Association Standards.
- (ii) The soil structure of planting strips shall be protected from compaction with a temporary construction fence. Standards of access, excavation, movement, storage and backfilling of soils in relation to the construction and maintenance of deep utilities and manholes shall be specified.
- (iii) The topsoil within the construction area's limits of disturbance shall be removed, stored and amended as recommended by a landscape soil test.
- (iv) Wind erosion shall be mitigated and controlled through dust abatement and similar practices during the period of site work and construction.
- (v) Landscape soils that have been compacted during construction activities shall be loosened and aerated to a depth of at least six (6) inches before planting.
- (vi) Plants shall have normal, well-developed branches and vigorous root systems.
- (vii) Temporary spray irrigation systems may be used to establish seeded areas for grass and groundcover.

(d) Landscape Maintenance.

- (i) All grass and vegetation shall be lightly fertilized to avoid fertilizer pollution to groundwater, streams, and ponds.
- (ii) No disturbed ground shall be left exposed. Turf grass and other approved and appropriate groundcovers or mulch shall cover all non-paved and non-built developed areas.
- (iii) It shall be the responsibility of the property owner(s) or his assigned agent(s) to:
 - a. Maintain and keep all screening and fencing in good condition at all times; and
 - b. Maintain landscaping by keeping Turf grass lawns properly mowed and edged, plants properly pruned and disease-free, and planting beds mulched, groomed and weeded, except in areas of naturally occurring vegetation and undergrowth; and
 - c. Replace any required planting(s) that are significantly damaged, removed, infested, disease ridden, or dead within one year or the next planting

season, whichever occurs first, except in areas of naturally occurring vegetation and undergrowth.

(e) Specific to sub-district T4:

- (i) The minimum required landscape area shall be twenty (20) percent of the front setback.
- (ii) Preservation of on-site existing trees and vegetation is encouraged and may be used to fulfill the landscape requirements.
 - a. The root zones of existing trees and vegetation to be preserved shall be protected from clearing or construction activities.
 - b. The size and limits of existing vegetation shall be indicated on the landscape plan.
- (iii) The applicant may remove mature, healthy, non-invasive trees only within areas of a lot that are inside the proposed footprint of the primary structure.
- (iv) The applicant shall replace mature trees that are removed on the site with trees of the same or similar species whose combined caliper dimensions equal that of the tree removed.
- (v) During construction, the root zone of existing vegetation to be preserved shall be enclosed by a temporary protective fence.
- (vi) All landscape areas compacted during construction activities shall be retiled and re-conditioned to provide an arable topsoil layer that can support the long term health and vitality of landscaping.
- (vii) The topsoil within the construction area's limits of disturbance shall be removed, stored, and amended with organic soil additives as recommended by a landscape soils test prior to being redistributed.

(f) Specific to sub-district T5:

- (i) Landscape islands in interior parking lots shall only occur at the end of drive aisles. Islands should be the minimum size for healthy growth for the specific species of tree.
- (ii) Porous paving materials should be used in order to increase storm water infiltration on site.

(g) Specific to neighborhood edges:

- (i) A landscape buffer located along common property lines shall be required between Third Street Corridor District properties and the residential properties adjacent. The landscape buffer shall be a minimum of five feet wide.
 - a. Minimum of three (3) trees shall be planted within the side and rear setbacks for every 500 square feet of landscape buffer.
 - b. Shrubs shall be five (5) gallon container and twenty-four (24) inches height minimum, and of a type that, at maturity, will provide a continuous opaque screen at least thirty-six (36) inches in height.
 - c. Trees shall be four (4) inches caliper minimum, or in the case of evergreen trees, twelve (12) feet minimum height.

(h) **Public Space Trees.** Any tree species and cultivar applicable for planting in USDA Cold Hardiness Zone 5a (-15 to -20°F average coldest winter temperature) can be considered for planting within district public *squares*, *plazas*, and private parcels, with the exception of the following prohibited species.

(i) **Prohibited Tree Species.**

- (i) All Willows (*Salix*)
- (ii) All Poplars (*Populus*)
- (iii) Silver Maple

(12) **Streetscape Standards.** The primary use of thoroughfares is to provide access to private lots and public *civic spaces*. In accordance with the intent of this Section, thoroughfares shall be designed to support several modes of transportation: public transportation, motor vehicles, and non-motorized vehicles such as bicycles and pedestrians.

- (a) Alley easements include one (1) bi-directional vehicular lane, within a total width no more than twenty-four (24) feet. The entire right-of-way should be paved.
- (b) At the time of, and within, new or infill development:
 - (i) Trees shall be planted at an average spacing of no greater than 40 feet within the front setback of the parcel being developed unless the front setback is less than 6 feet pursuant to [Figure 25. Public Frontage Type](#).
 - (ii) The developer is required to widen the sidewalk within the first 5 feet of the front setback pursuant to [Figure 25. Public Frontage Type](#).

Figure 25. Public Frontage Type

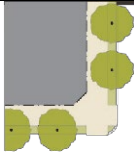
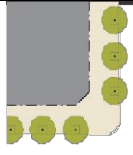
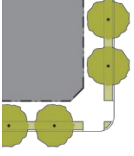
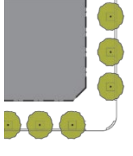
Public Frontage Type	A	B
i. Assembly: The principal variables are the type and dimension of curbs, walkways, landscaping planters and other landscaping.		
Total Width:	10-20 feet	10-20 feet
ii. Curbing: The detailing of the edge of the vehicular way, incorporating drainage.		
Type Cuts:	Raised Curb Ramp at 1:12 slope	Raised Curb Ramp at 1:12 slope
iii. Walkway: The portion of the thoroughfare dedicated exclusively to pedestrian activity.		
Type Width:	Sidewalk 6-15 feet	Sidewalk 6-15 feet
iv. Planter: The portion of the thoroughfare accommodating street trees and other landscape.		
Arrangement Type:	Opportunistic	Opportunistic
Type:	Similar	Similar
Planter Type:	Continuous	Tree Well
Planter Width:	5 feet	4 feet
Public Planting Type:	Columnar, Rounded	Columnar, Rounded
v. Verge: Provides allowable locations for public infrastructure and public furniture outside of access ways.		
Verge Width:	5 feet*	5 feet*
Verge Material:	Match planter	Match sidewalk or pervious pavement

Figure 26. Bicycle Parking Calculations

This table prescribes minimum short-term bicycle parking calculations within each Transect Zone assigned to the Third Street Corridor. The calculations assume not just current but future possible bicycle mode share, not to exceed 5%. Requirements may be met within the *Public Frontage*, *Private Frontage*, building envelope, or a combination thereof. Bicycle parking provided within the *Public Frontage* must receive Administrative Approval.

SHORT-TERM BICYCLE PARKING	T4	T5
RESIDENTIAL: Single-Family	No spaces required	n/a
RESIDENTIAL: Multi-Family w/ Private Garage Space for Each Unit	Minimum of 2 spaces	Minimum of 2 spaces + 0.05 spaces / bedroom
RESIDENTIAL: Multi-Family w/o Private Garage Space for Each Unit	Minimum of 2 spaces + 0.05 spaces / bedroom	Minimum of 2 spaces + 0.05 spaces / bedroom
LODGING	Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area	Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area
OFFICE	Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area	Minimum of 2 spaces + 1 add'l space / 5,000 sq. ft. of floor area
RETAIL	Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area	Minimum of 2 spaces + 1 additional space / 2,500 sq. ft. of floor area
RESTAURANT	Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area	Minimum of 2 spaces + 1 additional space / 2,500 sq. ft. of floor area
ENTERTAINMENT	Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area	Minimum of 2 spaces + 1 additional space / 5,000 sq. ft. of floor area
CIVIC: Non-assembly	Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area	Minimum of 2 spaces + 1 add'l space / 10,000 sq. ft. of floor area
CIVIC: Assembly	Spaces for 2% of max. expected attendance	Spaces for 2% of maximum expected attendance
LONG-TERM BICYCLE PARKING	T4	T5
RESIDENTIAL: Single-Family	No spaces required	n/a
RESIDENTIAL: Multi-Family w/ Private Garage Space for Each Unit	No spaces required	Minimum of 2 spaces + 0.05 spaces / bedroom
RESIDENTIAL: Multi-Family w/o Private Garage Space for Each Unit	Minimum of 2 spaces + 0.5 spaces / bedroom	Minimum of 2 spaces + 0.05 spaces / bedroom
LODGING	Minimum of 2 spaces + 1 additional space / 10,000 sq. ft. of floor area	Minimum of 2 spaces + 1 additional space / 10,000 sq. ft. of floor area
OFFICE	Minimum of 2 spaces + 1 space / 10 employees	Minimum of 2 spaces + 1 space / 10 employees
RETAIL	Minimum of 2 spaces + 1 space / 10 employees	Minimum of 2 spaces + 1 space / 10 employees
RESTAURANT	Minimum of 2 spaces + 1 space / 10 employees	Minimum of 2 spaces + 1 space / 10 employees
ENTERTAINMENT	Minimum of 2 spaces + 1 space / 10 employees	Minimum of 2 spaces + 1 space / 10 employees
CIVIC: Non-assembly	Minimum of 2 spaces + 1 space / 10 employees	Minimum of 2 spaces + 1 space / 10 employees
CIVIC: Assembly	Minimum of 2 spaces + 1 space / 20 employees	Minimum of 2 spaces + 1 space / 20 employees

Figure 27. Bicycle Parking Types

This table shows five common types of Bicycle Parking facilities appropriate for the Third Street Corridor and includes basic design/performance standards. Please reference the Association for Pedestrian and Bicycle Professionals Bicycle Parking Guide for more detailed design and placement guidance.

Parking Type	T4	T5	Standards
Bicycle Rack 	P	P	Bicycle Racks shall be capable of securing bicycles with at least two points of contact. Simple, easily identifiable forms, like the In-verted U-rack (shown at left) should be used. Racks may be placed in the <i>private frontage</i> , public <i>frontage</i> (including within an in-street <i>Bicycle Corral</i>), or within buildings where appropriate.
Bicycle Rack (decorative, public art) 	A	P	Decorative racks shall be recognizable as bicycle parking facilities and shall be held to the same performance standards as other bicycle racks. Such racks may be provided for and designed to enhance civic buildings, <i>civic spaces</i> , and other locations of historic, social, or cultural importance.
Bicycle Shelter 	A	P	<i>Bicycle Shelters</i> shall be highly recognizable and integrated with transit, parks, trailheads, and/or land uses requiring medium or long-term bicycle parking needs. Each shelter shall include bicycle parking racks capable of securing bicycles with at least two points of contact, and may include other bicycling amenities, such as wayfinding maps/signs, air pumps, etc.
Bicycle Locker 	A	P	<i>Bicycle Lockers</i> shall be placed in highly visible and well-lit locations, but should not disrupt the function, safety and order of the public realm. They should be associated with land uses and transportation facilities where long-term parking is required.
Bicycle Sharing 	P	P	<i>Bicycle sharing</i> stations should be located in highly viable locations, adjacent to existing or proposed transit stops, employment centers, or popular destinations. Stations should be spaced every few <i>blocks</i> so that access remains convenient.

SECTION 6. Article 3 – Zoning Districts and Map, Section 54.323

Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, Section 54.323 PUD, Planned Unit Development District is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map, 54.323 PUD, Planned Unit Development District is hereby adopted:

Section 54.323 PUD, Planned Unit Development District

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

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

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

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

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

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

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

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

(D) Density, Layout, and Bulk.

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

(E) Definitions.

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

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

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

- (3) The PUD option may be effectuated only when proposed land use will not materially add service and facility loads beyond those contemplated in the Master Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the PUD.
- (4) The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a Zoning Map amendment or variance.
- (5) The Planned Unit Development must substantially meet, as a minimum, three (3) or more of the following objectives. The benefits given to the developer through the flexibility of the PUD must be balanced with the benefits to the City:
 - (a) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses.
 - (b) To permanently establish land use patterns that are compatible or that will protect existing or planned uses.
 - (c) To accept dedication or set aside open space areas in perpetuity.
 - (d) To provide alternative uses for parcels that can provide transition buffers to residential areas.
 - (e) To guarantee provision of a public improvement that could not otherwise be required that would further the public health, safety, or welfare; protect existing or future uses from the impact of a proposed use; or alleviate an existing or potential problem relating to public facilities.
 - (f) To promote the goals and objectives of the Community Master Plan.
 - (g) To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
 - (h) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.
 - (i) To bring about redevelopment of sites that have been identified as environmentally distressed or Brownfields.
 - (j) To facilitate appropriate development of environmentally sensitive areas.

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

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

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

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

(2) Planning Commission Review of Proposed PUD Plan.

- (a) Public Hearing and Review Procedure.** The Planning Commission shall give notice of a public hearing as provided in [Section 54.1406](#) and hold a public hearing on the PUD and conduct a review of the PUD Plan and rezoning pursuant to the rezoning procedures of [Section 54.1405](#).
- (b) Planning Commission Review and Determination.** The Planning Commission shall review the proposed PUD plan and make a recommendation to the City Commission as to the proposal's qualification for the PUD option and for adherence to the following objectives and requirements:
 - (i)** The proposed PUD adheres to the criteria for qualification of the PUD option ([Section 54.323\(F\)](#)) and promotes the land use goals and objectives of the City.
 - (ii)** All applicable provisions of this Section shall be met. Insofar as any provision of this Section shall be in conflict with the provisions of any other section of this Ordinance, the provisions of this Section shall apply to the lands embraced within a PUD area.
 - (iii)** There is, or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and that the road system and storm water drainage system are or will be adequate.

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

(I) Final Approval of Planned Unit Development.

- (1) City Commission Action.** Upon receipt of the report and recommendation of the Planning Commission, the City Commission shall hold a public hearing in accordance with [Section 54.1406](#) and review all findings. If the City Commission approves the PUD, approval shall be granted only upon the City Commission determining that all provisions of this Section have been met and that the proposed development will not adversely affect the public health, welfare, and safety.
- (2) PUD Zoning.** Upon approval by the City Commission, the subject site shall be rezoned to "Planned Unit Development" in accordance with the procedures of [Section 54.1405](#).
- (3) PUD Agreement.** Upon approval of the PUD by the City Commission, the City Commission shall instruct the City Attorney to prepare a contract setting forth the conditions upon

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

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

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

- (2) The preliminary plats or final site plans are in substantial conformity with the approved contract and plan for the PUD.
- (3) Provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas that are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PUD contract. If development of approved preliminary plats or final site plans are not completed in five (5) years after approval, further final submittals under the PUD shall cease until the part in question is completed or cause can be shown for not completing same. When the developer is in default of the PUD timetable, the City Commission may, at the recommendation of the Planning Commission take any or all of the following actions:
- (a) Withdraw approval of any other phase;
 - (b) Require the applicant to submit a new PUD application for any additional phases; and/or
 - (c) Invoke the performance guarantees to complete the project or make necessary repairs.
- (K) **Filing of As-Built Plans and Final Plats Prior to Release of Performance Guarantee.** As-built site plans and final plats must be filed with the City Engineering Department and the Community Development Department. Performance guarantees shall not be released until these documents have been submitted.
- (L) **Fees.** Fees for review of PUD plans under this Section shall be established by resolution of the City Commission.
- (M) **Interpretation of Approval.** Approval of a PUD under this Section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the City and the applicant.
- (N) **Amendments to PUD Plan.** Proposed amendments or changes to an approved PUD plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, as guided by [Section 54.323\(N\)\(1\)](#), and in such event may approve or deny the proposed amendment. If the Zoning Administrator determines the proposed amendment is major in nature, the Planning Commission shall review the amendment in accordance with the provisions and procedures of this Section as they relate to final approval of the PUD and make a recommendation to the City Commission to approve or deny the changes. The Zoning Administrator may refer any proposed amendment to the Planning Commission at his/her discretion for determination of minor/major amendment status.
- (1) **Minor Amendment.** Minor amendments are those that may have no foreseeable effect beyond the property boundary, such as minor changes in the siting of buildings, the alignment of utilities and the alignment of interior roadways, and the layout of parking

areas. Minor amendments for good cause may be authorized by the Zoning Administrator without notice or hearing, provided no such changes shall substantially increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, significantly reduce or increase the number of approved parking spaces, encroach on natural features proposed by the plan to be protected, or that would alter contractual terms related to the timing or other non-dimensional aspects of development. The degree of permitted minor amendments may be further described in the PUD Agreement. The Zoning Administrator shall inform the Planning Commission and City Commission of any approved minor amendments. Minor changes to site lighting, signage, landscaping, non-structural building elements, and for temporary structures and uses, may be made via approval of a Zoning Compliance Permit that is linked to the PUD rather than via a Minor PUD Amendment, per the discretion of the Zoning Administrator.

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

SECTION 7. Article 4 – Schedule of Regulations, Section 54.403
Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations, Section 54.403 Footnotes to Schedule of Regulations is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations, Section 54.403 Footnotes to Schedule of Regulations is hereby adopted:

Section 54.403 Footnotes to Schedule of Regulations

- (A) **Permitted Front Yard Setback Encroachments in the MDR and MFR Districts.** In the MDR and MFR districts, open front porches may encroach into the required front yard setback, provided the encroaching porch is for the first story only and is setback at least five (5) feet from the front lot line.
- (B) **Reduced Minimum Front Yard Setback in the LDR and MDR Districts.** If the average front yard setback of the principal buildings on the same block are less than the minimum front yard setback of the district, the minimum front yard setback of a subject lot in the LDR district or MDR district may be reduced to that average, provided the principal buildings used in the average are on the same side of the street and in the same zoning district as the subject lot.
- (C) **Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts.** In the MDR and MFR Districts, the minimum lot area for a two-family dwelling (duplexes) is:
- (1) 6,000 sq. ft. for lots created prior to the adoption of this Ordinance.
 - (2) 9,000 sq. ft. for lots created after the adoption of this Ordinance.
- (D) **Minimum Lot Width for Two-Family Dwellings (Duplexes) in the MDR and MFR Districts.** In the MDR and MFR Districts, the minimum lot width for a two-family dwelling (duplex) is:
- (1) 50 feet for lots created prior to the adoption of this Ordinance.
 - (2) 75 feet for lots created after the adoption of this Ordinance.
- (E) **Minimum Front Yard Setback in the M-U and GC Districts.** In the M-U and GC districts, the minimum front yard setback is 0 ft. if there is at least a 10-foot distance between the front lot line and the curb/edge of the street. If there is not at least a 10-foot distance between the front lot line and the curb/edge of the street in these districts, the minimum front yard setback shall be increased accordingly so that the minimum separation distance between a structure and the curb/edge of the street is at least ten (10) feet.
- (F) **Maximum Front Yard Parking in the M-U and GC Districts.** Although there are no maximum front yard setbacks in the M-U and GC districts, refer to [Article 9](#) for the maximum allowable parking in the front yard of the M-U ([Section 54.902\(E\)\(3\)](#)) and GC ([Section 54.902\(E\)\(4\)](#)) districts.
- (G) **Separation Distance of Multiple-Family Structures in the MFR District.** In the MFR, Multiple Family Residential District, the minimum distance between any two (2) buildings on the same site shall be one and one-half (1.5) times the average height of the two (2) buildings. For example purposes only, the separation distance between a 36-foot high multiple-family building and a 30-foot high multiple family building shall be 49.5 feet (i.e., 1.5 times 33 feet, which is the average height of the two buildings).
- (H) **Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts.** In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions:
- (1) The side walls are of fireproof construction and are wholly without opening.
 - (2) The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District.

- (I) **Modified Rear Yard Setbacks in the M-U and CBD Districts.** In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.
- (J) **Each parcel in the MFR district that contains a multiple-family residential use shall have:**
- (1) A maximum lot coverage ratio of 0.20.
 - (2) Minimum outdoor livability space of 0.40.
- (K) **Accessory Buildings and Structures.** For accessory buildings and structures, additional requirements for side yard setbacks, rear yard setbacks, and height are in [Section 54.705](#).
- (L) **Height Exceptions and Increased Setbacks for Multiple-Family Dwelling Buildings in the MFR District.** For multiple-family buildings in the MFR District, the height may be increased above 36.5 feet provided that 1 foot shall be added to all of the minimum yard setbacks for each 1 foot that the building exceeds 36.5 feet in height.
- (M) **Height Exceptions and Increased Setbacks for Buildings in the M-U District.** If the subject lot is adjacent to a lot zoned LDR, MDR, C, or CR, any portion of the building higher than 36.5 feet must be setback at least 8 feet from a minimum front yard setback line and at least 10 feet from any other minimum yard setback line.
- (N) **Modified Height and Setback Requirements in the IM District.** The Planning Commission may permit via special land use approval a greater height than the maximum allowed in the schedule of regulations in the IM district, provided that the front, side, and rear yards specified in [Section 54.402](#) and [Article 6](#) are increased by one (1) foot for each foot of building height that exceeds the maximum allowed. However, in no case shall the height of any structure in the IM district exceed the horizontal setback distance from the structure to a lot line; where the property abuts a right-of-way, up to 1/2 width of said right-of-way may be used in calculation the required yard; in no instance may the yard be less than the minimum specified in [Section 54.402](#).
- (O) **Height Exemptions.** There shall be no height restriction on chimneys, flagpoles, public monuments, and wireless telecommunications facilities except when they are part of a special land use.
- (P) **Increased Rear Yard Setbacks for Lots in the CR District.** Lots in the CR district must have a minimum rear yard setback of 50 feet from the ordinary high water mark of Lake Superior.
- (Q) **Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts, and single-family and two-family dwelling units in other zoning districts:** The maximum impervious surface coverage of a lot in the LDR and MDR Districts, and single-family and two-family uses in all other zoning districts shall be based on the lot areas as follows:

Maximum Impervious Surface Coverage Based on Lot Area
60% of the lot area up to 8,712 sq. ft. (1/5 acre or less); plus
50% of the area of the lot between 8,713 sq. ft. and 21,780 sq. ft. (1/2 acre); plus
40% of the area of the lot between 21,781 sq. ft. and 43,560 sq. ft. (1 acre); plus
30% of the area of the lot over 1 acre

- (R) **Storm Water Management.** For all uses except Single-family and Two-family dwelling units, please refer to Section 54.803 Storm Water Management. For Single-family and Two-family dwelling units, please refer to item Q above.
- (S) **Landscape Buffer and Greenbelt Requirements.** The minimum setbacks may be increased in accordance with the landscape buffer and greenbelt standards of [Section 54.1003\(D\)](#).

SECTION 8. Article 6 – Standards Applicable to Specific Land Uses, Section 54.612 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.612 Dwelling, Accessory Unit is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.612 Dwelling, Accessory Unit is hereby adopted:

Section 54.612 Dwelling, Accessory Unit

Accessory dwelling units (ADU) shall comply with all of the following standards:

- (A) **One ADU Per Lot.** One ADU is permitted per lot containing an existing detached single-family dwelling unit, provided the ADU complies with all of the requirements of this Section and this Ordinance.
- (B) **Minimum Lot Area and Width.** ADUs are only permitted on lots that meet the minimum lot area and lot width standards of the zoning district.
- (C) **Setbacks and Height.** ADUs must meet all requirements of this Ordinance for minimum setbacks and maximum height. However, the height of an ADU shall not exceed two (2) stories or 20 feet.
- (D) **Maximum Occupancy.** The occupancy of the accessory dwelling unit shall not exceed two (2) unrelated adults.
- (E) **Owner-Occupancy Required of the Principal Dwelling is as follows:**
 - (1) Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.
 - (2) Ownership of the ADU shall remain with the owner of the property. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through condominium or other means.
 - (3) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the Marquette County Register of Deeds a covenant in a form acceptable to the City Attorney that the existence of the ADU is predicated upon the occupancy of either the principal or accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. The applicant shall provide the City with evidence of filing of the restrictive covenant with the Register of Deeds prior to and as a condition of the issuance of the Zoning Compliance Permit for the development of the ADU. Any owner of the property must notify a prospective buyer of the limitations of this Section. Violations of the terms of this covenant shall result in the loss of the special use permit.
- (F) **Yearly Certification.** Conformance with the occupancy conditions of the ADU special use permit shall be certified yearly by the property owner subject to inspection by the City. The City may adopt an ordinance or administrative standards for certification and inspection. Inspection shall be allowed by the owner after 48 hours' notice by certified mail from the City. The certification process shall be subject to an appropriate fee as determined by the City Commission.
- (G) **Maximum Floor Area of ADU.** The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less.

- (H) Attachment Options.** The ADU may be attached to the single-family dwelling or constructed on the second story of a conforming detached accessory building on the site. If the ADU is attached to the single-family dwelling, the ADU may be located within the existing footprint or added to the existing footprint, provided all of the requirements of this Ordinance are met.
- (I) Architecture and Design.**
- (1)** An ADU must be designed to maintain the architectural character and appearance of the principal building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.
- (2)** Entrances to ADUs, including exterior stairs leading to a second story entrance, are restricted to the side or rear façade of the building to which it is attached. This provision does not apply if the ADU's primary entrance is the same as the entrance to the principal residence.
- (J) Parking.** One (1) off-street parking space shall be provided for the ADU in a driveway or in a rear or side yard on the lot. No parking space may be provided in the front yard except in paved driveways or hard surfaced parking spaces in accordance with this Ordinance (see definition of "Hard Parking Surface" in [Section 54.202\(A\)\(91\)](#)). Parking spaces are not subject to setback requirements. The Zoning Administrator may grant an exception to the parking space requirement if the property owner submits a signed and notarized affidavit to the City affirming that the ADU occupant will not have a motor vehicle on site.
- (K) Duration of Lease or Rental.** Leasing or rental of the ADU for less than 30 days is prohibited.

SECTION 9. Article 6 – Standards Applicable to Specific Land Uses, Section 54.619 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.619 Food Production, Minor is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.619 Food Production, Minor is hereby adopted:

Section 54.619 Food Production, Minor

Minor Food Production, such as home gardens and community gardens, are subject to the following requirements:

- (A) Minimum Setbacks and Clear Vision Triangle Area.** All garden structures must maintain a three-foot setback from all property lines as well as meet traffic visibility regulations of [Section 54.704](#), with the exception of an arbor that is adjacent to the front property line as part of a fence or freestanding. Garden vegetation shall not encroach onto adjacent lots.
- (B) Permitted Structures.** In addition to the accessory structure regulations of [Section 54.705](#), the following requirements shall apply to Minor Food Production structures (such as home gardens and community gardens). If these standards are met, the structures are in compliance with this section and no permit is required:

 - (1) Trellises and Arbors.** If located in a required setback area (see [Article 4](#)), the maximum height of a trellis or arbor is 8 feet. Arbors may be freestanding or built into fences along the property line.
 - (2) Raised Planting Beds.** If located in a required setback (see [Article 4](#)) or in a front yard, the maximum height of a raised planting bed is 24 inches. Planting beds must be kept out of the public right-of-way. Raised planting beds higher than 24 inches must meet the minimum setback requirements for accessory structures in the district ([Section 54.705](#)).
 - (3) Temporary Hoop Houses or Plant Covers.** Temporary hoop houses or plant covers for early start-up plants are permitted (see [Section 54.705](#) for permanent accessory structures), provided the temporary hoop houses or plant covers:

 - (a)** Do not exceed 8 feet in height in a front yard and no more than 16 feet in height in a rear or side yard.
 - (b)** Maintain a setback of at least 3 feet from all lot lines and meet the clear vision requirements of [Section 54.704](#).
 - (c)** Are maintained in good repair.
- (C) Sales.** Sale of goods grown in a garden/community garden is prohibited in residential districts unless the sales are conducted without any noticeable accouterment of sales (e.g., special structures, signs/handbills, or items used to draw attention to the property) or the sales are otherwise permitted in this Ordinance (e.g., a Home Occupation). Sales of goods in other districts are subject to underlying district requirements.
- (D) Property Maintenance.** The property shall be maintained in an orderly and neat condition and shall not be detrimental to the physical environment or to public health and general welfare, and remains subject to compliance with the property maintenance code, noise ordinance, and related ordinances.
- (E) Off-Site Impacts.** The site shall be maintained so as to prevent the free flow of storm water, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.

- (F) Noise.** Motorized equipment within a residential zoning district or residential planned unit development district must meet the noise regulations of the City.
- (G) Compost.** Compost piles may only be used for waste generated on site, and are subject to the setbacks of the district and all other regulations of City Codes with respect to odor, blight, and other elements of composting that may become a nuisance. Compost in a raised planting bed must meet the requirements of [Section 54.619\(B\)\(2\)](#). Other compost structures must meet the minimum setback requirements for accessory structures in the district ([Section 54.705](#)).
- (H) Private Nuisance Action.** Nothing in this Section is intended to preclude any person from filing a private nuisance action against an offensive use.
- (I) Farm Animals Prohibited.** Unless permitted in [Section 54.641](#), the keeping of farm animals (e.g., chickens, honeybees, rabbits, etc.) is not permitted as a Residential Limited Animal Keeping use.

SECTION 10. Article 6 – Standards Applicable to Specific Land Uses, Section 54.621 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.621 Home Occupations is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.621 Home Occupations is hereby adopted:

Section 54.621 Home Occupations

- (A) **One Non-Resident Employee.** A Home Occupation shall not employ more than one (1) person who is not a member of the household.
- (B) **Signs.** A Home Occupation shall not have signage unless permitted in [Article 11](#).
- (C) **Accessory Structure Use.** Activities related to the home occupation may take place in an accessory structure that is properly permitted by the City and the County Building Codes Department (if necessary) and if those activities do not create nuisance conditions for neighboring properties including loud noise, dust, smoke, bright light, etc. and are not activities that meet the definition of “manufacturing” (heavy or light) or “industrial” as defined in Article 2.
- (D) **Limited Customer Traffic.** A Home Occupation shall not constitute a retail store, but limited customer traffic is permitted. No commodity other than that produced or processed on the premises shall be sold.
- (E) **Commercial Vehicles.** Commercial vehicles used for the home occupation cannot be used primarily for commercial advertising.
- (F) **Maximum Floor Area.** A Home Occupation shall not occupy more than 25% of the floor area of the dwelling unit and accessory structures (combined floor area) utilized for the occupation, or a maximum of 500 square feet, whichever is smaller.
- (G) **Non-Transferrable.** Approval of a Home Occupation shall vest only in the person making the application and is non-transferrable to another person.
- (H) **Application and City Approval.** A Home Occupation requires an application and approval from the City of Marquette.
- (I) **Revocation.** An approved permit for a Home Occupation will be revoked for producing nuisance violations or other violations of this section if the violations are not corrected.

SECTION 11. Article 6 – Standards Applicable to Specific Land Uses, Section 54.622 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.622 Home Offices is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.622 Home Offices is hereby adopted:

Section 54.622 Home Offices

A Home Office is a dedicated space in a residential dwelling unit where the resident(s) may carry out certain functions of a commercial, service, or organizational nature – such as administration and sales – without a permit, provided the following conditions are met:

- (A) **Maximum Floor Area.** The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.
- (B) **Resident Employees Only.** No persons who are not lawful residents of the dwelling may be employed.
- (C) **Signs.** There shall be no signs except as provided for in [Article 11](#).
- (D) **No Customer or Client Traffic.** No persons other than residents of the dwelling shall typically or regularly visit the home office for business purposes.
- (E) **Equipment Operation.** There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
- (F) **Accessory Structure Use.** A Home Office use may be conducted in an accessory structure that is properly permitted by the City and the County Building Codes Department.

SECTION 12. Article 6 – Standards Applicable to Specific Land Uses, Section 54.641 Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.641 Residential Limited Animal Keeping is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses, Section 54.641 Residential Limited Animal Keeping is hereby adopted:

Section 54.641 Residential Limited Animal Keeping

(A) Requirements Applicable to All Residential Limited Animal Keeping.

- (1) **Accessory Use of On-Site Residents.** The accessory use of Residential Limited Animal Keeping is permitted upon application for a non-transferable Residential Limited Animal Keeping Permit approved by the Zoning Administrator, which is for enclosures and structures that are required for chickens and rabbits, or for beehives. Upon approval, the permit is intended to be for the benefit of the occupants of the dwelling on-site, and not for commercial animal uses.
- (2) **Applicable Zoning Districts.** This Residential Limited Animal Keeping use is permitted only in the LDR and MDR districts as an accessory use, where there is a separate occupied dwelling.
- (3) **General Animal Care.** Animals being kept in a residential environment must be cared for and monitored daily to maintain animal health and to prevent nuisance problems with neighbors and the community.
- (4) **Permitted Animals.** Unless classified as a bona fide household pet, only animals explicitly permitted in this Section (i.e., hens, rabbits, and honeybees) qualify as animals that may be kept as a Residential Limited Animal.
- (5) **Zoning Compliance Review Required.** Zoning Compliance Review in accordance with [Section 54.1401](#) is required prior to the establishment of the Residential Limited Animal Keeping use.
- (6) **Location of Animals on the Same Lot as the Dwelling and in the Rear Yard.** The location of animals permitted in accordance with this Section must be on the same property as the dwelling to which they are accessory and must be located in the rear yard.
- (7) **Storage of Seed, Fertilizer, and Feed.** All seed, fertilizer, and animal feed shall be stored in secured, rodent- and animal-proof containers and kept within an enclosed structure.
- (8) **On-Site Commercial Sale Prohibited.** The commercial sale of animal products including eggs, honey, hens or rabbits is prohibited on the site.
- (9) **Sanitation, Waste, and Odors.** All animal structures and roaming areas must be kept sanitary and free from accumulations of animal excrement and objectionable odors. Waste must be composted or disposed of in accordance with all City requirements. The City may require a Residential Refuse Collection Agreement as a condition of Zoning Permit approval. Piling of waste materials on the property is not permitted unless composted in accordance with [Section 54.619\(G\)](#).
- (10) **Runoff.** No runoff from nutrient sources shall be allowed to leave the property, nor be discharged into the storm sewer.

(B) Requirements Applicable to Residential Limited Animal Keeping of Female Chickens (Hens).

In addition to the requirements of [Section 54.641\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of hens:

- (1) **Maximum Number of Hens.** A maximum of six (6) hens per single-family or two-family dwelling unit may be kept.
 - (2) **Male Chickens (Roosters) Prohibited.** Male chickens (roosters) are prohibited.
 - (3) **Prohibited Locations of Keeping Hens.** Hens are prohibited in a residence, porch, or attached garage.
 - (4) **Keeping of Hens Required on the Lot.** Hens must be confined to the lot.
 - (5) **Enclosure Housing for Hens.** Enclosed housing for hens (the hen house or coop) is prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least one (1) square foot of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.
 - (6) **Access to Fresh Water.** Fresh water must be provided for hens at all times.
 - (7) **Outdoor Usable Space for Hens.** Outdoor usable space (a run) of at least two (2) square feet per hen must be provided and be attached to the coop. Outdoor usable space must be enclosed to prevent hens from leaving the lot and must not be located in a front yard.
 - (8) **Setback of Housing for Hens.** Enclosed housing for hens must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile chicken housing must meet the required setbacks at all times.
- (C) **Requirements Applicable to Residential Limited Animal Keeping of Rabbits.** In addition to the requirements of [Section 54.641\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of rabbits:
- (1) **Maximum Number of Rabbits.** A maximum of six (6) adult rabbits per single-family or two-family dwelling unit may be kept.
 - (2) **Keeping of Rabbits Required on the Lot.** Rabbits must be confined to the lot.
 - (3) **Enclosure Housing for Rabbits.** Enclosed housing for rabbits (cage or hutch) is prohibited in a front yard. Enclosed housing must be fully enclosed, roofed, and provide at least five (5) square feet of indoor usable floor space per animal. Enclosed housing must be designed to discourage rodents, dogs, cats, and wildlife from gaining entry.
 - (4) **Access to Fresh Water.** Fresh water must be provided for rabbits at all times.
 - (5) **Outdoor Usable Space for Rabbits.** Rabbits shall only be kept within enclosed housing except for monitored exercise periods. Outdoor usable space must be enclosed to prevent rabbits from leaving the lot and must not be located in a front yard.
 - (6) **Setback of Housing for Rabbits.** Enclosed housing for rabbits must meet the same setback requirements for accessory buildings ([Section 54.705\(A\)](#)), except that the enclosed housing must be set back at least 20 feet from a principal building on an adjoining property. Mobile rabbit housing must meet the required setbacks at all times.

(D) Requirements Applicable to Residential Limited Animal Keeping of Honeybees. In addition to the requirements of [Section 54.641\(A\)](#), the following shall apply to the Residential Limited Animal Keeping of honeybees:

- (1) Maximum Number of Honeybee Hives or Colonies.** A maximum of 10 honeybee hives is permitted on a lot.
- (2) Location.** Honeybee hives must be located on an undeveloped area of the lot.
- (3) Minimum Setback.** Honeybee hives must be set back at least twenty-five (25) feet from any lot line. The setback for hives may be reduced to ten (10) feet to a lot line if a six (6) foot high flyway barrier surrounds the immediate vicinity of the hive(s) consisting of a solid fence, wall, or dense vegetation that prevents a direct line of flight from the hives into neighboring properties or public use rights-of-way.
- (4) Honeybee Hive Manipulation.** Beekeepers must make every reasonable effort to perform hive manipulations as quickly as possible, with minimum disturbance to the bees and at times of the day when outdoor activity of neighbors is minimized.
- (5) Honeybee Swarm Prevention.** Beekeepers must use best beekeeping management practices to prevent or minimize swarming. Beekeepers must take reasonable measures to retrieve swarms.
- (6) Access to Fresh Water.** A supply of fresh water shall be provided for all honeybee hives throughout the active flight season.

SECTION 13. Article 7 – General Provisions, Section 54.702

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.702 Permitted Encroachments into Required Yard Setbacks is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.702 Permitted Encroachments into Required Yard Setbacks is hereby adopted:

Section 54.702 Permitted Encroachments into Required Yard Setbacks

The following features may be located within required yard setbacks to the extent indicated. Unless explicitly permitted, under no circumstances shall any structure or attachment to a structure protrude to within five (5) feet of a right-of-way line and/or rear property line, or closer than three (3) feet to the side yard property line.

- (A) **Sidewalks and Landscaping.** Sidewalks and landscaping may be located in any yard setback.
- (B) **Architectural Features.** Cornices, canopies, eaves, or similar architectural features may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line.
- (C) **Access Ways.** Unenclosed stairs, steps, fire escapes, and access ramps may project into yard setbacks, provided that they are set back at least five (5) feet from the front and rear lot lines and three (3) feet from the side lot lines; however, front yard setbacks are not required for barrier-free access ramps. Window wells, egress windows, and basement escape ladders required by fire codes may project into required yard setbacks the minimum amount necessary to meet the fire code requirement.
- (D) **Unenclosed Balconies and Open Porches.** Unenclosed balconies and open porches may project into a required yard setback by up to ten (10) feet provided they are at least five (5) feet from the rear lot lines, at least three (3) feet from the side lot lines, and at least five (5) feet from the front lot lines unless a different front yard setback for unenclosed balconies and open porches is permitted or required by [Article 4](#).
- (E) **Bay Windows, Basement Window Wells, and Chimneys.** Bay windows, basement window wells, and chimneys may project into yard setbacks by up to two (2) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.
- (F) **Accessory Structures.** Accessory structures may project as allowed in [Section 54.705](#).
- (G) **Structural Amenities.** A structural amenity, such as outdoor art, paintings, sculpture, fountains and similar water features, benches, arbors, doghouses, playsets, birdfeeders, clotheslines, air conditioners, detached open structures, and similar amenities as determined by the Zoning Administrator may be located a minimum of three (3) feet from a side lot line and a minimum of five (5) feet from a front or rear lot line, subject to the following requirements:
 - (1) **Clear Vision Triangle Area.** All structural amenities must meet traffic visibility regulations of [Section 54.704](#).

- (2) Durable Materials and Construction.** Structural amenities must be composed of durable materials such as steel, bronze, stained glass, concrete, wood, ceramic tile, stone, or other similar material durable against weather and requiring a low level of maintenance.
- (3) Maintenance.** Structural amenities must be maintained in a safe, neat, and orderly manner acceptable to the City. The City may require the owner of the structural amenity to submit a maintenance plan for review. The City shall determine the acceptable maintenance of a structural amenity to prevent blight.
- (4) Secure Location.** Structural amenities must be properly secured to provide stability. The structural amenity may be attached or secured to the ground, or it may be attached to the principal structure or accessory structure (excluding roof attachment).
- (5) Minimum Setback.** In addition to the minimum setbacks of [Section 54.702\(G\)](#), structural amenities shall be set back from all lot lines a distance of one and one-half (1.5) times the height of the structural amenity.
- (6) Prohibitions.** The following are prohibited:

 - (a)** Structural amenities that have deteriorated or are otherwise determined by the City to be blight.
 - (b)** Structures that are beyond the scope of a structural amenity and should be regulated under a different section of this Ordinance, such as fences ([Section 54.706](#)), accessory structures ([Section 54.705](#)), or signs ([Article 11](#)).
- (7) Exemptions.**

 - (a)** Enclosed structural amenities less than nine (9) square feet in floor area/footprint are exempt from permit requirements. Examples of such amenities include dog/bat/bird houses, children's playsets, treehouses, library boxes, and garden sheds.
- (H) Food Production, Minor.** Where Minor Food Production is permitted, the permitted structure encroachments are regulated in [Section 54.619](#).

SECTION 14. Article 7 – General Provisions, Section 54.704

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.704 Clear Vision Triangle Area is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.704 Clear Vision Triangle Area is hereby adopted:

Section 54.704 Clear Vision Triangle Area

No structure, wall, fence, sign, tree, or shrubbery shall be erected, maintained, or planted on any lot or front yard thereof, which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way. Fences, walls, structures, signs, trees, shrubs, and other plantings located in the clear vision triangle area described below are not permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above the road level.

(A) Clear Vision Triangle Area. The clear vision triangle area is described as follows (see [Figure 32](#), [Figure 33](#), and [Figure 34](#)) though the City Engineering Department may require a different clear vision triangle area for collector and arterial roadways:

(1) Road Intersection.

(a) Where One or Both of the Intersecting Roads are Collector or Arterial Roads.

Where one or both of the intersecting roads are collector or arterial roads, as defined by the City of Marquette, the clear vision triangle area is the area formed at the corner intersection of the two (2) road right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the boundaries of the property and right-of-way lines, and the third side being a line connecting these two (2) sides. See [Figure 33](#).

(b) Where Both of the Intersecting Roads are Local Roads. Where both of the intersecting roads are local roads, as defined by the City of Marquette, the clear vision triangle area is the area formed at the corner intersection of the two (2) road right-of-way lines, the two (2) sides of the triangular area being fifteen (15) feet in length measured along the boundaries of the property and right-of-way lines, and the third side being a line connecting these two (2) sides. See [Figure 34](#).

(2) Driveway Intersection. The area formed at the corner intersection of a right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the boundary of the property and right-of-way line and along edge of the driveway, and the third side being a line connecting these two (2) sides. See [Figure 33](#) and [Figure 34](#).

Figure 32. Clear Vision Triangle Area

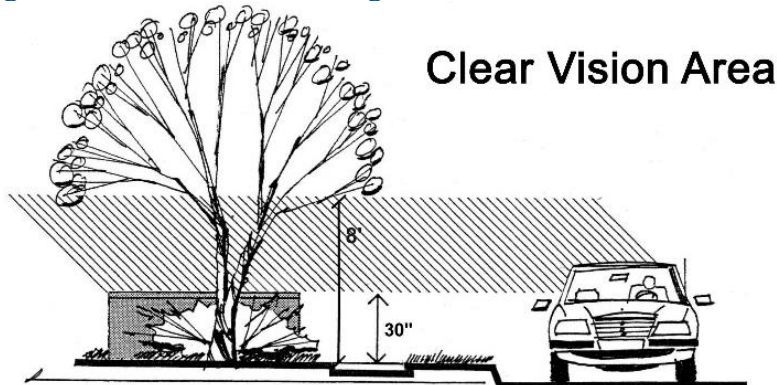


Figure 33. Clear Vision Triangle Area Where One or Both of the Intersecting Roads are Collector or Arterial Roads

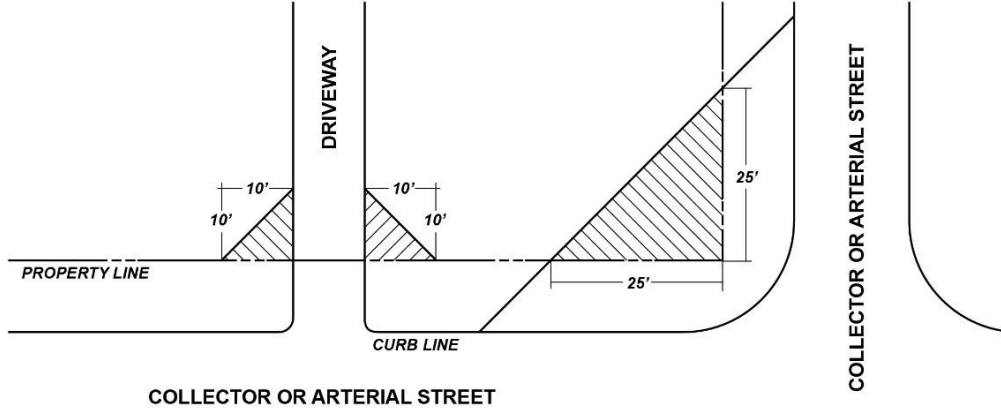
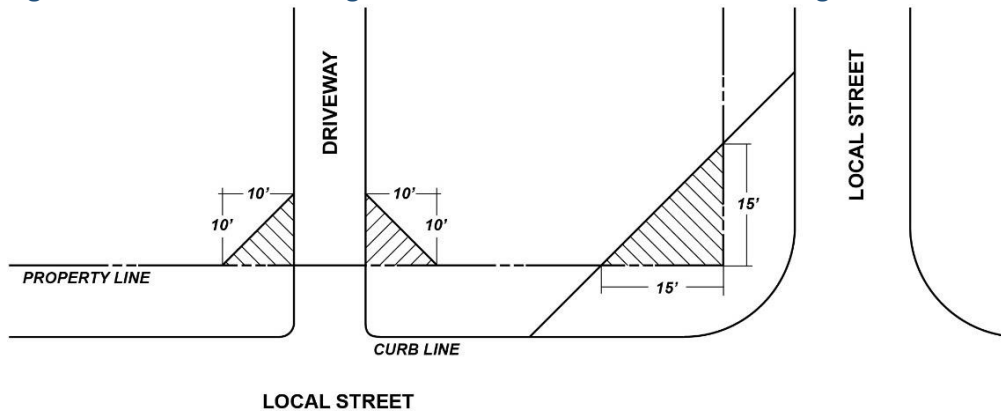


Figure 34. Clear Vision Triangle Area Where Both of the Intersecting Roads are Local Roads



- (B) **Specific Buildings Allowed in the Clear Vision Triangle.** Buildings may be permitted in the clear vision triangle if they are permitted by the front yard setback requirements of their respective zoning district, provided the building shall not be located in a manner which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way.
- (C) **Trees.** Trees may be permitted in the clear vision triangle area provided that limbs and foliage are trimmed so that they are not less than eight (8) feet above the road level within the clear vision triangle area. See [Figure 32](#).
- (D) **Shrubs.** Shrubs may be permitted in the clear vision triangle area provided that they are trimmed so that they are not more than thirty (30) inches above the road level. See [Figure 32](#).
- (E) **Landscaping.** All landscaping, except turf grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road within a clear vision triangle area.

- (F) **Snow Storage.** Snow storage on lot corners and near driveway entrances may be permitted in the clear vision triangle (CVT) area provided that the snow storage does not exceed thirty (30) inches above the road level within a clear vision triangle area. In winter circumstances which preclude the removal of snow from a CVT by means available to the property owner, or if snowfall accumulations make snow removal adjacent to the right-of-way impractical throughout the city, this requirement may be suspended.

SECTION 15. Article 7 – General Provisions, Section 54.705

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.705 Accessory Buildings and Structures is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.705 Accessory Buildings and Structures is hereby adopted:

Section 54.705 Accessory Buildings and Structures

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

(A) Accessory Buildings and Structures in the Low Density Residential (LDR) District, Medium Density Residential (MDR) District, and Mixed-Use (M-U) District.

- (1) **Attached Accessory Buildings.** Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to main building.
- (2) **Location.** Detached accessory buildings shall not be located in any required yard setback except as permitted in [Section 54.705\(A\)\(4\)](#).
- (3) **Maximum Lot Coverage.** Detached accessory buildings shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
- (4) **Separation and Setback Distances.** No permanent accessory building shall be located in a minimum front yard setback. No detached accessory building shall be located closer than five (5) feet to any main building nor closer than three (3) feet from a side or rear lot line, except swimming pools, which are regulated in [Section 54.707](#). Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
- (5) **Maximum Height.** Unless otherwise stated in this Ordinance, no attached or detached accessory building in a the LDR, MDR, and M-U Districts shall exceed sixteen and one-half (16.5) feet in height. The height of Accessory Dwelling Units must comply with [Section 54.612](#).

(B) Accessory Buildings and Structures in the Multiple Family Residential (MFR) District. In the MFR District, accessory buildings and structures for multiple-family buildings and apartments must meet the requirements of [Section 54.616\(C\)](#). For all other uses in the MFR District, the following requirements apply:

(1) Detached Accessory Buildings.

- (a) **Maximum Height.** No detached accessory building may exceed 16.5 feet in height.

- (b) **Minimum Side and Rear Yard Setbacks.** Detached accessory buildings shall be located at least ten (10) feet from the side and rear property lines.
 - (c) **Front Yard Location Prohibited.** No detached accessory building shall be located in a front yard.
 - (d) **Maximum Lot Coverage.** Detached accessory buildings shall not occupy more than twenty-five percent (25%) of a rear yard area, provided that in no instance shall the total ground floor area of the detached accessory buildings exceed the ground floor area of the main building and provided the impervious surface coverage limits of the lot (see [Article 4](#)) are not exceeded.
 - (e) **Separation and Setback Distances.** No detached accessory building shall be located closer than five (5) feet to any main building. Non-building accessory structures (e.g., fences and steps) or open buildings (i.e., a shelter without walls including an open lean-to or open carports) are not subject to the minimum separation distance requirements unless a minimum separation distance is required by the Building Official.
- (2) **Attached Accessory Buildings.** Attached accessory building shall meet the yard requirements of the Schedule of Regulations ([Article 4](#)).
- (3) **Swimming Pools.** Outdoor swimming pools shall not be located closer than ten (10) feet to any building or lot line. The pool must comply with [Section 54.707](#).
- (C) **Accessory Buildings in the Central Business District (CBD), General Commercial (GC), Regional Commercial (RC), Municipal (M), Civic (C), Industrial/Manufacturing (I-M), Conservation and Recreation (CR), and Board of Light and Power (BLP) Districts.**
- (1) **Maximum Lot Coverage.** No detached accessory building in the CBD, GC, RC, C, I-M, CR, and BLP district may exceed the lot coverage of the principal building.
- (D) **Exemptions.** Structural amenities, as described and regulated in [Section 54.702\(G\)](#), are not classified as accessory buildings and structures in this Ordinance.
- (E) **Structures Accessory to Food Production, Minor.** See [Section 54.619](#).
- (F) **Temporary Structures in all Zoning Districts.** The City may permit temporary structures in any zoning district during the duration of a permitted temporary land use, subject to the following requirements:
- (1) **Outdoor Temporary Retail Sales.** Temporary structures for outdoor retail sales must meet the requirements of [Section 54.635](#).
 - (2) **Outdoor Entertainment and Community Events.** Temporary structures for outdoor entertainment and community events must meet the requirements of [Section 54.633](#).

- (3) **Applications and Permits.** The property owner must contact the Zoning Administrator to determine if a Zoning Permit is required prior to establishment of a temporary structure. The property owner must also contact the County Building Code Administrator to determine if a building permit is required. Temporary structures intended to be used for non-customary commercial activity (e.g., those requiring Special Land Use permits, use for recurring sales in a parking lot, or an alcohol permit) require the approval of the Zoning Administrator and the Fire Administrator prior to erection and use.
- (4) **Secure Placement of Temporary Structures.** Temporary structures shall not have foundations or footings, but must be properly secured to the ground.
- (5) **Location, Size, and Accessibility.** The location, size, and construction of all temporary structures (including tents) require approval by the Zoning Administrator and the Fire Administrator. The location of the temporary structures shall be located in a manner that will not interfere with vehicular or pedestrian mobility, access, or parking, and shall meet Michigan barrier-free requirements. Temporary structures shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If temporary structures are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk for pedestrian traffic. The Zoning Administrator or Fire Administrator may deny a permit for a temporary structure if the structure interferes with traffic patterns or access to required parking spaces, or if the Zoning Administrator or Fire Administrator determine that the size of the structure is excessive for the temporary land use.
- (6) **Duration and Removal.** Prior to the erection of a temporary structure, the Zoning Administrator must be notified of the date of removal. The temporary structure must be removed when the associated temporary use has ceased. In no case shall a temporary structure be permitted for more than 90 days in a 12-month period.
- (G) **Rooftop Accessory Buildings and Structures.** Rooftop accessory structures are permitted, subject to all other requirements for setbacks, height, location, and use.

SECTION 16. Article 7 – General Provisions, Section 54.706

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.706 Fences and Walls is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.706 Fences and Walls is hereby adopted:

Section 54.706 Fences and Walls

- (A) **Requirements.** It shall be unlawful for any person, firm, or corporation to construct or cause to have constructed any fence or wall upon any property within the corporate limits of the City of Marquette, except in accordance with the requirements and restrictions herein provided.
- (B) **Permit.** Any person desiring to build or cause to be built a fence or wall upon property within the corporate limits of the City of Marquette shall first apply to the Zoning Department for a permit in accordance with [Section 54.1401](#). Application for such permit must contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence or wall would be contrary to the provisions of this Ordinance or the laws of the State of Michigan. A permit is not required if, pursuant to [Section 54.706\(F\)](#), a fence or wall is being repaired to the similar or approximate specifications as the previous construction (including materials and dimensions), provided the fence or wall was previously constructed with a permit. A permit is required if the fence or wall is proposed to be reconstructed or altered.
- (C) **Requirements by Zoning District:**
- (1) **LDR, MDR, and MFR Districts.**
- (a) **Height.** Fences and walls shall not exceed six (6) feet in height, with the following exceptions:
- (i) **Adjoining a Lot Containing a One- or Two-Family Dwelling or Adjoining a Vacant Lot that Could Contain a One- or Two-Family Dwelling.** Where a fence or wall is within ten (10) feet of an adjoining lot containing a one- or two-family dwelling or within ten (10) feet of an adjoining a vacant lot that could contain a one- or two-family dwelling; the fence or wall shall not exceed four (4) feet in height if it is located in the side or front yard (see [Section 54.706\(C\)\(1\)\(a\)\(iii\)](#) for additional front yard requirements), with the exception of required retaining walls.
- (ii) **Street Sides of Corner Lots.** On the street sides of corner lots, a fence or wall may not exceed four (4) feet in height between the rear of the dwelling and the corner on either street frontage.
- (iii) **Front Yard Requirements.** A fence in a front yard may not exceed four (4) feet in height. Walls are prohibited in a front yard except for retaining walls.
- (b) **Construction.** A six (6) foot high fence may be of solid, opaque construction. A fence limited to four (4) feet, as stated in [Section 54.706\(C\)\(1\)\(a\)](#) above, may not have more than 50% of the fence area of solid matter or of closed construction (See [Figure 35](#) for examples of noncompliant fences). A screening fence required by any City ordinance or by State law may be of solid, opaque construction.
- (2) **M-U and CBD Districts.**
- (a) **Height.** Fences and walls in the side or rear yard shall not exceed six (6) feet in height, except that a wall or fence in the side or rear yard of an approved commercial Outdoor Food and Beverage Service use (see [Section 54.634](#)) may be up to eight (8)

feet in height for the purpose of screening the outdoor food and beverage service use. A fence in a front yard may not exceed four (4) feet in height. Walls are prohibited in a front yard except for retaining walls.

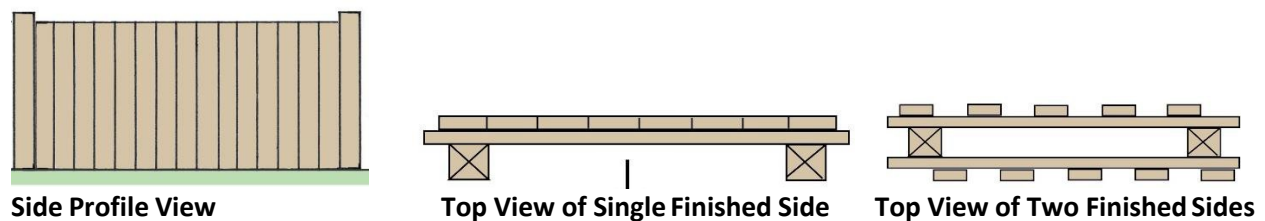
- (b) **Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See [Figure 35](#) for examples of noncompliant fences), except that a wall or fence in the side or rear yard of an approved Marihuana Grower or Marihuana Microbusiness use (see [Section 54.628](#)) may be 100% of the fence area of solid opaque construction for the purpose of screening the outdoor growing area.

- (i) **Exception.** A screening fence that is required for a Special Use Permit, by any City ordinance, or by State law may be of solid, opaque construction.

(3) **GC, RC, M, C, I-M, CR, and BLP Districts.**

- (a) **Height.** Fences and walls shall not exceed ten (10) feet in height. In the GC and RC districts, a fence in a front yard may not exceed four (4) feet in height. In the GC and RC districts, walls are prohibited in a front yard except for retaining walls.
- (b) **Construction.** Fences may not have more than 50% of the fence area of solid, opaque construction (See [Figure 35](#) for examples of noncompliant fences), except that a wall or fence in the side or rear yard of an approved Marihuana Grower or Marihuana Microbusiness use (see [Section 54.628](#)) may be 100% of the fence area of solid opaque construction for the purpose of screening the outdoor growing area. A screening fence required by any City ordinance or by State Law may be of solid, opaque construction.

Figure 35. Example of Fences with More Than 50% of the Fence Area of Solid, Opaque Construction



(D) **Requirements Applicable to All Fences.**

- (1) **Location.** All fences must be located on the private property of the person, firm, or corporation constructing the fence, and shall not extend toward the street beyond the front lot line.
- (2) **Construction and Materials.** Fences shall be constructed with boards, chain link construction, or other suitable material firmly connected to posts sunk in the soil at least two (2) feet or more as necessary to properly support the fence.
- (3) **Orientation of Finished Side.** Except where partition fences between two (2) properties may be erected by written agreement between the owners thereof, the finished or decorative side of the fence (e.g., the outside of the boards, chain link, or other material used in the building of a fence) shall be oriented to face outward toward the adjacent

parcel or right-of-way (i.e., fixed to that side of the posts nearest to the property line).

- (4) **Electrical Fence Prohibited.** No fence shall be constructed, maintained, or placed on any property in the City of Marquette of metal construction or otherwise, which is charged or connected with an electrical current in such manner as to transmit said current to persons, animals, or things which intentionally or unintentionally might come in contact with it.
- (5) **Barbed Wire Prohibited.** Barbed wire is prohibited in the City of Marquette except as permitted by the Board of Zoning Appeals on approved protective measures fences.
- (6) **Strands of Wire, Rope, or Similar Material.** Where a fence is made up of individual strands of wire, rope, or similar material smaller than one (one) inch in width, thickness, or diameter, the strands must be strung, between posts, parallel with the grade of the land, must be evenly spaced between the top and bottom of the posts, and must be no more than six (6) inches apart.
- (7) **Clear Vision Triangle Area.** No fence shall be located within a clear vision triangle area of any lot except in compliance with [Section 54.704\(A\)](#).
- (8) **Sharp Wire Prohibited.** Concertina wire, and similar types of fence with sharp edges designed to injure, are prohibited in the City of Marquette.
- (9) **Right-of-Way Location Prohibited.** Fences may not be located in the right-of-way unless located by a public entity in connection with a public project or event, or upon the grant of a license to use the municipal property.

(E) Special Purpose Fences.

- (1) **Swimming Pools.** All swimming pools with a water depth of two (2) feet or greater at any point must be enclosed with a six (6) foot high fence, not closer than four (4) feet from the pool's edge on any side. Gates in the fence must have a self-latching catch or lock located not closer to the grade than four (4) feet and otherwise made inaccessible from the outside to small children.
- (2) **Protective Measures Fence.** A protective measures fence may only be erected upon a finding by the Board of Zoning Appeals of the need for such fence. The BZA's established procedures of [Section 54.1404](#) must be followed. In determining whether the applicant has a practical difficulty, the BZA shall determine that the definition of a "protective measures fence" is met and that there is no reasonable alternative to the erection of the fence. A protective measures fence shall not exceed twelve (12) feet in height in the I-M district, ten (10) feet in height in the GC, RC, M, C, CR, and BLP, and eight (8) feet in height in all other districts. The BZA may permit the owner of a protective measures fence to erect necessary and reasonable barriers along the uppermost edge of such fence including barbed wire. Security fences for telecommunications towers and other facility that require such fencing are exempt from the provisions of this sub-section.
- (3) **Temporary Fences.** Temporary fences, as defined herein, may be permitted by the City in conjunction with an approved temporary activity/purposes, such as construction, landscaping and grading erosion control, temporary sales areas, temporary events, or snow fencing. The type of temporary fencing used must be appropriate for the temporary

activity, and in most cases a temporary fence must be installed prior to the temporary activity and should be removed soon after the end of the temporary activity. Temporary fencing that does not meet these standards may be considered a violation of this section.

- (F) **Maintenance.** Fences and walls shall be maintained in good condition. Rotten or broken components shall be replaced or repaired to the exact specifications as the previous construction (including materials and dimensions), or removed. As required, surfaces shall be painted, stained, or similarly treated. Fences and walls must also be maintained so as not to endanger life or property. Any fence or wall which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance. The Zoning Administrator or Zoning Official shall notify the owner of the property on which such a fence or wall is located of the existence of such a nuisance. The owner must then abate said nuisance within six (6) days after receiving such notice. In the case of immediate danger to life or property the Zoning Administrator may require immediate abatement by removing or securing removal of the fence or wall. The City's actual cost and reasonable administrative charges may be placed as a lien on the property and the lien on the property shall be superior to all other liens except taxes.
- (G) **Unsafe Fences and Walls.** Fences or walls containing barbed wire, concertina or similar wire, individual strand fences not meeting the spacing requirements of [Section 54.706\(D\)\(6\)](#), electric fences, and private fences and walls located in a right-of-way are hereby declared hazardous to public safety. The Zoning Administrator may order the removal of such fences or walls when they are located in a residential zoning district. Such fences and walls located in other zoning districts may not be maintained or repaired and must be removed when they become dilapidated. If the City removes the fence or wall or secures removal of the fence or wall, the City's actual cost and reasonable administrative charges may be placed as a lien on the property and the lien on the property shall be superior to all other liens except taxes.
Exception: Barbed wire which is part of a protective measures fence approved under this or a previous ordinance is exempt from this requirement.
- (H) **Retaining Walls.** Retaining walls that rise to less than 18 inches above grade are considered minor structures for landscaping, and do not require a zoning compliance permit. Retaining walls more than 18" high in a required yard require a zoning compliance permit.
- (I) **Exemptions.**
- (1) **Raised Planting Beds.** If located in a required setback or in a front yard, the maximum height of a "retaining wall" for a raised planting bed is 24 inches. Raised planting beds higher than 24 inches must meet the minimum setback requirements for accessory structures in the district. Planting beds with any kind of enclosing materials must be on private property.

SECTION 17. Article 7 – General Provisions, Section 54.708

Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.708 Solar Energy is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions, Section 54.708 Solar Energy is hereby adopted:

Section 54.708 Solar Energy

- (A) **Purpose.** It is the purpose of this section to promote the safe, effective, and efficient use of solar energy systems to generate electricity and heat. Further, it is the purpose of this section to standardize and streamline the review and permitting process for solar energysystems.
- (B) **Findings.** The City has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the City's energy supply.
- (C) **Roof-Mounted and Wall-Mounted Solar Energy Systems:** Roof-mounted and wall-mounted solar energy systems for on-site use are permitted accessory structures in all zoning districts, with the exception of solar collectors/panels that are built into roof shingles, subject to the following regulations:
- (1) **Height.** Roof-mounted systems shall not extend more than three (3) feet above the surface of the roof. Wall-mounted systems shall not exceed the height of the wall.
 - (2) **Location.** Roof-mounted solar energy systems may be located anywhere on a roof of a principal or accessory structure, and may project into required yard setback areas to a maximum of two and one-half (2.5) feet from the property line per [Section 54.702\(B\)](#), but shall not protrude beyond the edge of the roof. However, a solar panel may function as a roof element, such as an awning or carport. Shingles that incorporate solar panels, which do not require brackets and thus do not protrude from the roof, are not required to obtain a permit as an accessory structure. Wall-mounted solar energy systems may be located anywhere on the wall of a principal or accessory structure, but shall not be located within a required setback area.
- (D) **Ground-Mounted Solar Energy Systems (less than 20 kW).** Ground mounted and freestanding solar energy systems of less than 20kW for on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:
- (1) **Location and Setbacks.** Ground-mounted solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall be located at least five (5) feet from a side lot line and/or rear lot line. Solar panels shall not be installed in Riparian Overlay area or locations that are subject to annual flooding.
 - (2) **Height.** The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt and within ten (10) feet of a residential lot line; and shall not exceed sixteen (16) feet on a residential property or within twenty (20) feet of a residential lot line.
 - (3) **Area.** Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district.
 - (4) **Power Lines.** All power lines between solar panels and inverters must be placed underground.

(E) Ground-Mounted Solar Energy Facilities – Utility Grade (over 20 kW, operated by a public utility, government entity, or on-site business only). Ground mounted and freestanding solar energy systems over 20 kW capacity are permitted for public utilities, government entities, and on-site businesses only, subject to special land use approval in the C, I-M, CR, and BLP zoning districts and subject to the following regulations:

- (1) Location and Setbacks.** The solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.
- (2) Height.** The height of the solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
- (3) Area.** Ground-mounted solar energy systems are not classified as lot coverage and are therefore not subject to the maximum lot coverage standards of the zoning district.
- (4) Power Lines.** All power lines between solar panels and inverters must be placed underground.

(F) General Standards. The following requirements are applicable to all roof-mounted, wall-mounted, or ground-mounted solar energy systems.

- (1) Permit.** A zoning compliance permit shall be required for any roof-mounted, wall-mounted, or ground-mounted solar energy system. A building permit may be required for these facilities.
- (2) Batteries.** If solar storage batteries are included as part of the solar collector system, they must be placed installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the City and any other applicable laws and regulations relating to hazardous waste disposal. If located in an accessory building, the accessory building must meet the requirements of [Section 54.705](#).
- (3) Electrical Emissions.** The design and construction of solar energy systems shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.
- (4) Light Emissions and Reflection.** The design and construction of solar energy systems shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or air traffic control operations. The solar panels shall be composed of anti-reflective material and/or treated with anti-reflective coating.
- (5) Removal.** If a solar energy system ceases to perform its intended function (generating electricity) for more than eighteen (18) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the City may issue Civil Infraction tickets to the owner and/or operator and seek an order to remove the system in the Marquette County Circuit Court.

- (6) **Utility Connection.** The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned solar energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

SECTION 18. Article 9 – Parking, Loading, and Access Management, Section 54.903 Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management, Section 54.903 Minimum Number of Parking Spaces Required is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management, Section 54.903 Minimum/Maximum Number of Parking Spaces is hereby adopted:

Section 54.903 Minimum/Maximum Number of Parking Spaces

In all districts there shall be provided off-street parking for motor vehicles for specified land uses. When a public parking lot has been provided by special assessment, the minimum required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The minimum number of spaces to be provided shall be based on the following schedule, which may only be increased in accordance with [Section 54.902\(H\)](#) and may only be reduced in accordance with the parking reduction standards of [Section 54.902\(G\)](#) or the shared parking standards of [Section 54.902\(C\)](#):

Land Use	Minimum Parking Requirement
(A) Residential and Lodging	
(1) Single-Family and Two-Family units	Two (2) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit. For parking spaces provided for residential dwelling units off-site, one (1) space per dwelling unit may be permitted off-site if proof of a lease arrangement for long-term parking is provided to the City with the application.
(2) Multiple-Family units with 3 or 4 dwelling units	One and a half (1.5) spaces per dwelling unit, except the M-U and CBD zoning districts require 1.125 spaces per dwelling unit.
(3) Multiple-Family units with 5 to 19 dwelling units, except subsidized (below market rate) and senior housing.	1.125 spaces per dwelling unit, except the M-U and CBD zoning districts require 1 space per dwelling unit.
(4) Multiple-Family units with 20 or more dwelling units, subsidized housing units (including Section 8 and other programs)	1 space per dwelling unit
(5) Attached housing exclusively for senior citizens that is not congregate care	One-half space per dwelling unit, plus one space per employee on peak shift.
(6) Hotels and Motels	1 space per rental unit, plus 1 space per employee on peak shift.
(7) Fraternities, Sororities, and Intentional Communities	One (1) space for each capacity occupant
(8) Rooming Houses	Three (3) spaces.
(9) Nursing Home, Convalescent Homes, Extended Care Facility, Assisted Living Facilities (congregate care facilities)	One (1) space for each three (3) units or beds
(10) Homeless Shelter or Domestic Violence Abuse Shelter	Established based on the needs of each facility. As a general rule, shelter facilities providing services to families will require more parking than emergency shelters that serve homeless individuals exclusively.
(11) Bed and Breakfast Homes, and Bed and Breakfast Inns	Two (2) spaces, plus one (1) space per guest room.
(12) Short-Term Rentals (Homestays and Vacation Homes)	One (1) space per dwelling unit.

(B) Educational	
(1) Public and Private Elementary, Junior, and Senior High Schools	One (1) space for each instructor, administrator or additional employee plus one (1) space for each ten (10) senior high school students
(2) Commercial and Trade Schools, Colleges, and Universities	One (1) space for each instructor, administrator or other employee plus 1 space for each four students
(C) Religious, Cultural, and Recreational	
(1) Religious Institutions, Commercial or Noncommercial Assembly, Convention, Meeting and Exhibition Halls, Theaters, Auditoriums Stadiums, Sports Arenas, and Similar Places of Public Gathering	One (1) space for every three (3) seats or six (6) feet of linear seating in the main assembly area for areas with fixed seating. For facilities without fixed seating, one (1) space for every three (3) capacity occupants.

Land Use	Minimum Parking Requirement
(2) Libraries, Museums, Art Galleries	One (1) space per 250 square feet of floor area
(3) Private Clubs, Private Lodges, or Indoor Recreation (Commercial or Noncommercial)	One (1) space for every three (3) capacity occupants
(D) Health Facilities	
(1) Hospitals and Inpatient Mental Health or Substance Abuse Treatment Facility	Two (2) spaces for each bed
(2) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities with less than 20 Licensed Health Professionals	One (1) space per 400 square feet of gross floor area plus one (1) per employee on peak shift.
(3) Medical and Dental Clinics, Doctors' and Dentists' Offices, Veterinary Clinics, and Outpatient Mental Health or Substance Abuse Treatment Facilities containing twenty or more Licensed Health Professionals	One (1) space per 500 square feet of gross floor area plus one (1) per employee on peak shift.
(E) Transportation, Communication, and Utilities	
(1) Rail, Bus, Air and Water Passenger Terminals	No minimum
(2) Air, Rail, Motor and Water Freight Terminals	One (1) space per 400 square feet of floor area
(3) Radio and Television Stations	One (1) space per 200 square feet
(4) Public Utility Operations other than Offices	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(F) Industrial/Wholesaling/Warehousing	

(1) Production or Processing of Materials, Goods, or Products	One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area
(2) Testing, Repairing, Cleaning or Servicing of Materials, Goods, or Products	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area
(3) Warehousing and Wholesaling	One (1) space per 1,000 square feet of floor area plus One (1) space for every 10,000 square feet of outdoor storage or sales area
(G) Retail Trade	
(1) Establishments for the Consumption of Food or Beverages on the Premises,	1 space for every two (2) capacity occupants

Land Use	Minimum Parking Requirement
excluding Drive-Through Restaurants	
(2) Drive-Through Restaurants	1 space for every two (2) capacity occupants plus five (5) stacking spaces between the pick-up window and the order station and five (5) stacking spaces that do not conflict with access to required parking spaces per order station (e.g., menu board).
(3) Establishments for the Sale of Motor Vehicles, Trailers, and Large Equipment of any sort	One (1) space for each 1,000 square feet of floor area, minimum of two (2) spaces
(4) Gasoline Stations and Convenience Stores	One (1) per gas pump (located at the pump) and one (1) per employee on peak shift, plus required parking for the retail area. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or serviced or awaiting to be fueled or serviced.
(5) All Other Retail	Maximum of one (1) space for every 150 square feet of floor area, minimum of two (2) spaces
(H) Services	
(1) Offices, business and professional except as otherwise specified.	One (1) space for every 400 square feet of floor area
(2) Auto service stations and repair garages	One (1) space for every 300 square feet of interior office/sales/waiting room floor area plus two (2) spaces per service stall.
(3) Laundromats	One (1) space for every 50 square feet of floor area.
(4) Barber Shops, Beauty Shops, and Salons	One (1) space per employee plus two (2) spaces per service chair.
(5) Day Care Facilities	One (1) per employee in the largest working shift and one (1) per ten (10) persons cared for at capacity plus stacking spaces for five (5) vehicles.
(6) Pet Boarding Facilities	One (1) per employee in the largest working shift and one (1) per ten (10) animals cared for at capacity.

(7) Other Personal Service Establishments	One (1) space for every 150 square feet of floor area, minimum of two spaces
(I) Other	
(1) Marihuana Designated Consumption Establishment	1 space for every two (2) capacity occupants
(2) Marihuana Grower and Marihuana Microbusiness growing portion	Minimum of one (1) space per employee on maximum shift, maximum of two (2) spaces
(3) Marihuana Processor and Marihuana Microbusiness processing portion	One (1) space per 1,000 square feet of floor area plus one (1) space per 10,000 square feet of site area

Land Use	Minimum Parking Requirement
(4) Marihuana Retailer and Marihuana Microbusiness retail portion	Maximum of one (1) space for every 150 square feet of floor area, minimum of two (2) spaces
(5) Marihuana Safety Compliance Facility and Marihuana Secure Transporter	One (1) space per 1,000 square feet of floor area plus One (1) space per 10,000 square feet of site area

SECTION 19. Article 11 – Signs, Section 54.1106

Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs, Section 54.1106 General Sign Standards is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs, Section 54.1106 General Sign Standards is hereby adopted:

Section 54.1109 General Sign Standards

(A) Freestanding Pole Signs:

- (1) **Maximum Height.** See [Section 54.1105](#). Pole signs in any non-residential district that are within 100 feet of a residential district must be reduced in height ten percent (10%) for each ten (10) feet less than 100 feet they are located from the residential district.
- (2) **Minimum Height.** There shall be a minimum unobstructed distance of ten (10) feet between the bottom of any display area and the ground for any sign located in or at the right-of-way. For every 2.5 feet the sign is set back from the right-of-way, the base of the display area may be lowered by one (1) foot.

(B) Freestanding Ground Signs and Monument Signs:

- (1) **Minimum Setback From Intersections.** No monument sign shall be located closer than 25 feet to any intersection of a right-of-way with another right-of-way or within the clear vision area of the intersection of a right-of-way and driveway or alley, per [Section 54.704\(A\)](#).
- (2) **Minimum Side Yard Setback.** No monument sign shall be located closer to a side lot line than the distance specific for side yards in that district (see [Article 4](#)).
- (3) **Minimum Landscaping Around the Monument Sign.** For every two (2) square feet of sign, one (1) square foot of planting or lawn must be provided and maintained, at the base of the sign.
- (4) **Maximum Height.** No portion of a monument sign may exceed eight (8) feet in height.

(C) Wall Signs:

- (1) **Prohibited Locations.** No wall sign shall cover, wholly or partially, any wall opening nor shall any sign project beyond the ends or top of the wall to which it is attached.
- (2) **Maximum Projection from Wall.** A wall sign shall not project more than 15 inches from the wall.

(D) Blade Signs:

- (1) **Minimum Height.** No portion of a blade sign shall be less than ten (10) feet abovegrade.
- (2) **Minimum Distance from the Wall.** The distance between a blade sign and the wall to which it is attached may not be greater than two (2) feet.
- (3) **Concealment of Support Structures.** All blade signs shall be designed, installed and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.

- (4) **Maximum Projection from the Wall.** From the bracket on the building wall where it is attached, a blade sign may project at least 3 (three) feet, and to a maximum of 4 (four) feet into the public right-of-way (above a sidewalk). A blade sign may project three (3) inches for each linear foot of distance to the nearest side lot line, provided that in no instance may a sign project more than four (4) feet into the public right-of-way. This requirement shall not apply to blade signs suspended under a canopy or marquee pursuant to [Section 54.1109\(E\)\(6\)](#).
- (5) **Prohibited Over Alleys and Private Access Lanes.** No blade sign may project over an alley or private access lane.
- (6) **Minimum Setback from Intersections.** No blade sign shall be located closer than ten (10) feet to any intersecting rights-of-ways.
- (7) **Maximum Height.** A blade sign may not extend vertically above the roofline by more than 6 feet, but in no case shall more than 50% of the sign area be above the roofline regardless of whether there is a parapet.
- (8) **Review of Blade Signs in the Public Right-of-Way.** Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (City, County, or State) having jurisdiction over such right-of-way.
- (9) **Design of Hardware, Supports, and Brackets.** Mounting hardware, such as supports and brackets, and shall complement the design of the sign, the building, or both.

(E) Awning, Canopy, and Marquee Signs:

- (1) **Minimum Height.** Awnings, canopies, and marquees shall not be placed less than ten (10) feet above a public sidewalk or right-of-way.
- (2) **Prohibited Locations.** Awnings, canopies, and marquees shall not extend beyond the width of the building or tenant space, nor encroach above the roof line or the story above.
- (3) **Maximum Projection from the Wall.** Awning, canopy, and marquee signs shall not be located closer than two (2) feet, measured horizontally, from an established curb.
- (4) **Signs Attached to the Face of the Awning, Canopy, or Marquee (Parallel to the Flow of Traffic).** Signs attached to the face of an awning, marquee, or canopy which are parallel to the flow of traffic shall meet the requirements of wall signs, may not project more than six (6) inches from the face of the awning, canopy, or marquee, and may not exceed three (3) feet in height.
- (5) **Signs Attached to the Sides of the Awning, Canopy, or Marquee (Not Parallel to the Flow of Traffic).** Signs attached to the sides of an awning, marquee, or canopy which are not parallel to the flow of traffic shall meet the requirements of blade signs ([Section 54.1109\(D\)](#)) except that the maximum projection from the wall ([Section 54.1109\(D\)\(4\)](#)) shall not apply if the sign is entirely contained on the side of the awning, marquee, or canopy.

- (6) **Signs Suspended Under Awnings, Canopies, and Marquees.** Where signs are suspended under awnings, canopies, or marquees, the following conditions shall apply:
- (a) **Maximum Area.** Signs shall not be greater than six (6) square feet.
 - (b) **Maximum Number.** There shall not be more than one (1) such sign per tenant or address.
 - (c) **Minimum Height.** Signs shall be no less than nine (9) feet above the sidewalk
 - (d) **Minimum Distance from Established Curb.** Signs shall not be located closer than two (2) feet, measured horizontally, from any established curb.
 - (e) **Maximum Vertical Separation from Awning, Canopy, or Marquee.** Signs may swing provided that the distance between the top of the sign and the underside of the canopy or marquee is not greater than four (4) inches.
 - (f) **Perpendicular Location to Pedestrian Traffic Flow.** Signs shall be perpendicular to the flow of pedestrians.
- (7) **Review of Awning, Canopy, or Marquee Signs in the Public Right-of-Way.** Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (City, County, or State) having jurisdiction over such right-of-way.

(F) Sidewalk Signs:

- (1) **Permitted Time(s) of Placement.** Sidewalk signs are permitted during the hours a business is open to the public, but in no instance may a sign be placed in the right-of-way earlier than 8:00 a.m. or later than 9:00 p.m.
- (2) **Allowable Construction.** Sidewalk signs shall be of A-frame or swinging-style construction.
- (3) **Maximum Height and Area.** The maximum height of a sidewalk sign shall be four (4) feet and the sign shall not exceed nine (9) square feet in area nor occupy more than nine (9) square feet of sidewalk. The allowable area of the sidewalk sign is exempt from the maximum sign area of the site.
- (4) **Stability.** The sign shall be sturdy, stable, and shall stay in place when experiencing typical winds without flipping over or sliding.
- (5) **Sign Surface Requirements.** The surfaces of sidewalk signs shall be durable. Copy may be painted or printed on the surface. Loose paper faces shall not be permitted.
- (6) **Illumination.** Sidewalk signs shall not be illuminated by any means except natural light and existing street lights.

- (7) **Allowable Locations.** At all times of the year, sidewalk signs shall be placed directly in front of the associated building or use, a minimum of two (2) feet from the curb, and shall allow a minimum of five (5) feet of unobstructed sidewalk for pedestrians. Sidewalk signs shall not be placed within 25 feet of an intersection, measured perpendicularly from the intersecting curb. When snow is present, the sidewalk shall be completely clear of snow prior to placement and sidewalk signs shall not be placed on snow banks.
- (8) **Minimum Separation of Sidewalk Signs.** Sidewalk signs shall be spaced a minimum of ten (10) feet from one another. If signs fail to meet the minimum spacing requirements, all improperly placed signs will be considered to be in violation.
- (9) **Sign Owner Liability.** The owner of the sign and the owner of the site upon which it is located must sign a statement assuming all liability for damage and injury caused by the sign.
- (10) **One Sidewalk Sign Permitted Per Lot or Tenant Thereof.** There shall be one (1) sidewalk sign allowed for each lot or tenant thereof, provided that all of the requirements of this section are met.

(G) Flexible Signs.

- (1) **Permitted on Pole, Freestanding, or Wall Signs.** Flexible signs of fabric, thin plastic, or other flexible material may be erected as pole, freestanding, or wall signs provided that all requirements for those types of signs are met.
- (2) **Attachment.** The outer perimeter of the flexible sign shall be held taut. No ropes or guy wires may be fastened so as to cause a hazard.
- (3) **Removal Due to Wear.** Flexible signs shall be removed at the first evidence of wear or deterioration.

- (H) **Window Signs:** Window signs, both permanent and temporary, shall not exceed 50% of the area within a single window frame, and the total area of window signs shall not exceed fifty percent (50%) of the total window area of that story of the building.

(I) Changeable Signs and Electronic Message Center Signs (EMCs):

- (1) **Permitted Zoning Districts.** See [Section 54.1105](#).
- (2) **Prohibited Areas.** EMCs are prohibited on any lot fronting Lakeshore Boulevard.
- (3) **Maximum Area.** The face of the EMC may not exceed 16 square feet, with the exception of in General Commercial (GC) zoning districts west of the Lincoln Avenue right-of-way – where the face of the sign may not exceed 32 square feet.
- (4) **Frequency of Message Changes.** Copy may not change more than once every four (4) seconds, and no single electronic message is permitted to be repeated more than once every eight (8) seconds. The copy of an EMC must change instantaneously. Flashing,

scrolling, facing, dissolving, osculating, spinning, twirling, video display, or other type of motion or animation is prohibited.

- (5) Non-Electronic and Non-Mechanical Changeable Copy Permitted on Any Lawful Sign.** Changeable copy by non-electronic and non-mechanical means may be utilized on any permitted sign.
- (6) Automatic Dimming Required for EMCs.** All EMC signs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night, either by photocell (hardwired) or via software settings.
- (7) Maximum Illumination of EMCs.** See [Section 54.1110\(C\)](#).
- (8) Maximum EMCs Per Lot.** Only one (1) EMC sign is permitted on a lot for each street on which the lot fronts. Pursuant to [Section 54.1105\(C\)](#) and [Section 54.1105\(D\)](#), this limit shall not apply to drive-through lane monument signs, provided the parcel has an approved drive-through lane use, there is not more than two (2) monument signs per approved drive-through lane, and the drive-through lane monument signs are located within 6 feet of the drive-through lane, not greater than 8 feet high, not greater than 24 sq. ft. in area each, and not legible from the right-of-way or any lot line.
- (9) Audio Prohibited.** Changeable signs and EMCs may not utilize audio devices to create sound. However, drive-through lane monument signs that meet the requirements of [Section 54.1105\(C\)](#) and [Section 54.1105\(D\)](#), may utilize audio devices, provided that no sound from the audio device can be detected from the right-of-way or any lot line.

(J) Nameplate Signs:

- (1) Maximum Number.** One (1) nameplate sign is permitted per building address.
- (2) Maximum Area.** Nameplate signs shall not to exceed two (2) square feet in area.
- (3) Location.** Nameplate signs must be attached to the building and located within (10) feet of an entrance to the building.
- (4) Materials.** Nameplate signs must be constructed of durable materials and located within ten (10) feet of an entrance to the building. Specific to Nameplate Signs:

SECTION 20. Article 14 – Administrative Procedures, Section 54.1401

Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures, Section 54.1401 Zoning Permits and Zoning Compliance Review is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures, Section 54.1401 Zoning Permits and Zoning Compliance Review is hereby adopted:

Section 54.1401 Zoning Permits and Zoning Compliance Review

- (A) **Submission of Zoning Compliance Application Required.** No person shall commence to erect, alter, or repair any structure or to replace or enlarge any of the uses listed in [Section 54.1401\(B\)](#), without first obtaining Zoning Compliance and approval of plans. No use shall be carried on, nor construction undertaken, except as shown upon an approved Zoning Compliance application and plan. Plans shall be submitted to the Zoning Administrator or designated official.
- (B) **Permitted Uses and Development Subject to Zoning Compliance Review.** The following uses and development are subject to Zoning Compliance Review:
- (1) Residential dwellings (one-family, two-family, multi-family) and associated accessory structures, including additions and structural alterations, and structural alterations to any other building or structure. Structural alterations include, but are not limited to, replacement of structural members of decks, porches, or steps, alterations to the means of ingress and egress, and other changes regulated by this Ordinance, provided such alterations are not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#). The Zoning Administrator reserves the right to require a Zoning Compliance Review for the replacement of a non-structural member of a deck, porch, or other structure if deemed necessary by the Zoning Administrator to determine compliance with this Ordinance.
 - (2) Interior remodeling of a non-residential use, provided such remodeling is not subject to Site Plan Review pursuant to [Section 54.1402\(B\)](#).
 - (3) 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.
 - (4) The establishment of a permitted use in the district, provided that the use must meet all requirements of this Ordinance including any special requirements listed for that zoning district. Any development requiring Site Plan Review must be reviewed in accordance with to [Section 54.1402\(B\)](#) and special land uses must be reviewed in accordance with [Section 54.1403](#).
- (C) **Required Information for Zoning Compliance Review.** The required form of, and information on, plans shall include:
- (1) Name and address of the applicant and plan preparation date.
 - (2) Dimensioned property lines of the area included in the plan and a north arrow.
 - (3) The scaled shape, size, use, location, height, eave size, floor area, parking spaces, driveways, sidewalks, exterior architectural design of all structures, the floor area and ground coverage ratios of residential structures if applicable.
 - (4) The elevation of the finished floor and the elevation at the curb for driveways when the proposed construction is new or when this information is otherwise deemed necessary by the Zoning Administrator to determine the runoff flow of storm water.

- (5) All proposed and existing structures and their relationship to each other and adjacent property lines, including setbacks.
 - (6) For non-residential interior remodeling, two (2) copies of plans sized 24 inches by 36 inches shall be drawn to a scale acceptable to the Zoning Administrator and shall be sealed by a professional engineer or architect.
 - (7) Any other information deemed necessary by the Zoning Administrator to establish compliance with this and other ordinances.
 - (8) If no exterior dimensional changes will result from the proposed construction or alteration, the Zoning Administrator may permit the plan to consist of the minimum applicable information listed above to determine compliance with the Zoning Ordinance and applicable codes.
- (D) **Zoning Compliance Review Procedure.** Upon receipt of any Zoning Compliance application and plan, the Zoning Administrator or designated official shall review to determine whether it is in proper form, contains all of the required information and shows compliance with the ordinance. The Zoning Administrator or designated review official shall, within ten (10) business days, grant approval in writing or deny approval in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance, and any changes which would make the plan acceptable. The Zoning Administrator or designated official may extend this ten (10) business day period if additional time is required to determine compliance and/or obtain additional information necessary to determine compliance. In determining compliance with this Ordinance, the Zoning Administrator or designated official shall take into consideration all applicable standards of this Ordinance, such as setbacks, height, parking, landscaping, etc. If non-compliance with any standard of this Ordinance is demonstrated, the Zoning Administrator or designated official shall deny approval of the plan. The applicant may appeal any denial to the Board of Zoning Appeals.

SECTION 21. Article 14 – Administrative Procedures, Section 54.1402

Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures, Section 54.1402 Site Plan Review is hereby repealed. New Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures, Section 54.1402 Site Plan Review is hereby adopted:

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 49](#). 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 49](#) and [Section 54.1402\(D\)\(1\)](#). All other site plans must be reviewed by the Planning Commission.

Figure 49. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required	Minor Site Plan Review	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 (see below for exemptions)	•		
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 all 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 and which, unless otherwise exempt		•	
Any expansion or change in an existing land use if more parking in addition to that already provided is required		•	
Any earthwork greater than 20,000 square feet in size		•	

Development Activity	Site Plan Review Required	Minor Site Plan Review	Exempt From Site Plan Review
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, whichever is less			•
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.** Twelve (12) copies of plan sheet(s) providing the information listed below ([Figure 50](#)). 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). Digital plans 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 50](#).

- (4) **Sketch Plan.** A sketch plan must include the information listed below ([Figure 50](#)). The number of plans submitted is determined by the Zoning Administrator, and the Zoning Administrator may accept digital plans. 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 information in [Figure 50](#).

Figure 50. 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, including Riparian Buffers (see Section 54.804), wetlands (see Section 54.805), steep slopes (see Section 54.806), floodplains, etc.)	•	•	•
Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.	•	•	•
Locations of existing utilities.	•	•	•
Existing topography at a minimum of two (2) foot contour intervals.		•	•
Proposed Construction			
Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See Article 3 , Article 4 , and Article 7 .	•	•	•
Floor area and ground coverage ratios. See Article 3 and Article 4 .	•	•	•
Proposed locations of utility services (with sizes) and storm water management, including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements. See Section 54.803 .		•	•

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
Proposed topography with a site grading plan with topography at a minimum of two (2) foot contour intervals.		•	•
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 .		•	•
Locations of exterior light fixtures.	•		
Details of exterior lighting including 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 .	•	•	•
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 .	•		
Indication of street right-of-way and pavement widths and pavement type.		•	•
Street horizontal and vertical dimensions, including curve radii.		•	•
Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See Section 54.907 .		•	•
Identification of width and material to be used for pedestrian paths. See Section 54.907 .		•	•
Name and location of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian/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 49](#); 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 50](#)). 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 50](#).
- (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. 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.

(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 Action.** Except as noted above, the Planning Commission 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) **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 49](#) 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 49](#).

(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.

SECTION 22. Publication

This Ordinance shall take effect ten days after adoption, but not before publication.

Jennifer A. Smith, Mayor

Kyle Whitney, Clerk

Adopted: _____

Published: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

Consent Agenda

Approve the minutes of the December 21, 2020 regular Commission meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Dec. 21 minutes



City of Marquette, MI

300 West Baraga Avenue
Marquette, Michigan 49855

Meeting Minutes City Commission Meeting

Monday, December 21, 2020
6:00 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Mayor Smith. Mayor Pro Tem Hill. Commissioners Bonsall, Davis, Hanley, Mayer and Stonehouse. Commissioner Fred Stonehouse moved to Approve the agenda as presented, seconded by Commissioner Sally Davis and Carried Unanimously.

Announcements

Mayor Smith had no announcements.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

As the meetings are still being held without the public present, residents were given the opportunity to call in and speak or submit written public comments to be read during the meeting.

There was no comment at this point in the meeting.

Presentation(s)

1. Recognition - City Attorney Ron Keefe

Mayor Smith introduced City Attorney Ron Keefe, who was joining her and City Manager Angeli in City Commission Chambers. Mayor Smith thanked Mr. Keefe, who is retiring, for his work at the City. She highlighted some of the highlights of his career.

City Manager Angeli thanked Ron for his time at the City, and presented him with retirement gifts.

Mr. Keefe thanked everyone, commissioners and staff, for their efforts at the City, and offered some background on his history at the City. When he began, he said, there were three seated Commissioners and much was in flux. Mr. Keefe said that things may not seem great now - largely due to impacts from Covid-19 - but that the City is in a very good position. Commissioners all took the opportunity to thank Mr. Keefe for his service.

2. Planning Commission, by Chair Joy Cardillo

Planning Commission Chair Joy Cardillo presented a regular update from the City Planning Commission, touching on topics that the board has been focused on and highlighting some focal points for 2021.

3. Election Board, by City Clerk Kyle Whitney

City Clerk Kyle Whitney gave the annual update from the City Election Board, which the clerk chairs. He said the board meets prior to each election in the City, in order to appoint election workers and to test the equipment to be used on Election Day.

Mr. Whitney then shared a recap of the 2020 election cycle, including impacts from the massive increase in absentee balloting and the changes brought by the statewide adoption in 2018 of Proposal 3.

4. Consent Agenda - Roll Call

Commissioner Jessica Hanley moved to Approve the Consent Agenda as presented, seconded by Commissioner Cody Mayer and Carried Unanimously by Roll Call Vote.

- 4.a. Approve the minutes of the December 14, 2020 regular Commission meeting.**
- 4.b. Approve the total bills payable in the amount of \$366,537.43**
- 4.c. Heavy Duty Dump Body**
- 4.d. Marquette Maritime Museum Inc. - Use Agreement**
- 4.e. State Right-of-Way Permits - Roll Call Vote**

Unfinished Business

5. Resolution for the Addition of a Section of East Baraga Avenue to the Local Street System - Roll Call Vote

Mayor Pro Tem Jenn Hill moved to Approve the resolution to add East Baraga Avenue, starting at intersection of East Baraga Avenue and Lakeshore Boulevard and ending 469.93 feet to the east, seconded by Commissioner Evan Bonsall and Carried Unanimously by Roll Call Vote.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

There was no written comment at this point.

Comments from the Commission

In this last meeting of 2020, **Mayor Pro Tem Hill** thanked the City staff, especially those behind the scenes, that are ensuring City operations continue to run smoothly. She discussed the impacts the events of this year have had on those struggling to pay for housing and said we need to keep these most at-risk people in mind as we head into 2021.

Commissioner Mayer said it has been quite a year, and that it is nice to see the U.S. Congress taking some action to help Americans. He thanked City staff for the work done this year.

Commissioner Stonehouse said that the Covid-19 vaccine rollout is a great thing, but that we need to remain vigilant, wear masks, wash our hands and keep our distance. He thanked the Planning Commission for the presentation tonight, and praised outgoing City Attorney Ron Keefe. He said the state and federal Covid-19 assistance bills are badly needed, and he wished everyone a Merry Christmas and urged them to have a safe New Year.

Commissioner Bonsall said he appreciated the presentation from the Planning Commission and that he agrees with a lot of the recommendations and is especially pleased to hear discussion about the statewide goal for 2050 carbon neutrality. He said upcoming Planning Commission vacancies are very important. He thanked the Room at the Inn and local hotels and motels for working to accommodate the local homeless population during a recent Covid outbreak at the warming center. He also thanked Vango's for efforts related to a recent fundraiser for the Tom Baldini Scholarship. He mentioned federal relief bills and eviction-related issues, and said he is happy to see a handful of state and federal bills that will help people continue to survive during these difficult times.

Commissioner Bonsall also provided an update on the actions of the Ad Hoc Housing Committee.

Commissioner Davis said several people have contacted her asking for Lakeview Arena to be open, and said she understands this is important, but that it's also important that the City comply with state law. She asked that CM Angeli address the issue, and said Happy Holidays to everyone.

Commissioner Hanley said both presentations tonight were very educational and helpful. She thanked Stucko's for donating to the U.P. Children's Museum through a recent tip-matching program, and wished everyone a Happy Holidays.

Mayor Smith said the vaccine news is exciting, but that people still need to be cautious. She asked people to take the holidays as a chance to reflect, relax and recharge. The City, she said, has a lot of important issues in the coming year and she is looking forward to working with everyone here.

Comments from the City Manager

City Manager Angeli said firefighters and paramedics will be receiving their first round of vaccines this week. Regarding the opening of Lakeview, he said the City Attorney and staff agree that the DHHS order will not allow for the opening of the rink for general use. He said the City is ready to open the rink as soon as it is able to. Mr. Angeli said the Parcel 13 sale closed this week and discussed the NTN use management agreement for management of the property and biking trails.

The City, he said, also closed on the Customs House property this week, and tonight's agenda approved the associated right-of-way designation.

He also gave an update on the current state of negotiations for the sale of Founders Landing Parcel 2A to Home Renewal Systems. He said the group is ready to close, but there is a minor holdup with the development agreement, and there is a need to clean up some paperwork prior to closing. He said this will hopefully happen in early January, and noted that the sale of this property would result in significant income for the City.

Adjournment

Mayor Smith adjourned the meeting at 7:42 p.m.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

Consent Agenda

Schedule a Public Hearing to Consider Rezoning of Five Improperly Zoned Properties

BACKGROUND:

The Planning Commission held a public hearing on November 17, 2020 for the consideration of the rezoning of five properties located near the Northern Michigan University campus. The properties were rezoned improperly via amendments to the Official Zoning Map when the Land Development Code was initially adopted in February of 2019. The five properties are 908 Center Street, 1700 Tracy Avenue, 1705 Schaffer Avenue, 1706 Schaffer Avenue, and 1829 Van Evera Avenue.

It was moved by S. Mittlefehldt, and seconded by M. Larson, and carried 5-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-11-20, the Planning Commission finds that the proposed rezoning is justified but not consistent with the Community Master Plan due to an error in the Community Master Plan that led to the error in the rezoning during the process of a blanket rezoning of multiple properties when the Land Development Code was adopted in February of 2019, and that the proposed rezoning otherwise meets the requirements of the Land Development Code Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-11-20 as presented.

Under the procedures of section 54.1405 of the Land Development Code, the Planning Commission recommends these properties to the City Commission for final approval of rezoning after holding a public hearing on the proposal.

FISCAL EFFECT:

None.

RECOMMENDATION:

Schedule a Public Hearing for the February 8, 2021 City Commission meeting to consider the rezoning of the five properties recommended for rezoning by the Planning Commission, according to the procedures stated in section 54.1406 the Land Development Code.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Planning Commission Meeting Minutes for 11-17-20

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
November 17, 2020**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, November 17th, 2020 by remote means (due to the COVID-19 pandemic).

ROLL CALL

Present: W. Premeau, M. Dunn, S. Mittlefehldt, Vice-Chair M. Larson, Chair J. Cardillo

Absent: J. Koehs, A. Andres, E. Brooks, A. Ruiz

AGENDA

It was moved by M. Larson, seconded by M. dunn, and carried 5-0 to approve the agenda with the change to add a work session item - 7.A - as requested by the City Planner.

MINUTES

The minutes of 11/10/2020 were not yet available for review.

CONFLICT OF INTEREST

No certain or potential conflicts of interest were expressed.

PUBLIC HEARING

A. 02-ZOA-11-20 - Land Development Code Amendments

City Planner and Zoning Administrator D. Stensaas stated that the Planning Commission has discussed the attached draft amendments to the Land Development Code, and he quickly reviewed the contents from the beginning to the end. He stated that in Article 6 there is one change in the section on Accessory Dwelling Units (ADUs) that was modified since the last work session, and that he had informed the Planning Commission of this recommendation from himself and the City Attorney for the recording of a covenant regarding occupancy requirements prior to the issuance of a Zoning Compliance Permit.

S. Mittlefehldt stated that she knows that it has been discussed quite a bit, but she is wondering if there has to be a permit for rooftop solar units when there is no permit required for installation of shingles or a metal roof. A. Landers stated that with these changes to the Code there would be no permit required for shingles that integrate solar technology, but if the panels are attached they would have to be permitted as accessory structures. D. Stensaas stated that we do have to verify if the units meet the setback and height requirements since they are attached to the roof. He also stated that in communities that have a building codes office in the same agency as the zoning office they may elect to have only one fee for both offices to review the permit, but that isn't the case in Marquette and if they review a permit they are required to charge a fee to cover the cost of the average effort for review of the permit, or an estimate of that effort.

J. Cardillo stated that the cost of the permit isn't in the Code and so we would need to address this separately as a recommendation to the City Commission. A. Landers stated that that is something you could address in the annual report with the City Commission. S. Mittlefehldt stated that we have talked about this and I think we should make the recommendation in the annual report to the City Commission.

J. Cardillo stated that if we are done with the presentation and if there is nobody to speak on this, she is comfortable with moving forward with these amendments and would welcome a motion on the amendments unless there are any other comments or questions.

M. Dunn stated that in relation to the solar issue at some point, in another round of revisions to the LDC, he would like to see if we could get a comprehensive plan together to make it as easy as we can for solar and any sort of efficiency and environmental conservation measures and see if we are doing everything we can to promote that, that would be on my wish list as well.

J. Cardillo stated that we could add that as well to our presentation to the City Commission, and if anyone hears about community grants that would apply to codes that we could bring to the city, it would be great to

have a professional consultant that specializes in that, and she thinks that would be a great way to fine-tune our code to make it more accessible for those kind of things.

It was moved by S. Mittlefehldt seconded by M. Dunn, and carried 5-0 that after review of the draft Land Development Code (LDC) amendments presented as case 02-ZOA-01-2020, and after conducting a public hearing and careful consideration of the contents of the draft LDC amendments, the Planning Commission finds that the draft LDC amendments are consistent with the recommendations, goals, and policy objectives of the Community Master Plan, comply with section 54.1405 of the Land Development Code and therefore are justified, appropriate and should be approved by the City Commission.

B. 02-REZ-11-20 – 908 Center St. (PIN: 0461120), 1700 Tracy Ave. (PIN: 0461130), 1705 Schaffer Ave. (PIN: 0461090), 1706 Schaffer Ave. (PIN: 0461330), 1829 Van Evera Ave. (PIN:0460240)

Zoning Official A. Landers stated that Planning Commission is being asked to evaluate attached information regarding the zoning district assignment of the five subject properties, both before and after the adoption of the Land Development Code (LDC) in early 2019, and make a recommendation to the City Commission regarding rezoning the properties. She stated that all five of the properties have been used for single-family dwelling units and were formerly zoned as such, and this rezoning is a correction to re-establish the appropriate zoning for the properties. She stated that these properties are privately owned and were formerly zoned General Residential (RG), and that they were mistakenly rezoned to the new Civic (C) district category in February of 2019 along with many properties owned by Northern Michigan University (NMU). She also stated that the mistake came about because these properties were mistakenly identified as NMU properties during the Community Master Plan (CMP) in update process, ending in 2015, of identifying properties within the recommended Civic zoning district, on the Future Land Use Map and the Proposed Zoning Map. She also stated that somehow these five properties were not identified as privately owned when the LDC rezoning process was being conducted, and as the five properties were RG prior to the LDC and are still being used as single-family residences with no change in that use foreseen they should be rezoned to Medium Density Residential (MDR) – the new analogue to the defunct RG zoning district. She also stated that the CMP will also need to be updated to correct this oversight, but that process is not critical to be done now even though there is an inconsistency between the CMP and the LDC for the zoning of these properties.

She also stated that the recommended action for the Planning Commission should review the application and support information provided in this packet, conduct a public hearing, and determine whether or not the proposed rezoning with conditions of the above property is appropriate and meets Section 54.1405 Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

M. Dunn stated that he doubts this would be the case but is wondering if there are going to be any non-conformities that we would be agreeing to by approving this, and are any of the properties non-conforming now with the standards for the MDR zoning. A. Landers stated that by making them Civic zoning we have made them non-conforming and by rezoning back to residential they would be brought back into conformance. M. Dunn stated that he is just wondering about setbacks and the like and if any of the lots would be out of conformance in the MDR. A. Landers stated that if they are they probably would have been out of conformance with the former General Residential standards because the MDR standards are not as strict for some of the setbacks. D. Stensaas stated that this issue came to attention because of a permit submitted for one of the properties and the only way we could allow the request is for me to create an administrative interpretation, in agreement with the Planning Director, that the current zoning was applied in error and that residential standards of the MDR district should be applied until the issue could be resolved via a correction to the Zoning Map. He also stated that legally this is a bad situation because

S. Mittlefehldt stated that she was wondering if anyone wanted to speak on this, or could she make a motion.

W. Premeau stated that if anyone is wondering why those homes are scattered in there with the other NMU properties, he stated it is because in the 1950s NMU used eminent domain to take homes from people in the area in order to build dorms, and those homes belonged to the people that put up a fight and kept their

homes.

S. Mittlefehldt stated that they can't do anything about that, but they can try to make the recent mistake right.

It was moved by S. Mittlefehldt, and seconded by M. Larson, and carried 5-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-11-20, the Planning Commission finds that the proposed rezoning is justified but not consistent with the Community Master Plan due to an error in the Community Master Plan that led to the error in the rezoning during the process of a blanket rezoning of multiple properties when the Land Development Code was adopted in February of 2019, and that the proposed rezoning otherwise meets the requirements of the Land Development Code Section 54.1405, and hereby recommends that the City Commission approve 02-REZ-11-20 as presented.

NEW BUSINESS

2021 Street Reconstruction Projects

City Planner and Zoning Administrator D. Stensaas stated that City Engineer Mikel "Mik" Kilpela and his staff have prepared proposed street cross-sections and associated utility replacements for the street reconstruction projects that will be constructed in 2021. He stated that the adjacent property owners have all been sent details about the proposals. He stated that these projects have been subject to a comprehensive analysis process that evaluates several characteristics of the street, including the surface condition of the pavement – via the Pavement Surface Evaluation and Rating System (PASER) – as well as the type, age, and condition of utilities and their likelihood of failure, and that the projects are prioritized as a function of the City of Marquette's Capital Improvements Plan (CIP), which includes a 6-year program for implementation of civil infrastructure projects that is implemented annually and updated regularly. He showed a pie-chart illustrating the categories of projects that are included in the CIP. He also stated that via the City's annual budget process, the City Manager projects an amount of funds that will be available for CIP projects, and from that the City Engineer selects the highest priority street reconstruction projects from the CIP that will fit into the projected budget. He also showed a spreadsheet for the street reconstruction, maintenance, and sidewalk projects selected for this year and their associated costs, and stated that the entire process is outlined in the City Charter.

4. A. 05-STR-11-20: Washington St. Street Reconstruction Project (Front St. to Third St.)

D. Stensaas stated that he would not belabor the points made in the attached memo since the board knows the planning analysis is provided there. He also showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case and that would like to turn it over to Mr. Kilpela.

City Engineer Mikel Kilpela stated that is a streetscape project for Washington St. between Front St. and Third St. He reviewed the information in the fact sheet related to the need for the project, and explained in greater detail some of the design features described in the fact sheet and shown on the street cross sections. He also stated that this project started out as a project by the DDA to replace the brick pavers in that were failing and replace them with stamped concrete, and in the process we discovered that much of the sidewalk is not ADA compliant, as well as the grade on the brick pavers. The proposal is to raise the level of the roadway to allow for the sidewalks and the stamped concrete boulevard to be ADA compliant, as well as to keep the asphalt width the same, but change the 2 ft.-wide curbing to a 1.5 ft curbing, which would change the back-of-curb to back-of-curb width by 1 foot, but the asphalt width would remain the same. He stated that we are planning to do some minor utility work, with replacement of some storm drains, but that this is mainly a streetscape project that will replace some sidewalk, install the stamped concrete and new curbing, and adding some asphalt to raise the road, and along with proposing to replace some street trees and they will probably add additional street trees, and the DDA is planning to add some parking kiosks to replace the meter system. He showed pictures to illustrate the issue with the excessive grade of

the sidewalk and pavers. He also stated that the plan will keep the bump out at the intersection of Front St. He stated that just informationally, they will try to begin the project as early as possible, by late May, and hopefully it will be finished by mid-June

M. Dunn stated that he is wondering for his own information, is it typical to do these projects one block at a time. He stated that it probably doesn't matter as much in residential neighborhoods but that downtown it seems when you go to the trouble to block traffic and you are trying to get a cohesive look from block to block that it would make sense to do them in bigger chunks and he is wondering why so many of these projects seem to be just one block.

M. Kilpela stated that it is nice to do projects in a larger scope, but with this particular project this is what the DDA had funding for, to replace the brick pavers on this specific block, and that on the block to the west of this one and on Front St. the pavers have already been replaced with stamped concrete, so this is just filling in the gaps.

J. Cardillo stated that she has a couple of questions, and that she is curious about why they wanted to do this now, that the PASER rating isn't so bad, but she understands wanting to make the sidewalk more ADA compliant. She stated that she is wondering about the communications with the DDA, as she knows that the businesses there are dependent on that sidewalk space and she is wondering if the businesses are okay with losing that space in the spring and if the Engineer has been in contact with the DDA about this.

M. Kilpela stated that yes, he has been in contact with the DDA, even this week. He also stated that the DDA is fully aware and in support of the project. He stated that the asphalt isn't in bad shape, that they are mainly working on the sidewalk and replacing the pavers with stamped concrete in the terrace, and the only reason they are doing anything with the curbing and the roadway is to raise the road enough that they can make that sidewalk and terrace area ADA compliant.

J. Cardillo stated that her other question is with the infrastructure. She stated the Planning Commission is recommending a greater maximum building height downtown and though we don't expect that once that is adopted everyone will be rushing to build 74-foot buildings, but since they are looking at allowing more density downtown she is wondering if the existing infrastructure is capable of handling that and she wants to make sure that as they are considering the engineering aspects of the public infrastructure and discuss the possibility of increasing any of the infrastructure as we do these projects.

M. Kilpela stated that the infrastructure is fairly recent, that they have a 12-inch ductile iron water main that runs through there and the sanitary main is sufficiently sized, so in my opinion those could handle many more customers without any issues. J. Cardillo stated that if there are a couple of significantly larger buildings built in the next 15-20 years that infrastructure will be adequate. M. Kilpela stated yes and as far as the water main goes, domestic users only used a fraction of what the system is sized for – which is for fire flows – and so that domestic use isn't going to present issues.

W. Premeau stated the problem now is that the sidewalks drop off quickly and if you are walking around people on the sidewalks it is difficult at best, and this should be a big improvement to the walkability on that block.

M. Larson asked if this would be a good time to bring in the person that was in the waiting room.

D. Stensaas stated that nobody is in the waiting room anymore. M. Larson stated that he would make a motion in that case.

It was moved by M. Larson, and seconded by M. Dunn, and carried 5-0 that after review of the proposed cross-sections and associated background information for 05-STR-11-20 - the Washington St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction design as presented.

4. B. 06-STR-11-20: Newberry St. Street Reconstruction Project (Division St. to east end)

D. Stensaas discussed the memo for the case and showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case.

M. Kilpela stated that this is a very small project and he explained the proposal as detailed in the fact sheet, and he showed the existing and proposed street cross sections. He stated that there are no sidewalks and no curbing on the block and it allows parking on both sides and that the primary factor driving this project is that all of the homes are served by a 1 ½ inch water line. He also stated that the proposal will replace the street structure and add curbing and smooth out the shape of the cul-de-sac and the sanitary sewer and the services will be replaced and they will run a new water main to the end and put a hydrant at the end. He stated that the proposal is for a yield street with parking on both sides and because it is a low-volume dead-end street they are including the gutter pan in the parking area calculation and he said they will get rid of the sharp corner at the dead end and smoothen it out. He stated there is no storm sewer and that storm water sheet flows over the hill to the south and runs down to Division Street.

J. Cardillo stated that there is no public waiting to speak on this.

M. Dunn stated that he understands why there wouldn't be sidewalks here, and he is wondering if there is a threshold, like a certain street density, for adding sidewalks to a project and how is that decided.

D. Stensaas stated that there is no specific threshold, but if there is funding available sidewalks would typically be designed and installed if that is a possibility with funding, but that year to year I think it sometimes requires considering the total funding available and weighing the overall benefits for each project that might need sidewalks.

M. Kilpela stated that if there is a gap to fill that would be a good reason to add sidewalks, but that on this project, being a dead end and low volume street, it wasn't considered.

D. Stensaas stated that also he has had experience in his job prior to coming to work here and in this job with working in a lot of different neighborhoods to retrofit sidewalks into subdivisions where they weren't installed with the street and in some neighborhoods, including in Shiras Hills here in Marquette, we have seen sidewalks that were designed into a project be opposed by the adjacent property owners. He stated that it's a goal of the Community Master Plan is to always add sidewalks if it's possible and they will always try to do that.

J. Cardillo stated that she has also seen that in some of their projects here.

It was moved by S. Mittlefehldt, seconded by M. Dunn, and carried 5-0 that after review of the proposed cross-sections and associated background information for 06-STR-11-20 - the Newberry St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction design as presented.

4. C. 07-STR-11-20: Shiras Dr. Street Reconstruction Project

D. Stensaas also read the memo for the case and discussed the Master Plan compatibility section in detail. He also showed the other materials for the case – the fact sheet prepared by the Engineering Department, the location and utility map, the existing and proposed street cross sections, and the property owner notification. He also stated that there is no correspondence for the case.

City Engineer Mikel Kilpela reviewed the information in the fact sheet related to the need for the project, and explained in greater detail some of the design features described in the fact sheet and shown on the street cross sections. He also stated that there is parking allowed on both sides of the street and there is no water main, no sanitary sewer or storm sewer, and the road is in very rough shape. He also stated that there is no sanitary sewer but all the homes are served off side streets, and there is no storm sewer to tie

into. The proposal is to reconstruct the street with a 28-foot wide cross section from back-of-curb to back-of-curb, and parking is proposed to be on only one side of the street and not both because this is a main entrance to Shiras Hills and there are mailboxes on the east side of the road. He also stated that the plan for the water main is planned, and would be connected by a directional boring under US 41 to a main on the east side, and that would significantly help fire flows that are currently lower than what they should be. He also stated they plan to replace the asphalt curbing with concrete curbing and that stormwater would be accommodated with curb cuts and shallow swales and maybe some retention for water quality purposes. He also showed diagrams of the curbing and the cross-section layout, discussing the rationale to only allow parking on one side, including more space being available for emergency vehicles.

J. Cardillo asked M. Kilpela to identify which side the parking would be on. M. Kilpela stated on the opposite side as the mailboxes, which is the north-west side.

M. Larson asked if there have been any issues with the on-street parking or are we going to cause more issues by removing the parking, and are we trying to address an issue that doesn't exist.

M. Kilpela stated that on some other streets like this that we've done recently, and some others like this in Shiras Hills, we allow parking on both sides. He stated it could cause bottlenecks, but they could leave it with parking on both sides.

J. Cardillo stated she thinks that it would be an improvement, because there are bottlenecks on narrower streets like this, and this really isn't changing the street section either way so much as changing the traffic controls.

M. Dunn stated that the parking most of the homes down below, he doesn't think that they park up on Shiras Dr. because of the street hill, so we are probably only talking about a couple of houses and can't imagine there is much parking there.

S. Mittlefehldt stated that her thoughts is there isn't the density of parking needs there as closer to town, and she wishes someone from the neighborhood could speak about the parking demand because she can't tell for sure but it doesn't seem like there would be much demand area for on-street parking.

M. Larson stated that he is okay with it but wants to make sure they think about if historically it's had parking and there haven't been issues, and if you lived there and came to rely on that then this would come as a change, but that if it becomes an issue the people could come back to the City and ask to have it put back the way it was.

J. Cardillo stated that she agrees with M. Larson.

M. Kilpela stated that he and D. Stensaas had a sidebar conversation and think that it might be best to approve the cross-section as presented and that parking would not be affected, and that the Parking and Traffic Advisory Committee may have interest in signing one side or the other.

It was moved by M. Dunn, seconded by M. Larson, and carried 5-0 that after review of the proposed cross-sections and associated background information for 07-STR-11-20 - the Shiras St. Street Reconstruction Project - the Planning Commission finds that the proposed project meets the intent of the Community Master Plan, and hereby approves the street reconstruction with the on-street parking allowed to be continued on both sides.

WORK SESSION

A. Annual Report to the City Commission

D. Stensaas stated that he just wanted to touch on the annual report that will be presented to the City Commission on December 21st, which is the same meeting at which they will be holding the public hearing for the draft LDC amendments, which is a nice coincidence. He stated that he has the presentation on the laptop downstairs that he was going to show it, but since he can't he just wants to let the members know that it's going to be a work session item at the next meeting and ask that they consider any goals for the

next year and any accomplishments since the last presentation, which was almost 18 months ago as the scheduled June presentation was postponed. He also stated to let him know of any issues that might be appropriate to include before the next meeting. He also stated that if anyone has photos that they might want to add to circulate those to him as well and that he wanted to make the presentation as heavy on graphics and light on text as possible.

J. Cardillo stated that the permit fee for rooftop solar might be one thing to include.

COMMISSION AND STAFF COMMENTS

M. Larson stated that he's wondering if Zoom meetings will continue indefinitely, is that allowed under the state directives. D. Stensaas he believes that is the case and stated that is the plan until he hears otherwise.

W. Premeau stated that regarding the permit for solar installations, don't forget that people have to get a county permit for electrical work for solar panels and there isn't for metal rooves and shingles.

D. Stensaas stated that when the internet went down earlier and he was talking to himself for a while without realizing it, he was talking about the fact that some communities have combined zoning and building departments in the same agency, like Traverse City does, and there they have worked out one fee for the zoning and building codes review. He stated that they can't do that with the Building Codes office being in a County department here. He also stated that they are required to estimate the average cost of processing the various permits and unless there is an exception made by the City Commission well ahead of budget time the staff has to use the fee that represents the average cost to process that permit.

ADJOURNMENT

The meeting was adjourned by Chair Cardillo at 7:25 p.m.

Prepared by:

David Stensaas

David Stensaas, City Planner and Zoning Administrator
Planning Commission Secretary
Imedat/smc

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

Consent Agenda

Senior Services - Master Agreement to Purchase Services

BACKGROUND:

Presented for consideration is the Master Agreement to purchase services for senior service programs for older residents in the City of Marquette and Chocolay, Marquette and Powell townships. Under this agreement, the County of Marquette agrees to expend millage funds to purchase senior services from the City.

In a given year, approximately half of the Marquette Senior Center revenue comes through similar agreements, under which municipalities purchase services from the Center. This agreement represents a significant part of the Senior Center's operational revenues.

It should be noted that the 2021 calendar year millage allocation is \$400,775. This represents an increase of \$9,775, or 2.5 percent, from the previous year's agreement. It should also be noted that the reimbursement will be paid in a lump sum to be allocated monthly.

FISCAL EFFECT:

The Community Services Senior Service fund will realize revenues of \$400,775.

RECOMMENDATION:

Approve the Master Agreement to Purchase Services for calendar year 2021, and authorize the Mayor and Clerk to sign the Agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Cover Letter
- ▣ Agreement



County of Marquette AGING SERVICES

184 US-41 East
Negaunee, Michigan 49866
Ph. (906) 315-2658
Fax: (906) 475-4912
www.co.marquette.mi.us

Mary Harris, Manager
315-2607
Director MCAS & Retired Senior
Volunteer Program
Email: mharris@mqtco.org

Kathy DeMarinis
MCAS Administrative Aide
315-2658
Email: kdemarinis@mqtco.org

12/16/2020
Marquette Senior Center
300 W. Baraga Ave.
Marquette, MI. 49855

RE: Master Agreement to Purchase Services FY2021
FY2021 Marquette County Millage Agreement

Enclosed you will find two copies of the Master Agreement for the services listed above. Please sign and return one original contract along with your insurance information as indicated. Please keep the second copy for your records. We will send you a digital copy of the FY2021 Millage form. If you would like a printed copy of this form, please contact our office and we will email you one for your records.

Thank you,

Mary Harris
Director
Marquette County Aging Services
184 US 41 East
Negaunee, MI. 49866
[906-315-2658](tel:906-315-2658)
KDeMarinis@mqtco.org



MASTER AGREEMENT TO PURCHASE SERVICES CALENDAR YEAR 2021

This Agreement, effective the first day of January 2021 and ending the 31st day of December 2021, is by and between **Marquette County**, 234 W. Baraga Avenue, Marquette, Michigan 49855 and the **CITY OF MARQUETTE**, 300 W. Baraga Avenue, Marquette, Michigan 49855 (hereinafter referred to as the "Contractor").

WHEREAS, Marquette County has allocated millage dollars to Senior Centers for the delivery of services to older residents of Marquette County; and

WHEREAS, Marquette County is desirous of purchasing services as listed on the menu of millage priority services from the Contractor for elders residing within the City of Marquette, and the townships of Chocoy, Marquette and Powell;

NOW, THEREFORE, the parties hereto agree as follows:

1. The Contractor will deliver service as need is determined, from the following menu of services:

Outreach
Case Coordination & Support
Homemaking
Financial Management
Chore
Information & Assistance
Health Promotion

2. The Contractor shall adhere to the service definitions, record keeping requirements and client eligibility guidelines for these services as defined in the Marquette County Services to Senior Citizens Millage Priority Services (**Attachment A**).
3. Service reports will be provided to the Aging Services office. Service reports may be submitted on a monthly or quarterly basis. Service reports shall be due to the Aging Services office on the 10th day of the month following the reporting period. Technical assistance is available from the Aging Services office for all aspects of service provision, reporting, budgeting, etc.
4. The Contractor shall receive from Marquette County upon receipt of Agreement signed by both parties and proof of insurance, funds up to the amount stated:

ALLOCATION FOR SENIOR SERVICES	\$400,775

No match is required from the Contractor for this Agreement.

5. The Contractor may request a quarterly advance of funds prior to providing services.
6. The funds for Allocation Senior Services are to offset costs borne by the Contractor for providing services from the menu of priority services to seniors residing in the City of Marquette and the townships of Chocolay, Marquette, and Powell.

- a. The allocation is divided into two components:

Priority Services – 70%	\$280,542.50
General Purpose Programming/Administration – 30%	\$120,232.50

- b. The Contractor shall expend at least 70% of this allocation for services from the menu of priority services based on an assessment of the client's needs.
 - c. The Contractor may expend up to 30% of this allocation for general purpose programming and administration. On each report, the Contractor shall state how the money was expended including number of clients served and units of service provided when applicable.
7. Services are to benefit seniors residing in the City of Marquette and the townships of Chocolay, Marquette, and Powell. Providers will meet with representatives from their service areas as needed.
8. The annual allocation is the maximum reimbursement for services under this Agreement.
9. The Contractor will identify and account for funds received and expended under this Agreement through the use of separate program or activity account numbers. Service reports shall include the number of seniors served, the services provided, and the cost to provide the service. Reports shall also include the services provided by geographic location. Collaboration between millage funded service providers is encouraged to promote uniform service delivery and reporting.
10. Program income received as a result of providing priority services funded by this allocation may be used for general purpose programming by the Contractor. Services to a client are not related to or denied for lack of a confidential donation.
11. In the event that millage dollars to Marquette County are reduced, withdrawn or terminated, Marquette County may equally reduce, withdraw or terminate the contract upon seven days written notice to the Contractor. In the event that millage dollars are increased, Marquette County may at its sole discretion allocate additional funds depending on the ability of the Contractor to provide additional services.
12. Any amendments to this Agreement must be reduced to writing and be signed by both parties with 30 days' notice. Marquette County can terminate this Agreement

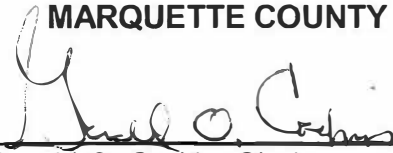
for any or no reason upon seven days written notice to the Contractor. The Contractor may appeal to the County Board.

13. Insurance and Indemnification: The Contractor will supply proof of and adhere to the provisions contained in the insurance addendum (**Attachment B**) which is incorporated in, and made part of, this Agreement as though fully set forth herein.

14. The Contractor understands and agrees that in the performance of this Agreement it is an Independent Contractor with respects to Marquette County, and that it has full authority and discretion with respect to hiring, directing, disciplining and terminating its employees, and in supervising their activities in the performance of the tasks required by this Agreement. The employees of the Contractor shall not be entitled to any of the benefits provided by Marquette County to employees of the County.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

MARQUETTE COUNTY

By: 
Gerald O. Corkin, Chairperson

Date: December 15, 2020

CITY OF MARQUETTE

By: _____
Jennifer A. Smith, Mayor

By: _____
Kyle Whitney, Clerk

Date: _____

Attachments: 2

**MARQUETTE COUNTY
SERVICES TO SENIOR CITIZENS MILLAGE
PRIORITY SERVICES**

VISION STATEMENT

That all Marquette County seniors have access to services and volunteer opportunities to service which enhances and promotes the highest quality of life.

MISSION STATEMENT

It shall be the mission of Marquette County to use the Services to Senior Citizens Millage to secure and insure the independence and dignity of the county's older population. Said mission to be accomplished through the assessment of needs, resource development, centralized planning, advocacy, and assistance to local service providers in the development and support of necessary programs. The County Aging Services department shall act as a focal point for the provision of information and training on programs and issues related to older adults.

OVERSIGHT/ACCOUNTABILITY/REPORTING REQUIREMENTS

Marquette County is responsible for the oversight and proper use of millage dollars. Millage-funded services are to be provided to seniors throughout Marquette County. Programs receiving millage dollars will be required to report the number of seniors citizens served, the services provided, the areas served and the amount of millage dollars spent on approved services.

ELIGIBILITY

Services shall be provided only to persons 60 years of age and older who reside in Marquette County.

- Substantial emphasis must be given to serving eligible persons with greatest social and/or economic need with particular attention to low-income minority individuals. "Substantial emphasis" is regarded as an effort to serve a greater percentage of older persons with economic and/or social needs than their relative percentage to the total elderly population within the geographic service area.
- Participants shall not be denied or limited services because of their income or financial resources. Where program resources are insufficient to meet the demand for services, each service program shall establish and utilize written procedures for prioritizing clients waiting to receive services, based on social, functional and economic needs.

INDICATING FACTORS

- Social Need – isolation, living alone, age 75 or over, minority group member, non-English speaking, etc.
- Functional Need – handicaps (as defined by the Rehabilitation Act of 1973 or the

Americans with Disabilities Act), limitations in activities of daily living, mental or physical inability to perform specific tasks, acute and/or chronic health conditions, etc.

- **Economic Need** - eligibility for income assistance programs, self-declared income at or below 125% of the poverty threshold, etc.

PRIORITY SERVICES

- **Outreach** - Efforts to identify and contact isolated older persons and/or older persons in greatest social and economic need, who may have service needs, and assisting them in gaining access to appropriate services. Outreach does not include comprehensive assessment of need, development of service plan, or arranging for service provision.
- **Case Coordination & Support** - The provision of a comprehensive assessment of persons aged 60 and over with a complementing role of brokering existing community services and enhancing informal support systems when feasible. Case Coordination and Support (CCS) includes the assessment and reassessment of individual needs, development and monitoring of a service plan, identification of and communication with appropriate community agencies to arrange for services, evaluation of the effectiveness and benefit of services provided, and assignment of a single individual as the caseworker for each client.
- **Homemaking** - Performance of routine household tasks to maintain an adequate living environment for older individuals with functional limitations. Homemaking does not include provision of chore or personal care tasks. Allowable homemaking tasks are limited to one or more of the following:
 - Laundry
 - Ironing
 - Meal Preparation
 - Shopping for Necessities
 - Light Housekeeping Tasks
- **Home Delivered Meals** - Also known as "Meals on Wheels", assists homebound seniors throughout Marquette County in meeting their nutritional needs. "Meals on Wheels" does more than provide hot meals. The meal deliverer also provides an important service by checking on the welfare of the person.
- **Financial Management** - This service assists older persons to expand, conserve or make better use of their personal financial resources. This assistance is to be delivered on a one-to-one basis between the service provider and the individual and may include assistance with such items as budgeting, state tax credit preparation, income tax preparation, bill paying, and general financial planning.

Assisting Seniors with preparing and filing tax credit forms, reviewing and submitting insurance forms/claims, completing applications for assistance programs

such as Medicaid, food stamps, etc.

- **Chore** - Non-continuous household maintenance tasks intended to increase the safety of the individual(s) living at the residence. Allowable tasks are limited to the following:
 - Replacing fuses, light bulbs, electrical plugs, and frayed cords
 - Replacing door locks and window catches
 - Replacing/repairing pipes
 - Replacing faucet washers or faucets
 - Installing safety equipment
 - Installing screens and storm windows
 - Installing weather stripping around doors
 - Caulking windows
 - Repairing furniture
 - Installing window shades and curtain rods
 - Cleaning appliances
 - Cleaning and securing carpets and rugs
 - Washing walls and windows, scrubbing floors
 - Cleaning attics and basements to remove fire and health hazards
 - Pest control
 - Grass cutting leaf raking
 - Clearing walkways of ice, snow and leaves
 - Trimming overhanging tree branches
- **Information and Assistance** - Assistance to individuals in finding and working with appropriate human service providers that can meet their needs which may include: information giving (e.g., listing the providers of a particular service category so an individual may make their own contact directly); group presentations; referral (making contact with a particular provider on behalf of an individual); advocacy intervention (negotiating with a service provider on behalf of a client); and, follow-up contacts with clients to ensure services have been provided and have met the respective service need.
- **Transportation** – The RSVP Medical Transportation Program provides frail and/or isolated seniors living in Marquette County with a ride to their non emergency medical appointments. Occasionally this may also include a stop at the pharmacy to pick up needed prescriptions.
- **Health Promotion** - May include some or all of the following: provision of information concerning diagnosis, prevention, treatment, and rehabilitation of age-related disease and chronic disabling conditions; education programs on the availability, benefits and appropriate use of preventive health services; routine health screenings; programs related to prevention and reduction of effects of chronic disabling conditions; reduction of alcohol and substance abuse; smoking cessation; weight loss and control and stress management; nutritional counseling; programs regarding physical fitness and exercise; and recreational activities.

**INSURANCE ADDENDUM
LIABILITY INSURANCE**

The Contractor shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees, volunteers, or subcontractors.

INSURANCE REQUIREMENTS

The insurance coverage required shall be at least as broad as:

1. Commercial General Liability ("occurrence" form).
2. Automobile Liability, "any auto".
3. Workers' Compensation insurance as required by the laws of the state of Michigan and Employer's Liability insurance.

LIMITS OF INSURANCE

The Contractor shall maintain limits on said policy of no less than:

1. General Liability: \$1,000,000 combined single limit per accident for bodily injury, personal injury, and property damage.
2. Automobile Liability: \$500,000 combined single limit per accident for bodily injury and property damage.
3. Worker's Compensation and Employer's Liability: Shall be those limits as required by the Worker's Disability Compensation Act for the state of Michigan and Employer's Liability limits of \$500,000 per occurrence.

DEDUCTIBLES

Any deductibles or self-insured retentions must be declared to and approved by Marquette County.

OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverage:
Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers shall be covered as additional insured's as respects: liability arising out of activities performed by or on behalf of the Contractor; products and completed operations of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers.

The Contractor's insurance coverage shall be primary insurance as respects Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers. Any insurance or self-insurance maintained by Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers shall be excess of the Contractor's insurance and shall not contribute to it.

Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers.

The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

2. All Coverages:

Contractor hereby releases Marquette County from any claim for recovery for any loss or damage, which is insured under valid and collectible insurance policies to the extent of any recovery collectible under such insurance. It is further agreed that this waiver shall apply only when permitted by the applicable policy of insurance.

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after 30 days prior written notice by certified mail, return receipt requested, has been given to Marquette County.

ACCEPTABILITY OF INSURERS

Unless otherwise approved by Marquette County, the Michigan Insurance Bureau must identify insurers as authorized and eligible. In addition, insurance is to be placed with insurers with a Best's rating of A or better.

CERTIFICATES/ENDORSEMENTS OF INSURANCE

Contractor shall furnish Marquette County with certificates of insurance and with any and all original endorsements affecting coverage required by the contract. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by Marquette County before work commences. Marquette County reserves the right to require complete, certified copies of all required insurance policies, at any time.

Contractor shall include all subcontractors as insured's under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

A copy of said certificates and endorsements should be forwarded with a signed copy of the Master Agreement to the Marquette County Aging Services office.

ACCEPTANCE OF CERTIFICATE

Acceptance of any certificate(s) and/or endorsement(s) of insurance by Marquette County do not waive the insurance requirements provided in the foregoing paragraphs. Should Marquette County sustain any loss or be required to pay any claim as a result of the Contractor's failure to obtain or maintain insurance as is required by this contract, the Contractor shall indemnify Marquette County for any such loss. This indemnification shall occur regardless of whether or not Marquette County has accepted any certificate(s) and/or endorsement(s) of insurance provided by the Contractor or its carrier.

INDEMNIFICATION

To the fullest extent permitted by law, the Contractor shall indemnify, defend, and hold harmless Marquette County, its officers, agents, employees, elected and appointed officials, and volunteers from and against any and all claims, losses or liability, including attorney's fees, arising from injury or death to persons or damage to property occasioned by any act, omission or failure of the Contractor, its subcontractors, and any officers, agents, employees, and volunteers in performing the work required by this contract. The Contractor's obligation under this provision shall not be limited in any way by any terms of this contract, or the insurance limits.

ADDITIONAL INSURED ENDORSEMENT

It is understood and agreed that Marquette County shall be Additional Insured's, which shall include all elected and appointed officials, all employees, agents and volunteers, all boards, commissions, and/or authorities and their board members, employees, and volunteers. This coverage shall be primary to the Additional Insured's, and not contributing with any other insurance or similar protection available to the Additional Insured's, whether said other available coverage be primary, contributing or excess.

10/16/18

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

Unfinished Business

Founders Landing Parcel 2A Development Agreement

BACKGROUND:

Home Renewal Systems Founders Landing, LLC (“HRS”) and the City of Marquette will be closing on the sale of Founders Landing Parcel 2A this week.

The last obligation for both parties in the Purchase Agreement was to come to terms on a Local Development Agreement that outlines responsibilities for each party with regards to the development of the property.

The attached Local Development Agreement has been reviewed by all legal teams and is considered mutually agreeable to all parties.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Approve the Local Development Agreement with HRS Founders Landing, LLC as presented, and authorize the execution of the document.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Development Agreement

AGREEMENT FOR DEVELOPMENT

THIS AGREEMENT FOR DEVELOPMENT (“Agreement”) is made and entered into by and between, **CITY OF MARQUETTE**, Michigan whose mailing address is 300 W. Baraga Ave., Marquette, Michigan (“City”) and **HRS FOUNDERS LANDING, LLC**, a Michigan limited liability company whose mailing address is 23370 Commerce Drive, Farmington Hills, Michigan 48335 (“HRS”) as of the later of the dates set forth after the parties’ signatures below (hereinafter referred to as the “Effective Date”).

WITNESSETH:

WHEREAS, contemporaneously herewith, HRS has acquired from the City certain real property located in the City of Marquette, Michigan (the “Property”), which real property is more particularly described on Exhibit A attached hereto and incorporated herein by this reference, pursuant to the terms of an Agreement for Purchase and Sale of Real Estate between HRS and the City dated July 29, 2019, as amended (“Purchase Agreement”) for the total purchase price of \$433,380.34;

WHEREAS, the City and HRS desire to enter into this Agreement for the purpose of rehabilitating and developing the Property to facilitate marketability, enhance tax revenue for the City and further the general business development within that portion of the City of Marquette where the Property is located;

WHEREAS, the development of the Property is referred to as the “Project”.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the foregoing recitals, which are hereby restated and incorporated herein by this reference, and other valuable consideration, the parties agree as follows:

ARTICLE 1 – CONSTRUCTION OF PROJECT

1.1 Construction of Project. Subject to the terms and conditions of this Agreement, and provided that site conditions and engineers’ reports support such construction, HRS shall construct, or cause to be constructed, on the Property at HRS’ expense and in accordance with the plans to be submitted to the City upon the following terms and conditions:

- a. The Project shall be constructed as a fully taxable development.
- b. The plan for the Project must be approved by the City Planning Commission in compliance with all applicable city ordinances, and must provide for one of the following uses: hotel, restaurant, retail, office, residential, and/or parking purposes. HRS, or its approved assignee(s) shall prepare and submit final construction documents consistent with its plans for each respective improvement to be constructed on the Property and in compliance with all applicable laws and City ordinances.

c. Construction of the Project shall commence within three (3) years after the Effective Date of this Agreement and, subject to Section 1.1(d), be completed within five (5) years following the Effective Date of this Agreement.

d. A maximum of two (2) one-year extensions of HRS' obligation to commence construction of the Project shall be granted by the City upon written application and good cause shown by HRS.

e. HRS shall comply with all applicable state and local building codes, laws, statutes, rules, ordinances, regulations and procedures regarding development of the Project.

1.2 Infrastructure. HRS shall be entitled to install, at HRS' sole cost and expense, the curb cuts and sidewalks as depicted on the plan for the Project.

ARTICLE 2 – CONDITIONS PRECEDENT

2.1 Conditions Precedent to HRS' Construction Obligations. The following shall be conditions precedent to HRS' obligations to perform hereunder:

a. The City and all applicable governing bodies having jurisdiction shall have approved and issued, in a timely manner, all requisite permits and approvals for construction of the Project, including but not limited to zoning and site plan approvals, approval of parking plans and building permits. Permitted uses of shall include office, restaurant, retail, residential, institutional and educational purposes.

b. HRS shall have procured financing for the Project on terms and conditions satisfactory to HRS.

c. Completion of the Project has not been rendered impossible or impractical because of unreasonable difficulty or expense to HRS.

d. In the event any of the foregoing conditions precedent are not satisfied within the time periods prescribed in this Agreement, then HRS may choose to terminate this agreement pursuant to Article 3.

2.2 Representations and Warranties of the City. The City hereby makes the following representations and warranties to HRS, which representations and warranties shall be true and correct as of the date hereof, and shall be deemed to have been renewed and restated as of the Effective Date of this Agreement:

a. The City has the authority to enter into this Agreement and to perform and carry out all obligations, covenants and provisions hereof. The City's authority is evidenced by resolutions duly passed by the City Commission at a meeting on _____.

- b. This Agreement and the proposed Project complies with the requirements of the City's ordinances.
- c. The City will provide timely review, and approval, if appropriate, of the plans and documents of the Project, and all amendments and additional matters submitted by HRS or permitted assignee, and/or any of its successors and assigns, to achieve the purposes of this Agreement.
- d. The intended use of the Project is permissible under the City's zoning ordinances.
- e. Neither the execution nor delivery of this Agreement nor the consummation of the transaction contemplated hereby is in violation of any provision of any existing law or regulation, order or decree of any court or governmental entity, the City's Charter, or any agreement to which the City is a party or by which it is bound.
- f. No representation or warranty by the City, or any statement or certificate furnished to HRS pursuant hereto or in connection with the transactions contemplated hereby, contains or will contain any untrue statement of a material fact or will omit any fact necessary to make the statements contained herein or therein not misleading.
- g. The City has no notice of and there is no pending or threatened litigation, administrative action or examination, claim or demand before any court or any federal, state or municipal governmental department, commission, board, bureau, agency or instrumentality thereof which would affect the City or its principals from carrying out the covenants and promises made herein.

ARTICLE 3 – TERMINATION

In the event HRS has not commenced construction of the Project within the required timeframes described in Article 1, the City shall have the option to terminate this Agreement without liability, by giving written notice to HRS prior to commencement of construction of the Project. In such event, HRS shall be required to re-convey the Property to the City free and clear of monetary liens and encumbrances, subject only to easements and other matters of record as of the date that HRS took title or that were otherwise approved by the City, and the City shall, upon re-conveyance of the Property to the City, pay to HRS ninety-five percent (95%) of the original purchase price when the City sold to HRS (the "Re-Purchase Price"). Re-conveyance shall occur thirty (30) days after delivery of written notice by the City that it has elected to terminate this Agreement pursuant to this Article 3. Re-conveyance shall be deemed complete upon recording of the deed and payment of the Re-Purchase Price and the City shall be entitled to possession of the Property on said date. HRS shall pay any real property transfer tax or documentary stamp tax due and payable in connection with recording of the deed as well as the cost of recording of the deed. Should the City elect to utilize a title company in connection with the transaction, HRS shall pay for the standard owner's title insurance coverage and the parties shall equally share the cost of any closing fees charged by the title company. Each party shall bear its own attorney's fees.

ARTICLE 4 – MISCELLANEOUS

- 4.1 Assignability. HRS shall not assign its interest in this Agreement, in part or in whole, without the City's prior written consent which consent shall not be unreasonably withheld; provided, however, that HRS shall be entitled to assign this Agreement without the City's prior written consent if the assignment is to an entity solely owned by HRS or solely owned by HRS' members.
- 4.2 All notices or deliveries required under this Agreement shall be given in writing and directed as follows:

HRS: HRS Founders Landing, LLC Attn: Jeffrey Katzen 23370 Commerce Drive Farmington Hills, Michigan 48335 Tel: (248) 921-3996 Email: jeffkatzen@homerenewalrealty.com With copy to: Sheryl K. Silberstein, Esq. Maddin, Hauser, Roth & Heller, P.C. 28400 Northwestern Highway, Second Floor Southfield, Michigan 48034 Tel: (248) 827-1887 Fax: (248) 359-6187 Email: ssilberstein@maddinhauser.com	City: City of Marquette Attn: L. Michael Angeli, City Manager 300 W. Baraga Ave. Marquette, MI 49855 With copy to: Suzanne C. Larsen Kendricks, Bordeau, Keefe, Seavoy & Larsen, P.C. 128 W. Spring Street Marquette, MI 49855

All notices so given shall be considered effective, if hand-delivered, when received; if delivered by facsimile, at the time and date of printed telephone confirmation of successful transmission; if delivered by email, as of the time and date of transmission as indicated by sender's computer; if delivered by nationally recognized overnight courier, one (1) business day after timely deposit with the courier service, charges prepaid; or if mailed, upon the date of deposit, first class postage prepaid certified mail, return receipt requested, with the United States Postal Service. Either party may change the address to which future notices shall be sent by notice given in accordance with this paragraph to the other party.

4.3 Time is of the essence in this Agreement. Any deadline falling on a Saturday, Sunday, or State of Michigan or United States legal holiday shall be extended to the next business day.

4.4 The time required under this Agreement for an obligation imposed upon HRS will be extended for any delays, or any obligations imposed upon HRS will be forgiven for any nonperformance of such obligation, due to reasons beyond HRS' control, including, but not limited to, delays caused by weather, unavailability of or delay in receiving labor or materials, labor shortages, strikes, work stoppages, acts of God, governmental regulations, delay in governmental approvals, failure to secure any necessary governmental approvals despite HRS' good faith diligent efforts, contractor's or subcontractor's breaches of contract, court orders, and fire or other casualty.

4.5 This Agreement shall be construed in accordance with the laws of the State of Michigan.

4.6 This Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto.

4.7 This Agreement contains the entire understanding of the parties, and supersedes all negotiations, term sheets, and other discussions of the parties prior to execution of this Agreement. This Agreement may be modified only by a written instrument signed by both parties.

4.8 This Agreement may be executed in one or more counterparts, such agreements taken collectively shall be considered an original, valid and binding Agreement.

4.9 The parties agree that a facsimile or other non-alterable electronic copy (e.g. .pdf file) of this Agreement which contains the parties' signatures may be used as the original.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of later of the dates set forth after their signatures below.

HRS Founders Landing, LLC,
a Michigan limited liability company

City of Marquette, Michigan

Jeffrey Katzen, Manager

Jennifer A. Smith, Mayor

Date: January ____, 2021

Date: January ____, 2021

Kyle Whitney, Clerk

Date: January ____, 2021

APPROVED AS TO CONTENT:

Date: January____, 2021

L. Michael Angeli, City Manager

APPROVED AS TO FORM:

Date: January _____, 2021

Suzanne C. Larsen, City Attorney

EXHIBIT A

Legal Description of the Property

A PARCEL OF LAND LOCATED IN GOVERNMENT LOT 4, SECTION 23, TOWNSHIP 48 NORTH, RANGE 25 WEST, CITY OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE QUARTER CORNER BETWEEN SECTIONS 23 AND 26; THENCE N89°16'16"W ALONG THE SOUTH LINE OF SECTION 23, A DISTANCE OF 112.85 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY US-41 AND M-28; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND A 3776.72 FOOT CURVE TO THE RIGHT AN ARC DISTANCE OF 301.29 FEET, HAVING A CHORD WHICH BEARS N15°02'06"E A DISTANCE OF 301.21 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE AND A 3776.72 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 300.08 FEET, HAVING A CHORD WHICH BEARS N19°35'47"E A DISTANCE OF 300.00 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, N21°57'42"E A DISTANCE OF 139.41 FEET; THENCE S68°02'18"E A DISTANCE OF 83.57 FEET TO THE WESTERLY RIGHT OF WAY LINE OF LAKESHORE BOULEVARD; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND A 377.00 FOOT CURVE TO THE LEFT AN ARC DISTANCE OF 138.02 FEET, HAVING A CHORD WHICH BEARS S09°36'01"W A DISTANCE OF 137.25 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, S00°53'14"E A DISTANCE OF 417.85 FEET; THENCE S89°06'46"W A DISTANCE OF 98.00 FEET; THENCE N39°22'52"W A DISTANCE OF 38.02 FEET; THENCE N00°53'14"W A DISTANCE OF 59.00 FEET; THENCE S89°06'46"W A DISTANCE OF 29.00 FEET; THENCE N00°53'14"W A DISTANCE OF 67.00 FEET; THENCE N72°35'14"W A DISTANCE OF 63.70 FEET TO THE POINT OF BEGINNING. THE PARCEL CONTAINS 1.84 ACRES (80173 SQUARE FEET) AND IS SUBJECT TO ALL EASEMENTS, LICENSES, AND RESERVATIONS OF RECORD.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

Unfinished Business

Extension of Purchase Agreement Due Diligence Period - Parcels 9-11 of former Heartwood Property

BACKGROUND:

Longyear Corporation is requesting an extension of the Due Diligence Period for the Purchase Agreement for Parcels 9-11 of the former Heartwood Forest property.

The request is to permit them to finish the Phase II Environmental Assessment of the property and is permissible per the executed Purchase Agreement. This request will extend the Due Diligence Period until March 15, 2021 which is allowed under the executed Purchase Agreement.

FISCAL EFFECT:

None.

RECOMMENDATION:

Grant the requested extension to the Due Diligence period.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Extension Request

Longyear Purchase of Parcels 9,10,11

Marc Blom <marcblom@jmlongyear.com>

Mon 12/21/2020 11:43 AM

To: Dennis Stachewicz <dstachewicz@marquettetemi.gov>

Cc: Steve Hicks <stevhicks@jmlongyear.com>

Hi Dennis,

After reviewing our due diligence list, rather than rush through the remaining items, I think it will be best for us to get an extension on the purchase. If possible, could we do an extension to March 15th, 2021 as this lines up with our 1031 exchange requirements? Please let me process and next steps.

Thanks,

Marc

From: Dennis Stachewicz <dstachewicz@marquettetemi.gov>

Sent: Monday, November 30, 2020 6:58 PM

To: Brad Parlato <BParlato@trimediaee.com>

Cc: Tom Anthos <tanthos@trimediaee.com>; Marc Blom <marcblom@jmlongyear.com>; Joseph JWM. Melchiori <jomelchiori@trimediaee.com>; Mikael Kilpela <mkilpela@marquettetemi.gov>; LANDERS, ANDREA <alanders@marquettetemi.gov>; DAVID STENSAAS <dstensaas@marquettetemi.gov>; Scott Cambensy <scambensy@marquettetemi.gov>

Subject: Re: Meeting to Discuss Site Access Options - Able Medical

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Works for me

On Mon, Nov 30, 2020, 3:26 PM Brad Parlato <BParlato@trimediaee.com> wrote:

Good Afternoon Dennis,

After reading through all of the responses, it appears that Wednesday December 9 at 10:30 AM works. I would like to setup a MS Teams Call at this time.

Does the date, time, and MS Team format work for everyone?

Thank you,



Bradley G. Parlato, PE

Senior Engineer / Regional Manager

p. (269) 789-9575

c. (269) 447-0677

TriMedia Environmental & Engineering

Offices in Michigan, Wisconsin, Arizona, Montana, and North Dakota

Environmental – Industrial Hygiene – Health & Safety – Surveying – Geospatial Data Services

[email](#) | [website](#) | [linkedin](#)

From: Dennis Stachewicz <dstachewicz@marquettetemi.gov>

Sent: Wednesday, November 25, 2020 12:13 PM

To: Brad Parlato <BParlato@trimediaee.com>

Cc: Tom Anthos <TAnthos@trimediaee.com>; Marc Blom <marcblom@jmlongyear.com>; Joseph JWM. Melchiori <jomelchiori@trimediaee.com>; Mikael Kilpela <mkilpela@marquettetemi.gov>; LANDERS, ANDREA <alanders@marquettetemi.gov>; DAVID STENSAAS <dstensaas@marquettetemi.gov>; Scott Cambensy <scambensy@marquettetemi.gov>

Subject: Re: Meeting to Discuss Site Access Options - Able Medical

I appear to be open the 7-9 after 930 a.m.

Copying all City personnel who should be on the invite.

D

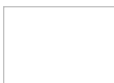
On Wed, Nov 25, 2020 at 11:55 AM Brad Parlato <BParlato@trimediaee.com> wrote:

Good Morning Dennis,

Hope all is well with you. Wondering if you would have time to sit down with us and discuss potential access options into the Able Medical property. We have been looking into all options for accessing the site and Pioneer may be an option we would like to discuss.

We can accommodate whatever format of meeting you prefer, whether a virtual or in-person meeting. Right now we are looking at the week of December 7th. Does anytime that week work for you?

Thank you and Have a Great Thanksgiving!



Bradley G. Parlato, PE

Senior Engineer / Regional Manager

p. (269) 789-9575

c. (269) 447-0677

TriMedia Environmental & Engineering

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

New Business

COVID-19 Vaccine Resolution - Roll Call Vote

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ COVID 19 Resolution



Resolution *COVID-19 Vaccine*

WHEREAS, the City of Marquette, Michigan has responsibility for ensuring the health, safety, and welfare of residents and visitors; and,

WHEREAS, according to the Michigan Department of Health and Human Services (MDHHS) regarding COVID-19, the pandemic demonstrates how diseases without vaccines can devastate economic and public health; and,

WHEREAS, vaccines have reduced and, in some cases, eliminated diseases; and,

WHEREAS, MDHHS is following CDC recommendations for prioritization of distribution and administration of COVID-19 vaccines and has also obtained input from state public health and health care leaders and reviewed correspondence from the public; and,

WHEREAS, distribution will be in a phased approach, with an emphasis on ensuring continued functioning of the health care system and essential services in the community, and protecting people at increased risk for severe COVID-19 illness; and,

WHEREAS, the Marquette City Commission recognizes the critical importance of the COVID-19 vaccine program and wholeheartedly supports the efforts by the federal government, state government, and our local health department to vaccinate our community against COVID-19 as soon as logistically possible; and,

WHEREAS, the City Commission would also like to extend a sincere thank you to the members of the board of health, our local health department, and our healthcare system for working together to prioritize vaccination efforts and ensure a smooth process for community vaccination;

NOW, THEREFORE, WE, the Marquette City Commission, in an effort to help reassure and encourage the public to get vaccinated, do hereby resolve that each of the seven Marquette City Commissioners are ready and willing to be vaccinated for COVID-19 as soon as their respective turn is up and are also willing to have their vaccine shot recorded via video or photograph by the media and broadcast to the public in an effort to help with this critical public health undertaking.

Dated this 11th day of January, 2021.

Jennifer A. Smith
Mayor

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

New Business

City Commission Rules of Procedure #2003-01

BACKGROUND:

Each year the Commission adopts Rules of Procedure to help the Commission run an efficient meeting and to deal with the public and the media in a positive manner.

The Rules were most recently amended on November 30, 2020. The Open Meetings Act was amended on December 23, 2020, and the attached version reflects those amendments.

The attached version places the Rules in outline format with suggested changes in red.

FISCAL EFFECT:

None.

RECOMMENDATION:

Discuss the City Commission Rules of Procedure #2003-01 as amended, and approve the Rules along with any changes the Commission should determine.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Rules of Procedure #2003-01 Suggested Changes
- ▣ Rules of Procedure #2003-01 Clean

**CITY OF MARQUETTE, MICHIGAN
CITY COMMISSION POLICY**

Policy Number: 2003-01	Revision Date(s): November 14, 2005 November 24, 2003 November 28, 2005 November 27, 2006 January 14, 2008 December 22, 2008 November 29, 2010 December 17, 2012 December 8, 2014 November 28, 2016 May 29, 2018 December 16, 2019 <u>January 11, 2021</u>	November 14, 2005 June 26, 2006 November 12, 2007 November 24, 2008 November 30, 2009 December 19, 2011 November 25, 2013 February 9, 2015 November 30, 2015 November 27, 2017 December 17, 2018 November 30, 2020
Date Adopted: June 30, 2003		
Department: Administrative		

SUBJECT: COMMISSION RULES OF PROCEDURE

PURPOSE: These Rules of Procedure help the Commission to run an efficient meeting and to deal with the public and the media in a positive manner. When not in conflict with the City Charter, they may be revised by majority action of the City Commission.

POLICY:

I. REGULAR AND SPECIAL MEETINGS

All meetings of the Marquette City Commission will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with the following rules:

A. Regular Meetings

1. A regular meeting shall be held at 7:00 p.m. on the Monday following each regular election. The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month (Charter 2-6).
2. Except as provided in 1. A. above, regular meetings of the Marquette City Commission will be held on the second Monday and last Monday of each month with the business portion commencing at 6:00 p.m. in the Marquette City Commission Chambers at City Hall, unless otherwise rescheduled by action of the Commission. Commission meetings shall conclude no later than 10:00 p.m., subject to extension by the Commission. If a regularly scheduled meeting falls on a legal holiday, it shall be scheduled for the next day.

B. Special Meetings

1. Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager, or any three members of the Commission on at least 18 hours written notice to each member of the Commission, either sent electronically, served personally, or left at their usual place of residence. Nothing in this section shall bar the Commission from meeting in an emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public if all members of the Commission are present or have waived notice thereof in writing (Charter 2-7(a)).
2. No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Commission present consent thereto and all the members absent file their written consent (Charter 2-7(b)).

C. Posting Requirements for Regular and Special Meetings

1. No later than the first day of January each year the City Commission shall provide public notice stating the dates, times, and places of its regular meetings.
2. For a rescheduled regular or special meeting of the Commission, a public notice stating the date, time, and place of the meeting shall be posted at the City Hall at least 18 hours before the meeting, and sent to the news media which have requested such notification, and all news media in Marquette County. The notice described above is not required for a meeting of the Commission in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Commission determine that delay would be detrimental to the City's efforts in responding to the threat.

D. Minutes of Regular and Special Meetings

1. The Clerk or its designee shall attend the Commission meetings and record all the proceedings and resolutions of the Commission in accordance with the Charter and the Open Meetings Act. In the absence of the Clerk or its designee, the Commission may appoint one of its own members or another person to temporarily perform the Clerk's duties. Meetings may be broadcast live on government access channel 191 and available for viewing after the meeting on the City website.
2. The Clerk shall prepare the Official Proceedings of each Commission meeting as required by the Charter 2-10(1), which shall be the minutes required by the Open Meetings Act. Approved minutes shall be available for public inspection not later than five business days after the meeting at which the minutes are approved by the public body.

3. The Clerk shall also prepare a summary of the minutes showing the substance of each separate proceeding of the Commission and shall indicate the vote of the Commission members. The summary shall be published within ten days of the meeting in a newspaper of general circulation in the City of Marquette (Charter 2-10(4)).
4. A copy of the minutes of each regular or special Commission meeting shall be available for public inspection at the City Clerk's office during regular business hours and on the City website.

E. Work Sessions

Upon the call of the Mayor or the Commission, and with appropriate notice to the Commission members and the public, the Commission may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Commission member enter into a formal commitment with another member regarding a vote to be taken subsequently.

II. CONDUCT OF MEETINGS

A. Meetings to be Public

1. All regular and special meetings of the Commission shall be open to the public, and all persons shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Commission may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.
2. All official meetings of the Commission and its committees shall be open to the media, freely subject to recording by audio visual means at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

B. Agenda Preparation

1. An agenda for each regular Commission meeting shall be prepared by the City Manager in consultation with the Mayor and not more than two Commissioners, with the following order of business:
 - a. Call to order, pledge of allegiance, and roll call of the Commission
 - b. Approval of Agenda
 - c. Announcements by the Mayor
 - d. Boards and Committees Welcome/Appointments/Reappointments/Recognition of Outgoing Members
 - e. Public Comment. May not exceed three minutes per person
 - f. Presentations
 - g. Public hearings on ordinances, resolutions or other matters requiring a public hearing
 - h. Consent Agenda

- i. Unfinished Business. Unfinished Business is intended for items that were on a previous meeting agenda and further information was required before taking action.
 - j. New Business. New Business is intended to introduce a new topic and should be the time when Commissioners ask questions or seek other clarifications. If further information is required, the item can be moved to "Unfinished Business" for an upcoming meeting, by a majority vote of the Commission.
 - k. Public Comment. May not exceed three minutes per person.
 - l. Comments from the Commission
 - m. Comments from the City Manager
 - n. Adjournment
2. Any Commission member shall have the right to add items to the regular agenda, provided support from one additional Commission member is obtained. Any Commission member shall have the right to remove items from the regular agenda by a majority vote of the Commission.

C. Consent Agenda

A consent agenda may be used to allow the Commission to act on numerous administrative or non-controversial items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, proclamations, bid awards, contract approvals, lease agreements, recurring business, etc. Upon request by any one (1) member of Commission, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

D. Agenda Distribution

City administration shall endeavor to distribute agenda packets to the City Commission prior to a regular City Commission meeting, but in no case shall distribution occur later than Friday prior to a regular scheduled meeting. Public dissemination of agendas and agenda packets shall occur no later than 10:00 p.m. on the Friday prior to a regular meeting, via posting on the City website, and printed agenda packets shall be delivered to the Public Library Friday evening or Saturday morning.

E. Quorum

A majority of the members of the Commission in office at the time shall constitute a quorum for the transaction of business at all Commission meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date and in the absence of all members, the Clerk may adjourn any meeting for not longer than one week (Charter 2-8).

F. Attendance at Commission Meetings

- 1. Election to the City of Marquette Commission is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Commission

activities and represent the residents of the City of Marquette. Attendance at Commission meetings is critical to fulfilling this responsibility.

2. Any two or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Commission or other officer who when notified of such request for their attendance fails to attend such meeting for reasons other than confining illness or absence from Marquette County shall be deemed guilty of misconduct in office, unless excused by the Commission. The presiding officer shall enforce orderly conduct at meetings and any member of the Commission or other officer who shall fail to conduct himself in an orderly manner at the meeting shall be deemed guilty of misconduct in office (Charter 2-9(a)).

G. Presiding Mayor

1. The Mayor shall be responsible for enforcing these Rules of Procedure and for enforcing orderly conduct at meetings, whether held in person or electronically (in whole or in part as allowed by the Open Meetings Act), including if the Mayor is the only remote participant. In the absence or disability of the Mayor, the Mayor Pro-tem shall perform the duties of mayor. In the absence or disability of both, the Commission may designate another of its members to serve as acting mayor.

III. CLOSED MEETINGS

A. Purpose

Closed meetings, which must be approved by vote at an open meeting, may be held only for the reasons authorized in the Open Meetings Act.

B. Minutes of Closed Meetings

A separate set of minutes shall be taken by the Clerk or the designated secretary of the Commission at the Closed Session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

IV. DISCUSSION AND VOTING

A. Rules of Parliamentary Procedure

1. In order to facilitate the running of an efficient and orderly meeting, the rules of parliamentary practice as found in the latest edition of Robert's Rules of Order will be used for guidance by the Commission, provided that they are not in conflict with these Rules of Procedure, City ordinances, the City Charter, or applicable statutes. No action taken by the Commission in good faith shall be deemed invalid by reason of the Commission's failure to adhere

strictly to Robert's Rules of Order or these Rules of Procedure. The Mayor may appoint a parliamentarian.

2. A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state (Charter 2-10(2)).
3. The Mayor shall preserve order and decorum and may speak to points of order in preference to other Commission members. The Mayor shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Commission members present.
4. Any member may appeal to the Commission a ruling of the Mayor. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the Mayor may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the Mayor be sustained?" If the majority of the members present vote "Yes", the ruling of the Mayor is sustained; otherwise it is overruled.

B. Conduct of Discussion

1. During discussion and debate, no person shall speak until recognized for that purpose by the Mayor. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the Mayor, maintain a courteous tone and avoid interjecting a personal note into debate.
2. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.
3. The Mayor, at his or her discretion and subject to the appeal process described in A. 4. above, may permit any person to address the Commission during its deliberations.

C. Ordinances and Resolutions

1. No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.
2. A vote on all ordinances and resolutions shall be taken by roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by Commission rules.

D. Roll Call

In all roll call votes, the names of the members of the Commission shall be called in rotating order as determined by the Clerk.

E. Duty to Vote

Election to a deliberative body carries with it the obligation to vote. Commission members present at the Commission meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law or Charter.

1. Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Commission with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney. No member of the Commission shall vote on any question concerning their own conduct (Charter 2-10(3)).
2. On all other questions each member who is present shall vote when their name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office (Charter 2-10(3)).
3. The right to vote is limited to the members of the Commission present at the time the vote is taken. Voting by proxy is not permitted.
4. All votes must be held and determined in public; no secret ballots are permitted.
5. Prior to calling for a vote, the Mayor should state the question being voted upon.

F. Results of Voting

1. In all cases where a vote is taken, the Mayor shall declare the result.
2. It shall be in order for any Commission member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Commission. When a motion to consider fails, it cannot be renewed.

V. PUBLIC PARTICIPATION

A. General

1. Each regular and special Commission meeting agenda shall provide time for public comment.

2. If requested by a member of the Commission, the Mayor shall have discretion to allow a member of the public to speak at times other than during the time reserved for public comment.

B. Length of Presentation

Any person who addresses the Commission during the time set for public comment shall be limited to three minutes after giving his or her name and address as required below.

C. Addressing the Commission

When addressing the Commission, unless waived by the Mayor, a person shall state his or her name; and, once during the meeting, his or her physical home address, including municipality. The speaker shall address all remarks to the Mayor in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

D. Rules of Decorum

Meetings of the Commission shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Commission is retained at all times.

While any meeting of the Commission is in session, the following rules of decorum shall be observed:

1. **Members of the Audience.** No person in the audience at a Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling, clapping, or stamping of feet; or other acts which disturb, disrupt, or otherwise impede the orderly conduct of the Commission meeting.
2. **Persons Addressing the Commission.** Each person who addresses the Commission at its meetings shall not utter loud, threatening, or abusive language, engage in a personal attack on a Commissioner, Officer or employee of the City that is unrelated to the manner in which he or she performs his or her duties, or engage in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting.
3. **Signs.** Signs, banners, posters, or similar items not larger than 18 inches square shall be permitted at Commission meetings, but cannot be waved, held over one's head, or generally moved in any other disorderly manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting. This paragraph does not apply to exhibits, displays, or visual aids used in connection with and during the presentation of a recognized speaker at a Commission meeting.

4. Enforcement. The rules of decorum set forth above shall be enforced by the police officer designated with the responsibility for maintaining order at the Commission meeting in the following manner:
 - a. Warning. The Mayor shall request that a person who is breaching Paragraph 1, 2, or 3 above be orderly and comply with the rules as outlined therein. If a sign size exceeds the permitted size, the sign shall be ordered to be removed.
 - b. Removal. If after receiving a warning from the Mayor, the person persists in disrupting, disturbing, or otherwise impeding the orderly conduct of the meeting, the Mayor or Commission designate shall order the person to leave the Commission meeting for the remainder of the meeting. If the person does not leave, the Mayor shall direct any police officer designated as the sergeant-at-arms of the Commission to remove that person from Commission Chambers and City Hall.

VI. ELECTRONIC MEETINGS

A. Prior to ~~January-March 31, 2021~~.

The Commission may conduct any of its meetings, in whole or in part, by electronic means using telephonic conferencing or video conferencing technology without regarding to physical place and physical presence requirements in accordance with Section 3a of the Open Meetings Act, MCL 15.263a.

B. ~~January-March 31, 2021~~ through December 31, 2021.

The Commission may conduct any of its meetings, in whole or in part, by electronic means using telephonic conferencing or video conferencing technology due to circumstances requiring accommodation of any Commissioner absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public or Commissioners would be at risk if the meeting were held in person. The term "medical condition" means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a Commissioner to minimize the spread of a contagious disease.

C. After December 31, 2021.

Beginning January 1, 2022, Commissioners may participate in Commission meetings by electronic means only to accommodate absence due to military duty.

D. Conduct of Electronic Meetings.

1. Two-Way Communication. Any electronically-held meeting will be conducted in a manner that permits two-way communication so that Commissioners can hear and be heard by one another, and so that the public participants can hear and be heard by the Commissioners and other public participants during the Public Comment period. The City may use technology to facilitate typed

public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with the Commissioners and other participants.

2. Physical Place. As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Commissioners and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which Commissioners are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other Commissioners must be physically present at the meeting to be able to participate.
3. Commissioner Participation. A Commissioner who anticipates their physical absence from a Commission meeting as allowed by the Open Meetings Act may request accommodation of their absence to permit their remote participation in and voting on Commission business by two-way telephonic or video conferencing communication. A City Commissioner who desires to attend a meeting remotely shall inform the City Manager at least 24 hours before the meeting so as to permit any necessary technology to be put in place to accommodate participation by the absent member. Commissioners attending a meeting remotely may fully participate in the meeting, including voting and attendance in any closed session. Any Commissioner attending a meeting remotely must publicly announce at the outset of the meeting that the Commissioner is attending the meeting remotely. If the Commissioner is attending the meeting remotely for a purpose other than military duty, the Commissioner's announcement must identify the city, township, village or county and state from which the Commissioner is attending the meeting remotely. This information must be included in the meeting minutes.
4. Notice. In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the City's website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices that is accessible through a prominent and conspicuous link on the City's website home page. Any scheduled meeting of the Commission may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of an electronically-held meeting must clearly contain the following information:
 - a. The reason the Commission is meeting electronically;
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- c. How members of the public may contact Commissioners to provide input or ask questions on any business that will come before the Commission at the meeting; and
 - d. How persons with disabilities may participate in the electronic meeting.
5. Closed Session. Members of the general public otherwise participating in an electronically-held Commission meeting are excluded from participation in a closed session of the Commission that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act.

E. Conduct of In-Person Meetings Prior to April 1, 2021

Beginning December 23, 2020 through April 1, 2021, at all in-person Commission meetings, the Commission shall:

1. To the extent feasible under the circumstances, ensure adherence to social distancing and mitigation measures recommended by the Centers for Disease Control and Prevention for purposes of preventing the spread of COVID-19, including but not limited to all individuals remaining at least 6 feet apart from anyone from outside the individual's household; and
2. Adopt heightened standards for facility cleaning and disinfection to limit participant exposure to COVID-19, as well as protocols to clean and disinfect in the event of a positive COVID-19 case in Commission Chambers.

VII. MISCELLANEOUS

A. Adoption and Amendment of Rules of Procedure

1. These Rules of Procedure of the Commission will usually be placed on the agenda at the first meeting of the Commission following the seating of the newly-elected Commission members for review and adoption. A copy of the Rules adopted shall be distributed to each Commission member.
2. The Commission may alter or amend its rules at any time, when not in conflict with the City Charter, by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

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The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that Commission actions shall conform to state statutes and to the Michigan and the United States Constitutions.

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Bids will be awarded by the Commission during regular or special meetings. A bid award may be made at a special meeting of the Commission if that action is announced in the notice of the special meeting.

D. Committees

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- a. There shall be no standing committees of the Commission.
- b. The Commission may create a subcommittee of up to three members to examine a specific subject for a specific period of time.

2. Citizen Task Forces

Citizen task forces may be established by a motion of the Commission which specifies the task to be accomplished and the date of its dissolution.

Members of such committees will be appointed by the Mayor, subject to approval by a majority vote of the Commission, and must be residents of the City of Marquette. Vacancies will be filled by majority vote of the Commission in the same way appointments are made.

3. Ad Hoc Committee

Ad Hoc committees may be formed for a specific purpose and for a specific period of time as approved by the City Commission. A broad diversity of experts and/or interests may be represented on an Ad Hoc committee. Only a majority of ad hoc committee members need to be City residents.

E. Performance Review of City Manager and City Attorney

The Commission will review annually the performance of the City Manager and City Attorney. Following these reviews the Commission will schedule a work session for the purpose of establishing appropriate goals and objectives to be considered during the next performance review period.

**CITY OF MARQUETTE, MICHIGAN
CITY COMMISSION POLICY**

Policy Number: 2003-01	Revision Date(s): November 14, 2005 November 24, 2003 November 28, 2005 November 27, 2006 January 14, 2008 December 22, 2008 November 29, 2010 December 17, 2012 December 8, 2014 November 28, 2016 May 29, 2018 December 16, 2019 January 11, 2021	November 14, 2005 June 26, 2006 November 12, 2007 November 24, 2008 November 30, 2009 December 19, 2011 November 25, 2013 February 9, 2015 November 30, 2015 November 27, 2017 December 17, 2018 November 30, 2020
Date Adopted: June 30, 2003		
Department: Administrative		

SUBJECT: COMMISSION RULES OF PROCEDURE

PURPOSE: These Rules of Procedure help the Commission to run an efficient meeting and to deal with the public and the media in a positive manner. When not in conflict with the City Charter, they may be revised by majority action of the City Commission.

POLICY:

I. REGULAR AND SPECIAL MEETINGS

All meetings of the Marquette City Commission will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with the following rules:

A. Regular Meetings

1. A regular meeting shall be held at 7:00 p.m. on the Monday following each regular election. The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month (Charter 2-6).
2. Except as provided in 1. A. above, regular meetings of the Marquette City Commission will be held on the second Monday and last Monday of each month with the business portion commencing at 6:00 p.m. in the Marquette City Commission Chambers at City Hall, unless otherwise rescheduled by action of the Commission. Commission meetings shall conclude no later than 10:00 p.m., subject to extension by the Commission. If a regularly scheduled meeting falls on a legal holiday, it shall be scheduled for the next day.

B. Special Meetings

1. Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager, or any three members of the Commission on at least 18 hours written notice to each member of the Commission, either sent electronically, served personally, or left at their usual place of residence. Nothing in this section shall bar the Commission from meeting in an emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public if all members of the Commission are present or have waived notice thereof in writing (Charter 2-7(a)).
2. No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Commission present consent thereto and all the members absent file their written consent (Charter 2-7(b)).

C. Posting Requirements for Regular and Special Meetings

1. No later than the first day of January each year the City Commission shall provide public notice stating the dates, times, and places of its regular meetings.
2. For a rescheduled regular or special meeting of the Commission, a public notice stating the date, time, and place of the meeting shall be posted at the City Hall at least 18 hours before the meeting, and sent to the news media which have requested such notification, and all news media in Marquette County. The notice described above is not required for a meeting of the Commission in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Commission determine that delay would be detrimental to the City's efforts in responding to the threat.

D. Minutes of Regular and Special Meetings

1. The Clerk or its designee shall attend the Commission meetings and record all the proceedings and resolutions of the Commission in accordance with the Charter and the Open Meetings Act. In the absence of the Clerk or its designee, the Commission may appoint one of its own members or another person to temporarily perform the Clerk's duties. Meetings may be broadcast live on government access channel 191 and available for viewing after the meeting on the City website.
2. The Clerk shall prepare the Official Proceedings of each Commission meeting as required by the Charter 2-10(1), which shall be the minutes required by the Open Meetings Act. Approved minutes shall be available for public inspection not later than five business days after the meeting at which the minutes are approved by the public body.

3. The Clerk shall also prepare a summary of the minutes showing the substance of each separate proceeding of the Commission and shall indicate the vote of the Commission members. The summary shall be published within ten days of the meeting in a newspaper of general circulation in the City of Marquette (Charter 2-10(4)).
4. A copy of the minutes of each regular or special Commission meeting shall be available for public inspection at the City Clerk's office during regular business hours and on the City website.

E. Work Sessions

Upon the call of the Mayor or the Commission, and with appropriate notice to the Commission members and the public, the Commission may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Commission member enter into a formal commitment with another member regarding a vote to be taken subsequently.

II. CONDUCT OF MEETINGS

A. Meetings to be Public

1. All regular and special meetings of the Commission shall be open to the public, and all persons shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Commission may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.
2. All official meetings of the Commission and its committees shall be open to the media, freely subject to recording by audio visual means at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

B. Agenda Preparation

1. An agenda for each regular Commission meeting shall be prepared by the City Manager in consultation with the Mayor and not more than two Commissioners, with the following order of business:
 - a. Call to order, pledge of allegiance, and roll call of the Commission
 - b. Approval of Agenda
 - c. Announcements by the Mayor
 - d. Boards and Committees Welcome/Appointments/Reappointments/Recognition of Outgoing Members
 - e. Public Comment. May not exceed three minutes per person
 - f. Presentations
 - g. Public hearings on ordinances, resolutions or other matters requiring a public hearing
 - h. Consent Agenda

- i. Unfinished Business. Unfinished Business is intended for items that were on a previous meeting agenda and further information was required before taking action.
 - j. New Business. New Business is intended to introduce a new topic and should be the time when Commissioners ask questions or seek other clarifications. If further information is required, the item can be moved to "Unfinished Business" for an upcoming meeting, by a majority vote of the Commission.
 - k. Public Comment. May not exceed three minutes per person.
 - l. Comments from the Commission
 - m. Comments from the City Manager
 - n. Adjournment
2. Any Commission member shall have the right to add items to the regular agenda, provided support from one additional Commission member is obtained. Any Commission member shall have the right to remove items from the regular agenda by a majority vote of the Commission.

C. Consent Agenda

A consent agenda may be used to allow the Commission to act on numerous administrative or non-controversial items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, proclamations, bid awards, contract approvals, lease agreements, recurring business, etc. Upon request by any one (1) member of Commission, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

D. Agenda Distribution

City administration shall endeavor to distribute agenda packets to the City Commission prior to a regular City Commission meeting, but in no case shall distribution occur later than Friday prior to a regular scheduled meeting. Public dissemination of agendas and agenda packets shall occur no later than 10:00 p.m. on the Friday prior to a regular meeting, via posting on the City website, and printed agenda packets shall be delivered to the Public Library Friday evening or Saturday morning.

E. Quorum

A majority of the members of the Commission in office at the time shall constitute a quorum for the transaction of business at all Commission meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date and in the absence of all members, the Clerk may adjourn any meeting for not longer than one week (Charter 2-8).

F. Attendance at Commission Meetings

- 1. Election to the City of Marquette Commission is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Commission

activities and represent the residents of the City of Marquette. Attendance at Commission meetings is critical to fulfilling this responsibility.

2. Any two or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Commission or other officer who when notified of such request for their attendance fails to attend such meeting for reasons other than confining illness or absence from Marquette County shall be deemed guilty of misconduct in office, unless excused by the Commission. The presiding officer shall enforce orderly conduct at meetings and any member of the Commission or other officer who shall fail to conduct himself in an orderly manner at the meeting shall be deemed guilty of misconduct in office (Charter 2-9(a)).

G. Presiding Mayor

1. The Mayor shall be responsible for enforcing these Rules of Procedure and for enforcing orderly conduct at meetings, whether held in person or electronically (in whole or in part as allowed by the Open Meetings Act), including if the Mayor is the only remote participant. In the absence or disability of the Mayor, the Mayor Pro-tem shall perform the duties of mayor. In the absence or disability of both, the Commission may designate another of its members to serve as acting mayor.

III. CLOSED MEETINGS

A. Purpose

Closed meetings, which must be approved by vote at an open meeting, may be held only for the reasons authorized in the Open Meetings Act.

B. Minutes of Closed Meetings

A separate set of minutes shall be taken by the Clerk or the designated secretary of the Commission at the Closed Session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

IV. DISCUSSION AND VOTING

A. Rules of Parliamentary Procedure

1. In order to facilitate the running of an efficient and orderly meeting, the rules of parliamentary practice as found in the latest edition of Robert's Rules of Order will be used for guidance by the Commission, provided that they are not in conflict with these Rules of Procedure, City ordinances, the City Charter, or applicable statutes. No action taken by the Commission in good faith shall be deemed invalid by reason of the Commission's failure to adhere

strictly to Robert's Rules of Order or these Rules of Procedure. The Mayor may appoint a parliamentarian.

2. A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state (Charter 2-10(2)).
3. The Mayor shall preserve order and decorum and may speak to points of order in preference to other Commission members. The Mayor shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Commission members present.
4. Any member may appeal to the Commission a ruling of the Mayor. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the Mayor may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the Mayor be sustained?" If the majority of the members present vote "Yes", the ruling of the Mayor is sustained; otherwise it is overruled.

B. Conduct of Discussion

1. During discussion and debate, no person shall speak until recognized for that purpose by the Mayor. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the Mayor, maintain a courteous tone and avoid interjecting a personal note into debate.
2. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.
3. The Mayor, at his or her discretion and subject to the appeal process described in A. 4. above, may permit any person to address the Commission during its deliberations.

C. Ordinances and Resolutions

1. No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.
2. A vote on all ordinances and resolutions shall be taken by roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by Commission rules.

D. Roll Call

In all roll call votes, the names of the members of the Commission shall be called in rotating order as determined by the Clerk.

E. Duty to Vote

Election to a deliberative body carries with it the obligation to vote. Commission members present at the Commission meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law or Charter.

1. Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Commission with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney. No member of the Commission shall vote on any question concerning their own conduct (Charter 2-10(3)).
2. On all other questions each member who is present shall vote when their name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office (Charter 2-10(3)).
3. The right to vote is limited to the members of the Commission present at the time the vote is taken. Voting by proxy is not permitted.
4. All votes must be held and determined in public; no secret ballots are permitted.
5. Prior to calling for a vote, the Mayor should state the question being voted upon.

F. Results of Voting

1. In all cases where a vote is taken, the Mayor shall declare the result.
2. It shall be in order for any Commission member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Commission. When a motion to consider fails, it cannot be renewed.

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A. General

1. Each regular and special Commission meeting agenda shall provide time for public comment.

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Members of such committees will be appointed by the Mayor, subject to approval by a majority vote of the Commission, and must be residents of the City of Marquette. Vacancies will be filled by majority vote of the Commission in the same way appointments are made.

3. Ad Hoc Committee

Ad Hoc committees may be formed for a specific purpose and for a specific period of time as approved by the City Commission. A broad diversity of experts and/or interests may be represented on an Ad Hoc committee. Only a majority of ad hoc committee members need to be City residents.

E. Performance Review of City Manager and City Attorney

The Commission will review annually the performance of the City Manager and City Attorney. Following these reviews the Commission will schedule a work session for the purpose of establishing appropriate goals and objectives to be considered during the next performance review period.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/11/2021

New Business **Hazard Mitigation Plan Update**

BACKGROUND:

Under terms of the Disaster Mitigation Act of 2000, FEMA requires a Hazard Mitigation Plan for every county in the United States. Marquette County's previous Hazard Mitigation Plan was approved by the Marquette County Board of Commissioners and by FEMA in 2015. The Hazard Mitigation Plan describes the various natural and man-made hazards faced by residents of Marquette County along with measures to be taken to reduce those hazards.

The required five-year update makes Marquette County and participating cities and townships eligible for future FEMA funds and was approved by the Marquette County Board of Commissioners. By keeping the plan up to date, it ensures continued success both in identifying hazards and in acquiring federal funds to help address them.

As a part of the Hazard Mitigation Plan update, the following two shoreline restoration projects were added for the City of Marquette:

1. Shoreline restoration to protect the Hawley Street lift station and a 3,680 foot-long section of 16" sanitary sewer main located along the Lake Superior shoreline.
2. Shoreline restoration to protect Lakeshore Boulevard, the Lakeview Arena storm drain outfall and Shiras Park parking area.

It was necessary to include these projects in the Hazard Mitigation Plan in order for the City to attempt to secure additional grant funding in the form of a FEMA BRIC (Building Resilient Infrastructure and Communities) Grant for shoreline mitigation. The BRIC grant is an application to FEMA for an additional \$3.5 Million to dedicate to shoreline infrastructure which would assist with Phase II of the Lakeshore Boulevard project. Although the plan covers a wide array of topics, the section(s) of the County HMP that would reflect the update necessary for this grant process can be found on pages 30, 31, 32, and 72 of the attachment.

FISCAL EFFECT:

None.

RECOMMENDATION:

Adopt the updated Marquette County Hazard Mitigation plan.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Marquette County Hazard Mitigation Plan



HAZARD MITIGATION PLAN

COUNTY OF MARQUETTE, MICHIGAN

Prepared by the Resource Management and Development Department, Planning Division.

Date of adoption: December 15, 2020

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HAZARD MITIGATION PLAN

COUNTY OF MARQUETTE, MICHIGAN

SECTION I INTRODUCTION

CHAPTER 1 THE PLANNING PROCESS

The planning process commenced with meetings with all 22 local units of government in Marquette County via virtual means. Phone, e-mail and Zoom Conferences were the primary modes of communication, as the 5-year update of the plan was influenced by Covid-19 restrictions and precautions. Every city and township confirmed map quality, provided information about hazards in their jurisdictions, and offered lists of capital projects for hazard mitigation.

Information was also collected regarding various hazards from the following sources:

- Internet Research
- Marquette County Planning Commission Files
- Marquette County Central Dispatch
- Michigan Department of Natural Resources
- National Oceanic and Atmospheric Administration
- Local Plans
- Newspaper Articles
- Interviews

Of the 22 local units of government, all were continuing participants from the previous plan in providing input in the planning process. In the 2015 update, 20 local units of government adopted the county's Hazard Mitigation Plan. The goal of the 2020 plan update is for all 22 local units to adopt the plan.

HAZARD MITIGATION PLANNING, MARQUETTE COUNTY

Marquette County has been active in Hazard Mitigation Planning since the early 2000s.

The last Hazard Mitigation Plan was adopted by the Planning Commission and the Marquette County Board of Commissioners in 2015. It serves as an extremely detailed

resource of hazards in Marquette County.

To ensure a holistic approach to the planning process, meetings and communications were also had with the Local Emergency Planning Committee (LEPC), the County Emergency Preparedness Coordinator, The Climate Adaptation Task Force (CATF), and surrounding counties and planning regions. The LEPC assisted with the review and update of the risk and vulnerability assessments of hazards, as facilitated by the County's Emergency Preparedness Coordinator.

The LEPC consists of representation from the following: Marquette County Emergency Management, Chem-consultant, Occupational Medicine, Marquette County Health Department Emergency Preparedness, Emergency Management and Homeland Security Division (EMHSD), Tri-Media Environmental and Engineering, Marquette City Fire Department, and the Eagle Mine/Humboldt Mill. CATF consists of representation from the following: Northern Michigan University, the Community Foundation of Marquette County, Superior Watershed Partnership, the Marquette County Health Department, the City of Marquette Planning Department, Michigan State University Extension, Michigan Sea Grant, Marquette County Administration, Marquette County Planning Division, Marquette County Emergency Management, and an organized labor representative.

Surrounding counties were given the opportunity to provide input on the plan to ensure a regionally cohesive planning process. All surrounding counties and the Central and Western UP Planning Regions were given notice to review the plan on December 1, 2020. The Central Upper Peninsula Planning and Development Regional Commission (CUPPAD), who assist 4 of the 6 counties in their region, submitted a favorable letter of support.

The public was given the opportunity to review the plan on the [County's website](#) with the additional opportunity to e-mail comments to planning staff. A notice was also posted on the Marquette County Planning Division Social Media on November 16th, 2020 to obtain additional public input, in addition to the meetings with local leaders and officials. The Marquette County Planning Commission meeting on December 2nd, 2020 as well as the Marquette County Board of Commissioners Meeting on December 15th, 2020 were hosted virtually and complied with the Open Meetings Act, and were open for public comment. Notices, including meeting agendas, with a link to the draft plan was posted on the county website one week before each meeting. Table 1 displays meeting dates.

Date	Entity/Government	Officials Involved
October 16, 2020	City of Ishpeming	Craig Cugini, City Manager
October 19, 2020	Ely Township	Jeremy Laakso, Supervisor
October 19, 2020	Humboldt Township	Sarah Etelamaki, Clerk
October 19, 2020	Powell Township	Darene Turner, Supervisor
October 19, 2020	Negaunee Township	Nick Leach, Township Manager
October 19, 2020	Marquette Township	Jason McCarthy, Planning/Zoning Administrator
October 20, 2020	Michigamme Township	William Seppanen, Supervisor
October 20, 2020	Ishpeming Township	Jim Nankervis, Supervisor
October 21, 2020	City of Negaunee	Ann Ducoli, Secretary David Nelson, Planning
October 22, 2020	Forsyth Township	Myron Hillock, Emergency Manager
October 28, 2020	Sands Township	Darlene Walch, Supervisor
October 29, 2020	Wells Township	Bob Therrian, Supervisor Josh Hardy, Fire Chief
October 29, 2020	Republic Township	John Ulrich, Supervisor

October 30, 2020	Richmond Township	Scott Mills, Supervisor
October 30, 2020	West Branch Township	Jack Heidtman, Supervisor
October 30, 2020	Champion Township	Larry Arsenault, Supervisor
October 30, 2020	Tilden Township	Lori Kulju, Supervisor
October 31, 2020	Turin Township	Carl Brunngraeber, Supervisor Gary Brunngraeber, Clerk
November 1, 2020	Ewing Township	Thomas Linjala, Supervisor
November 2, 2020	Chocolay Township	Dale Throenle, Planning and Zoning
November 2, 2020	City of Marquette	Dennis Stachewicz, Director of Community Development; Wendy Larson
November 3, 2020	National Weather Service	Matt Zika, Warning Coordination Meteorologist National Weather Service Marquette
November 4, 2020	Lundin Mining	Derek Dougovito, Lundin Mining
November 6, 2020	Chemical Consultant	Joseph Sabol, Chem Consultant
November 12, 2020	Marquette County Climate Adaptation Task Force Steering Committee	Scott Erbsch, County Administrator; Dr. Robert Kulisheck, Board of Health Chairperson; Dr. Jessica Thompson, NMU; Greg Seppanen, Marquette County Planning Commission and Organized Labor Representative, Tyler Penrod, Superior Watershed Partnership
November 13, 2020	Local Emergency Planning Committee	Teresa Schwalbach, Marquette County Emergency Management Coordinator (Representing LEPC)
November 19, 2020	Marquette County Climate Adaptation Task Force	Brad Neumann, Michigan State University Extension; Dave Stensaas, City of Marquette Planner; Jerry Messana, CEO Marquette County Health Department; Martha Gerig, Michigan State University Extension/ MI Sea Grant; Zosia Eppensteiner, CEO Community Foundation of Marquette County; Dr. Robert Kulisheck, Board of Health Chairperson; Dr. Jessica Thompson, NMU; Greg Seppanen, Marquette County Planning Commission and Organized Labor Representative; Tyler Penrod, Superior Watershed Partnership
December 1, 2020	Central Upper Peninsula Planning and Development Region	Dotty LaJoye, Executive Director of CUPPAD
December 1, 2020	City of Ishpeming	Craig Cugini, City Manager
December 2, 2020	Marquette County Planning Commission	Karen Alholm (County Board Appointee), Charles Bergdahl, Ken Kaiser, Mike Touchinski, Bob Struck, Ryan Diederichsen, Greg Seppanen
December 3, 2020	Ishpeming Township	Jim Nankervis, Supervisor
December 7, 2020	Forsyth Township	Myron Hillock, Executive Director Forsyth Twp Emergency Management
December 15, 2020	Marquette County Board of Commissioners	John Depetro, Joseph Derocha, Stephen Adamini, Gerald Corkin (Chair), Bill Nordeen, Karen Alholm

TABLE 1 MEETING DATES

Emergency Management

Emergency Management consists of four elements: mitigation, preparedness, response, and recovery. The goal of mitigation is to reduce the impact of hazards on people and property. To be effective, mitigation efforts must be coordinated. It is a joint effort of individuals and agencies, programs and initiatives. It requires a pooling of resources, knowledge, and purpose to reduce the risks from natural, human-related, and technological hazards.

Mitigation can be accomplished in a number of ways. People and at-risk infrastructure can be kept away from hazards or hazards can be kept away from people and vulnerable resources. If neither of those alternatives can be easily accomplished, safety measures can be implemented or response capabilities can be improved to reduce the impact of the hazard.

The creation or mitigation of a hazard is often tied directly to development decisions, many of which are controlled at the local level of government. At other times hazard potential is the direct result of operational decisions made by individuals or businesses.

The development of this plan is funded through a grant from the Federal Emergency Management Agency. The grant was awarded to the Michigan State Police Emergency Management and Homeland Security Division (MSP-EMHSD) by the Federal Emergency Management Division, which administers the grant. Funds were sub-awarded to the Marquette County Planning Division.

The MSP-EMHSD assists local units of government in mitigation, preparation, response and recovery efforts. The Michigan Hazard Mitigation Plan identifies the following basic hazard mitigation strategies:

1. *Modification of the Hazard:* Modify the hazard itself, by removing or eliminating it, reducing its size or amount, or controlling the rate of release.
2. *Segregating the Hazard:* Keep the hazard away from people. This technique largely involves redirecting water during flooding events.
3. *Preventing or Limiting Development:* Keep the people away from the hazard. Planning fits well with this strategy, which is aimed at keeping people from putting themselves in harm's way.
4. *Altering Design or Construction:* "Interacting with the hazard," in which an engineering approach is used to reduce the effects of the hazard.
5. *System Capacity, Redundancy, and Back-Up Features:* this focuses upon mechanical, design, and construction elements, but of some important system (e.g. critical infrastructure) rather than just for a specific structure. The design of structures should include back-up power options for vital operations, and infrastructure should be able to accommodate the full extremes of weather, drainage patterns, temperatures, and so on.
6. *Early Warning and Public Education:* Activity in this strategy helps to reinforce the positive effects of the other strategies. Increased public awareness is an important goal of the Hazard Mitigation Plan.

These broad strategies are appropriate strategies for the County of Marquette to adopt and strive for, as elected officials and county employees make decisions regarding development within its boundaries. To make wise decisions however, it is important to understand the physical characteristics of the

county, who its inhabitants are, and the influence prior development is exerting. The remaining part of this chapter will address these physical characteristics and influences.

The Planning Area

Encompassing 1873 square miles (1,198,484 acres) of land area, Marquette is the largest county in Michigan and one of the largest counties east of the Mississippi River, see Figure 1. Marquette County is approximately 390 miles from the State Capital in Lansing. It is 450 miles from Detroit, and 370 miles from Chicago. Its position on the Great Lakes and its latitude offer possibilities for world cargo, see Figure 2. The County contains 19 townships and three cities, see Figure 3.

Geography and Geology

First established in 1848, Marquette County's shape has gone through a lengthy metamorphosis of line-changing, once containing most of Alger, Dickinson, Delta, Schoolcraft, Iron, and Baraga counties. The result was a rather distinct shape, quite unlike the county's rectangular counterparts of southern Michigan. Finally, the county is situated in the transition zone where the ancient Precambrian crystalline rocks emerge from beneath the more recently deposited Paleozoic sandstones and limestones of the Michigan Basin. This, coupled with as many as four occurrences of glaciation, created the mountainous landscape in the central and northern regions of the county and the rolling, forested glacial deposits to the south and east. The [Natural Features and Resources Chapter of the Marquette County Comprehensive Plan](#) further details the geography and geology of the County.



FIGURE 2 MARQUETTE COUNTY, LOCATION

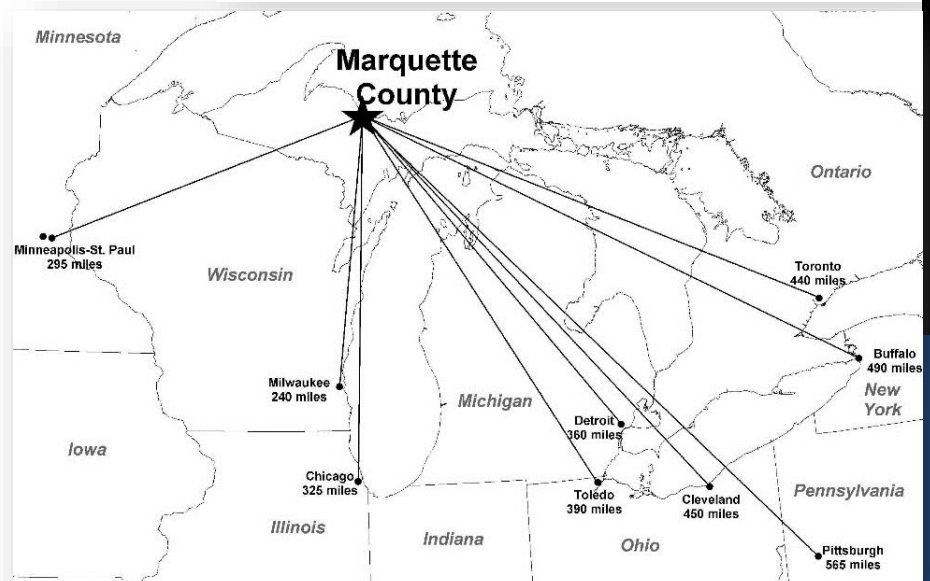


FIGURE 1 MARQUETTE COUNTY'S RELATIVE LOCATION

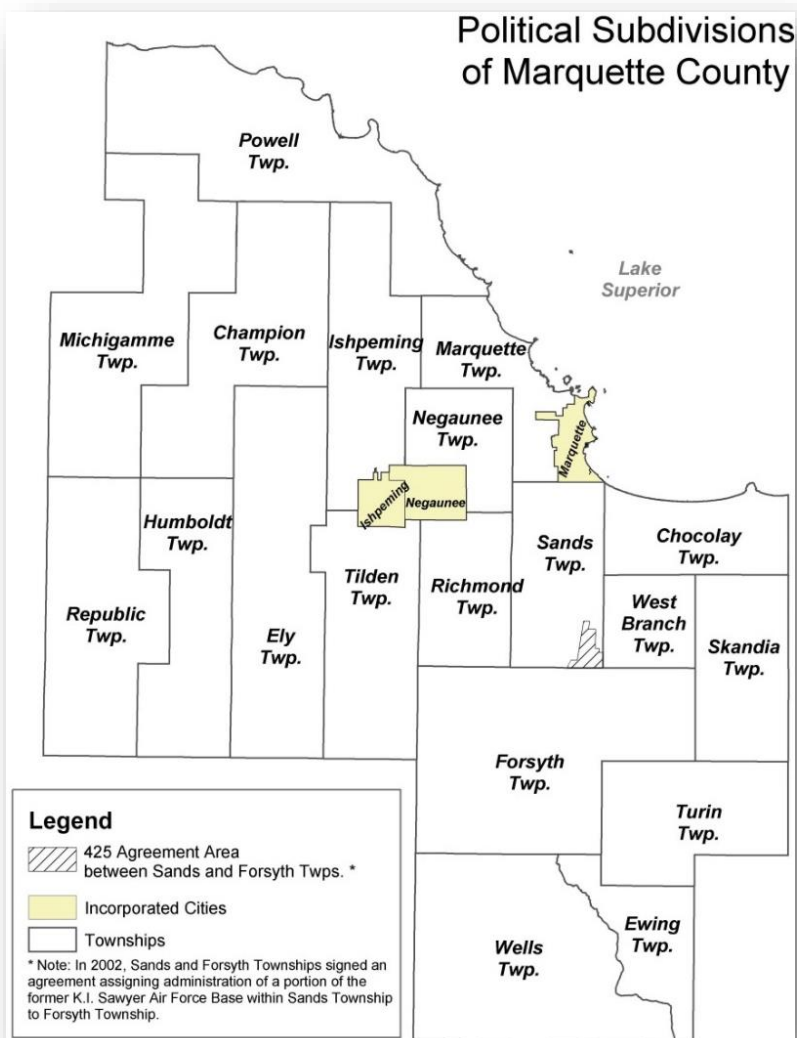


FIGURE 3 POLITICAL SUBDIVISIONS, MARQUETTE COUNTY

The U.S. Department of Agriculture has completed a soil survey of Marquette County. It is available in both paper and digital format. Information on slopes and soil suitability is an important tool in evaluating development potential and assessing hazard risks. In addition, the County of Marquette's Planning Division has also developed a [Land Use, Value, and Ownership Chapter of the Marquette County Comprehensive Plan](#), which inventories existing land cover and use.

Climate

The topography of Marquette County and proximity to Lake Superior affects its climate. The lake effect continues to be minimized at higher elevations and further inland. In some years, early freezing of the near -shore areas reduces the lake effect. The Lake generally increases cloudiness and snowfall during the fall and winter. Lower elevations and areas along the shore are cooler during late spring and early summer and warmer during the late fall and early winter.

The average heating degree days for January is 1581 while in October is its 576. The average cooling degree-days for July is 106, while May was 16. The average date of the last freezing temperature was May 31 and the average date of first freezing temperature in the fall was September 7. The freeze-free period averages 109 days annually. The prevailing wind is westerly, averaging 9 mph. The strongest one-minute wind speed, 59 mph was recorded in June 1958. The average relative humidity varies from 61% for April to 70% for November and December. The average percent of possible sunshine varies from 25% in December to 64% in July. The annual average is 44%. Summer precipitation is usually in the form of afternoon showers and thundershowers. A list of monthly means can be found on the following page.

Population

The 2010 U.S. Census placed the population of Marquette County at 67,077, a 3.8% increase from the 2000 U.S. Census total population of 64,629. Figure 4, on the next page, shows population by local unit of government over the past 30 years and labels the 2010 population figures.

CLIMATE NORMALS 1981-2010:

TEMPERATURE:

January Maximum ('06)	49°F
July Maximum ('88)	99°F
January Minimum ('94, '96)	-27°F
July Minimum ('86, '89, '00)	36°F

TEMPERATURE EXTREMES:

Maximum Temp (07.1988)	99°F
Warmest Monthly Mean (07.1983)	83°F
Minimum Temp (02.1981)	-32°F
Coldest Monthly Mean (01.1982)	-5.6°F

ANNUAL PRECIPITATION:

Highest (1985)	51.59"
Lowest (1994)	24.15"
Mean	35.59"

SNOWFALL:

Calendar Year Highest (2002)	296.2"
Calendar Year Lowest (1994)	112.3"
Mean	203.64"
Season Highest ('02-'03)	319.8"

ANNUAL MEAN TEMPERATURE:

Highest (1998)	43.38°F
Lowest (1989)	37.9°F
Mean	40.2°F

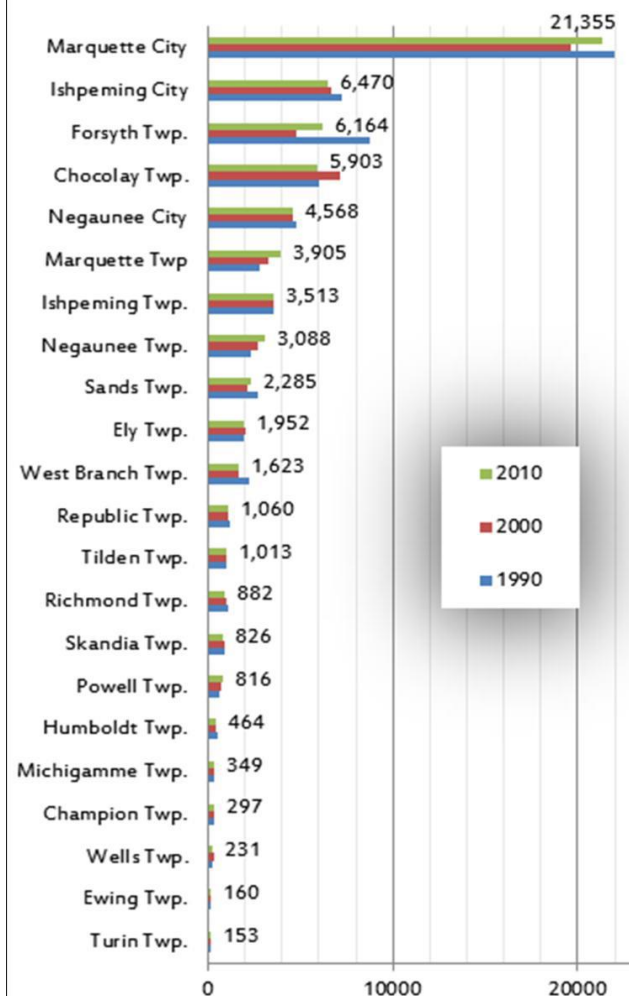


FIGURE 4 POPULATION BY SUBDIVISION

Critical Facilities and Organizations

MEDICAL

As the largest city in the Upper Peninsula, Marquette also became the regional center for health services. UP Health System – Marquette, formerly Marquette General Hospital, has 222 beds with care in more than 65 medical specialties and subspecialties. It is also a training hospital affiliated with numerous colleges and universities throughout the Midwest. Through its collaboration with Northern Michigan University, UP Health System – Marquette also is part of the Upper Michigan Brain Tumor Center, which is conducting primary research on the formation of brain tumors. The hospital employs more than 1,800 people and annually serves 9,000 inpatients, and more than 350,000 outpatients.

UP Health System – Bell, formally Bell Hospital, is a 25 bed critical access hospital located in Ishpeming. A new facility was built in 2008. UP Health System – Bell employs more than 350 people and has more than 90 physicians on its active and consulting medical staff.

The Peninsula Medical Center in Marquette provides private offices for over 120 medical professionals. Other medical centers are the Teal Lake Medical Center in Negaunee, the Upper Great Lakes Family Health Centers located at K. I. Sawyer, Gwinn, and Marquette.

The Medical Facilities in Marquette County are relatively stable, but as presented during the Covid-19 pandemic there are capacity and staffing limitations that are vulnerabilities in extreme situations.

EDUCATION

According to the Census Bureau, of population over 25 years of age, 5% received a high school diploma. 31% have had some level of college than a bachelor's degree and 22% hold a bachelor's degree. Nearly 7% hold a graduate or professional degree. In 2019, 18,027 individuals residing in Marquette County were actively enrolled in an educational program. Thirty-six percent were enrolled in programs for preschool through eighth grade. Seventeen percent were in high school and 48% were enrolled in college or graduate school.

All or portions of ten school districts and one charter school are within Marquette County, see Figure 5.

Northern Michigan University located in Marquette offers 1-, 2- and 4-year degrees and special certifications. The wide variety of technical and vocational programs includes cosmetology, restaurant management, construction trades, and airframe and power and business programs. In addition, custom training is available for area businesses. Additional educational opportunities are available in the Upper Peninsula at Bay de Noc Community College, Gogebic County Community College, Finlandia University, Lake Superior State University, and Michigan Technological University.

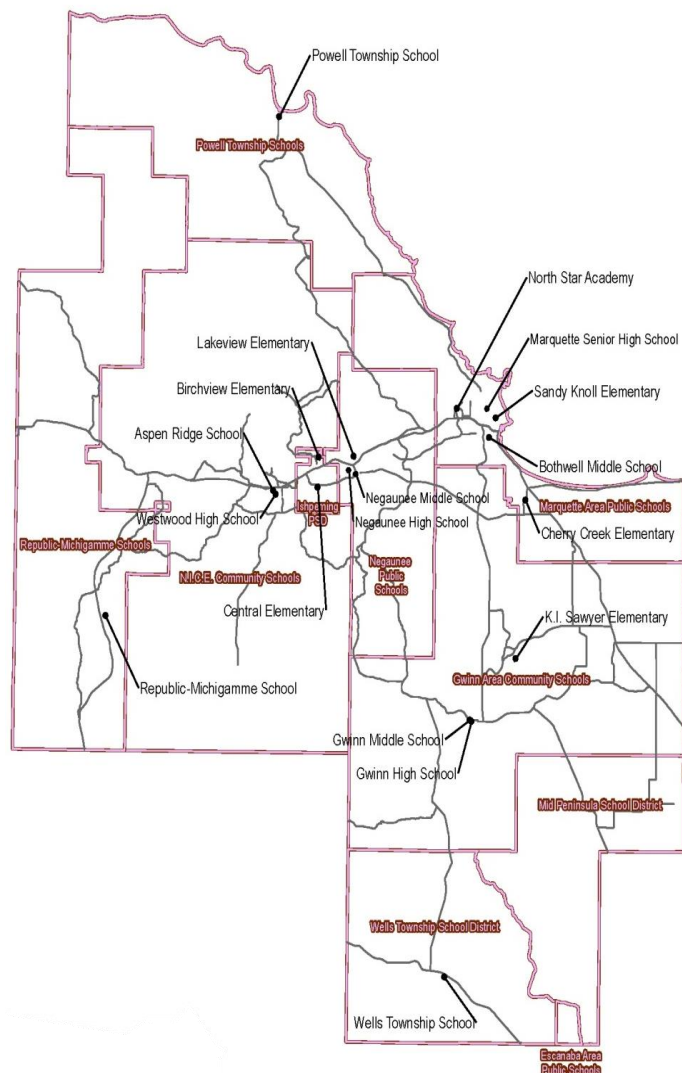


FIGURE 5 SCHOOL DISTRICTS

ORGANIZATIONS

There are numerous service organizations, such as Rotary, Zonta, Kiwanis and Lions throughout the County. There are also active chapters of many special interest organizations, such as the American Red Cross, American Cancer Society, American Heart Association, the Alzheimer's Association, etc. Key organizations in disaster mitigation, response and recovery include the United Way, American Red Cross, Team Rubicon, Salvation Army, The Great Lakes Conservation Corps and the St. Vincent de Paul Society.

EMERGENCY RESPONSE FACILITIES

There are 22 local units of government located within Marquette County. Fire, police, and EMS services to these units is provided through a number of means. Services are often joint or contracted with adjacent units. Currently, law enforcement in Marquette County is provided by the Michigan State Police, the Marquette County Sheriff, three city police departments, three township police departments, Northern Michigan University Public Safety, and the Keweenaw Bay Indian Community.

UTILITIES AND INFRASTRUCTURE

Utilities and infrastructure include: roads, bridges, electric service, water, and wastewater treatment among other services. They are essential to the wellbeing and prosperity of Marquette County. Some vulnerabilities of hazards to utilities and infrastructure include damage caused by severe winds causing power or heat outages, water back-ups potentially causing storm water or sewer backups, erosion causing damage to roads and bridges from waves on Lake Superior or storm surges on rivers and streams. Utilities and infrastructure are further addressed in Chapter Six.

Local Unit of Government	Fire	Police
Champion Township	Y	N
Chocolay Township	Y	Y
City of Ishpeming	Y	Y
City of Marquette	Y	Y
City of Negaunee	Y	Y
Ely Township	Contracted with Ishpeming Twp.	N
Ewing Township	Tri-Township FD	N
Forsyth Township	Y	Y
Humboldt Township	Y	N
Ishpeming Township	Y	Y
Marquette Township	Y	N
Michigamme Township	Y, Joint with Spurr (Baraga Co.)	N
Negaunee Township	Y	N
Powell Township	Y	N
Republic Township	Y	N
Richmond Township	Y, Palmer FD	N
Sands Township	Y	N
Skandia Township	Y, Joint with West Branch Twp.	N
Tilden Township	Contracted with Ishpeming Twp.	N
Turin Township	Y, Tri-Township FD	N
Wells Township	Y	N
West Branch Township	Y, Joint with Skandia Twp.	N

TABLE 2 EMERGENCY RESPONSE FACILITIES

HOUSING

Early community settlement patterns in Marquette County developed around iron ore mines. Today many of those communities still exist even though several of the mines have closed. A strong sense of belonging to a community makes those places a desirable place to live and raise a family. However, most must commute long distances to work each day.

There are 34,738 housing units in Marquette County, an increase in over 400 since the year 2010. Of that number, 26,204 are occupied and 8,534 are vacant. The housing market in Marquette County is a reflection of local economic conditions in addition to regional and national occurrences. Housing has a direct impact on the U.S. economy. Less than ten years ago the housing market was a driving force in what was considered a healthy, growing economy. New housing starts were at record numbers both nationally and locally. Existing houses were being bought and sold rapidly and banks were lending money easily. This created jobs in the construction and manufacturing industries along with service jobs such as real estate agents, lawyers, and brokers. The [Housing Plan](#) is a chapter of the County's Comprehensive Plan. It further discusses the history and state of the housing stock in the County.

Risks in housing units include the occurrence of fires and the mitigation infrastructure, such as fire alarms and updated wiring, put into place alleviate that risk.

Historic Resources

Mining and logging attracted settlers of Canadian, French, Cornish, Swedish, Finnish, and Irish stock. Hardworking and conservative, together they developed the County. Three early communities, Marquette, Ishpeming and Negaunee developed into cities. Other communities are integral parts of political townships, but have their own identities. Two townships, Chocolay and Marquette are classified as Charter Townships and have additional governmental rights and responsibilities. Just as time and growth can give rise to land use conflicts, they can also give birth and appreciation for places of historic significance. Marquette County has an appreciation of its past -- from the Courthouse to mining buildings and charcoal kilns to residential neighborhoods. There are 47 sites on the national and/or state lists of historic structures.

Museums available to the public:

- Marquette Regional History Center
- Marquette Maritime Museum
- Forsyth Township Historical Museum
- Michigamme Historical Museum
- National Ski Hall of Fame
- U. P Sports Hall of Fame
- Michigan Iron Industry Museum
- Negaunee Historical Museum
- K. I. Sawyer Air Heritage Museum
- Pascoe House Museum, Republic
- NMU Document Archives
- Cliffs Shaft Historic Park (Ishpeming)

Transportation

Transportation of goods and people within Marquette County is of primary importance. While transportation is predominantly by motor vehicle, other modes of transportation play a role in moving goods or people within Marquette County. A discussion of the various modes of transportation follows.

ROADS

There are no interstate highways within Marquette County. The backbone of surface transportation are highways US-41 and M-28. They provide access to and from the east, south, and west. There is a significant amount of local traffic and through traffic, particularly Canadian cross-continental trucking. Other important highway routes are M-94, M-95, M-35, and M-553, which travel in a north-south direction. With relatively few roads in Marquette County and the vastness of the county, a major hazard risk includes road and bridge damage causing added time for commute in the case of a re-route needed due to impassable roads.

PUBLIC TRANSPORTATION

Most individuals rely on private vehicles for transportation. All of the school districts provide bus service. Airport shuttle service is available. Taxi service is available in Marquette.

Marq-Tran, a publicly operated bus system, serves Marquette County and provides fixed route and door-to-door services. The Marq-Tran facility is also a service center for Indian Trails and is located along the Calumet-Chicago route. Marq-Tran is part of the County's Emergency Response System and participates in emergency simulations and actual emergencies. A limitation with public transportation, is that it does not reach all areas of the county.

RAIL

Three railroad companies have track in Marquette County. Canadian National (CN) Railroad bisects Marquette County as it runs from Escanaba to Houghton. Escanaba is along a line running from Sault Ste. Marie to the western United States.

According to the company's website, CN is the only railroad which crosses the continent east-west and north-south, serving ports on the Atlantic, Pacific and Gulf coasts while linking customers to all three NAFTA nations. They also claim to move a more diversified and balanced portfolio of goods including petroleum and chemicals, grain and fertilizers, coal, metals and minerals, forest products, intermodal and automotive. Lake Superior and Ishpeming railroad runs from the central part of the County to the ore dock in the North Marquette harbor. The railway is owned by Cliffs Natural Resources and is used to haul ore from the mining operations to the ore dock located by Presque Isle in the City of Marquette. Escanaba and Lake Superior railroad runs north from Green Bay, Wisconsin through Iron Mountain into Republic Township in southwest Marquette County. Mineral Range Railroad hauls the ore from the Lundin Mill in Humboldt to Ishpeming on the rail spur reopened in 2013. Known vulnerabilities include rail and trestle damage from extreme weather events.

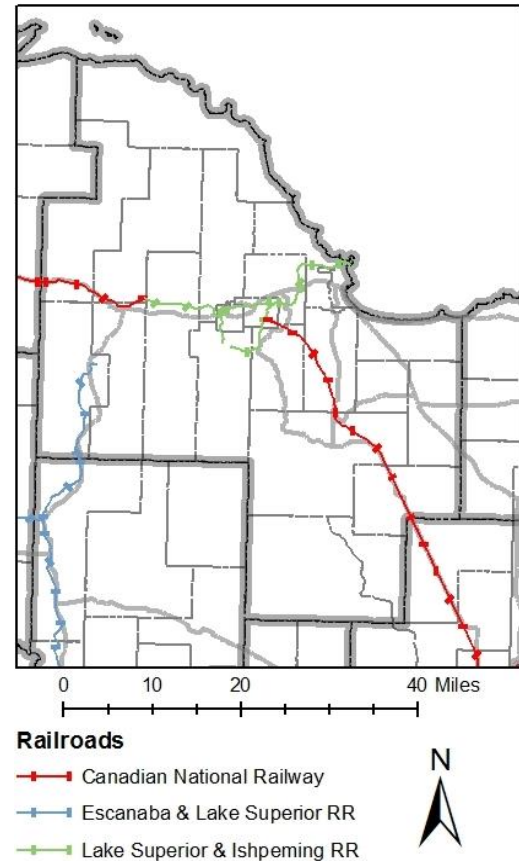


FIGURE 6 RAIL LINES

WATER

There are two ports in Marquette County. The Big Bay Harbor of Refuge is owned by the County of Marquette and is located in the Big Bay Area of Powell Township in northern Marquette County. This port is identified as commercial and recreational. The second port is in the City of Marquette and is identified as a cargo, commercial, and recreational port. Docks in the Upper Harbor include the LS&I Ore Dock, the WE Energies Coal Dock, and the City's Merchandise Dock. The Presque Isle Marina, operated by the City of Marquette, is also located in the harbor. A break wall protects the harbor. In the Lower Harbor, the Marquette Board of Light & Power maintains a dock at the Shiras Steam Plant. The Fish Dock serves Thill and Son's Fisheries and is used by recreational vessels. An association of recreational boaters also maintains a dock. The City maintains docking facilities along the bulkhead of the Ellwood Mattson Park for large visiting vessels and operates the Cinder Pond Marina.

AIR

Sawyer International Airport located at K. I. Sawyer provides commercial passenger, charter and general aviation services. There is a general aviation terminal and a passenger terminal. The fixed base operator also operates an FAA certified repair station. There are at least eight unpaved, private landing fields. In addition, several area lakes are used for aviation.

PIPELINE

Marquette County has two major continental pipelines used for transporting crude oil and natural gas. They are located in Wells Township, which is sparsely populated. There are other smaller regional pipelines located within the County, as well. The newly constructed SEMCO Marquette Connector Pipeline, a 42-mile pipeline completed in 2020, links the existing Northern Natural Gas pipeline with the Great Lakes Gas Transmission system. The pipeline runs north to south through much of Marquette County, from Negaunee Township to near the town of Arnold. Pipelines do cross rivers and streams in Marquette County and a risk involved is the instance of a spill allowing the crude oil or gas causing air and water pollution.

Economic Characteristics

While Marquette County has suffered along with the rest of the country in the recent recession, the effects so far have been less serious than in the rest of Michigan. A combination of strength in mining, lack of dependency on the auto industry, and diversification have help to insulate Marquette County form the worst of the recession. The insulation, however, is relative. Marquette County fared well by Michigan standards, but performed poorly compared to counties in Wisconsin. Additional concerns lie ahead, as Marquette County remains vulnerable to some long-term economic and demographic trends.

Demographic trends, while reversible, represent the greatest current threat to Marquette County's economic well-being. While the entire U.S. population is aging, the effects are more pronounced here. Birth rates have dropped across the Upper Peninsula, to the point that existing populations cannot be sustained without in-migration. International migration to the Upper Peninsula is miniscule, and domestic migration is generally out of the region. Michigan was the only state to suffer a population loss between 2000 and 2010. Mining remains a volatile industry, and is now much more exposed to changes in demand and global competition. Iron mining success through the recent recession has been sustained because of global demand for iron ore from China and India less than by North

American demand. Hope for Marquette County can be seen in its consolidation as a regional center. Regional institutions like Northern Michigan University and UP Health Systems—Marquette (formerly Marquette General Hospital) are major employers. The access provided by Sawyer International Airport enhances opportunities for economic growth. Marquette County has only 26 per cent of the Upper Peninsula’s population, but Sawyer accounts for 53 per cent of the airline passenger traffic in the region. Additional information can be found in the [Economy Chapter](#) of the Marquette County Comprehensive Plan.

SECTION II HAZARD OVERVIEW

CHAPTER 2 RISK ANALYSIS

Hazard Rating

The County's Emergency Management Coordinator obtained feedback from the Local Emergency Planning Committee (LEPC) and met with the Planning Division on November 13th, 2020. Hazards were rated for several criteria and the results were compiled into the Hazard Rating table, see Table 3.

Chance of Occurrence: The more often a hazard occurs, the more risk it represents. Chance of occurrence was ranked as:

- 10 points: Multiple times a year
- 7 points: Annually
- 5 points: Every 2-3 years
- 3 points: Every decade or so
- 1 point: Low occurrence

Population Affected: How many people will be affected by the hazard, either directly or indirectly?

- 10 points: High impact
- 7 points: Medium impact
- 4 points: Low impact
- 1 point: No impact

Number of Casualties: Casualties significantly raise the risk posed by a hazard.

- 10 points: Many casualties
- 7 points: Some casualties
- 4 points: Few casualties
- 1 point: No casualties

Ability of Mitigate/Predict: The easier it is to mitigate and predict a hazard, the more effective money spent on that effort will be. We are trying to use our resources to change things that we can do something about.

- 10 points: Impossible to mitigate/ predict
- 7 points: Difficult to mitigate/ predict
- 4 points: Possible to mitigate/ predict
- 1 point: Easy to mitigate/ predict

Area Affected: The wider an area that a hazard affects, the greater the risk.

- 10 points: All of Marquette County is affected.
- 7 points: Multiple cities and/or townships are affected.
- 4 points: One city or township is affected.
- 1 point: Hazard is confined to a localized area.

Risk factors were weighted according to their relative importance and the results were tabulated.

Hazard	Rank	Total Weight (Must = 100%)	Area Affected	Ability to Mitigate	Ability to Predict	Number of Casualties	Population Affected	Chance of Occurrence
Weight		100%	10%	25%	15%	10%	15%	25%
Infrastructure Failure/Secondary Technological Hazard	1	7.15	10	4	7	1	10	10
Public Health Epidemic	2	7.05	10	7	7	10	10	3
Snowstorms	3	7	10	4	4	4	10	10
Severe Winds	4	6.7	7	10	4	1	7	7
Extreme Temperatures	5	6.55	10	4	1	4	10	10
Wildfires	6	6.4	7	4	7	1	7	10
Structural Fires	7	6.1	1	4	10	4	4	10
Transportation Accident--Passenger	8	6.1	1	4	10	4	4	10
Hazardous Material--Fixed Site Incident	9	5.95	4	4	7	4	4	10
Earthquakes	10	5.95	10	10	10	1	4	1
Drought	11	5.75	10	7	4	1	7	5
Hail	12	5.7	7	10	7	1	4	3
Shoreline Erosion/Flooding	13	5.5	7	7	4	1	4	7
Petroleum/Natural Gas Accident	14	5.45	7	4	7	4	7	5
Ice/Sleet Storms	15	5.05	10	4	1	1	7	7
Sabotage/Terrorism	16	5.05	1	7	10	4	7	1
Civil Disturbance	17	5	7	7	4	1	4	5
Riverine and Urban Flooding	18	4.7	7	4	7	1	4	5
Tornadoes	19	4.65	4	7	7	1	4	3
Dam Failure	20	4.35	4	4	7	1	7	3
Hazardous Material--Transportation Accidents	21	4.35	4	4	10	1	4	3
Subsidence	22	3.6	1	4	10	1	1	3
Lightning	23	3.4	1	7	4	1	4	1
Scrap Tire Fires	24	2.35	1	1	10	1	1	1

Table 3: Hazard Rating Table

The LEPC is a diverse group, made up of doctors, EMS personnel, chemists, and planners. The ranking was done by discussion of the various hazards involved between the County's Emergency Management Coordinator and the LEPC. Hazards were ranked based on scores assigned to several of their characteristics, as displayed in Table 3.

The individual hazards will be discussed in more detail in the following chapters. Some hazards were grouped together for the purposes of this plan. All priority hazards are further analyzed and addressed within the plan.

Risk and Vulnerability Assessment

Risk: The goals of risk assessment are to determine where hazards exist, and develop an understanding of how often they will arise and how much harm they will cause. Based on the weighted hazard ranking process recommended in the Michigan Hazard Analysis workbook, a composite of hazards and their relative risk are presented below.

High Risk: very likely to occur during hazard mitigation planning horizon of 20 years, and/or effect all of most of the County.

Medium Risk: somewhat likely to occur during hazard mitigation horizon of 20 years, and/or effect a significant are of the County.

Low Risk: not likely to occur, or cover only a limited area of the County.

Vulnerability: This step looks at such points as population concentrations, age-specific population, development pressures, geography, types of housing, presence of agriculture, and other issues that make Marquette County more vulnerable to specific hazard. Basic criteria are listed below.

High Vulnerability: If an event occurred it would have severe impacts over large geographic areas or more densely population areas and have serious financial impact on County residents and businesses.

Medium Vulnerability: If an event occurred it would have confined impacts on the safety of County residents but may still present financial impact on County residents and businesses.

Low Vulnerability: If an event occurred it would have very minimal impact on the safety of County resident and financial impact on County residents and business would also be minimal.

<i>Hazard</i>	<i>Risk</i>	<i>Vulnerability</i>
Snowstorms	High	High
Extreme Temperatures	High	High
Infrastructure Failure	High	Medium
Ice/Sleet Storms	Medium	Medium
Wildfires	High	Medium
Public Health Epidemic	Medium	High
Hazardous Materials- Fixed Site	Low	Low-Medium
Riverine and Urban Flooding	Medium	Medium
Structure Fires	High	Low
Transportation Accident	High	Low
Drought	Medium	High
Dam Failure	Low	High
Shoreline Flooding/Erosion	High	High
Severe Winds	Medium	High
Hazardous Materials- Transportation	Low	Low-Medium
Tornadoes	Low	Medium
Civil Disturbance	Medium	Medium
Scrap Tire Fires	Low	Low
Petroleum/Natural Gas Accident	Medium	Medium
Lightning	Medium	Low
Hail	Medium	Medium
Subsidence	Medium	Low
Sabotage/Terrorism	Low	Medium
Earthquake	Low	Low
Rip Currents	High	Medium
Environmental Hazards	High	High

TABLE 3 RISK AND VULNERABILITY ASSESSMENT MARQUETTE COUNTY

CHAPTER 3 NATURAL DISASTERS

In the natural disasters section of this document multiple hazards will be discussed and analyzed. These hazards include: fires, flooding, dam failure, unstable ground, and earthquakes. These hazards vary greatly in their likelihood and severity.

Data for this chapter was gathered through multiples sources. Information was used from the previous Hazard Mitigation Plan as well as assembled from Marquette County Central Dispatch, the Michigan Department of Natural Resources, and the National Oceanic and Atmospheric Administration.

Wildfires

Marquette County's area of 1860 square miles makes it the largest in Michigan. Approximately 85% of the County is covered in forest lands. Woven into this forested landscape is the Upper Peninsula's largest population, primarily focused along the US-41 corridor from Harvey to West Ishpeming. Beyond the corridor, however, dispersed development has led to a large Wildland Urban Interface (WUI). These factors combined in 2013 to trigger more wildfires in Marquette County than in any other county in Michigan. The [Marquette County Community Wildfire Protection Plan](#) will serve as additional information and this section of the Hazard Mitigation Plan.

RISK ANALYSIS

To assess the current wildfire risk, a 30-year survey of wildfire in Marquette County was compiled. Records from the Michigan Department of Natural Resources were used, focusing on "reportable" fires, or fire that could not be contained by local fire departments, triggering a response by the DNR. Databases of local fires were not accessible, and the sheer number of non-reportable fires in the paper database was too overwhelming to include for a 30-year history. DNR officials were very helpful in acquiring the necessary data. Wildfire risk analysis is more thoroughly analyzed in the Marquette County Community Wildfire Protection Plan.

Wildfires

Risk:	High
Vulnerability:	Medium

Mitigation

- Reduction of hazardous fuels
- Implement Firewise techniques
- Reducing structural ignitability
- GIS Mapping of high fire hazard areas
- Public notification of high fire risk days

Structure Fires

Structure fires are a common hazard facing all communities. According to the FEMA U.S. Fire Administration and the National Fire Protection Association, there were over 1.3 million fires reported in the United States in 2018. Approximately 499,000 of these were structure fires. These fires caused over 25.6 billion dollars in damage. Apartments, student dormitories, and large institution fires are of particular concern in Marquette County.

Apartments

Based upon recent fire history, a large portion of structure fires in the County take place in apartments and multi-family units. The most recent structure fire took place July 30, 2019 at the Pine Ridge Complex in the City of Marquette that evacuated dozens of residents from their homes for months, but reported no injuries. Northern Michigan University in the city of Marquette creates a large need for rental housing, thus a large number of rentals exist in the City of Marquette. The Marquette Housing Commission operates Lake Superior Village, with 114 townhouse style units in multiple structures. None of the units at Lake Superior Village are barrier free. Within the City of Marquette are two high rise apartment buildings. Pine Ridge and Snowberry Heights are 9 and 11 stories respectively. Pine Ridge has 140 units with some barrier free units. Snowberry Heights is privately operated. It has 191 units, with some barrier free units located on the first floor. Snowberry heights is reserved for seniors and those who are mobility disabled.

The Ishpeming Housing Commission has 39 units between its Holmes Terrace and Willow Street Complexes. These units are not equipped with sprinklers. Also operated by the Ishpeming Housing Commission is the Pioneer Bluff Apartments. These apartments are reserved for seniors and the disabled. The Pioneer Bluff Complex has 88 apartments. It is not equipped with a sprinkler system. The units have wired smoke alarms with battery back-up. The building is also equipped with strobe light alert system for those with hearing impairments.

The City of Negaunee Housing Commission operates 80 apartments units. These units are all equipped with hardwired smoke detectors that have battery backups. The smoke detectors are also equipped with sound and light strobe for the vision and hearing impaired. The fire alarm system is continuously monitored by an outside company. Sprinklers are installed in the boiler and storage rooms.

Student Dormitories

Most dorm fires are relatively small. Approximately 2/3 of these fires are limited to the area of origin --being suppressed before involving the entire room. Arson, smoking, and cooking are the leading causes of fires within dorms. Unattended candles are another major cause of dorm fires. Northern Michigan University has eight residence halls that are occupied by roughly 2800 students. The University also has seven apartment complexes with approximately 550 occupants. All on campus housing is equipped with smoke alarms and sprinkler systems. Routine fire drills are also held.

Institutions

Bell Memorial Hospital and Marquette General Hospital routinely provide education for staff in evacuation plans and in house drills. Both hospitals are equipped with fire alarm and sprinkler systems. Fire inspections are conducted by the State twice a year. Staff also conducts internal inspections. During an event, hospital patients would be moved to another wing while extended care patients would most likely be sheltered with family.

The D. J. Jacobetti Home located in the City of Marquette is a 294 bed home for veterans. They average about one minor fire per year. There are monthly reviews of fire, bomb, and tornado evacuation practices. Three times per year they conduct in house evacuation drills, moving patients from one area past fire doors into other portions of the facility. Twice a year they conduct drills for other types of disasters. There are smoke detectors and sprinklers in all hazard areas. The State Fire Marshal inspects the property twice yearly and it is inspected by a federal inspector once a year.

The Marquette Branch Prison, in the City of Marquette, had a major fire approximately 20 years ago during which they lost one building and had severe damage to another. Since that time, sprinkler systems, smoke detection and alarm systems, and standpipes have been added. The City of Marquette would be called for a fire that could not be handled internally. All City firefighters tour the facility annually to assure familiarity with the building and special procedures. In the event of a fire, internal evacuation/relocation would take place if needed. Generally, there is minimal mass movement of prisoners. There is a policy of no external evacuation.

Human error is the most common cause of fire in Marquette County. Candles, appliances, and sauna stoves have all caused numerous fires in Marquette County. Although the County's housing stock is old, the older (knob and tube) wiring in these homes has not seemed to have caused significant problems. Marquette County Central Dispatch keeps records on incidents involving all police, fires, and EMS agencies countywide. Central dispatch receives approximately 20,000 9-1-1 calls annually. These reports were reviewed for data and statistics on fires.

RISK ANALYSIS

Fires in residences constructed before 1964 create a problem because of balloon frame construction. Fire spreads by using the wall cavities as chimneys. The fires can be extinguished, but there is always major water damage, sometimes to the point of demolition. Since 1964, laws requiring firestops in wood frame construction have been enforced. However, more than 43% the housing in Marquette County was constructed before enforcement of this law.

Due to a switch in record keeping methods, data on fire instances in Marquette County was only available beginning in 2012. However, the data was not searchable so exact structure fire numbers were not incorporated into this plan.

The City of Marquette Fire Department enforces its Rental Fire Safety Code Ordinance with three staff rental inspectors. The City of Ishpeming also has a residential rental inspector who completes inspection on rental units. These inspections ensure safety of rental units and also check for mandatory items such as

Structure Fires

Risk: High

Vulnerability: Low

Mitigation

Smoke detector programs

Education and awareness: fire department open houses, residential fire escape plans, smoke detection awareness

Rental inspection programs and ordinances

Encourage sprinkler systems

Fire prevention through building codes

working smoke detectors. The City of Negaunee also has employs an inspector who enforces rental registration and inspection. The large number of people in apartments, dormitories, and institutes make the hazard potential of a fire at these locations significantly greater. However, these locations most often have safety and preventative measures in place.

Other Fires

Scrap tires fires are especially difficult to extinguish and cause extensive clean up. Marquette County does not have any significant scrap tire piles. However, tire dealers and solid waste transfer stations accumulate tires for recycling and sometimes have a hundred or more tires on site. There is also the possibility of illegal dumping sites.

Explosion incidents can also occur within the County. Two power plants previously operated in the County, the Wisconsin Energy Presque Isle Plant and the Shiras Steam Plant, and were decommissioned in 2019, and 2018 respectively. This brought the addition of a gas fired generating station located in Negaunee Township as well as the Marquette Board of Light and Power Natural Gas plant on Wright Street in the City of Marquette. The Tilden, Empire, and Eagle Mines are all located within the county and use of explosives at these sites in common. Dyno-Nobel, an industrial and mining explosives company, is located in Tilden Township.

In recent years, the manufacturing of meth has become increasingly more common across the nation. There have been several arrests related to methamphetamine in Marquette County. The process of making methamphetamines is extremely dangerous as the ingredients are volatile and often times can explode or catch fire. Other explosions within the County include those from homemade bombs. These bombs tend to be made with cleaning and other household products.

RISK ANALYSIS

Though no significant scrap tires piles are located within the County there is still a chance that a fire could occur at a recycling facility or dealer or illegal dump site. In the event of a fire, both scrap and new tires could create fire suppression problems. Each tire also can create about 2 gallons of oily residue that can leach into the soil or migrate to streams.

The County of Marquette has also experienced explosion incidents. In December 2001, an explosion occurred at Wisconsin Electric's Presque Isle Generating Station in the City of Marquette as a generator was put on line. One death and one injury resulted. The mining industry in Marquette County continues to use explosives on a daily basis. The mines and the Dyno Nobel explosives company are generally isolated from heavily populated areas, but could be threatened by events such as wildfire. Dyno-Nobel maintains their own Hazmat Response Plan.

Other businesses utilize products that could result in explosion if they are mishandled. Unfortunately, there have been several incidents of homemade bombs that utilize cleaning products. Although most homemade bombs tend to be pranks, the result could be tragic. Local police agencies periodically give warnings about blasting caps, fuses, and the like and have taken enforcement action regarding the homemade bombs.

Other Fires

Risk: Low

Vulnerability: Low

Mitigation

Tire collection events

Response plans for buildings with hazardous materials

Funding for specialized response teams (UPSET)

The manufacturing of methamphetamine has been the cause for both explosion and fires in Marquette County. The Upper Peninsula Substance Enforcement Team (UPSET) is a multijurisdictional street narcotics team that covers a large portion of the Upper Peninsula, including Marquette County. The team is responsible for uncovering multiple manufacturing sites and also for many arrests relating to methamphetamines.

Riverine and Urban Flooding

There are approximately 4,000 miles of rivers and creeks and over 1,800 inland lakes in Marquette County. Combined with heavy snow accumulations and a mean annual rainfall of 30 inches, the County of Marquette is susceptible for flood related problems. There are 22 drainage basins within Marquette County, which vary in size greatly (Figure 1-6, Marquette County Watersheds). Four river systems, the Carp, the Pesheeke-Michigamme, the Chocolay, and the Escanaba provide the greatest risk of property damage.

The main cause of flooding in the Upper Peninsula is usually heavy rainfall and rapid melting of snow

or ice accumulations. By monitoring weather and ice/snow accumulations, short-term flood predictions are possible. Flash floods are short term events, occurring within six hours of the causative event (heavy rain, dam break, levee failure, rapid snowmelt, and ice jams). The two key elements are the intensity of water release and the duration. Topography, soil conditions, and ground cover also play an important role. Flash flooding can occur in narrow gullies and river basins, in shoreline areas following severe storms and in urbanized areas. Impervious surfaces increase run-off two to six times over that occurring on natural land. Streets can become swift moving rivers and basements can become traps as they fill with water.

There is no distinct line between riverine flooding and urban flooding. Storm drains are constructed to collect water from impervious surfaces within a built up area. They can include ditches or a system of catch basins and pipes. While this may prevent local flooding of streets, it moves water more rapidly to the ultimate collection point—usually a stream, river or lake. The decrease in lag time increases the peak discharge. Regardless of the capacity of the receiving body of water, urban flooding occurs when the drain or pipe is inadequately sized or designed to receive all of the water within that portion of the system.

When gutter, ditch or pipes have too little capacity; ponds are created on the road. The most common form of urban flooding is water topping curbs. Improperly designed curb cuts can also channel water along driveways, funneling it into garages and basements. In some instances, the backup of water could be the result of the height of catch basins or the grade of the adjacent street. In others, it could be due to volume exceeding the capacity due to addition of impervious surfaces after construction of the system or elimination of a natural detention area. Lastly, maintenance of the system is an important factor in meeting its design function. Catch basins and culverts clogged with sand or leaves cannot carry their full capacity of water.

Marquette County Drainage Basins

Big Garlic River	Harlow Creek	Provost Lake
Carp River	Huron River	Rapid River
Chocolay River	Little Garlic River	Salmon Trout River
Compeau Creek	Little Huron River	Sand River
Dead River	Mountain Lake	Whetstone Brook
Escanaba River	Oriana Brook	Whitefish River
Ford River	Pelessier Lake	Yellow Dog River
		Pesheeke-Michigamme River

NOAA and the United States Geologic Survey (USGS) along with other partners operate streamgages and monitoring throughout the United States. Data from these gages can be found through the USGS and also through NOAA. A streamgage is an active, continuously functioning measuring device in the field for which a mean daily streamflow is computed or estimated and quality assured for at least 355 days of a water year or a complete set of unit values are computed or estimated and quality assured for at least 355 days of a water year. Most USGS streamgages operate by measuring the elevation of the water in the river or stream and then converting the water elevation (called 'stage') to a streamflow ('discharge') by using a curve that relates the elevation to a set of actual discharge measurements. This is done because currently the technology is not available to measure the flow of the water accurately enough directly. There are multiple gages located in Marquette County. Streamgages play an important role in being able to predict and monitoring flood conditions.

RISK ANALYSIS

Marquette County experienced 16 days with recorded flood events from 07/01/2010-01/01/2020. These events consist of floods, flash floods, and lakeshore floods. Though, the County has recorded hundreds of instances of flood damaged properties, most relating to water accumulation in basements. The vast majority of damaged structures are single-family residences, although rental units and commercial buildings have also been affected. Contact with water can cause injury and physical damage due to pressure or saturation. Furniture, drywall or insulation that becomes saturated is generally ruined. Electrical systems are often damaged beyond repair. Damage to automobiles can extend beyond wet upholstery and shorted electrical systems.

With higher velocities associated with flooding, water carries a greater load of suspended particles. Velocities are frequently great enough to carry large particles such as trees and houses. Six inches of fast moving water can move a passenger car. Floating objects can cause serious injury or destruction to anything in their path. Water in fields can damage and destroy crops. Deposits of sediment can also be destructive. Secondary hazards are the pollution of drinking water sources, particularly when wells, septic tanks, and sewage treatment facilities are flooded. Gas, electric, cable, and phone service may be disrupted. Broken lines create hazards of electrocution or explosion. Roads may be closed or unstable. Tertiary effects may include permanent changing of river channels and shoreline, destruction of wildlife habitat

Riverine Flooding

Risk: Medium

Vulnerability: Medium

Probability: An average of 1.6 flood events per year.

Mitigation

Effective flood plain management

Flood insurance programs implementation and awareness

Develop waterfront and riparian area zoning districts and regulations

Additional stream gages for early flood stage alerts

Culvert installation and replacement

Updated flood plain maps

Implement effective stormwater management techniques

or usefulness of land, closure of businesses and loss of jobs, and financial hardship due to repair and replacement expenses.

On 05/14/2006, heavy rain caused flooding at multiple locations in Marquette County. Significant road damage was reported on County Road 550 with damage also occurring to County Road 510. The Chocolay River exceeded flood stage damaging a fishing pier as water inundated a portion of Timber Lane in Harvey and caused flooding of properties. This event caused approximately 100 thousand dollars in damage. On 04/28/2013, the rapid melting of late season snow created a flood event that caused over 600 thousand dollars of damage to areas within the County. The event also prompted the Governor to issue a state of disaster in Marquette County.

The Chocolay River, with its shallow mouth in Chocolay Township, has been a large focus of flooding concern in Marquette County. Ice Blockage at the mouth of the river has been an issue in the past. Storms have also caused sedimentation at the mouth of the river. In the past, the National Guard has used dynamite to clear ice dams from the mouth of the river. The Carp River also has a shallow mouth which makes it susceptible to ice dams and blockages.

A flash flood is characterized by a rapid stream rise with depths of water that can reach well above the banks of the creek. The north and western portion of County are most susceptible to flash flooding. This is due to the “younger” age of the rivers, with narrower channels and steeper gradients, rock outcrops and impermeability of soils.

Shoreline Flooding and Erosion

The United States Geologic Survey defines five forms of coastal change hazards. These hazards include: beach erosion, dune erosion, overwash, inundation and island breaching, and marsh erosion. Beach erosion occurs when waves and currents remove sand from the beach system. Dune erosion is when storm surge elevates waves higher on the beach, allowing them to attack and erode the coastal dune. Overwash occurs when waves exceed the height of the dune. Inundation happens when the beach is submerged in water and marsh erosion when wetlands along coastlines are exposed to open water and eroded by waves.

High-risk erosion areas were established by the State of Michigan in 1978; however in 2012 a recession rate study was conducted and found properties previously designated as high-risk in Marquette County could be de-designated. Though de-designated, Marquette County still has several areas that are subject to erosion. Presque Isle Park, a 323 acre park in the City of Marquette has had many erosion concerns. The heavy traffic, both foot and vehicle, at the park make it especially vulnerable. Another commonly publicized erosion issue within the City of Marquette is the erosion along Lakeshore Boulevard. The road has been closed multiple times and often for extended periods due to unsafe conditions along the shoreline. As a result of repeated severe erosion from Lake Superior, a portion of Lakeshore Boulevard was moved 300 feet inland in 2020. This project is ongoing, and additional sections are still periodically closed and threatened to surface damage, debris and rocks blocking the roadway, and stormwater outflow backups.



FIGURE 7 SHORELINE EROSION ON LAKESHORE BLVD IN MARQUETTE

Many local municipalities enforce setbacks from water. Regulation of development along shorelines and riparian area overlay zones are other ways municipalities restrict waterfront development. Until January 2014, the Marquette County Soil Conservation District issued Soil Erosion Permits for the entire county. Those responsibilities are now handled by the Marquette County Building Codes Department. That permit is required for construction within 500 feet of water. The State DEQ regulates below the ordinary high water mark.

RISK ANALYSIS

With approximately 70 miles of Lake Superior shoreline, including islands, Marquette County is certainly susceptible to coastal change hazards. Heavy rains have resulted in widespread flooding in Marquette County in the past. These rains have resulted in washouts along County Road 510 and County Road 550. Rain and high waves produced from storms have been large contributors to erosion issues in the County. This is especially evident with Lakeshore Blvd in the City of Marquette. At Presque Isle Park, the Presque Isle Park Advisory Committee, along with the City of Marquette, has long been looking

Shoreline Flooding and Erosion

Risk: High

Vulnerability: High

Mitigation

Effective flood plain management

Flood insurance programs implementation and awareness

Develop waterfront and riparian area zoning districts and regulations

Soil and erosion control permits and enforcement

Installation of erosion control measures such as riprap or dune grass in areas prone to erosion

Updated flood maps

into the mitigation measures for erosion at the park. Mitigation measures in the City of Marquette were started by the moving of a section of Lakeshore Boulevard 300 feet inland in 2020. Some measures have been implemented but additional long term solutions and mitigation measures are still needed. Even small particles of sand and stone moved by water can cause considerable damage and erosion so monitoring bank and riparian area conditions throughout the County is always important.

Flood Insurance

The inundation area outside the normal boundary of the water body is the floodplain. Flood frequencies can be estimated by studying the yearly maximum discharge of a stream from a gauging station over a long period. By plotting and projecting the discharges over time, the chance of flooding exceeding a specified level can be estimated and maps can be generated that identify the area that would be inundated under those conditions. Using topographic data and historical information regarding river stages, maps can be constructed to show areas that are expected to be covered with water for various discharges. The severity of flooding is referred to by the probable frequency of that level of flooding (i.e. a 10- year, 50-year, and 100-year or 500-year flood). In actuality however, it predicts the chance of receiving that level of water in any given year. A 100-year flood has a 1 in 100 chance of occurring each year. 100-year floods can (and have) been known to occur in consecutive years. On the average, one or two 200-year floods occur each year in the Upper Peninsula. There are no repetitive loss properties in Marquette County.

Flood hazard maps are created to show areas that are susceptible to flooding when the discharge of a stream exceeds the full-bank level. As construction occurs within the drainage basin, it modifies detention areas, channels, rates of flow, run-off paths, vegetation

Compliance Options

Increase elevation: This raises the home or business above the flood elevation level adopted by your community.

Relocation: This moves the home or business out of the floodplain.

Demolition: This tears down and removes flood-damaged buildings.

Flood proofing: This option is available only for non-residential buildings and certain residential buildings in communities certified by FEMA. It involves making a building watertight through a combination of adjustments or additional features that reduce the potential for flood damage.

JURISDICTIONS PARTICIPATING IN NFIP

1. Chocolay Township
2. Ely Township
3. Ewing Township
4. City of Marquette
5. Marquette Township
6. Powell Township
7. Republic Township
8. Sands Township
9. Skandia Township
10. West Branch Township

and/or soil absorption rates. Floodplains can change dramatically. Unfortunately, maps are static. In Michigan, the average age of floodplain maps is over 16 years. The Federal Emergency Management Agency hopes to reduce that average to 5 years through upgrades of existing maps and creation of new ones for previously unmapped area.

Before 1968, most property owners were unable to purchase insurance coverage for flood related damage. The potential for enormous claims made private insurance companies reluctant to offer this type of coverage. In 1968 Congress created the National Flood Insurance Program (NFIP). Privately issued flood insurance, subsidized by the federal government, became available within communities that agreed to manage flood prone areas within their boundaries. In addition to coverage of the structure(s), coverage of contents is also available. To become eligible, the community enters an “emergency phase” by adopting preliminary actions to reduce flood threat. The coverage in the “emergency phase” is limited.

After the Federal Emergency Management Authority conducts detailed flood studies, and the community enacts stringent measures to protect life and property from future flooding, the community qualifies for the regular program phase. At that time, much higher levels of insurance become available. In the late 1990’s, Increased Cost of Compliance coverage became mandatory for most new policies.

Policy holders in special flood hazard areas can get up to \$15,000 to help pay the costs to bring their home or business into compliance with their community’s floodplain ordinance. Flood insurance policy holders have four compliance options with the community’s floodplain management ordinance.

Some preventive measures to reduce flood damage to an insured building are reimbursable. Policyholders may also be eligible for cost of removal and storage of insured contents when a building has been declared in imminent danger of flooding by officials. However, it is important to know that trying to obtain coverage after a declaration of imminent danger may leave property exposed to loss.

Flood insurance is available only in communities that participate in the NFIP. Participating communities must adopt and enforce a floodplain management ordinance that meets NFIP requirements. The floodplain must be mapped. Provisions have recently been approved that allows but does not require consideration of future land development upon the boundaries of the floodplain. By displaying future conditions on the map, the community and the Federal Emergency Management Agency are alerting the public that flood hazards may increase in the future. If a community does not participate in the NFIP, flood insurance is not available within its boundaries. Federal officers and agencies may not provide any form of financial assistance for acquisition or construction purposes. It would prohibit loans guaranteed by the rural Housing Services, Federal Housing Administration, or the Department of Veterans Affairs. No federal financial assistance could be provided for the permanent repair or reconstruction within the flood hazard area. Eligible applicants would still be able to receive other forms of disaster assistance that are not related to reconstruction or repair.

Dam Failure

Michigan has over 2,500 dams. The first dams were constructed to provide water and power for mills. In the early 1900s, there was a shift to hydroelectric power development. There are approximately 114 dams used for hydroelectric power generation in Michigan. Most of these hydropower dams are regulated by the Federal Energy Regulatory Commission (FERC). Five dams in Marquette County are regulated by FERC. These dams are exempt from State Regulations. FERC requires emergency action plans that include maps of approximate inundation areas in the event of a worst-case dam failure. FERC may also require a dam owner to conduct functional exercises based upon their emergency action plans.

Other dams are regulated by the Michigan Department of Natural Resources. Under both State and Federal regulations, dam owners may be required to study areas of impact below the dam. PA 300 of 1989 regulates all dams that are over 6 feet in height create an impoundment area of at least 5 acres. Owners must keep emergency action plans current and consult with Local Emergency Management Officials to assure coordination with local emergency operation plans. Since the 1930s, dam construction has been primarily for lake development and fish and wildlife habitats. Many of the dams play an important role in flood control by storing and gradually releasing large stream flows.

There are approximately 60 dams in Marquette County. Some of the major dams in Marquette County include the dams along the Dead River, Cliff Natural Resources Dams, private dams, and natural dams.

According to the [National Inventory of Dams](#) by the US Army Corps of Engineers, there are 10 dams in Marquette County denoted as "High Risk". High Risk means loss of human life is likely if the dam fails.

Dead River Dams

Silver Lake Dam: The dam at Silver Lake does not generate electricity, but is used to control flow to the Hoist Dam. Principal project features include the reservoir, dam, spillway, outlet, and four saddle dikes. The reservoir is approximately 20 miles northwest of the City of Marquette, in Champion Township. It has an area of about 1570 acres and a gross capacity of 27,400 acre-feet.

Hoist Dam: The Hoist Dam in Negaunee Township creates the largest impoundment on the Dead River. The reservoir is approximately five and a half miles west of the City of Marquette. It consists of a concrete spillway and earth embankment section. The principal features are the reservoir, dam, spillway, power intake, tunnel, penstock, and powerhouse. The Hoist Storage Basin covers approximately 3,750 acres. It contains approximately 55,300 acre-feet of water.

McClure Dam: This dam is located between the Hoist and the Forestville Dam, in Negaunee Township. The reservoir covers 150 acres and has a capacity of 2500 acre-feet of water. The dam consists of a concrete gravity section with an un-grated overflow spillway at its center. There is a concrete intake section and an earth embankment on the left. The non-overflow sections have a crest elevation of 1200.5 feet and the spillway has a crest elevation of 1196.4 feet. The left non-overflow section is about 66 feet long with a maximum height of 37 feet.

Forestville Dam: The Forestville Dam is Marquette Township. The surface area of the impoundment is 106 acres. It drains an area of 153 square miles. The area below the dam is extremely rugged, dropping 80 feet in elevation over a mile. Normal headwater elevation is 770'. The normal tailrace elevation is 638'.

Tourist Park Dam: The Tourist Park Dam, in the City of Marquette, was destroyed during the Dead River Flood in 2003. A 4.8 million dollar project began in 2011 to replace the previous dam. The new dam was designed to handle high water levels and now has two spillways.

These dams include: 2 Tilden Recirculation Basin Dams, Ogden Dam, Ogden Lake Dam, Carp River (Deer Lake) Dam, Carp Intake Dam, Hoist Dam, Forestville (Dam 2), McClure Dam, and the Tourist Park (Marquette Dam 3).

Further, there are 9 denoted as Significant Risk in Marquette County, meaning no probable loss of human life but can cause economic loss, environmental damage, disruption of lifeline facilities, or impact other concerns. Significant Risk dams in Marquette County include: Brebner Dam, Gribben Tailings Basin Dam, Schweitzer Dam, Greenwood Reservoir Dam, Greenwood Afterbay Dam, Empire Mine Tailings Basin Dam, Empire Mine Expanded Tertiary Dam, ETB Tertiary Expansion Dam, and the Republic Dam.

The dams located along the Dead River were all greatly impacted and tested by the Dead River Flood in 2003. The Collinsville Dam, which was constructed in 1897, was removed in recent years. The last impoundment on the river is the “Hot Pond” at the Presque Isle Generating Plant. The small impoundment size and low dam keep this structure off the DNR’s list of dams. The Dead River then empties into Lake Superior at its mouth near the Presque Isle Power Plant in the City of Marquette.

Cliffs Natural Resources (CCI), a large mining company with two active mines in Marquette County, also has numerous dams located within the County. Two of the CCI dams are located on the Greenwood Reservoir. The Greenwood Reservoir is over 1,400 acres large and was created to provide water for operations at the Tilden Mine. CCI has many other dams including those on Lake Sally, Lake Ogden and along the Carp River. Another dam to be noted is the Lake Independence Dam in Powell Township, which is owned by Marquette County. The Lake Independence Dam is located along the Iron River, the outlet for Lake Independence to Lake Superior. The dam raises the lake level in Lake Independence approximately six to eight feet.

Privately owned dams and natural dams also exist in Marquette County. Natural dams can be created by fallen logs and by activity of beaver. Beaver have frequently blocked culverts, causing localized flooding.

RISK ANALYSIS

Dam owners are responsible for the safe operation and maintenance of dams. With the end of the National Dam Inspection program in the early 1980’s the state became unable to carry out regular dam inspections. Many small dams were built by logging companies to facilitate spring log drives. Because companies that no longer exist constructed many of the older dams, maintenance of those dams has become an ongoing concern.

The Dead River Flood of 2003 had a major impact in Marquette County. On May 14, 2003, the earthen fuse plug

Dam Failure

Risk: Low

Vulnerability: High

Mitigation

Frequent inspection and monitoring of conditions and structure integrity

Flood insurance program awareness

GIS Mapping of dam inundation zones

Public awareness campaign of dam inundation zones

spillway of the dam failed and released approximately 8-9 billion gallons of water from Silver Lake Basin in Champion Township into the Dead River. The forced the evacuation of 2,300 people. While there were no fatalities, damage was estimated to be in excess of \$100 million. The Presque Isle Power Plant in the City of Marquette was flooded, which caused it to be shut down for several weeks. Power from this facility is used to supply electricity to two local mines, which had to be shut down, forcing the temporary layoff of approximately 1,100 workers. The repairs and replacement of dams on the Dead River have been completed in a manner for them to be able to handle higher volumes of water and reduce the chance for future dam failure events.

Unstable Ground

Marquette County has had multiple incidents of unstable land. Of primary concern are undercut areas of shoreline. These areas tend to attract tourists and others who are unaware of the danger. Man also creates unstable land because of mining and excavating. The sudden rise or lowering of water levels, whether controlled by man, nature, or a dam break, can also create unstable conditions.

The extensive mining history in Marquette provides for numerous abandoned underground mines, pits, and shafts. State law makes the owner of mineral rights responsible for capping and maintaining fencing around abandoned mines. The surface owner is responsible for shallow test pits and open holes, many of which have steep sides and could fill with water. The county mine inspector is responsible for monitoring compliance. Smaller gravel pits and closed or abandoned mines are also the responsibility of the county mine inspector.

Unstable Ground/Subsidence

Risk: Medium

Vulnerability: Low

Mitigation

Continue mine inspector school programs to promote education and awareness

Require fencing and reclamation plans through zoning

GIS mapping to identify old mine sites

RISK ANALYSIS

Marquette County has experienced unstable ground and caving events. In 1996, significant landslide occurred during a major spring snowmelt along the Yellow Dog River in Powell Township. There is also evidence of a landslide on the banks of the McClure Basin looking eastward from the CR 510 Bridge in Negaunee Township.

The Rope's Gold Mine Access Road Cave-in occurring on Dec. 31, 1987 in Ishpeming, represented a serious incident that could have resulted in loss of 10 to 20 lives had it occurred at a different time or portion of the mine. Fortunately only one minor injury occurred. The affected area was approximately 6000 square feet with a depth of about 40 feet. In that situation, old workings collapsed. The mine continued to be worked for approximately 1½ more years. In 1997, there was subsidence in Ishpeming, where a garage had been built over an old well. A hole resulted that was roughly 25' deep by 10 to 15 feet in diameter. The old garage was removed and the hole filled.

During the 1960's after the tragic loss of a young girl in an uncapped shaft in the western Upper Peninsula, a renewed effort was made to locate and fence abandoned shafts. Owners of mineral rights (who frequently are not the surface owners) are responsible for keeping the shafts fenced. Some have also capped them to reduce their liability from individuals seeking to explore them. Unfortunately, many of the old mining companies have gone bankrupt, cease to exist, or ignore their responsibilities. Equally unfortunate was the absence of standards for capping. Many old caps consisted of used timbers or tree stumps (which could deteriorate over time) covered with rock and soil while others used concrete. However, unless the concrete rests upon bedrock, it too could shift and become ineffective.

As old fences fall and are not replaced, it becomes harder to locate the old shafts. The County's Mine Inspector is responsible for monitoring the condition of fencing and ordering corrections. Mines that were shut down or abandoned before 1968 do not need to be capped, but must be fenced. Those shut down after 1968 must be capped. Since 1970, the capping must be done with concrete after digging down to bedrock. They must also be fenced with non-climbable fencing to a height of 4 feet, and be topped with three strands of barbed wire, for a total of 6 feet of fencing.

It is believed that all of the caving ground areas resulting from underground mining have been identified and fenced. A concern that still remains of some area fire chiefs is the potential for brush fires in caving ground areas.

Earthquakes

An earthquake takes place when two blocks of the earth suddenly slip past one another. The surface where they slip is called the fault. The largest, main earthquake is called the mainshock. Mainshocks are sometimes preceded by foreshocks. Foreshocks are smaller earthquakes that take place in the same location as the large earthquake prior to it happening. Aftershocks always follow the mainshock. Aftershocks can occur for an extended period of time after an earthquake.

The first reports of earthquake tremors in areas of Michigan were in the early 1800s. These tremors were from the New Madrid earthquake which was centered in Missouri. Most earthquake activity felt in Michigan is from earthquakes centered elsewhere.

Earthquakes are commonly measured on the Richter Scale. The Richter Magnitude Scale was developed in 1935 by Charles F. Richter of the California Institute of Technology as a mathematical device to compare the size of earthquakes. Earthquakes with a magnitude of 2.0 or less are usually called micro earthquakes and are not normally felt by people. An earthquake measuring 8.0 would be catastrophic. On average, only one earthquake of this size occurs per year in the world.

RISK ANALYSIS

The [United States Geologic Survey](#) tracks and records seismic activity. In the Upper Peninsula, most seismic activity is related to mining. Seismic activity can be measured during a mine collapse or explosion. This was especially common in the

Earthquakes

Risk: Low

Vulnerability: Low

Mitigation

Not necessary

Keweenaw Peninsula during the busy mining period of the early 1900s. There was active seismic activity in 2017-2018 with four events including three mining explosions and one quarry blast that were at least a 2.2 magnitude in the County. Mining and old mine related collapses seem to pose the most seismic activity hazard in Marquette County.

In recent years there have only been three earthquakes that centered in Michigan. The first took place in 1998 and centered near Bergland in the Western Upper Peninsula. The USGS reports that this earthquake was due to a mine collapse and was also felt in White Pine approximately 12 miles from the earthquakes center. This event measured a 3.6 on the Richter Scale. In 1994, an earthquake occurred that centered to the northwest of Lansing. This 3.5 magnitude earthquake was felt in East Lansing, Grand Rapids, Grand Haven, and areas in between. In May 2015, a 4.2 magnitude earthquake occurred in Michigan. This earthquake, centered in the area between Battle Creek and Kalamazoo, was also the second strongest earthquake ever recorded in Michigan. However, no injuries or damage were report. The strongest earthquake in Michigan, a 4.6 magnitude quake, occurred in the same area in 1947.

The USGS fault map shows no documented faults in Marquette County which significantly reduces the chances of an earthquake occurring. [The 2018 Seismic Hazard Map](#) also classifies Marquette County as lowest hazard.

CHAPTER 4 WEATHER HAZARDS

Various weather related hazards take place in Marquette County each year. Weather hazards can take several forms, can occur at any time of year, and can create risks for life and property. The severity of these events varies greatly. Many of these hazards are related to the county's proximity to Lake Superior and also it's humid continental climate classification. This classification is known for its large seasonal temperature differences.

The National Oceanic and Atmospheric Administration (NOAA) maintains a thorough record of weather related data. NOAA's National Climatic Data Center (NCDC) [Storm Events Database](#) was reviewed for data used within this chapter. During a ten year period, from 07/01/2010-07/01/2020, there were 309 days with recorded storm events in Marquette County. These events caused over 6.8 million dollars in damage and resulted in the loss of six lives.

Severe Winds

The National Oceanic and Atmospheric Administration classifies damaging winds as those over 50-60 miles per hour. Areas of Marquette County abutting Lake Superior often experience high winds. Gale force winds, 39-54mph, can frequently occur on Lake Superior. The National Weather Service issues watches and warning for Gale Winds. Small Craft Advisories can also be issued as these winds are especially dangerous to those on the water.

High winds accompanying thunderstorms also occur in Marquette County. Winds over 58 miles per hour are one of the criteria for severe thunderstorms. Straight line winds produced from thunderstorms can be dangerous, damaging, and occur rapidly.

Tornadoes, although rare, can happen in Marquette County. Tornadoes are defined as a violently rotating column of air extending from a thunderstorm to the ground. Wind speeds can reach 250 mph or more. Damage paths can be in excess of one mile in width and up to 50 miles long. The most common form of tornado in the Upper Peninsula generates from thunderstorms. Before thunderstorms develop, there is a change in wind direction and an increase in wind speed with increasing height creates an invisible, horizontal spinning effect in the lower atmosphere. The rising air within the thunderstorm's updraft tilts the rotating air from horizontal to vertical. An area of rotation, two to six miles wide, extends through much of the storm. This rotating wall cloud is often nearly rain-free. Most strong winds and violent tornadoes form within this area of rotation. Large hail can also be generated. The tornadoes may appear nearly transparent until sufficient dust and debris has been picked up to give the familiar dark appearance. The Fujita Scale is most commonly used to classify tornadoes. The scale ranges from F0-F5 with F0 having the lowest wind speeds and being the least damaging. From 07/01/2010-01/01/2020, there were four tornados recorded in Marquette County.

RISK ANALYSIS

The NCDC storm events database has multiple categories of wind events. The events include: strong winds, high winds, thunderstorm winds, and tornadoes. Marquette County experienced 52 days with recorded wind events from 01/01/2010-01/01/2020. A majority of the events were thunderstorm winds.

Damage from wind events has consisted of mostly downed trees and wires. Downed wires can then contribute to fire hazards and power outages. Extended outages can leave residents without essential services and pose the need for shelter elsewhere. Structure and vehicle damage has also occurred in Marquette County as a result of wind events. On 09/29/2011, bricks were blown off the Pioneer Square Building in Ishpeming causing structure damage and also extensive damage to a nearby vehicle. This incident resulted is approximately \$70,000 in damage. On 10/24/2017 a fall storm produced winds in excess of 60 mph causing widespread power outages and extensive wind damage and flooding. Coastal damage and erosion were the result of 25-30 foot waves in Lake Superior. The storm caused over 1 Million dollars in damage and resulted in 2 fatalities.

Wind events take place most frequently and severely near Lake Superior. Other wind events are isolated and tend to be linked with thunderstorms.

Severe Winds

Risk: Medium

Vulnerability: High

Probability: An average of 5.2 events per year.

Mitigation

NWS radar and alerts systems

Encourage the evaluation of vegetation to identify and remove limbs vulnerable to wind

Monitor vegetation in utility and road right of ways

Public awareness campaign about severe weather

Rip Currents

Rip currents are defined as powerful, narrow channels of fast moving water flowing away from the shore. Swimmers often get pulled away from shore and drown while struggling against the current trying to return to shore. Swimmers can escape a rip current by swimming perpendicular to the flow and out of the current.

Beach flag advisory systems and warnings have been implemented on some of the beaches in Marquette County. These systems and warnings alert swimmers to hazardous conditions. Northern Michigan University has also assisted in warning students of swimming hazards. The City of Marquette has established a 'No Swimming' rule in the water near picnic rocks, an area known for very dangerous rip currents. In spring 2015, the Marquette City Commission reestablished the Waterfront Safety Task Force. The group is in charge of finding ways to improve awareness and education relating to waterfront safety.



FIGURE 8 RIP CURRENT WARNING SIGNS

RISK ANALYSIS

Rip currents are very common in the Great Lakes and responsible for multiple deaths each year. The NCDC storm events database has record of three deadly rip current events in Marquette County from 7/01/2010-07/01/2020

On 07/21/2010, a 62 year old male drowned as the result of a wave which pushed him off of a sandbar and into a rip current near picnic rocks. On 08/05/2010, two teenage boys drowned in the water near Presque Isle due to high waves, winds, and strong rip currents. On 08/27/2010, an 18 year old male drowned and two other went into distress as the result of a strong rip current near picnic rocks. Rip currents often go unnoticed so predicting recurrence is difficult. Some monitoring of rip currents has been done along the shores of Lake Superior in Marquette County and the National Weather Service also issues surf zone forecasts which can include warnings on high risk of rip currents.

Rip Currents

Risk: High

Vulnerability: Medium

Probability: 30% chance of deadly occurrence a year.

Mitigation

Increase the number of emergency responders, such as lifeguards

Additional education and awareness of the existing flag and signage system

Additional lifesaving equipment—floatation rings, buoys, boats

Public awareness campaign about severe weather

Thunderstorms, Lightning, Hail

Thunderstorms are produced when warm, unstable air, moisture, and lifting occur. The moisture forms clouds and rain. The unstable air can rise rapidly. Lifting can be accomplished by fronts, sea breezes, or topography. In the first (developing) stage of a thunderstorm towering cumulus clouds indicate rising air. There is little rain and only occasional lightning in the developing stage. In the mature stage, there is heavy rain, strong winds, frequent lightning, possible hail, and tornadoes. In the dissipating stage, rainfall decreases, lightning remains a danger and the storm may still produce bursts of strong winds. A thunderstorm is classified as a severe thunderstorm if it contains any of the following: hail one inch or greater, winds gusting in excess of 57.5 mph, or a tornado. Thunderstorms are mostly likely during the spring and summer months.

Since lightning causes thunder, all thunderstorms have lightning. Lightning is defined by NOAA as a giant spark of electricity in the atmosphere between the clouds, the air, or the ground. Air acts as an insulator for positive and negative charges but when then opposite charges build up, the air breaks down and lightning strikes. The [National Lightning Detection Network \(NLDN\)](#) monitors and records data on lightning strikes. Data from the NLDN shows that an average of twenty million cloud to ground lightning strikes occur in the continental United States each year.

Hail is another common component of thunderstorms. Hail is a form of precipitation that occurs when raindrops that are carried into cold areas of the atmosphere freeze and turn into ice. Hail is usually under a ½ inch in diameter. However, severe thunderstorms can produce larger and more damaging hail.

RISK ANALYSIS

Marquette County experienced 27 days with recorded thunderstorm wind events from 07/01/2010-07/01/2020. Of those, 26 days also had recordable damage from wind related to a thunderstorm. Marquette County is not located in an area particularly associated with frequent or strong thunderstorms. Thunderstorms are more common and severe in the Great Plains and Gulf Coast regions. Branches of the National Oceanic and Atmospheric Administration issue severe thunderstorm watches and warnings to alert people of potentially dangerous conditions.

Data from the National Weather Service shows Michigan has ranked second in the nation for lightning related deaths and injuries since 1959. This is an especially startling statistics since

Size of Hail Diameter

Pea Size: ¼ inch
Marble Size: ½ inch
Nickel Size: ¾ inch
Quarter Size: 1 inch
Golf Ball Size: 1 ¾ inches
Tennis Ball Size: 2 ½ inches
Grapefruit Size: 4 inches

Thunderstorms, Lightning, Hail

Risk: Medium

Vulnerability: Low-Medium

Probability: An average of 2.7 events per year.

Mitigation

NWS radar and alerts

Installation of lightning protection on susceptible structures

Weather spotter program and training

Building codes to increase structure soundness

Public awareness campaign about severe weather

Michigan is not located in a region known for strong storms and also because Michigan ranks much lower in number of lightning strikes per year than many other states. There has been seven recorded damage causing lightning events in Marquette County from 07/01/2010-07/01/2020. These events caused over \$58,000 in damage. On 07/12/2018, lightning struck a shed in Trowbridge Park, in Marquette Township, engulfing the structure in flames. Other fires and electronics damage has resulted from lightning strikes in Marquette County.

From 07/01/2010-07/01/2020 hail was the cause of some of the weather related damage in Marquette County. Of the approximately 6.8 million dollars in damages recorded in the NCDC storm event database in the ten year period used, over 600 thousand of this has been attributed to hail. In that same period of time, there has been 26 days with hail events in Marquette County.

On 06/08/2012 Marquette County was hit by a warm unstable air mass. This produced some severe thunderstorms with golf ball sized hail causing damage to homes and vehicles in the Marquette area. Hail up to one and three quarter inches in diameter fell in parts of the county.

Ice, Sleet, Snow

Ice and snow events occur more than any other weather hazard in Marquette County. A winter storm is defined as a combination of heavy snow, blowing snow and/or dangerous wind chills. The NCDC storm events database has multiple categories of winter weather events. The events include: winter weather, winter storms, blizzards, ice storms, heavy snow, sleet, and lake effect snow. In order to be considered a blizzard a storm must have winds over 35 miles per hour with snow and blowing snow, reducing visibility to a $\frac{1}{4}$ mile or less for at least three hours.

Marquette County lies in the Lake Superior Snow Belt region, an area associated with frequent and heavy lake effect snow. Lake effect snow occurs when cold, dry air moves over a lake and picks up moisture from the lake which then drops as snow. It is not uncommon for areas of Marquette County to receive over a foot of lake effect snow in one event. Blowing snow is also a common hazard in Marquette County. Blowing snow reduces visibility and can make driving hazardous.

A short and intense snow shower accompanied by strong winds is a phenomenon known as a snow squall. Snow can accumulate quickly during a snow squall and the events are common in the Great Lakes Region. Winter weather events that would be thought of as major in other regions are not generally considered such in Marquette County. The frequency and intensity of winter weather events in Marquette County makes both residents and response crews accustomed and prepared.



FIGURE 9 WINTER WEATHER

RISK ANALYSIS

Marquette County experienced 129 days with recorded significant winter events from 07/01/2010-07/01/2020. The NCDC storm events database accounts over a Million dollars in damage to these events. Of these events, 2 were classified as blizzards.

On 02/24/2019, a major winter storm hit Marquette County. Blizzard and white out conditions developed with heavy blowing snow and major drifting caused by winds in excess of 60 mph. This storm shut down some area schools including Northern Michigan University for multiple days. Some areas in the higher terrain reported nearly two feet of snowfall causing many roofs to collapse including the Negaunee Bus Depot in Negaunee Township. The frequency and severity of winter weather events in Marquette County makes them a large point of focus. Preparing for and removing snow can be expensive in terms of labor and equipment. Winter storms can place serious burdens on public works crews and community finances. Winter events can also keep citizens from attending imperative appointments, school, work, and shopping. School closings can lead to longer school years and business closings can mean loss of pay for many employees. Winter weather events can make travel especially hazardous. A section of M-28 from Chocolay Township in Marquette County to Munising in Alger County has been known to shut down due to blowing and drifting snow. Alternate routes must be used during these closures. Lakeshore Boulevard in the City of Marquette has also frequently been closed due to winter weather events, ultimately causing a section of the road to be moved 300 feet inland after repeated severe damage from Lake Superior.

Narrow streets can interfere with fuel deliveries and hamper emergency response services during winter weather. Local units must also attempt to keep fire hydrants accessible and ensure there is visibility at intersections. Traffic accident counts are generally higher than usual during a winter storm, putting a strain on police and emergency response personnel.

Winter Weather

Risk: High

Vulnerability: High

Probability: An average of 12.9 events per year.

Mitigation

NWS radar and alerts

Effective and timely snow clearing

Establish warming centers/emergency shelters

Education on winter weather driving

Snow fences to limit blowing and drifting snow

Public awareness campaign about severe weather

Drought

Drought is a prolonged period without precipitation. It can have a number of adverse effects. Agriculture can suffer, particularly during the planting and growing seasons. Forests can be stressed, leading to higher fire risks. Lake levels can drop significantly, stressing aquatic life and waterfowl and affecting navigation and recreational usage. If the drought is prolonged, groundwater levels and well production can be affected. In extreme cases, subsidence of soil can be triggered. In addition, watering of yards and gardens can strain public and private water systems.

RISK ANALYSIS

The state of Michigan has multiple drought events every year, about 3 events per year.

Each climate division varies a bit but still

averages some level of drought about every 2 years. According to the National Storm Events Database, Marquette County has not experienced any recorded drought events since 2004. Despite lack of official designation, that has not precluded areas from suffering from lack of precipitation. Drought affected the entire Upper Peninsula in recent years, reaching severe levels during the summer of 2007. Long-term drier than normal conditions coincided with near record low levels in the Great Lakes. Precipitation helped to ease drought conditions in fall 2007. The 2019 Michigan Hazard Analysis divides the state into regions. Division 1 includes: Baraga, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon Counties. The most extreme drought was in January 1977, when the Palmer Drought Severity Index (PDSI) hit a record low of -7.33 (the all-time record for Michigan). Lengthy drought incidents (at least 8 months long) took place more recently in 2006-2008 (22 months), 2008-2009 (12 months), 2011-2012 (12 months).

Drought

Risk: Medium

Vulnerability: High

Mitigation

Encourage water conservation techniques

Water use restrictions on non-essential watering

Public awareness campaign about severe weather

Extreme Temperatures

Michigan is subject to both extreme heat and extreme cold. Periods of extreme temperature occur every year. The most vulnerable populations are the elderly, very young, and those with medical problems. The threats are often accompanied by other weather conditions, such as drought, high humidity, blizzards, or high winds. These conditions make extreme temperature events even more intense.

Major threats caused by extreme heat are heat stroke and heat exhaustion. Heat stroke is a life-threatening medical emergency. Extreme heat is generally more serious in urbanized areas because development patterns create a heat island, which is unable to cool during the nighttime. Portions of Marquette County benefit from the cooling effect of Lake Superior. Limited paved surfaces reduce heat absorption. The abundance of trees also has a cooling effect.

Extreme cold is a more serious problem than extreme heat in Marquette County. Hypothermia and frostbite are the most common threats of extreme cold. Hypothermia is a life-threatening medical emergency. Unreliable transportation creates a great risk for exposure to this hazard. Longer distances between shelters also increase the risk. In addition, the aging housing stock in Marquette County has many homes with substandard insulation and older, inefficient, costly heating systems. Elderly and low-income households may be forced to endure less than optimum temperatures, exacerbating health risks. Extreme cold can also affect the functioning of infrastructure. Cold makes metal brittle and susceptible to breakage. In addition, it can cause freezing of water and breakage of service lines and mains.

RISK ANALYSIS

Marquette County experienced 2 days with recorded extreme temperature events from 07/01/2010-07/01/2020. Neither of these were associated with extreme heat. Between 1/5/2014 and 1/8 2014 a cold air mass produced temperatures consistently between 30 and 45 degrees below zero coupled with moderate lake effect snow.

Cold events are much more common. The NCDC storm events data has 11 recorded cold events in Marquette County between 07/01/2010-07/01/2020. Many of these events have temperatures below zero with wind chill values as low as 40 degrees below zero. With temperatures this low, frostbite can occur in as little as ten minutes. Though not recorded in the storm events database, freezing temperatures occur nearly daily throughout Marquette County in the winter.

Severe extreme cold conditions existed for much of winter 2013/2014. Recording breaking cold temperatures were recorded throughout the winter in Marquette County. 75 consecutive days below freezing was recorded at the National Weather Service Marquette. There was also 65 days below zero. The mean temperature at the National Weather Service Marquette from December 2013 until February 2014 was 7.5 degrees, which is a record for that period. Many schools and businesses were forced to close often due to the extreme cold. The weather caused many local municipalities to issue let runs orders for water customers due to freezing pipes.

Extreme Temperatures

Risk: High

Vulnerability: High

Probability: An average of 1.1 record cold events per year.

Mitigation

Assistance for vulnerable populations—warming/cooling centers

NWS Alerts

Proper equipment for municipal pipe thawing

Encourage weatherization programs to improve insulation factors for all structures

Create a public notification system for weather events requiring let run deployment

Public awareness campaign about severe weather

CHAPTER 5 TECHNOLOGICAL HAZARDS

Technological Hazards are the result of the man-made environment. Sometimes the hazards are created by technology and other times by its failure.

In Marquette County, the LEPC is responsible for keeping information about each site that has threshold quantities of substances that are classified as extremely hazardous. The LEPC is also responsible for developing response plans for accidental spills or releases of an extremely hazardous substance.

Hazardous Materials

Hazardous materials come in solid, liquid, and gaseous forms. The storage and handling of these chemical products are critical. Separation of incompatible products is essential to hazard mitigation. For example, if strong acids and bases combine, a violently exothermic reaction will occur, which could lead to a fire or explosion. Storing acids near some compounds could result in the creation of toxic gases. Even common household products, such as bleach and ammonia, can release toxic chlorine gas when mixed. Combining petroleum products with strong oxidizers could also result in a fire.

Not only is location of storage a factor, but also the physical and chemical attributes of the container are important in preventing deterioration, spillage, or the creation of gases that could build to explosive pressures or ignite. The importance of containers and storage is so critical that OSHA, DOT, and EPA all make it a violation to store or transport incompatible chemical products together or to store the products in improper containers. They also regulate the labeling of container contents.

In addition to primary containers, regulations also exist regarding secondary containment. Without adequate secondary containment, contamination could result from improper handling, spills, overflows, or accidental leaks. Even if secondary containment is not mandatory, businesses and industries should be encouraged to have it as a safety precaution. Benefits include reducing or preventing contamination of soil, surface water, and/or groundwater. Providing secondary containment may

Emergency Planning and Community Right-to-Know Act of 1986

- AKA the Superfund Amendments and Reauthorization Act (SARA).
- Establishes:
 - Local Emergency Planning Committees (LEPC) and
 - State Emergency Response Commission (SERC- AKA the Michigan Emergency Planning and Community Right-to-Know Commission).
 - Requires facilities with stocks of extremely hazardous substances to report what they have to the SERC, local fire department, and Local Emergency Planning Committee.
 - Facilities with reportable quantities must provide Material Safety Data Sheets (MSDS).

Four characteristics of chemical products:

1. Ignitability: those having a flash point of <100 °F
2. Corrosion: generally have a pH of <6 (acids) or >8 (bases), or cause damage to the skin
3. Reactivity: liquid or solid which is reactive to water, shock, heat, pressure and/or undergoes a rapid or violent chemical reaction
4. Toxicity: any substance containing one or more of 8 heavy metals or more than 31 organic compounds which can induce an adverse response to animals, humans, or plants.

reduce insurance premiums. To remain effective secondary containment needs to be inspected and maintained periodically.

In 1986, Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA). This was done to support and promote emergency planning and provide the public with information about releases of toxic chemicals. Section 313 of EPCRA established the [Toxic Release Inventory \(TRI\)](#). The TRI is a mandatory program and compliance is enforced by the EPA. There are 2 TRI facilities located within Marquette County. The figure to the right shows 2018

TRI data for facilities in Marquette County. Another EPA website, [Enforcement and Compliance History Online \(ECHO\)](#), can also provide valuable information and data on environmental compliance and toxic releases.

	ZIP Code 49855
Number of TRI Facilities:	2
Total Production-Related Waste Managed:	360.1 thousand lbs
Total On-site and Off-site Disposal or Other Releases:	211.8 thousand lbs
Total On-site:	120.2 thousand lbs
• Air:	78.0 thousand lbs
• Water:	48 lbs
• Land:	42.2 thousand lbs
Total Off-Site:	91.5 thousand lbs

TABLE 4 TRI 2018 DATA, MARQUETTE COUNTY

Hazardous Waste Generators

There are three classes of hazardous waste generators:

1. Conditionally Exempt Small Quantity Generators (CESQG) that generate less than 100 Kg (220 pounds-generally less than 25 gallons) of non-acute waste per month and never have more than 1,000 kg (2,200 pounds) accumulated at any time. There is no time limit on how long the waste can be accumulated. This group of generators is not subject to RCRA manifesting, training, emergency preparedness and response planning, inspections, storage, or disposal requirements. In Michigan, most of the materials they accumulate may be disposed of in the local landfill if it is not in liquid form (i.e. if liquids are absorbed by newspaper, the newspaper can legally be placed in the landfill). Other generators store their wastes until sufficient quantities make it economical to contract for pick up by a licensed disposal company. The vast majority of hazardous waste generators in Marquette County are in this category. They include apartment complexes, small retail stores and Mom & Pop services or manufacturing with small quantities of wastes such as cleaning supplies.
2. Small quantity generators (SQG) generate between 220 and 2200 lbs. per month -- or accumulate, at any one time, at least 2200 pounds (a 55 gallon drum holds approximately 440 pounds). Although subject to all RCRA requirements, the documentation for demonstrating compliance is not as extensive as for large quantity generators. SQGs that have contractual agreements with a qualified transporter/reclaimer do not have to use a hazardous waste manifest. SQGs may store up to 13,000 lbs (approximately 30 barrels) for a period of up to 90 days without becoming a large quantity generator.
3. Large Quantity Generators (LQG) generates more than 2200 lbs per month. These generators are subject to all RCRA requirements and have extensive documentation. Manifests are required for all shipped hazardous wastes.

Small quantity generators must post emergency information by telephones and keep this information current. Failure to post information is common, but a more common violation is failure to keep the posted information current. Business managers must also arrange with outside agencies such as fire, police and hospitals, etc. that would be contacted in an emergency. Many of the smallest generators do not do this.

Large Quantity Generators must have a current, written contingency plan. The plan must have: The emergency coordinator contact information, and other contacts, including home addresses and home telephone numbers, lists of emergency equipment and its capabilities, a facility map showing the location of emergency equipment, and an evacuation plan that includes a signal to evacuate, a principal evacuation route and alternative evacuation routes. Large quantity generators must also mail copies of the contingency plan to local emergency responders and document that response agencies were contacted.

Manifests track the waste from its origin to its ultimate place of disposal. Information and signatures are required at various stages. There can be up to six copies. Each site that contains a large quantity generator receives an identification number from the EPA. That number remains with the site through all subsequent owners or businesses, although there have been many instances in Marquette County where new owners or tenants have applied for and received numbers in their own name, creating a paper-tangle. It has been suggested by one official that, since the ID number runs with the land, it be included on any lease or deed document.

In counting the hazardous waste, all portions of the waste stream are considered. Oil is not considered a hazardous waste unless other hazardous materials are mixed with it, such as additives from gasoline. There are numerous hazardous waste generating sites within Marquette County, which have EPA Identification numbers as hazardous waste generators. However, there are no active large quantity generators within the county.

Because of the costs in dealing with hazardous materials and in properly disposing of hazardous wastes, there has been a concerted effort across the United States to modify industrial processes to reduce dependency on hazardous materials and to reduce generation of waste at its source. Preventing hazardous waste is preferable to controlling it. This was mandated by Congress through the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) in 1984. It is not a regulatory program. The hierarchy for waste management is:

- Source Reduction
- Recycling (use, reuse or reclaim)
- Energy Recovery (usually under carefully controlled conditions)
- Treatment (to reduce toxicity or volume)
- Land Disposal

The Marquette County Landfill conducts monthly household hazardous wastes collections at four sites from late spring through fall. This program is only available to households. It is not legal for any business to use this service, regardless of the business's size. The collections reduce the hazardous materials that enter the landfill, prolonging its life and reducing the risk of contamination.

To keep hazardous wastes generated by Conditionally Exempt Small Quantity Generators out of local landfills, at least two counties in Michigan also facilitate hazardous waste collection programs for those businesses. These generators are not eligible for the household hazardous waste program and often cannot afford frequent pick-ups by licensed transporter/reclaimer. As a result, CESQGs tend to stockpile hazardous waste on-site, often creating dangerous situations. The CESQG collection sites are operated to make it convenient and economical for small businesses to properly dispose of hazardous materials. They function similarly to household hazardous waste collection sites with a few exceptions. First, unlike most household collection programs, there is a fee based on the material and the quantity. Second, the program contracts directly with the licensed transporter/recycler for the best price. Third, the program staff acts as agent for the licensed transporter/recycler. The program never takes legal possession of the waste. Fourth, materials are accepted only by prior appointment. The generator must submit a written description and quantity before the scheduled collection. Staff then calculates the disposal fee, accepts payment, and schedules the drop-off. Lastly, wastes cannot be co-mingled with the household wastes.

Most hazardous wastes including medical waste is transported out of the county for treatment and disposal by a contracted service. Medical facilities contract the company to supply the means to safely dispose of the waste and it is then collected by that company. Residential, low level medical waste such as sharps, and home medical supplies can be deposited in the county landfill. Medical wastes are no longer imported into the County for treatments, and disposal.

“302” Sites and “Tier II” Sites

Businesses, which exceed threshold quantities of an extremely hazardous material(s), must report and prepare contingency plans. These sites are known as Section 302 Sites (after the section of SARA that requires them). Other businesses, with lesser quantities or less hazardous materials are known as Tier II sites. It is probable that many businesses are unaware of the total quantities of hazardous materials they have on-site and do not report as required by law. Unfortunately, fire departments and the county do not have sufficient staff to follow-up with all local businesses. The storage and retrieval of MSDS sheets is sometimes a problem for local fire departments, particularly where more than one fire hall is maintained.

A subcommittee of the LEPC works with Section 302 Site Operators to prepare off-site response plans. Through the Hazardous Materials Emergency Preparedness (HMEP) grant, administered by the Michigan State Police-Emergency Planning and Community Right-To-Know Commission, the LEPC is reimbursed a modest amount for each newly completed plan and for each update.

Transportation of Hazardous Materials

Michigan has adopted the Federal Hazardous Materials Regulations (FHMR) into state law. Thus, compliance is mandatory for both intrastate and interstate transportation of hazardous material. It is the responsibility of the employer to train, test, and certify all employees that are involved in shipping or transporting a hazardous material.

RISK ANALYSIS

Marquette County has had a number of hazardous material incidents. Incidents could have had major health or property impacts. Under Section 304 of SARA Title III, accidental releases of chemicals must

be reported to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and the National Response Center (NRC).

Hazardous materials transportation accidents are more common than hazardous materials fixed site accidents. Typically, the area of impact is local although some materials could have a wider impact. The risk to on-site personnel is moderate to high and generally low to moderate for individuals in the surrounding area. Property damage is generally low for most incidents, but could be moderate to high, particularly in cases of large industrial explosions. Depending on the material, clean-up costs can be significant.

Hazardous Materials

Risk: Low

Vulnerability: Low-Medium

Mitigation

Proper training of employees

Encourage the development of response plans

Practice scenario training of a hazardous materials situation



CHAPTER 6 INFRASTRUCTURE FAILURE

The County of Marquette has endured several examples of infrastructure failure. This identification of critical systems and contingency planning can have long-term benefits.

Water Systems

Potential hazards exist for both public and private water systems. The most probable threat is a hazardous substance spill within a vulnerable wellhead area, which could be a radius of many miles. The spill could be a sudden or slow leak at a fixed site, or it could result from a transportation accident.

The Michigan Department of Environmental Quality is responsible for inspections of water systems. They contract with the Marquette County Health Department for inspection of Type II and Type III systems, which include wells that supply rural restaurants and gas stations.

A comprehensive understanding of each public water supply system is essential to respond to a water supply emergency. Essential information includes the location and capacity of all water sources, treatment facilities and storage tanks, and the location and size of all distribution lines, and isolation valves. In addition, each water supply system should have contingency plans for supplying water. These can include special treatment, use of alternative wells, and isolation of portions of the system, using a supply source from outside the system, and limiting use.

The City of Marquette is the only community in Marquette County that uses surface water for its public water system. Because a surface body of water is the source, the city's plant must meet stringent filtration requirements. The source of all other community water systems is groundwater. The source for most mining operations is surface water.

<u>Facility</u>	<u>Operator</u>	<u>Water Body</u>	<u>Use</u>
Empire/Tilden Mines	CCI/mining partnership	Schweitzer Reservoir	Industrial
Marquette Water Department	City of Marquette	Lake Superior	Public water supply
Emergency Intake	City of Ishpeming	Lake Sally	Public water supply
Emergency Intake	City of Ishpeming	Lake Angeline	Public water supply
Emergency Intake	City of Negaunee	Teal Lake	Public water supply

TABLE 5 SURFACE WATER INTAKE IN MARQUETTE COUNTY

Ground Water

There are three major locations of groundwater -- surface deposits, glacial drift, and bedrock. Surface deposits contain precipitation that saturates the pore spaces in the soil. Referred to as the water table, the level fluctuates seasonally when water on the surface as snow and ice, melts and is absorbed by the earth. In locations where surface deposits are thick, the deposits are usually reliable water sources. As described in the drought section however, shallow wells in western Marquette County have gone

dry. This water is highly susceptible to contamination. Glacial drift aquifers occur in areas with layered sands, gravels and clays. Water is stored at several levels. Volume and quality can vary from level to level. Major aquifers within Marquette County are the Sands Plains, Carp Creek and Humboldt Area, Morgan Creek Area, and West Branch Creek Area.

Where surface deposits are thin, and there is no glacial drift, wells must be drilled into bedrock. The type of rock affects its water storage capacity. Sandstone and dolomitic limestone have pores between sand grains, allowing a significant amount of storage. These stones also contain natural fractures, which contain water and enhance its movement. Igneous and metamorphic rocks are denser. Within these rocks, storage occurs primarily in fractures. Yields are generally low because fractures are only a small portion of the rock's total composition. Occasionally wells are placed along major faults or fractures in bedrock and thus have high yields. Because ores were deposited along such fractures, mines frequently required pumping of water to allow extraction of mineral.

Permeability is the ability of a material to transmit water. Sand and gravel have high permeability. Clay has such a low permeability that it is often considered impenetrable. Infiltration rates determine the recharge of groundwater that is removed through use or migration below the surface. The recharge area can be a significant distance from the aquifer. Rapid rates help to assure sufficient supply, but can also result in rapid transmission of contaminants. In general, rates are very rapid in portions of Chocolay, Richmond, and Sands Townships and in the southern parts of Forsyth, Tilden, and Ely Townships, in small areas of Michigamme and Champion Townships and in pockets along the Lake Superior shoreline. Areas that have moderate to slow rates include much of the west-central and west portions of the County. That means that there is a slower recovery from heavy pumping. While it may take longer for contamination to move, it will also take longer for cleanup. Slow and very slow rates exist in portions of Republic, Chocolay, Skandia, Turin, Forsyth, Wells, and Ewing Townships. Slow and very slow infiltration can often make an area too wet for farming and can make septic systems malfunction, creating health risks.

Wellhead Protection

Except for the City of Marquette's water system, all of the community systems utilize wells. Wellhead protection is recommended but not required. The Michigan Department of Environmental Quality operates the [Michigan Wellhead Protection Program](#). The program assists local communities with the protection of groundwater used for drinking water supply systems. Guidance documents and grants are also available.

Numerous land use activities threaten the quality of our groundwater resources. Contaminated water can affect public health of our residents and the economic health of our communities. Only well-conceived and coordinated land management efforts can protect the County's aquifers. Remediation of polluted groundwater is technically and financially challenging.

Each wellhead protection plan is custom designed with appropriate control measures for individual aquifers and wells. Due to the fact geology does not follow political boundaries, several units of government may need to participate. Other participants include citizens, local, and state agencies. Plans establish a protection area based upon hydrogeological studies and ground water flow models. Recharge areas are also identified. Plans also inventory potential contaminant sources, including

abandoned wells. Plans address issues of public education, operational policies, facility inspections, and land use. Generally best management practices, such as sealing of abandoned wells, monitoring of underground storage tanks, storm water management, secondary containment for hazardous material storage and proper floor drain connections are also included. Plans should include procedures for responding to contaminant releases, providing alternative water supplies, address changing conditions, and identify potential expansion/replacement well sites. Success of a wellhead protection plan requires involvement of the public in its development and on-going public participation and education in its implementation.

The Negaunee-Ishpeming Water Authority and the townships of Tilden, Ely, and Ishpeming along with the Cities of Ishpeming and Negaunee have adopted a wellhead protection plan. Other municipalities within the County that have Wellhead Protection Areas include: Forsyth Township, Richmond Township, Powell Township, KI Sawyer, Republic Township, Negaunee Township, Skandia-West Branch Township, and Marquette Township. Several other water system operators have inquired about developing a protection plan for their wellheads. [GIS Data and other maps on Wellhead Protection](#) are available through the Michigan Department of Environmental Quality.

Public Water Supply Systems

There are three types of public water supply systems in Marquette County has. Type I public water supply systems service municipalities and include wells for mobile home parks, which serve more than 15 units. Type I systems are regulated by Michigan Dept. of Environmental Quality. Type II and Type III water systems are generally small municipal systems or serve rural gas stations and restaurants. The same types of problems, including possible contamination, exist with all systems.

Wastewater Treatment

A large portion of the County relies upon on-site septic systems to treat sewage and gray water. However, where populations are concentrated, and where soils have proven unsuitable to handle the demand of increased development, wastewater treatment is provided by public entities. The treatment of wastewater is essential to public health and

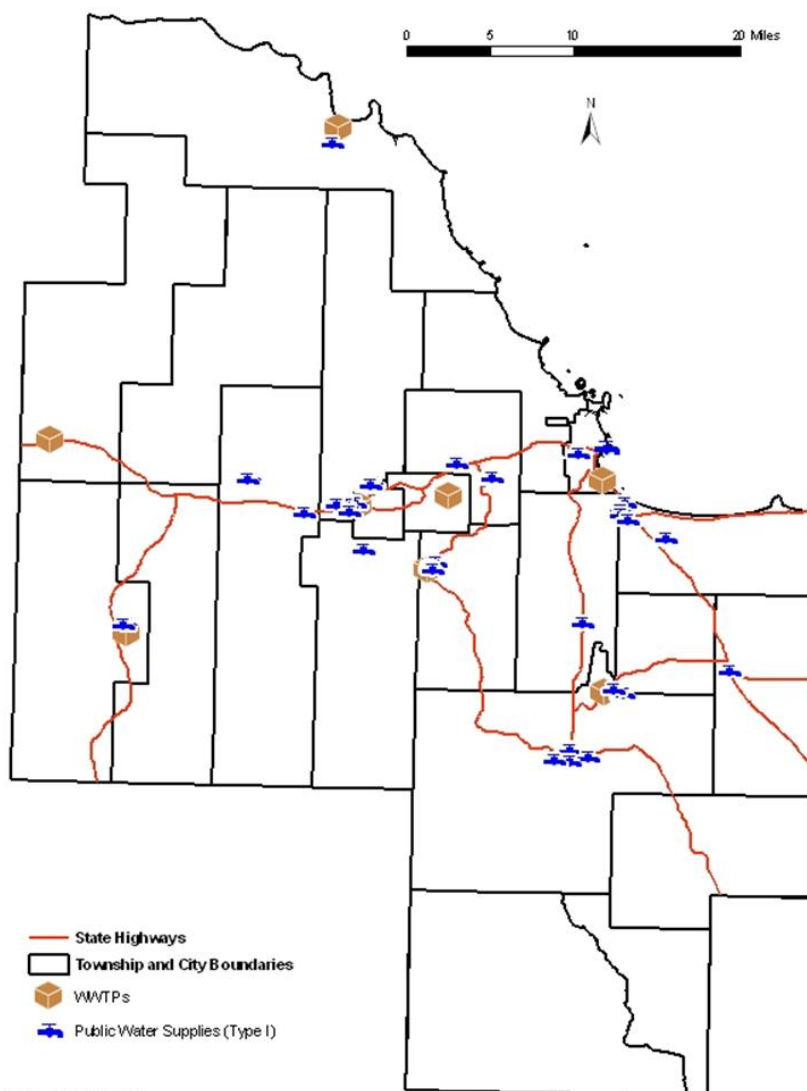


FIGURE 10 WATER AND SANITARY SEWER SERVICE

well-being. During many disasters, primarily flooding and prolonged power outages, these systems can fail, resulting in the release of raw sewage into water bodies or causing it to back up into homes and businesses. Failure of the treatment system can also occur because of introduction of materials toxic to the organisms, which act upon the sewage, again resulting in the release of raw sewage. Raw sewage could result in an outbreak of disease, creating a secondary disaster.

Public Wastewater Treatment Systems

Systems used in Marquette County include lagoons, communal septic systems, and wastewater treatment plants. Treatment facilities are required to have commercial users submit an industrial pre-treatment plan, identifying materials in their waste. Pretreatment is required if hazardous materials or excessive quantities are present in the effluent. Household users also have the potential to introduce substances that affect the system's operation and the quality of effluent.

Communications

TELEVISION

Many residents of Marquette County rely upon services for television for news and entertainment purposes. Marquette County has three companies providing cable service including Negaunee Cable Company, Spectrum Communications, and Cable America. Other television service is available through satellite providers.

BROADBAND

Marquette County is the first certified Connected Community in the Upper Peninsula and the 11th in the state. The Marquette County Broadband Initiative (MCBI) team worked with [Connect Michigan](#) to identify gaps in the local broadband landscape and establish goals for increasing high-speed Internet access, adoption, and use. Representatives from Northern Michigan University, the Lake Superior Community Partnership, and Marquette County led the collaboration with Connect Michigan. There are 14 broadband providers in Marquette County.

Cable America Michigan, LLC: Cable	Pasty.Net: Fixed Wireless
Charter Communication: Cable	SonicNet: Fixed Wireless
Chatham Telephone Company: DSL	UP Telephone Company: DSL
Chatham Telephone Company: Fiber	Northern Michigan University: Fixed Wireless
Iron Bay Computer and Design: Fixed Wireless	Negaunee Cable Company: Fiber
Michigan Bell Telephone: DSL	Michigan Bell Telephone: Fixed Wireless

TABLE 6 MARQUETTE COUNTY BROADBAND PROVIDERS

TELEPHONE

Various providers and services of telephone exist in Marquette County. Main landline providers include: Charter Communications, TDS Telecom, and Upper Peninsula Telephone Company. IP phone service from AT&T is also available in portions of Marquette County. Wireless services is mainly provided by Verizon Wireless and AT&T. There are still several areas of the county where landline and wireless service are not available. This is due to scattered development patterns and geographic characteristics of the County.

Electric Systems

Electricity is vital to our hospitals, schools, homes and makes the distribution of products and the delivery of services possible. There are four electric utility service providers in Marquette County.

MARQUETTE BOARD OF LIGHT AND POWER (BLP)

More than 120 years ago, the City of Marquette established an electric utility. Originally consisting of hydroelectric dams on the Dead River, the system has since expanded greatly. The Shiras Steam plant, a 3 unit 78 MW production facility that operated since 1967 was decommissioned in 2018. It was replaced with a 51 MW reciprocating gas fired engine plant at the existing facility on Wright Street. At the same facility, a community solar garden finished construction in 2017 and houses 480 panels with 155 KW total output potential. The BLP services approximately 17,000 customers in all or portions of nine townships in Marquette County along with the City of Marquette.

UPPER PENINSULA POWER COMPANY (UPPCO)

The American Transmission Company owns the major transmission lines that serve Northern Michigan and Wisconsin. UPPCO is responsible for maintaining them. UPPCO still owns their distribution lines and substations. UPPCO services fourteen communities in Marquette County including the Cities of Ishpeming and Negaunee. UPPCO also services all or portions of fifteen townships located within the County.

ALGER DELTA COOPERATIVE ELECTRIC ASSOCIATION

Alger-Delta provides service in the area north of Marquette to Big Bay, along M-28 in Chocolay Township, in southern Skandia Township, and in Wells Township. Electricity is purchased from the Marquette Board of Light and Power and We Energies. The utility has around 3,500 customers within the County.

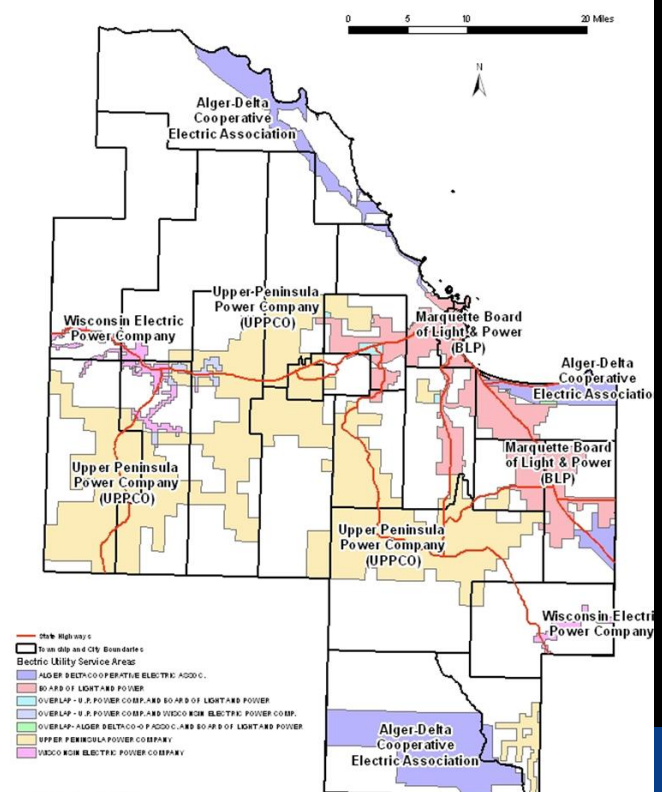


FIGURE 11 ELECTRIC SERVICE PROVIDERS, MARQUETTE COUNTY

WE ENERGIES

The Presque Isle Power Plant operated by We Energies and located within the City of Marquette was a major provider of electric energy to CCI's Tilden and Empire Mines, to residential and commercial customers throughout the Upper Peninsula, and to areas outside of the Upper Peninsula. There are transmission lines interconnections with Wisconsin and the Lower Peninsula of Michigan. The plant was decommissioned in March of 2019 and replaced by two new gas fired power plants: A.J.

Mihm Generating Station and F.D. Kuester Generating Station. On March 31, 2019 the F.D Kuester generating station, located in Negaunee Township, started providing power to the grid. It is a 128.1 MW station that helps supply the power that was once produced at the Shiras plant, and is operated remotely by We Energies out of Green bay and Milwaukee, Wisconsin.

Infrastructure Hazards

Risk: High

Vulnerability: Medium

Mitigation

Mutual aid agreements between utility companies

Encourage back up heating and power systems

Fencing around public water supply system

Encourage wellhead protection plan and regulation adoption

Staff or contract foresters for utility companies

Transportation

Transportation is crucial for the economy of the Upper Peninsula and Marquette County. The primary mode is surface transportation by motor vehicle, although other forms include water, air, rail, and pipeline. All of these forms of transportations have risks. These risks are further outlined in the risk analysis section.

RISK ANALYSIS

There have been several instances of water system problems in the Upper Peninsula. Historically there have been cases of wells running dry due to drought conditions. When the City of Negaunee used Teal Lake as its water source, advisories were frequently given to boil the water prior to use due to bacterial counts. Groundwater contamination by

Transportation Hazards

Risk: High

Vulnerability: Low

Mitigation

Continued administration of the airport zoning ordinance

Continued coordination of the US-41 Corridor Group

Encourage adoption of access management regulations on highways and primary roads

Emergency response exercises and scenario practice

Coast Guard Auxiliary training and vessel inspection

Boater's safety courses

petroleum products of multiple private wells required the installation of a municipal system in Skandia. The system became operational in 1987. In the severe winter of 1993, the City of Marquette had numerous lines freeze and break, leaving some households and citizens without water for several months. In 2014, the Governor issued a State of Emergency for Marquette County after an extremely harsh winter. Damage estimates grew to over 1.6 million dollars due to broken water and sewer lines. Water line freeze issues are common throughout the County and let run orders are frequently issued in winter months.

General water quality is always a concern, particularly with surface waters. The City of Marquette intake is located about 3,100 feet from shore in about 55 feet of water. It is relatively difficult to access. Urban areas face increased challenges from storm water run-off, discharges from sewage treatment plants, and industrial facilities. Vandalism at the Marquette Branch State Prison in April 2002 resulted in raw sewage entering the Carp River and Lake Superior.

A main concern with electric service in Marquette County is disruption of service by storms. It is not uncommon for both winter and thunderstorms to cause power outages and downed lines in the County. Disruption in service is generally able to be restored quickly as crews are on call and mobilized as outages are reported. Service can sometimes be more difficult to restore in the event of a substation failure. Substation failure resulted in the outage of approximately 4,800 customers in 2010, however, service was restored within hours. Aging lines and infrastructure are also of concern for electric service in Marquette County.

Motor vehicle transportation is the most common form of transportation in Marquette County. It also has, by far, the most risks and accidents. In 2019 there was 1,803 traffic crashes within Marquette County. Of these, eight resulted in death and 268 in injury. Data on traffic crashes, injuries, and fatalities can be found through the [Michigan State Police](#) and also through [Michigan Traffic Crash Facts](#).

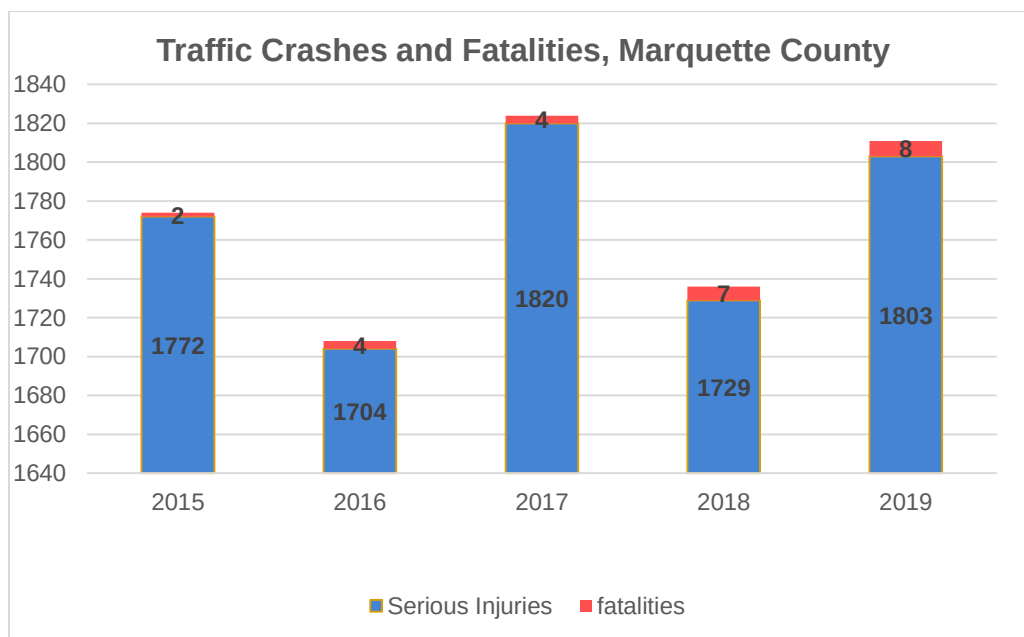


FIGURE 12 TRAFFIC CRASHES, MARQUETTE COUNTY

Reduced budgets for road authorities have led to the deteriorated condition of the road network. The reduced budget also impacts routine maintenance of roads. This impact is realized especially during winter weather events as roads are plowed less frequently than in the past.

Air, rail, and marine transportation also can pose a hazard in Marquette County, however, incidents are rare. Sawyer International Airport has experienced very few aircraft related crashes. Most recently, a small single engine aircraft crashed during takeoff. This incident took place in January 2015 and while the plane experienced significant damage, there were no injuries. Rail incidents have also been rare within the County. Primary rail cargo in the area is iron ore pellets, however, hazardous materials are also transported at times. These products include sodium hydroxide, calcium chloride, ammonium nitrate, polymers, liquid propane, and ethanol. Rail operators generally have hazardous response plans in case of an emergency. Rail/Vehicle accidents within the County are rare. Similarly, marine incidents are infrequent.

CHAPTER 7 HUMAN RELATED HAZARDS

These hazards are the result of human activity and the functioning or failure to function of the social structure. It includes deliberate efforts to disrupt society as well as natural events that affect large numbers of individuals.

Public Assembly Events

Marquette County's many communities enjoy celebrating their local heritage and have created a number of events for their residents and which draw tourists and participants from around the nation. Attendance at these events ranges from several hundred at local township festivals to an estimated 10,000 at the Seafood Fest in Marquette. Guests from outside the area may not be familiar with facilities, road systems, or where to find assistance in an emergency. Gatherings with many individuals often create opportunities for accidents. As the size of the event increases, the risk for a large-scale incident increases. An incident could easily lead to multiple injuries or panic among attendees. In addition, any large gathering or activity that attracts media attention is a potential target for terrorism, although that risk is considered small in Marquette County.

Civil Disturbances

Civil disturbances occur when a group of individuals disrupt essential functions, damage property, or threaten the wellbeing of other individuals. Large-scale civil disturbances rarely occur. Areas particularly vulnerable to civil disturbances include government buildings, military installations, universities, controversial businesses, service providers, and critical service facilities such as police and fire stations. Sports arenas and facilities for large gatherings can also be vulnerable. Prison uprisings and political decisions are also a form of civil disturbance. Marquette County has a number of locations and events at risk for civil disturbance.

School Violence

The Revised School Code was amended with Public Act 102 of 1999, which identifies reportable incidents and specifies incidents that mandate expulsion. P. A. 102 of 1999 does not mirror criminal code. In addition, local school districts can identify other situations that will result in expulsion. The Revised School Code act was further amended in 2011 to address bullying and require schools to develop and enforce policies related to bullying. In 2013, further legislation was introduced to include cyberbullying within the code. Having a policy that reflects expected conduct, discipline for various infractions, mandatory expulsion terms and reinstatement conditions in place may reduce incidents.

SITUATIONS THAT MAY CAUSE CIVIL DISTURBANCES

Labor disputes with a high degree of animosity between the dissenting parties

High profile or controversial judicial proceedings

Implementation of controversial laws or other governmental actions

Resource shortages because of catastrophic events

Disagreements between special interest groups

Perceived unjust death or injury of a person held in high regard by a particular segment of society

School districts in Marquette County have site emergency plans, which indicate when children should be sheltered in place or evacuated from a building. During some types of incidents, keeping students within a classroom and preventing entry is the preferred method. This is because most classrooms are equipped with phones and can be locked with students out of sight. School offices often have emergency kits that contain items such as emergency response contact names and numbers, enrollment rosters, guardian contact information, flashlights, keys and floor and structural plans. School resource officers have been implemented in many districts, often with the assistance of local police departments. Pre-identified safe areas have been identified for a number of schools. Some schools have protocols for calling out back-up drivers if regular school bus drivers cannot be located. Local fire departments generally do not conduct fire inspections, but police and firefighters frequently visit school buildings so that they are familiar with hallway and classroom locations. Many area schools are also equipped by cameras both on the interior and exterior of the building.

Terrorism

There have been no reported acts of terrorism in Marquette County. The worst account of terrorism in the State of Michigan took place in 1927 in Bath, MI. In this event, 45 people were killed in a school bombing that was intended to protest the raising of property tax. Nationally and internationally there has been an increase in events in recent years. The randomness of targets and variety of actions make it difficult to establish a risk rating. Potentially the risk to life and property could be very high. With regard to national security, Sawyer International Airport located in Marquette County is home to the largest runway in Michigan. The runway, at over 12,000 feet in length, has the capability to accommodate some of the world's largest aircraft. Sawyer International Airport also has the only air traffic control tower in the Upper Peninsula.

Economic Disaster

A disaster incident can have catastrophic effect on local businesses. Unfortunately, statistics have not been kept locally regarding the impact of disasters on businesses. It is known that at least one business qualified for a Small Business Administration Disaster Assistance Loan following the Sept. 11 Terrorist Attacks. The loan was based upon disruption of delivery of critical supplies because of closure of airports. Statistics show that 45% of businesses that are struck by a disaster never reopen. Of those that reopen, 28% fail within three years of the catastrophe. Only 23% fully recover and remain in operation. 93% of all businesses that experience a major data processing disaster are out of business within 5 years. Natural disasters such as storms and earthquakes are not the only cause of loss. Technological disasters such as infrastructure failure and fires, man-made disasters such as riots, human error, or sabotage by disgruntled employees can wreak havoc on a business.

Economic disaster can also have an effect in the form of a recession. Characteristics of a recession include: A general slowdown in economic activity, a downturn in business cycle, and a reduction in the amount of goods and services produced and sold. According to the National Bureau of Economic Research, there were 10 recessions between 1948 and 2011. The most recent being in 2007-2009. A significant spike in the unemployment rate occurred during this time. Marquette County's unemployment rate reached close to 12%. This was higher than the national average but lower than the rest of Michigan. In April of 2020 Michigan saw one of its highest unemployment rates on record at over 24%. This was due to the widespread shutdown of businesses in the midst of the COVID-19 Pandemic.

The Housing Bubble and its burst was one of the most significant occurrences in housing nationwide. The Housing Bubble began after the end of the high tech and dot.com era, about 2001 and burst around 2008. The Housing Bubble is defined as an era where conditions were created that drove up the prices of homes such as low mortgage interest rates, loose lending practices and even local land use regulations. As prices for homes increased, homeowners spent against false equity in their homes and speculators and developers rapidly bought, built and sold houses for large profits.

Housing prices started stabilizing around 2006. Soon home foreclosure rates began to escalate because many homeowners owed more for their houses than they were worth on the market. In addition, many homeowners were carrying sub-prime mortgages that adjusted and doubled their payments after 12 months. The Housing Bubble burst was denoted by a significant deflation period that is still being felt by homeowners today. In 2007 the United States sub-prime mortgage industry collapsed because of the large number of home foreclosure rates. More than twenty five sub-prime lenders declared bankruptcy, reported huge losses, or put themselves up for sale. Lending was halted and the national economy was in peril. This led to business closings, high unemployment rates and Federal Government intervention. Marquette County did not experience the severe housing price increase and ensuing decrease that was realized in other locations across the country but the County did experience many of the same symptoms and results. Like many locations throughout the country, the local housing market is slow and many people are holding on to their houses until the market improves.

RISK ANALYSIS

Hazards can be reduced and security improved through proper planning and cooperation between event organizers and local units of government. Civil disturbances and terrorism are relatively uncommon in Michigan. The impact area is typically local. The most recent events took place in Marquette County in 2020 concerning political and racial injustice topics.

Human Related Hazards

Risk: Low

Vulnerability: Low-Medium

Mitigation

Mutual aid agreements between law enforcement and fire agencies

Police presence at large events

Emergency response exercises and scenario practice

Foster sustainable economic development opportunities

Encourage participation on the Chamber and Economic Development Organizations

CHAPTER 8 ENVIRONMENTAL HAZARDS

There are a number of environmental threats that could potentially damage the economy and lifestyle of Marquette County. Segments of the tourism industry could be destroyed because of outbreaks. Recovery from physical damage and public perception could take years. Citizens and visitors to the County need to be educated regarding the seriousness of the threats and the steps that should be taken to control their spread.

Invasive Species

Invasive species are plants, animals, or pathogens that are non-native to the ecosystems under consideration and whose introduction causes or is likely to cause harm. Ecosystems all over Michigan are threatened by invasive plants. Every year more and more acres of land are invaded by non-native species. As these plants move into an area native vegetation often cannot compete and are eventually displaced. In turn, the animals that depend on the native plants for food and shelter can no longer be sustained and the ecosystem is entirely disrupted. Invasive species often arrive as “hitchhikers” from other states or even foreign countries. They may be accidentally introduced by inadvertent transporting of seeds or parts of plants. In other cases, plants may be brought in for a different purpose, such as ornamental use, and “escape” into the wild.

The United States Department of Agriculture (USDA) maintains the [National Invasive Species Information Center](#). This database can be used to gain information on certain types of invasive species and also invasive species by geographic area. Locally, the Marquette County Conservation District, Superior Watershed Partnership, National Forest Service, Northern Michigan University, and the Upper Peninsula Resource & Development Council among others are heavily involved with sustaining native plants and invasive species control.



ZEBRA MUSSELS: Present in the waters of Lake Superior and have formed a colony at the City of Marquette Water Intake. They are also found in inland lakes. This species is known to accumulate PCB's and may contribute to bioaccumulation in other species. Care needs to be taken when transporting boats or docks from one body of water to another.



EURASIAN MILFOIL: An invasive weed that has potential to choke lakes within the county and adversely affect boating and fishing. Boats should be washed with hot water before transportation from one body of water to another, to prevent transmission of spores.



GOBY: Two species are currently in the Great Lakes. Within 5 years of its initial discovery in Duluth, the round goby spread to all five great lakes. It is an aggressive fish, which can spawn repeatedly during the summer months. It is a voracious feeder. The tubenose goby is less aggressive. It appeared in the St. Clair River in 1990. It has remained uncommon. Diet in the Great Lakes currently includes insect larvae and zebra mussels, although they are capable of eating larger fish. They have the capability of occupying and affecting fish populations in deep water.



PURPLE LOOSESTRIFE: This plant is invading wetlands throughout the Upper Peninsula. As it chokes out native plants, many birds, insects, and other wildlife are adversely affected. Each root crown can produce over 2 million seeds per year. It produces dozens of pinkish purple mid-summer flowers at the top of each stem.

Infestations

Infestations of timber stands can cause serious problems, especially as approximately 85% of Marquette County is classified as agriculture/forest. The Marquette County Forestry Commission manages forest resources on County owned lands, this includes the [County Forest](#). The County Forest is approximately 9,300 acres located in Sands and Forsyth Townships. There are several insects that can damage forest resources. Most prevalent of these in the County Forest is the jack pine budworm though white pine weevil, forest tent caterpillars, spruce budworm, and bark beetles can all cause damage.



JACK PINE BUDWORM: This is a needle feeding caterpillar that can have devastating impact on stands of trees that are 45 years or older, particularly those on sandy sites and suffering from drought or other stresses. Tree mortality and top kill can make the forest more vulnerable to wildfire. Outbreaks occur on a regular cycle. The best control measure is maintaining healthy stands and harvesting mature trees.



EMERALD ASH BORER: The emerald ash borer is an insect that was introduced to North America in the 1990s. It was first reported in areas of Lower Michigan and Canada near Detroit and Windsor. The Michigan Department of Agriculture and Rural Department (MDARD) is the agency responsible for issues relating to the insect. The movement of firewood, which could carry the insect, has been banned from the Lower Peninsula to the Upper Peninsula.



WHITE PINE WEEVIL: The larvae of this weevil girdle the uppermost portions of both white pine and jack pine. The damage caused to the tree results in reduced growth rates and tops with multiple rather than a single stem. The last noted infestation in the County Forest was discovered in 1994. The most affected stands were those that were understocked. The best solution is converting to red pine however, not all soils are suitable for this conversion.



SPRUCE BUDWORM: Spruce budworm target balsam fir and white spruce. The insect defoliates tree causing top kill and mortality. The most susceptible stands are those which are over-mature.



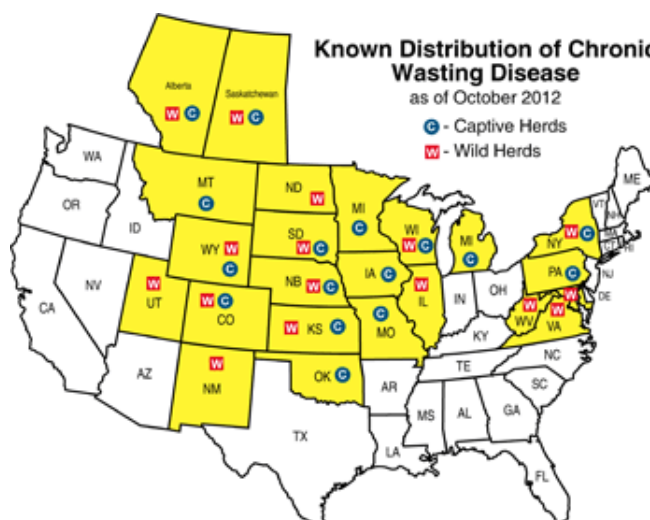
FOREST TENT CATERPILLAR: These insects target primarily aspen. These caterpillars are defoliators but their long-term impact is minimal and tree mortality is uncommon.



BARK BEETLE: Bark beetles are not generally attracted to healthy stands. However, when a stand is damaged by other insects, bark beetles then seek out the freshly killed or stressed trees.

Public Health

Public health emergencies can result from widespread or serious disease. This can be contamination of food or water supplies, infestations, or exposure to harmful substances. With modern travel, a highly contagious disease could spawn a national health emergency. The H1N1 (Swine Flu) outbreak in 2009 and the COVID-19 pandemic of 2020 are two of the most recent examples to have a local impact. COVID-19 was first discovered and reported in December of 2019 in Wuhan, China and spread worldwide in early 2020. As of November 2020 there were over 48 Million cases and over 1.2 Million deaths worldwide.



DISEASES

¹ **Chronic wasting disease** has been discovered in deer herds in southern Wisconsin. In 2008, one case was identified in an animal facility in Lower Michigan. Some health advisories recommend against eating potentially tainted meat. Others recommend against handling various body parts and using special precautions in butchering and processing the meat. Although no documented cases of human illness have been attributed to chronic wasting disease in deer, three cases of human death are undergoing further investigation.

Ticks have been moving northward and have the potential of transmitting Lyme disease, Ehrlichiosis, and Babesiosis. All three diseases can affect canines and humans. Lyme disease is a bacterial infection that sometimes shows up as a "bull's eye" ring around the bite location. If untreated, Lyme disease could affect the heart, joints, and nerves. Ehrlichiosis is a bacterium that attacks white blood cells. Most cases are mild or without symptoms, but the disease can be life threatening. The HGE form, associated with deer ticks, is present in the Upper Midwest. Babesiosis is a parasitic infection that has been likened to malaria, however, the infections are very



¹ <http://www.ct.gov/deep/cwp/view.asp?A=2700&Q=323412>

different biologically. The parasite attacks the red blood cells. Babesiosis does not occur in cycles as malaria does. Chronic babesia infection might manifest itself as anemia. It can be fatal to individuals with suppressed immunology.

Control of tick exposure mitigates the risk of infection by these diseases. Brush should be cleared from the vicinity of dwelling units. Protective clothing should be worn when in tick-infested areas. Careful inspection for ticks should occur after entering tick habitat. Chances of disease are reduced when ticks are removed within 24 hours. Ticks should be removed by a method which does not force tick fluids into the wound.

Climate Change

The United States Environmental Protection Agency (EPA) defines climate change as any significant change in the measures of climate lasting for an extended period of time. In other words, climate change includes major changes in temperature, precipitation, or wind patterns, among other effects, that occur over several decades or longer. Climate change is often interchanged with the term global warming which the EPA defines as the recent and ongoing rise in global average temperature near Earth's surface. It is caused mostly by increasing concentrations of greenhouse gases in the atmosphere. Global warming is causing climate patterns to change. Climate change can increase the effect, frequency and/or severity of many other weather hazards and natural disasters, and may change the duration of season length affecting growing seasons.

Predicted Climate Change Effects

- Shorter winters
- Hot, dry summers
- Frequent, intense precipitation events
- Loss of native plant species

Methane, carbon dioxide, and nitrous oxide are all common greenhouse gases. Greenhouse gases trap heat within the atmosphere. The greenhouse effect occurs when solar radiation emitted from the sun is reflected off the earth and absorbed by greenhouse gas molecules. The molecules trap the heat and warm the atmosphere. Agriculture, industry, and transportation are all contributors to greenhouse gas production. The combustion of fossil fuels creates and adds to various air pollutants including greenhouse gases. The EPA has multiple websites and tools on climate change and greenhouse gases. The [Greenhouse Gas Inventory Data Explorer](#) is an interactive tool that provides access to data from EPA's Annual Inventory of U.S. Greenhouse Gas Emissions and Sinks.

The average temperature on Earth has risen over a degree in the past hundred years. This number is expected to rise over the next century. Even small global temperature changes can result in a dramatic shift in weather and climate. Adaption and strategic plans relating to climate change are being developed and implemented all across the country by various agencies. The federal government has also addressed climate change thorough numerous agencies. The United States Department of Agriculture and Forest Service maintain the [Climate Change Resource Center](#). This website provides information, tools, and models relating to climate change.

Radon

It is estimated that in the United States we spend approximately 80-90% of our time indoors. Frequent cold weather in Marquette County often pushes this number even higher. This increases risk of being exposed to indoor air pollution, such as radon.

Radon is a natural occurring radioactive gas. It is produced through the decay of radium, a product of uranium. It is a noble gas that is colorless and odorless. It typically enters buildings through cracks and openings in floors and walls that touch soil. It can also be found in drinking water. According the EPA estimates, radon is the number one cause of lung cancer among non-smokers.

High levels of radon can be reduced through proper radon mitigation. This is typically done by preventing radon from entering the home and also through added ventilation. Preventing radon from entering the home can be done through different types of suction systems, ventilation systems, and also through sealing cracks where radon could enter. Water systems with high levels of radon can also be treated with aeration or filter systems.

RISK ANALYSIS

The introduction of exotic species, transmission of disease, and insect pests can have serious consequences. Most initially involve environmental protection groups and agencies, and may not require the typical responses provided by emergency services teams. They do, however, have the potential of creating disasters of local and regional significance.

With Marquette County's proximity to water resources and also its climate, climate change could cause dramatic and potentially hazardous conditions here. Many local groups and institutions are working to address climate change. The [Climate Change Adaption Taskforce](#) was formed to help prepare local leaders and the general public to think proactively about the effects of climate change and to develop strategies that will make the Upper Peninsula more resilient and effective when dealing with the consequences of climate change. The Superior Watershed Partnership, Marquette County, Northern Michigan University, and the City of Marquette along with other local stakeholders make up with group.

Elevated levels of radon have been document in Marquette County. The EPA maintains a [map of radon zones](#). Marquette County is classified in Zone 2. This zone indicates a moderate potential for radon. Counties within this zone have a predicted average indoor radon screen level between 2 and 4 pCi/L. It is recommended a homeowner take action to mitigate radon when levels exceed 4 pCi/L. Radon test kits are frequently available for little to no cost at community organizations. Test kits can also be purchases at home improvement stores and at the Marquette County Health Department.

Environmental Hazards

Risk: High

Vulnerability: High

Mitigation

Invasive species control measures

Education on forestry, moving firewood

Education and outreach on climate change

Public health awareness and education

Participation in Climate Change Adaptation Taskforce

Public awareness campaigns about radon and public health in general

SECTION III COMMUNITY ANALYSIS

CHAPTER 9 LOCAL UNITS ANALYSIS

This chapter discusses each township and city in Marquette County. The mitigation projects listed in the Local Units Analysis chapter were identified and prioritized by the local units of government (LUG) during meetings and conversations with elected officials and staff as part of the update process. The Action Plan, that follows, identifies countywide mitigation strategies and actions.

It is noteworthy that a webpage dedicated to hazard mitigation for Marquette County was established as part of the 2015 Plan update. The website contains the County’s most current resources and educational materials related to the mitigation of hazards. The site is a porthole to educational materials including the adopted Hazard Mitigation Plan. The site also houses maps displaying information pertinent to hazard mitigation planning, such as structures and flood plain data. Local units of government and the public are encouraged to use information from the website to assist in local hazard mitigation efforts.

hmp.mqtco.org

Where applicable, hazards that are more likely to occur are identified for each township or city and are represented by icons. The following figure defines what each icon means.

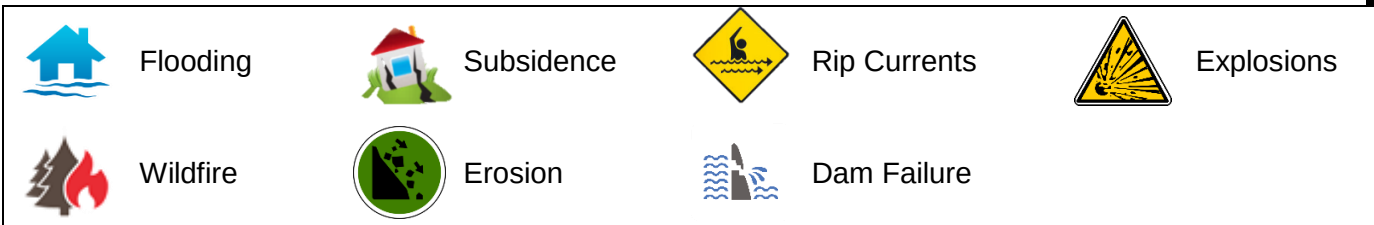


FIGURE 13 HAZARD SYMBOLS

Champion Township

Champion Township lies near the center of Marquette County. Most of the township's population is in the historic mining town of Champion. Few people live in the rest of the township, especially in the north, where access is difficult.

Although flooding hazards were not identified during the update process, the history of this hazard type is prevalent in the Township. The Dead River Flood (May 2003) began in northern Champion Township when the plug for the newly-redesigned Silver Lake Dam gave way, releasing nine billion gallons of water into the Dead River. The dam has since been rebuilt.

The long, thin shape of the township causes it to cross several watersheds, including the Dead, Escanaba and Yellow Dog Rivers. The upper reaches of the Dead River are within the dam inundation zone for Silver Lake. The effects of the 2003 dam breach there were dramatic within Champion Township. A new mile-long channel, sandbars, and eroded cut banks were created, and debris was spread over a wide area of the Dead River floodplain. While most of Champion Township is covered by forest, and much of the township's land is owned by paper companies, there are relatively few jack pines.

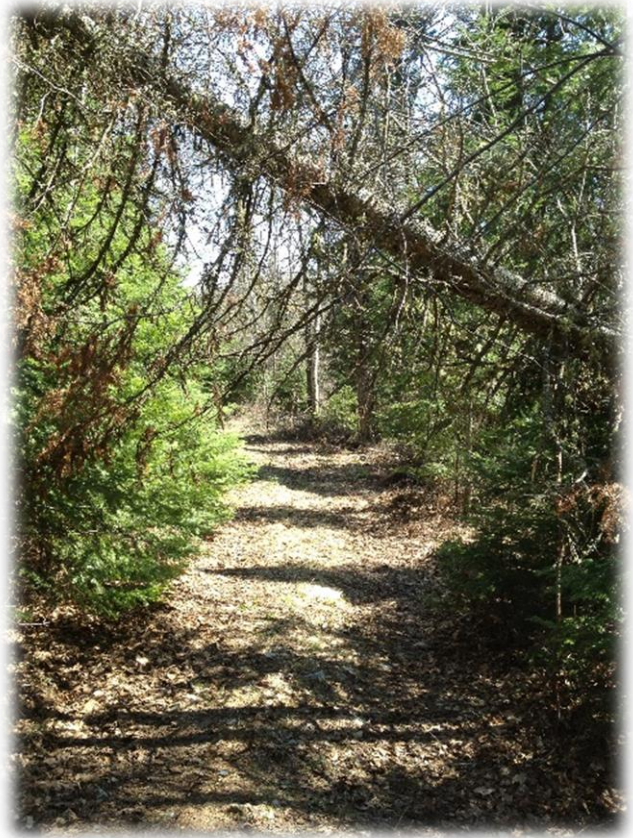


FIGURE 14 POOR ACCESS

Champion Township Mitigation Projects:

- 1. Truck capable of accessing off road areas, substandard seasonal roads**
- 2. Need for dry hydrant on Wolf Lake Road, Section 21 stream crossing**
- 3. Need for brush truck for brush fires beyond structure fires**

Chocolay Township

Chocolay Township lies southeast of the city of Marquette, extending southward from the Lake Superior shore. Most of the township's population lies in the northwest corner, centered on the historic center of Harvey. Many people also live along the Lake Superior shore in the western half of the township.

Both floods and fires are real threats to Chocolay Township. The mouth of the Chocolay River in Harvey often is blocked by ice during spring break-up. In the past, dynamite has been used to free the flow of the river. Historically, coastal flooding and erosion has occurred along the Lake Superior shore.

The sand ridges paralleling Lake Superior are ideal large jack pine habitat. The pines, Lake Superior, and easy access to Marquette via M-28 make this area a favored place to live, enhancing the fire danger. Many expensive homes along Lake Superior are in the jack pine zone. Surprisingly, no large fires have occurred in this area recently, perhaps because with a relatively large population, no fires go unnoticed.



FIGURE 15 RESIDENTIAL AREA IN JACK PINE FOREST

**Hazards more likely
to occur in Chocolay
Township:**



Chocolay Township Mitigation Projects:

- 1. Additional water sources are needed. Water access is restricted especially in northeast and southern portions of the Township**
- 2. Dredge the mouth of the Chocolay River and protect the nearby lift station**
- 3. Educate the public about why construction should not be taking place in hazard zones**

City of Ishpeming

The City of Ishpeming is Marquette County's second-largest community, and is near the geographic center of the county. Founded in 1870 as an iron-mining town, the city's residential and commercial building stock reveals evidence of the boom and bust cycle of mining, including unique buildings used in historic mining operations. The City includes a portion of the workings of the current Tilden Mine.

Portions of Ishpeming were built up from cedar marshes and special storm water drainage has been recently constructed (Partridge Creek Project) to help resolve ground water problems. Mining, lumbering, and other commercial activities have increased sedimentation in rivers and lakes. Much of the City's water delivery infrastructure is old and deteriorated.

**Hazards more likely
to occur in
Ishpeming City**



FIGURE 16 FROZEN PIPE REPAIR

City of Ishpeming Mitigation Projects:

Watershed Management:

Dredging of Lakes / Stream / Waterways

1. Carp River (Unknown \$)
2. Lake Bancroft (Estimated \$2M Project)
3. Lake Bacon (Unknown \$)
4. Others within the City Limits (Unknown \$)

Stormwater / Sewer Infrastructure:

1. Inflow/Infiltration of Sewer System – Repair/Replace Brittle/Cracked/ Broken Pipes (City At Large – Estimated \$10M Project)
2. Repair / Replace Lift Stations (\$500K Project)
3. Replace Waste Water Treatment Plant (Estimated \$30M)

City of Ishpeming Mitigation Projects Continued:

Drinking Water Infrastructure:

1. Replace Old / Failing Water Delivery Infrastructure (City At Large – Estimated \$5M)
2. Replace Water Treatment Plant (Estimated \$30M)

Emergency Operations and Communication:

1. Develop Community-wide Communication System
2. Development of City Owned Limited Emergency Operations Center with Back-up Power (Estimated \$100K)

Wildfire Management:

1. Development of Forestry Management Plan including City Canopy (Project Cost - \$30K)
2. Develop Forest Management Projects (Estimated \$100K/yr for 5 yrs)

Roadway / Service Delivery Infrastructure

1. Repair / Remediate Low lying Areas (Culverts) and Wildlife Damage (e.g. Beaver) causing roadway flooding and failures of drainage
2. Repair Roadway between Ishpeming and Negaunee (M28 Business)
3. Remediate life threatening intersection (US-41 and Lakeshore) with MDOT / City Traffic Circle Construction and roadway realignment
4. Repair / Reconstruct Roadways for Transit System (MARQTRAN)
5. Repair / Replace Roadways (City At Large – Estimated \$10M)
6. Realign Roadways to increase accessibility and improve maintenance (City At Large – Estimated \$5M)
7. Assess Railroad Bridging Infrastructure – (estimated \$100K)
8. Maintain Auto / Roadway Bridges (Four) (Unknown \$)

City of Marquette

The City of Marquette is the largest community and county seat of Marquette County. Many of the facilities here are of regional importance, including Northern Michigan University, the Presque Isle ore docks, and the Marquette Branch Prison.

The primary natural hazards within the City of Marquette is the threat of flooding, mainly on the Dead River, and coastal Lake Superior erosion. The City of Marquette participates in the National Flood Insurance Program. The City was seriously affected by the 2003 dam breach on the Dead River, which resulted in another dam collapse at Tourist Park, washout of the bridge approaches on Lakeshore Boulevard, and flooding of the Presque Isle power plant. Closure of the power plant, in turn, forced the Empire and Tilden mines to shut down for lack of sufficient power.

In addition to the natural hazards, the City is also subject to infrastructure, technical, and human-health hazards due to the existence of a natural gas-fired power plant, a chemical laboratory at Northern Michigan University, and an extensive transportation network that is integrated through a high-density population area.

Hazards more likely to occur in Marquette City:



FIGURE 17 LAKESHORE BLVD CLOSURE

City of Marquette Mitigation Projects:

- 1. Shoreline restoration to protect the Hawley Street lift station and a 3,680 foot-long section of 16" sanitary sewer main located along the Lake Superior shoreline.**
- 2. Shoreline restoration to protect Lakeshore Boulevard, the Lakeview Arena storm drain outfall and Shiras Park parking area.**

City of Negaunee

The City of Negaunee is the fifth largest community in Marquette County and home to Michigan's first iron mine, the Jackson Mine. Remnants of inactive mines and the workings of the Tilden and Empire mines occupy much of the city. Large areas have been declared "caving grounds," areas where the ground above underground mines has collapsed or is in danger of collapsing.

Hazards more likely to occur in Negaunee City



City of Negaunee Mitigation Projects:

- 1. Identify and locate mining shafts and develop an evaluation system to rate their level of security, seek opportunity to improve security**
- 2. Replace old/failing water supply and delivery infrastructure with sustainable new infrastructure designed to withstand cold weather events, minimize leakage, and provide potable drinking water**
- 3. Identify water bodies that have beaver dam obstructions that are causing unnatural flooding of adjacent properties or have shown historical failure, causing damage to adjacent properties.**

Ely Township

Ely Township lies west and southwest of the city of Ishpeming. Historically, population was centered around several mine locations (e.g., Diorite, Greenwood), but more recent growth has focused on the County Road 581 corridor. This area of population growth intersects one of the county's major concentrations of jack pine, increasing fire risk. This hazard was realized during the Black River Falls Fire. The fire occurred on May 20, 2009. It was started when high winds knocked a dead Jack Pine down onto a power line, ultimately consuming 806 acres. The Township Supervisor reported that nearly 75% of the houses are now rebuilt.

Wildfire is a serious problem for much of the township. The Michigan DNR has designated the outwash plains of southern Ely Township as one of two fire zones in Marquette County receiving special attention.

Hazards more likely to occur in Ely Township



Ely Township participates in the National Flood Insurance Program. The long, thin shape of the township causes it to cross several watersheds, including the Escanaba and Carp Rivers. On the upper reaches of the Escanaba, Greenwood Reservoir, a 1088-acre impoundment created by Cleveland Cliffs, represents the greatest flood threat to township residents. There have been concerns over gasoline contamination in one of the water supplies used by Ely Township. The contamination is being monitored.



FIGURE 19 DEAD JACK PINE NEAR POWER LINE



FIGURE 18 BLACK RIVER FALLS FIRE

Ely Township Mitigation Projects:

- 1. Vegetation maintenance should be done on an ongoing basis by the utility companies and the Marquette County Road Commission.**

Ewing Township

Ewing Township is Marquette County's most remote township; to reach it from other parts of the county, drivers must leave the county and go through the unincorporated community of Rock in Delta County. None of the roads are paved, a source of irritation for the township's 126 residents.

The dominant drainage feature of Ewing Township is the Escanaba River, which serves as the township's western boundary. Swimming Hole Creek flows into the Escanaba River within the township, draining the Cyr Swamp to the north.

Despite the proximity of Marquette County's largest river, Ewing Township has few flooding problems, according to the township supervisor. While between 25 and 30 camps lie within the floodplain, the majority of township's permanent residents live away from the river. No current critical infrastructure lies within the floodplain, but the township's former dump adjoins it.



FIGURE 19 AIRPORT ROAD

Ewing Township Mitigation Projects:

- 1. Drainage solutions needed on N end of Airport Road and County Road DH**
- 2. Shower system needed in basement of Township Hall**
- 3. Drainage Solutions: Including proper ditching along roadways**
- 4. Bridges: Assessment of 70 plus year old bridges. Roads are impassable in the spring and cannot support service by ambulance, fire, and police.**
- 5. Better solution needed for power and phone service outages**

Forsyth Township

Forsyth Township is in southern Marquette County. It is 183 square miles in size with 53 inland lakes, industrial areas, an international airport, rail lines and yards, gas lines and storage facilities. Several communities lie within its boundaries: Gwinn, Princeton, Austin, Little Lake, and most of K.I. Sawyer. Much of the southern part of the township is occupied by the Cyr Swamp. The Middle and East branches of the Escanaba River drain most of the area and represent the greatest flood risk.

**Hazards more likely
to occur in Forsyth
Township**



Of the various communities, Gwinn is most at risk from flooding. The town lies at the confluence of the Middle and East branches of the Escanaba River, and is accessible only by bridges over the branches. Flood-prone areas of Forsyth Township include 382 structures worth an estimated \$19.5 million.

Wildfire is a serious problem for much of the township. The Sands Plains extend south into Forsyth Township and are covered with jack pine forests. The Michigan DNR has designated the Sands Plains as one of two fire zones in Marquette County receiving special attention. In the mid 1980's a large fire burned from Marshall Drive to east of Little Lake and north to K.I. Sawyer. Again, in the early 1990s, the residential area of K.I. Sawyer was evacuated because of a wildfire approaching the area. New residential development continues to encroach upon jack pine forests. Forsyth Township has 836 structures worth an estimated \$36.7 million in jack pine forests. Roughly half (410) were associated with permanent residences.



FIGURE 20 EAST BRANCH OF ESCANABA RIVER, FORSYTH TOWNSHIP

Forsyth Township Mitigation Projects:

- 1. Iron Street Bridge: raise the bridge over the East Branch of the Escanaba River**
- 2. Generators: to back up the commercial power to the city's water wells, emergency operations center, emergency shelters, and evacuation centers**
- 3. Lift Station Protection: additional flood protection is needed for the sewer lift stations**
- 4. Emergency Vehicles: for Disaster Response by the Forsyth Township Police and Emergency Management Departments**
 - a. The city of Gwinn is separated by rivers on the east and center of the city thus making it an island. Should flooding of these rivers compromise the area; Emergency Services must preposition vehicles and personnel:**
 - 1. west of the Middle Branch of the Escanaba River**
 - 2. downtown Gwinn and residential area between the two branches**
 - 3. east of the East Branch of the Escanaba River**
 - b. The township does not have enough police vehicles to man such a response Emergency Management has no vehicles at all. An Emergency Management Mobile Command vehicle is necessary.**
- 5. Firefighting Equipment: additional and upgrade firefighting equipment to help alleviate response capability to the industrial area and local wildland fires.**

Humboldt Township

Humboldt Township lies in the southwestern part of the county. The mainstay of its economy was iron mining, but the Humboldt Mine shut down in the early 1980s. A recent mining project in the region has reopened the Humboldt mill for use as a resource processing facility.

The Escanaba and Michigamme rivers flow through Humboldt Township, and each river has had a history of flooding in the area. In addition, the Black River and other tributaries of the Escanaba and Michigamme systems flow through the township. The topography is dominated by rocky knobs and wetlands, but some of the land was high and fertile enough for marginal farming in the early 20th century.



FIGURE 21 WOLF LAKE ROAD BRIDGE

Humboldt Township Mitigation Projects:

1. Propane powered generators are a need

Ishpeming Township

Ishpeming Township lies to the west and north of the City of Ishpeming. It has two main clusters of residential development, one in West Ishpeming, a suburban community near US-41, and the other a series of largely seasonal residences to the north along the Dead River Storage Basin. Both areas face some flooding threat. In 2003, approximately ten township residents were flooded along the Dead River Storage Basin flood event when the dam broke.

**Hazards more likely
to occur in
Ishpeming Township**



FIGURE 22 FLOODING ALONG THE DEAD RIVER STORAGE BASIN

Ishpeming Township Mitigation Projects:

1. Improve culverts on Cooper Lake Road

Marquette Township

Marquette Township lies to the west and north of the City of Marquette. Most of the population lives in Trowbridge Park and adjacent areas just west of the city limits. The majority of the township is unpopulated, and includes rocky shorelines along Lake Superior.

Flood-prone areas of the township are along low-lying portions of the Lake Superior shore. The northern part of the township is largely forested, with some jack pine forests as part of the mix.

Marquette Township Mitigation Projects:

- 1. Establish a permanent water source for firefighting in the northern part of the township, somewhere along County Road 550. Fire officials believe that the Lindberg gravel pit south of Sugarloaf is a possibility.**
- 2. Additional tanker turnouts needed.**

Michigamme Township

At the far west end of Marquette County lies Michigamme Township. The dominant feature of the township is Lake Michigamme, a popular vacation spot. The town of Michigamme lies at the west end of the lake.

Flooding occurs along the shores of Lake Michigamme, the Peshekee River which flows south into the lake, and the Michigamme River, which flows south out of the lake toward Republic.



FIGURE 23 BREAKWALL ALONG NORTH SHORE OF LAKE MICHIGAMME



FIGURE 24 LIFT STATIONS ON THE SHORE OF LAKE MICHIGAMME

Michigamme Township Mitigation Projects:

- 1. Additional pump stations are needed on the levees and break walls at the wastewater plant. Estimated cost is \$15,000 per unit**
- 2. More break walls are needed along the Lake Michigamme shore to protect adjacent properties**
- 3. Wastewater system improvements are needed**

Negaunee Township

Negaunee Township is located between the cities of Negaunee and Marquette. With easy access from US-41, the township has been growing. One area of growth is along the Dead River Storage Basin, a reservoir on the Dead River formed by the Hoist Dam. The Carp River meanders across the southern part of the township.

Flood-prone areas are mostly near the Carp River and the Dead River Storage Basin. In the wake of the 2003 flood, Negaunee Township passed an ordinance requiring elevation surveys and construction only above legally-designated elevations along the Dead River. Figure 12 below shows the positive application of such thinking earlier saved the property of one property owner during the 2003 flood.

**Hazards more likely
to occur in
Negaunee Township**



FIGURE 25 A HOME SAVED BY PROPER CONSIDERATION OF FLOODPLAINS, DEAD RIVER STORAGE BASIN



FIGURE 26 NEED FOR CULVERT, M-35/CARP RIVER CROSSING

Negaunee Township Mitigation Projects:

- 1. Raise the Carp River Bridge on Heritage Drive**
- 2. Flood proofing or movement of structures in the flood zone along Dead River Storage Basin**

Powell Township

Powell Township is in northernmost Marquette County. The core community of the township is Big Bay. The township participates in the National Flood Insurance Program, and has Zone “A” maps of floodplains.



FIGURE 27 DAM ON THE IRON RIVER OUTLET OF LAKE INDEPENDENCE

Powell Township Mitigation Projects:

- 1. Ensure stability of Lake Independence dam on the Iron River**
- 2. Some access issues—private road ordinance needed**

Republic Township

Republic Township is in the southwest corner of Marquette County. The core communities of the township are Republic, South Republic, and Witch Lake.

Republic Township participates in the National Flood Insurance Program, yet it should be noted that the FEMA Community Status Book claims Republic Township has no special flood hazard area in its map.

Hazards more likely to occur in Republic Township



FIGURE 28 RIVER ROAD SHOWING FLOODING VULNERABILITY

Republic Township Mitigation Projects:

- 1. Dry hydrants needed**
- 2. Hawk Road – raise road from hollow, passed dam, back to the intersection of 601**
- 3. Raise the level of River Road, so that it is less likely to be flooded by the Michigamme River**

Richmond Township

Richmond Township lies near the center of Marquette County. The township's landscape is dominated by the Empire iron mine, whose pits and slag piles have significantly modified the terrain since topographic maps of the area were compiled in the 1950s. Much of the mine area was estimated to be in a floodplain.



FIGURE 29 MINE TRUCK,
RICHMOND TOWNSHIP

Richmond Township Mitigation Projects:

1. Road improvements– heavy mine truck impact

Sands Township

Sands Township lies south of the City of Marquette. The dominant landscape feature is the Sands Plains, a large outwash plain, forested with jack pines. Wildfires are the top natural hazard in Sands Township.

Despite the dry conditions favored by jack pines, Sands Township does have a flood threat. Most of the township can be characterized as upland, the source of tributaries to the Escanaba, Carp, and Choclay river systems.

**Hazards more likely
to occur in Sands
Township**



Sands Township Mitigation Projects:

1. Additional/alternate water sources needed
2. Tree trimming along power lines needed

Skandia Township

In eastern Marquette County, Skandia Township straddles the watershed divide between rivers flowing to Lake Superior and those flowing to Lake Michigan. Despite the relatively high elevation of the township, much of it is swampy.

Skandia and West Branch Townships have established a joint evacuation center for their residents to be located at the Skandia Township Hall. The evacuation center needs a generator.

Skandia Township Mitigation Projects:

- 1. Purchase generator for pump house located near the intersection of US 41 and M 94 E**

Tilden Township

Tilden Township lies just to the south of the City of Ishpeming. The dominant feature of the township is the Tilden Mine, an open pit iron mine. Nearby is the old mining community of National Mine, where much of the township's population lives. Ely Creek runs alongside the major thoroughfare in this historic community. While flood-prone properties are mainly in the northern part of the township, the southern half of Tilden Township is heavily forested with jack pines.

Hazards more likely to occur in Tilden Township



FIGURE 31 ELY CREEK FLOWING PAST HOUSES IN NATIONAL MINE



FIGURE 30 COUNTY RD PCC BRIDGE OVER ELY CREEK

Tilden Township Mitigation Projects:

- 1. Improve the bridge over Ely Creek on County Road PCC**
- 2. Dry hydrants needed in Charlie Lakes area**
- 3. Dredge Ely Creek alongside County Road 476, National Mine**

Turin Township

Turin Township lies in the southeast corner of Marquette County, bordering Alger and Delta counties. Only 152 people live in the township, which encompasses much of the Cyr Swamp. The Michigan Department of Natural Resources is the largest landowner in the township.

Much of Turin Township is low-lying. Its flood prone areas are along County Roads 444 and RM, which is also where most of Turin Township's population lives. Although the township is heavily forested, relatively few jack pines are found there.

Turin Township Mitigation Projects:

- 1. Enhance 911 Mapping capabilities to reduce hazard response time.**
- 2. Enhance broadband capacity in the Township.**

Wells Township

Wells Township is in southernmost Marquette County. The core communities of the township are Northland, Arnold, and Watson.

Drainage in Wells Township is to the Escanaba and Ford rivers. The Escanaba is fairly large and forms the eastern boundary of the township. Relatively little settlement is found along its banks, but a few camps are sprinkled along its length. Jack pines are relatively rare among the many trees of Wells Township.



FIGURE 32 WELLS TOWNSHIP



FIGURE 33 INADEQUATE DRAINAGE

Wells Township Mitigation Projects:

- 1. Improve drainage along County Road 557 in Section 19.**
- 2. Improve the crossing of County Road 426 over Erie Creek, near Arnold**
- 3. Install three dry hydrants on local streams to support local firefighting personnel/equipment**

These two roads are the critical links between Wells Township and the rest of the region

West Branch Township

West Branch Township lies southeast of the City of Marquette. It is largely rural, but takes in a small portion of the former K.I. Sawyer Air Force Base, which has a more urban character. Roughly half of the township's population lives in the one square mile of K.I. Sawyer within the township's boundaries. Most hazard zones are in the eastern half of the township, where most residents outside of K.I. Sawyer live.

The township lies at the headwaters of the Chocolay River system, with many tributaries crossing the area. Unlike neighboring Sands and Forsyth townships, West Branch Township has relatively few jack pine forests.

West Branch Township Mitigation Projects:

- 1. Improve ditching and build up the roadbed of Engman Lake Road. Wiseman Creek flows alongside the road and has a shallow riverbed**

SECTION IV HAZARD MITIGATION

CHAPTER 10 MITIGATION GOALS AND ACTIONS

This plan was developed to mitigate the hazards Marquette County faces and reduce the negative effects that they have on the residents and physical components of the county. Local units of government and individuals can often have great impact on reducing risks. In many instances, the County's role must be limited to encouragement and technical assistance. Most importantly, the County, through its many Boards and Commissions, can serve as a role model by incorporating hazard mitigation into all of its ongoing activities. The following goals, mitigation actions, and action plan are intended to guide decision-making and promote implementation of mitigation strategies by boards, commissions, and agencies throughout Marquette County and beyond. Other units of government, businesses, and individuals are encouraged to implement accordingly.

Goals

The following comprehensive goals were established to guide strategies, actions, and mitigation efforts.

- 1. Protect the lives, health, and safety of citizens and visitors of Marquette County from potential hazards.*
- 2. Protect critical facilities, key resources, and public infrastructure.*
- 3. Reduce or eliminate the effects of hazards to the greatest extent possible.*
- 4. Have the County be a leader in the Upper Peninsula and State with respect to emergency management.*
- 5. Have a public educated on effective mitigation measures.*

Mitigation Actions

Mitigation actions are specific projects and activities that help achieve goals. Specific actions and projects are listed in the Local Unit Analysis and Action Plan. Mitigation actions are completed through the following mitigation types:

PREVENTION: Government administrative or regulatory actions or processes that influence the way land and buildings are developed and built. These actions also include public activities to reduce hazard losses. Examples include planning and zoning, building codes, capital improvement programs, open space preservation, and storm water management regulations.

PROPERTY PROTECTION: Actions that involve modification of existing buildings or structures to protect them from a hazard, or removal from the hazard area. Examples include acquisition, elevation, relocation, structural retrofits, storm shutters, and shatter-resistant glass.

PUBLIC EDUCATION AND AWARENESS: Actions to inform and educate citizens, elected officials, and property owners about the hazards and potential ways to mitigate them. Such actions include outreach projects, real estate disclosure, hazard information centers, and school-age and adult education programs.

NATURAL RESOURCE PROTECTION: Actions that, in addition to minimizing hazard losses, also preserve or restore the functions of natural systems. These actions include sediment and erosion control, stream corridor restoration, watershed management, forest and vegetation management, and wetland restoration and preservation.

EMERGENCY SERVICES: Actions that protect people and property during and immediately after a disaster or hazard event. Services include warning systems, emergency response services, and protection of critical facilities.

STRUCTURAL PROJECTS: Actions that involve construction of structures to reduce the hazard impact. Such structures include dams, levees, floodwalls, seawalls, retaining walls, and safe rooms.

LOCAL PLAN AND REGULATIONS: Actions that include government authorities, policies, or codes that influence the way land and buildings are developed and built.

CHAPTER 11 ACTION PLAN

Current Action Plan

In addition to local operating budgets and private-public partnerships, [FEMA Hazard Mitigation Grant Program](#) funding should be utilized for implementation of these actions.

Priority Levels consider cost-effectiveness and/or a favorable cost/benefit ratio. The levels include:

- **Low:** A poor cost/benefit ratio for implementation within a 5 year timeframe.
- **Medium:** A moderate cost/ benefit ratio for implementation within a 5 year timeframe.
- **High:** A favorable cost/benefit ratio for implementation within a 5 year timeframe.

TABLE 8 BROAD ACTION ITEMS

Action Item	Responsible Agency	Time Frame	Priority
Incorporate hazard mitigation planning into guiding documents including, but not limited to community master plans, storm water management, solid waste management, climate change adaptation, capital programming, brownfields, and community food systems.	LUGs, Superior Watershed Partnership, other groups/agencies	On-going	High
Continue to conduct scenario based training, such as public assembly events.	Marquette County Emergency Management, LUGs, Law Enforcement, Fire Departments, Emergency Responders	On-going	High
Create and run public health awareness programs and campaigns addressing health hazards identified in this Plan.	Marquette County Health Department, UP Health Systems, Law Enforcement	Mid-term	High
Maintain and update website with hazard mitigation related information and maps.	Marquette County Planning	On-going	High
Encourage awareness of proper household hazardous waste disposal and recycling techniques, including a program for children.	Marquette County Solid Waste Authority, LUGs, Public Schools, Superior Watershed Partnership	Mid-term	High
Development and disseminate information on hazards and methods of hazard mitigation, including a program for children and the CERT training program.	Marquette County Emergency Management, Marquette County Planning, Marquette County Health Department, LUGs, MSUE, Public Schools	Mid-term	High

Encourage residents to develop a family plan to address emergency preparation including emergency supplies.	Community, MSUE, Civic Groups, Emergency Management	On-going	High
Identify and expand community awareness of evacuation plans and emergency snow routes.	Road Agencies, LUGs, Emergency Management	On-going	High
Work with CUPPAD, Marquette County Broadband Initiative, and stakeholders to improve broadband access.	CUPPAD, MCBI, Broadband providers	On-going	Medium
Work with legislators, communities, and key stakeholders to ensure that electrical generation capacity in Marquette County is not only maintained but also improved.	Marquette County Board of Commissioners, LUGS, State Government	Short-term	Medium
Develop a drainage improvement and maintenance program.	Drain Commissioner, Road Agencies, LUGs	Long-term	Medium
Develop new and enhance existing interagency and mutual aid agreements to promote collaboration and preparedness.	Law Enforcement, Fire Departments, Emergency Responders, Utility Companies, Businesses, Nonprofits, Government Agencies	On-going	High
Pursue Storm Ready Designation for Marquette County and encourage participation by other governments, agencies, and businesses in the Storm Ready Program.	Marquette County Emergency Management, LUGs, Interested Parties	Short-term	Medium
Update existing and create additional GIS data to enhance hazard mitigation planning and activities, including vulnerable population areas.	Marquette County GIS Coordinator, Marquette County Planning, other GIS users	Short-term	High
Implement Marquette County Community Wildfire Protection Plan Action Items.	As identified in MCCWPP	On-going	Medium
Encourage the development and practice of site emergency and response plans.	Emergency Management, Public School Administration, Local Businesses, UP Health System, Correctional Facilities Administration, etc. to cover all potential hazards.	Mid-term	High
Research and implement where feasible, innovative construction design to reduce	Marquette County Building Codes, MCHD Environmental	Mid-term	Medium

damage potential from wind, fire, and flooding hazards.	Health, Builders Associations, MSUE		
Pursue funding for emergency response equipment.	LUGs, Marquette County Emergency Management, Law Enforcement, Road Agencies, Fire Departments, Health Department, Emergency Responders	On-going	High
Participate, or continued participation in the National Flood Insurance Program.	LUGs	On-going	High
Encourage asset management programs for critical equipment and facilities.	Marquette County Emergency Manager, Public Works and Facilities Departments, LUGs	On-going	High
Encourage creation of safety programs, including employee protection, to ensure safe working conditions.	Marquette County Safety Committee, other safety committees, Local Businesses, LUGs	Short-term	High
Encourage the establishment of heating and cooling shelters for vulnerable populations.	Civic Groups and Churches, American Red Cross, Salvation Army	Long-term	Medium
Identify locations for additional water supply for firefighting and pursue acquisition and installation of dry hydrants.	Fire Departments, DNR, Emergency Management	Short-term	High
Continue Brownfield cleanup activities; identify and remediate hazardous materials sites.	LUGs, DEQ, Marquette County Brownfield Authority, Marquette County Land Bank, Local Brownfield Authorities	On-going	Medium
Limit development in identified hazard areas through the use of regulations that address private roads, access management, rental inspection, reclamation, zoning (riparian areas, erosion, Firewise techniques), land division, and others	LUGs	On-going	High
Continue to assist emergency management teams during hazardous events.	Marquette County Planning	On-going	High

Local Unit Action Plan

Actions listed by each local unit of government in the table below should consider coordination with other entities in the county. In addition to local operating budgets and private-public partnerships, [FEMA Hazard Mitigation Grant Program](#) funding should be utilized for implementation of these actions.

Priority Levels consider cost-effectiveness and/or a favorable cost/benefit ratio and consideration of potential for loss of human life. The levels include:

- **Low:** A poor cost/benefit ratio for implementation within a 5 year timeframe. No human loss of life will occur if the hazard is unmitigated within a 5 year timeframe.
- **Medium:** A moderate cost/ benefit ratio for implementation within a 5 year timeframe. Loss of human life is unlikely within a 5 year timeframe.
- **High:** A favorable cost/benefit ratio for implementation within a 5 year timeframe. Loss of human life may occur if the hazard is not mitigated within a 5 year timeframe.

TABLE 9 SPECIFIC ACTION ITEMS

Action item	Local Unit	Priority
Improve ditching and build up the roadbed of Engman Lake Rd	West Branch Township	Low
Improve drainage along County Road 557 in Section 19.	Wells Township	Low
Improve the crossing of County Road 426 over Erie Creek, near Arnold.	Wells Township	Low
Install three dry hydrants on local streams to support local firefighting personnel/equipment.	Wells Township	Medium
Enhance 911 Mapping capabilities to reduce hazard response time.	Turin Township	High
Enhance broadband capacity in the Township.	Turin Township	Low
Improve the bridge over Ely Creek on County Road PCC.	Tilden Township	Low
Install dry hydrants in Charlie Lake area.	Tilden Township	Medium
Dredge Ely Creek alongside County Road 476, National Mine.	Tilden Township	Low
Purchase generator for pump house located near the intersection of US 41 and M 94 E.	Skandia Township	Medium
Secure additional/alternate water sources.	Sands Township	Low
Tree trimming along power lines.	Sands Township	Medium
Road improvements to repair heavy mine truck impacts.	Richmond Township	Low
Install dry hydrants.	Republic Township	Medium
Raise Hawk Road from hollow, passed dam, back to the intersection of 601.	Republic Township	Low
Raise the level of River Road, so that it is less likely to be flooded by the Michigamme River.	Republic Township	Medium
Ensure stability of Lake Independence dam on the Iron River.	Powell Township	Low
A private road ordinance is needed to mitigate access issues.	Powell Township	High
Raise the Carp River Bridge on Heritage Drive.	Negaunee Township	Low

Flood proofing or movement of structures in the flood zone along Dead River Storage Basin.	Negaunee Township	Medium
Install additional pump stations on the levees and break walls at the wastewater plant. Estimated cost is \$15,000/unit.	Michigamme Township	Medium
Install additional break walls along the Lake Michigamme shore to protect adjacent properties.	Michigamme Township	Low
Wastewater system improvements.	Michigamme Township	Medium
Establish a permanent water source for firefighting in the northern part of the township, somewhere along County Road 550.	Marquette Township	High
Install additional tanker turnouts.	Marquette Township	Medium
Improve culverts on Cooper Lake Road.	Ishpeming Township	Low
Purchase propane powered generators.	Humboldt Township	High
Iron Street Bridge: raise the bridge over the East Branch of the Escanaba River	Forsyth Township	Low
Purchase Generators: to back up the commercial power to the city's water wells, emergency operations center, emergency shelters, and evacuation centers.	Forsyth Township	High
Lift Station Protection: additional flood protection is needed for the sewer lift stations.	Forsyth Township	Medium
Purchase Emergency Vehicles: for Disaster Response by the Forsyth Township Police and Emergency Management Departments.	Forsyth Township	High
Purchase Firefighting Equipment: additional and upgrade firefighting equipment to help alleviate response capability to the industrial area and local wildland fires.	Forsyth Township	High
Install drainage solutions on N end of Airport Road and County Road DH.	Ewing Township	Low
Install shower system in basement of Township Hall.	Ewing Township	Low
Install drainage Solutions: Including proper ditching along roadways.	Ewing Township	Low
Assess 70 plus year old bridges.	Ewing Township	Medium
Solution for power and phone service outages.	Ewing Township	Medium
Ongoing vegetation maintenance by the utility companies and the Marquette County Road Commission.	Ely Township	Medium
Identify and locate mining shafts and develop an evaluation system to rate their level of security, seek opportunity to improve security.	City of Negaunee	High
Replace old/failing water supply and delivery infrastructure with sustainable new infrastructure designed to withstand cold weather events, minimize leakage, and provide potable drinking water	City of Negaunee	Medium

Identify water bodies that have beaver dam obstructions that are causing unnatural flooding of adjacent properties or have shown historical failure, causing damage to adjacent properties.	City of Negaunee	Low
Shoreline restoration to protect the Hawley Street lift station and a 3,680 foot-long section of 16" sanitary sewer main located along the Lake Superior shoreline. (Forthcoming BRIC application)	City of Marquette	High
Shoreline restoration to protect Lakeshore Boulevard, the Lakeview Arena storm drain outfall and Shiras Park parking area. (Forthcoming BRIC application)	City of Marquette	High
Dredge the Carp River (Unknown \$)	City of Ishpeming	Low
Dredge Lake Bancroft (Estimated \$2M Project)	City of Ishpeming	Low
Dredge Lake Bacon (Unknown \$)	City of Ishpeming	Low
Repair/Replace Brittle/Cracked/ Broken Pipes in the city Inflow/Infiltration of Sewer System – (Estimated \$10M)	City of Ishpeming	Medium
Repair / Replace Lift Stations (\$500K Project)	City of Ishpeming	Medium
Replace Waste Water Treatment Plant (Estimated \$30M)	City of Ishpeming	Low
Replace Old / Failing Water Delivery Infrastructure (City At Large – Estimated \$5M)	City of Ishpeming	Medium
Replace Water Treatment Plant (Estimated \$30M)	City of Ishpeming	Low
Develop Community-wide Communication System.	City of Ishpeming	Medium
Development of City Owned Limited Emergency Operations Center with Back-up Power (Estimated \$100K)	City of Ishpeming	Low
Development of Forestry Management Plan including City Canopy (Project Cost - \$30K)	City of Ishpeming	Low
Develop Forest Management Projects (Estimated \$100K/yr for 5 yrs)	City of Ishpeming	Low
Repair / Remediate Low lying Areas (Culverts) and Wildlife Damage (e.g. Beaver) causing roadway flooding and failures of drainage.	City of Ishpeming	Low
Repair Roadway between Ishpeming and Negaunee (M28 Business)	City of Ishpeming	Low
Remediate life threatening intersection (US-41 and Lakeshore) with MDOT / City Traffic Circle Construction and roadway realignment	City of Ishpeming	High
Repair /Replace Roadways (City At Large – Estimated \$10M)	City of Ishpeming	Low
Realign Roadways to increase accessibility and improve maintenance (City At Large – Estimated \$5M)	City of Ishpeming	Low
Assess Railroad Bridging Infrastructure – (estimated \$100K)	City of Ishpeming	Medium
Maintain Auto / Roadway Bridges (Four) (Unknown \$)	City of Ishpeming	Low

Additional water sources are needed. Water access is restricted especially in northeast and southern portions of the Township.	Chocolay Township	High
Dredge the mouth of the Chocolay River and protect the nearby lift station.	Chocolay Township	High
Educate the public about why construction should not be taking place in hazard zones.	Chocolay Township	High
Purchase of a truck capable of accessing off road areas and substandard seasonal roads.	Champion Township	Medium
Install dry hydrant on Wolf Lake Road, Section 21 stream crossing.	Champion Township	High
Purchase a brush truck for brush fires beyond structure fires.	Champion Township	Medium

Progress on Previous Mitigation Action Items

The following items were included as Action Items in the Marquette County Hazard Mitigation Plan 2015.

VEGETATION REMOVAL (ELY TOWNSHIP)

Description of problem: Vegetation growth around power lines and roadways create a fire hazard.

Description of Action: Remove or trim vegetation along power lines and roadways to prevent wild fires.

Action Taken: Utility companies along with MCRC are helping maintain these areas. This is an ongoing process.

BRIDGE MITIGATION (ELY TOWNSHIP)

Description of problem: Bridge going over Escanaba River on Co rd. CP was small and in need of repair.

Description of Action: reconstruct bridge.

Action Taken: Replaced with a much larger bridge.

BRIDGE REPLACEMENT (HUMBOLDT TOWNSHIP)

Description of problem: Bridge on County RD FX (Wolf Lake Rd) in need of repair or replacement

Description of Action: reconstruct bridge.

Action Taken: Bridge was replaced in summer of 2020.

EMERGENCY POWER FOR EVACUATION CENTER (SKANDIA TOWNSHIP)

Description of problem: In need of emergency power for the Skandia-West Branch Township Evacuation Center.

Description of Action: Purchase a generator.

Action Taken: Generator was purchased and is operational.

PREVENT ROAD AND PROPPERTY FLOODING (TURIN TOWNSHIP)

Description of problem: poor placement or nonexistent culverts on County Rd RM cause flooding and property damage.

Description of Action: Ditch, or add culverts to remediate flooding.

Action Taken: Some culverts were replaced or repaired in the early 2000's.

STORM WATER MAINTENANCE (ISHPEMING TOWNSHIP)

Description of problem: Clear cutting and sand erosion from mismanaged development has caused poor drainage systems that have affected some residents with runoff from other properties.

Description of Action: Ishpeming Township should be encouraged to develop a storm water management plan. They should also be encouraged to adopt "Site Plan review" procedures for all future development that includes a review by the Marquette County Drain Commissioner.

Action Taken: Ishpeming Township has updated their zoning ordinance in 2011 to include standards for site plan review. Section 30.1.3 states special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties. It does not required review by the Marquette County Drain Commissioner. Further action may be necessary.

CREATION OF TRUE DRAIN SYSTEM (FORSYTH TOWNSHIP)

Description of problem: There are no storm drains on the western part of the community. There are a number of old catch basins that detain water but are not connected to a true drain system.

Description of Action: Create a true drain system for Forsyth Township.

Action Taken: No action taken. Drainage systems improvements are mentioned in Forsyth Township's Master Plan. Action still needed.

MITIGATE FLOODING OF THE CHOCOLAY RIVER (CHOCOLAY TOWNSHIP)

Description of problem: Ice blows in and blocks discharge, causing flooding events upriver.

Description of Action: Reconfigure mouth of Chocoday River to allow enhanced flow of water into Lake Superior.

Action Taken: No action taken. Strategies to reduce ice blockage and sedimentation build up are discussed in Chocoday Township's Master Plan.

ELEVATE HOMES ALONG COMPEAU CREEK WITHIN THE MIDDLE ISLAND POINT CAMPERS ASSOCIATION (MARQUETTE TOWNSHIP)

Description of problem: Homes adjacent to the creek in the Middle Island Point Association receive flooding. One home has been elevated so far.

Action Taken: Action ongoing.

REMOVE THE CARP INTAKE DAM (#158) NORTH OF LINDBERG'S GRAVEL PIT ON CR 480 (SANDS TOWNSHIP)

Description of problem: There is a concrete abutment with a 30-foot drop that collects trees and debris causing a backup of water and flooding.

Description of Action: Project includes the removal of Carp Intake Dam #158

Action Taken: The dam is still in place. It is privately owned and action is ongoing.

PRESQUE ISLE PARK SHORELINE REMEDIATION (CITY OF MARQUETTE)

Description of problem: Approximately 3000 feet of shoreline on the western side of the Presque Isle is experiencing severe erosion.

Description of Action: Basic remediation plan is to construct an underwater break wall.

Action Taken: Basic mitigation methods, including erosion signage and the installation of riprap, have been completed. Additional long-term mitigation is needed. In 2018 the Superior Watershed Partnership completed erosion control measures and installed signage to deter foot traffic near the popular Blackrocks recreation area on Presque Isle Park.

LAKE INDEPENDENCE DAM (POWELL TOWNSHIP)

Description of problem: The dam on Lake Independence is no longer used to generate power and is now used to protect the land value along the edge of the impoundment. The soil that surrounds the lake is saturated. Many homes have been flooded. Also, the CR 550 bridge acts as a second dam but the soil around the bridge is saturated and because of pressure from the water (i.e. flash flooding) could make the bridge unstable.

Description of Action: Work with the Drain Commission to determine the usefulness of the dam and mitigate pressure on the bridge.

Action Taken: The dam is still in place. Action ongoing.

WHETSTONE BROOK (CITY OF MARQUETTE)

Description of problem: A large detention area has been created between the US-41/M-28 Bypass and the City of Marquette Service Center. Development has been occurring in the basin. High storm water could be a problem in the future. Concern was expressed that any blockage of runoff at an inlet to the creek would result in flooding of the Front Street (City of Marquette) and US41&M-28 Bypass intersection and adjoining highways.

Description of Action: The drainage basin has had flooding problems in the past. Whetstone Creek/Brook drainage district was created in March 1982. Consideration is being given to opening the mouth of the brook. Returning the lower portion of the brook to its natural state is part of the City's Lower Harbor Development Plan.

Action Taken: Whetstone Brook, along with Orianna Creek, in the City of Marquette have been 'daylighted' and restored to their original flow in 2004.

URBAN FLOODING IN MARQUETTE CITY AND TOWNSHIP:

Description of Problem: Most citizens are not aware of what can cause a drainage problem, which leads to property flooding. The most common form of urban flooding is water topping curbs. Improperly designed curb cuts can also channel water along driveways, funneling it into garages and basements. In some instances, the backup of water could be the result of the height of catch basins or the grade of the adjacent street. In others, it could be due to volume exceeding the capacity due to addition of impervious surfaces after construction of the system or elimination of a natural detention area.

Description of Action: The homeowners need to be educated about placing leaves in the ditches. This action reduces their efficiency. Possibilities for public awareness campaigns include intervention by the county and city authorities to implement mandatory ditch cleansing. Try to implement better building codes for driveway construction. There also needs to be a Storm Water Management Ordinance.

Action Taken: Marquette Township adopted a storm water management plan in 2015. The City of Marquette has General Guidelines and Standards for Street and Utility Design—storm water and sewer sections are currently under production. Additional action may be needed.

CLIFF'S SEVENTH ADDITION SUBDIVISION (CITY OF ISHPEMING)

Description of Problem: In 1985 and in 2002 there were many basements flooded in Cliff's Seventh Addition subdivision.

Description of Action: Creek dredging and better maintenance of railroad ditches and culverts and separation of storm and sanitary sewers are recommended to alleviate this problem.

Action Taken: Action ongoing.

Other Action Taken

**COMMUNITY WILDFIRE PROTECTION PLAN ADOPTION
CITY OF ISHPEMING INFRASTRUCTURE PROJECTS
VARIOUS CULVERT REPLACEMENTS THROUGHOUT COUNTY
SUPERIOR WATERSHED PARTNERSHIP STORM WATER PROJECTS**

Implementation and Monitoring of Projects

Many of the recommended mitigation strategies are outside of the County's specific jurisdiction, and are strategies for each local unit of government to facilitate or implement. However, the County should, through its Planning Commission and Local Emergency Planning Committee, promote responsible decisions and assist with coordination of projects by the local units of government. Under amendments to the Michigan Planning Enabling Act, the County Planning Commission must review local plans. The review should consider:

- Consistency with county plans
- Validity of comments received at local public hearings on the plan and the unit of government's response to those comments.
- Degree of consistency with the plans of adjoining units of government. If inconsistencies exist, are they due to outdated plans of the adjoining unit? Is there some way to resolve the conflict? Which has the highest consistency with the County Plan?
- Consistency with other governmental agency plans

The County Planning Commission should also substantiate its comments with facts. While its comments are only advisory, the County Planning Commission has an important role in coordinating planning among its local units, adjoining units, and other government agencies. The County Planning Commission should be proactive and initiate coordination opportunities such as initiating meetings between groups and units of government. The County Planning Commission also reviews local zoning amendments. This is an ideal time to consider the compatibility of land uses and current and future populations that may be placed at risk by existing or future activity. Promoting mitigation projects and identifying areas where hazard mitigation features should be incorporated into structural design could also be done when the County Planning Commission review capital budget requests by County Departments.

The County's Emergency Preparedness Coordinator and the Local Emergency Planning Committee should work with local agencies and units of government to encourage them to undertake mitigation projects as well as those that prepare for response and recovery. On an ongoing basis, the Emergency Preparedness Coordinator should monitor available grants and inform appropriate parties of potential matches with mitigation strategies and projects identified in the plan. Progress will be documented in the annual reports filed by the Marquette County Planning Commission and the Local Emergency

Planning Committee. The LEPC also files quarterly reports with the Michigan State Police-Emergency Management Division.

Public participation will continue as part of a plan maintenance with primary focus on: 1. Keeping the County's Hazard Mitigation website current and directing municipalities, organizations, and the general public to the site through press releases and social media posts, with opportunities for feedback to the County Planning Division. *And* 2. Strengthening partnerships and coordination between the county and public-private partnerships to promote implementation of action items.

Administrative Action

The Marquette County Planning Commission must review this Hazard Mitigation Plan at least every five years after adoption and determine whether to commence the procedure to amend the plan or adopt a new plan. Before the 5th anniversary of its adoption, the Marquette County Local Emergency Planning Committee should review the plan and make recommendations to the Planning Commission regarding outdated information and recommendations for hazards' risk and vulnerability assessments. The County Planning Division Staff help to ensure the timeline is met with the LEPC and Planning Commission communication as well as the Local Unit project updates to prevent the plan from expiring.

As part of the planning procedure, the plan is presented by the Marquette County Planning Division Staff to The County Planning Commission before sending to the County Board of Commissioners for review and adoption. This provides multiple opportunities for formal public input, as both the Planning Commission and County Board Meetings are open to the public, with the agendas and packets posted on the County's website at least a week prior to the meetings.

After this plan is approved by FEMA, each of the 22 Local Units of Government have the opportunity to adopt the FEMA approved plan. Once adopted by the Local Unit, they become eligible for FEMA grant funding to implement the mitigation projects listed within the plan. The County Planning Division assists with this coordination to ensure the Local Units of Government qualify for these important Hazard Mitigation grants.

Review and evaluation of the Marquette County Hazard Mitigation Plan is crucial since changes in the type, extent, and numbers of hazards are likely to occur over time. For instance, the Plan's identified risks and hazards may increase or decrease, new hazards may be brought forward due to new development patterns, or strategies may be implemented and new ones proposed. The Marquette County Planning Commission may of its own accord, or upon recommendation of another public body or citizens group, elect to amend this plan at any time.