City of Marquette, MI

Meeting Agenda
City Commission

Tuesday, May 31, 2022
6:00 PM
Commission Chambers

300 West Baraga Ave
Marquette, Michigan 49855

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

Boards and Committees

1. Appointment

Lori Hauswirth, Parks and Recreation Advisory Board, for an unexpired term ending 01-29-25
John Stewart, Presque Isle Park Advisory Committee, for an unexpired term ending 04-01-24

2. Reappointment

Madeline Goodman, Arts and Culture Advisory Committee, for a term ending 06-01-25

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

Public Hearing(s)

3. Public Hearing - Former Hospital Redevelopment Brownfield Plan - Roll Call Vote

4. Public Hearing - UPPCO Limited Franchise Ordinance - Roll Call Vote

5. Public Hearing - Land Development Code Amendments - Roll Call Vote

6. Public Hearing - Rezoning of City-owned Properties Adjacent to McClellan Avenue - Roll Call Vote

7. Public Hearing - Single Lot Assessment Roll #589 - Roll Call Vote

8. Consent Agenda - Roll Call Vote

8.a. Approve the minutes of the May 16, 2022 special Commission meeting

8.b. Approve the total bills payable in the amount of $1,798,998.01

8.c. BCBSM Plan Change Agreements

8.d. City of Marquette Water, Sewer, and Stormwater Utility Financial Plan Contract

8.e. Juneteenth - Special Event Permit

8.f. Marquette County Community Resource Fair - Special Event Permit

8.g. Long-Line Traffic Markings Contract

8.h. Marquette Mountain Resort, LLC - Paddle Sports Concessionaire Permit

8.i. MDOT Bridge Rehabilitation Grant Application - Roll Call Vote

8.j. Pride Festival - Special Event Permit

8.k. Resolutions for Unpaid Stormwater and Unpaid Water and Wastewater - Roll Call Vote

8.l. Schedule Public Hearing- Conditional Rezoning of Parcel 0510156 on Forestville Basin Trail

8.m. Schedule Public Hearing - Rezoning of Parcel #1170101

8.n. Schedule Public Hearing- Vacation of a Portion of Center Street

8.o. Vango's, Inc. - Concession Lease Agreement

New Business

9. Lake Superior Shoreline Restoration Project - Conditional Contractor Selection

10. Notice of Intent Resolution - Fiscal Year 2022 Capital Improvement Bonds - Roll Call Vote

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

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.

Agenda Date: 5/31/2022

Public Hearing(s)

Public Hearing - Former Hospital Redevelopment Brownfield Plan - Roll Call Vote

BACKGROUND:

A Brownfield Plan is being proposed for the redevelopment of the former hospital located at 420 W. Magnetic Street. The Northern Michigan University Foundation (NMUF) is leading a consortium of public and private partners to facilitate the redevelopment. The proposed project would remove the buildings on the property to provide for an effective reconfiguration and redevelopment. NMUF will acquire the property from DLP Marquette General Hospital, LLC and is serving as an equity investor and facilitator to secure a master developer for the site. The approach is proposed to focus on housing of all product types and price points, including affordable housing, as well as commercial uses that will enhance and support the community. The specific components of the development will be based on an agreement between NMUF and a master developer. The estimated investment is $166 million. This project is also expected to receive $5 million from the Michigan Economic Development Corporation in the form of Community Development Block Grant funds.

The size and scale of the buildings on the property that will need to be removed represents a significant cost and barrier to redevelopment. The project will not be able to proceed with the burden of almost $20 million of demolition and asbestos abatement without brownfield tax increment financing support. In addition, the redevelopment is anticipated to require infrastructure improvements, including the proposed reconstruction of College Avenue and associated infrastructure. The total brownfield TIF capture is estimated at $44.6 million with an estimated capture period of 15-17 years. These costs are also Brownfield Eligible Activities and may be reimbursed. At the end of the capture period, it is estimated that the property will be producing $4.4 million per year in tax revenue.

A public hearing must be held by the City Commission for the approval of the Brownfield Plan.

Approval of the Brownfield Plan will provide for the reimbursement of Brownfield Environmental and Non-Environmental Eligible Activity costs, including environmental due diligence and environmental response activities, lead and asbestos abatement, demolition, site preparation, infrastructure - including the reconstruction of College Avenue and other public improvements - and interest through the capture of future increased taxes generated by additional private investment.

The Brownfield Plan was presented to the City of Marquette Brownfield Redevelopment Authority at their May 19, 2022 meeting and subsequently approved. Notices were sent to the taxing jurisdictions in compliance with the requirements of Act 381.

This public hearing was scheduled at a Special Meeting of the City Commission held on May 16, 2022.

FISCAL EFFECT:

None.

RECOMMENDATION:

Approve the Former Hospital Redevelopment Brownfield Plan, and authorize the Mayor and City Clerk to sign the resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Resolution
- Brownfield Plan

RESOLUTION
Brownfield Plan Approval
Former Hospital Redevelopment
420 West Magnetic Street

At a regular meeting of the Marquette City Commission held at Marquette City Hall, 300 W. Baraga Avenue, Marquette, Michigan on May 31, 2022, at 6:00 p.m., the following resolution was offered by

Commissioner _____ and supported by

Commissioner _____.

Whereas The Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended, authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, or historically designated property through tax increment financing of Eligible Activities approved in a Brownfield Plan; and

Whereas the Marquette City Commission (the "Commission") established the City of Marquette Brownfield Redevelopment Authority (MBRA) pursuant to Act 381 on September 8, 1997 and certified by the State of Michigan on January 28, 1998 to facilitate the cleanup and redevelopment of Brownfields within the City of Marquette; and,

Whereas a Brownfield Plan that outlines the qualifications, costs, impacts, and incentives for reimbursement from Brownfield Tax Increment Financing revenues with the adoption of the Brownfield Plan has been prepared and submitted for the redevelopment of the former Marquette General Hospital with the demolition of the existing buildings with a collaborative redevelopment prepared and implemented by a master developer selected by the project facilitator, the Northern Michigan University Foundation; and

Whereas the City of Marquette Brownfield Redevelopment Authority reviewed the Brownfield Plan and determined the Brownfield Plan meets the requirements of Act 381 and constitutes a public purpose to meet a critical community need for housing, provide community gathering spaces, transform a property that is inconsistent with surrounding land uses into an integrated, planned development with a respectful transition from residential neighborhoods to Northern Michigan University, and significantly increase the value of functionally obsolete property; and

Whereas the City of Marquette Brownfield Redevelopment Authority approved the Brownfield Plan at a regular meeting on May 19, 2022 and provided a recommendation to the Marquette City Commission to approve the Brownfield Plan; and

Whereas a public hearing on the Brownfield Plan was held on May 31, 2022, and notice of the public hearing and notice to taxing jurisdictions has been provided in compliance with the requirements of Act 381; and

Now, Therefore be it Resolved, The Marquette City Commission has reviewed the Brownfield Plan and finds, in accordance with the requirements of Section 14 of Act 381 that:

(a) The Brownfield Plan constitutes a public purpose to meet a critical community need for housing, provide community gathering spaces, transform a property that is inconsistent with surrounding land uses into an integrated, planned development with a respectful transition from residential neighborhoods to Northern Michigan University, and significantly increase the value of functionally obsolete property;
(b) The Brownfield Plan meets the requirements of Sections 13 and 13b of Act 381, Brownfield Plan Provisions as described in the Brownfield Plan, consistent with format recommended by the State of Michigan, including a description of the costs intended to be paid with tax increment revenues, a brief summary of Eligible Activities, estimate of captured taxable value and tax increment revenues, method of financing, maximum amount of indebtedness, beginning date and duration of capture, estimate of impact on taxing jurisdictions, legal description of Eligible Property, estimates of persons residing on the Eligible Property if applicable, and a plan and provisions for relocation of residents, if applicable;
(c) The proposed method of financing the costs of Eligible Activities by a master developer selected by the Northern Michigan University Foundation for private Eligible Activities and the MBRA and the City of Marquette for public infrastructure is feasible, as described in Section 2.4 of the Brownfield Plan;
(d) The costs of Eligible Activities proposed are reasonable and necessary to carry out the purposes of Act 381, including environmental due diligence and due care activities, meeting regulatory requirements for lead and asbestos inspection and if necessary, abatement prior to demolition, demolition, relocation of active utilities, site preparation and public infrastructure, and the cost estimates are based on evaluation from certified professionals, experience in comparable projects, and preliminary discussions with reputable companies, as described in Section 2.1 and 2.2 of the Brownfield Plan; and
(e) The amount of captured taxable value estimated from the adoption of the Brownfield Plan is reasonable, as calculated in Table 2.1 and 2.2 of the Brownfield Plan, based on calculations of the tax revenues derived from taxable value increases and millage rates approved and authorized by the taxing jurisdictions on an annualized basis and balances against the outstanding Eligible Activity obligation approved as part of the Brownfield Plan and expenses reviewed and approved by the MBRA; and

Be it Further Resolved that pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of 1996, as amended, being MCL 125.2651, *et seq,* the Marquette City Commission hereby approves the Former Hospital Redevelopment Brownfield Plan.

Be it Further Resolved that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid; and,

Be it Further Resolved that any prior resolutions, or any part thereof, in conflict with any of the provisions of this Resolution are hereby repealed.

Yes:_____

No:_____

Resolution duly adopted

_____
Jennifer A. Smith, Mayor
City of Marquette

Certified to be a true copy, _____
Date

_____
Kyle Whitney, City Clerk

ACT 381 BROWNFIELD PLAN

FORMER HOSPITAL REDEVELOPMENT
420 WEST MAGNETIC STREET
MARQUETTE, MICHIGAN 49855

City of Marquette Brownfield Redevelopment Authority

MAY 2022

Prepared by:

Mac McClelland
Mac Consulting Service LLC
mactc@charter.net
231.633.6303

Approved by Marquette Brownfield Redevelopment Authority: ***May 19, 2022***

Public Hearing: ***May 31, 2022***

Approved by Marquette City Commission: ***May 31, 2022 (tentative)***

Brownfield Plan
Former Hospital Redevelopment
City of Marquette, Marquette County, Michigan

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ATTACHMENTS

Attachment A – Brownfield Plan Resolutions

Project Summary

The Northern Michigan University Foundation (NMUF) is leading a consortium of public and private partners to facilitate the redevelopment of the former Marquette General Hospital. The proposed project would remove the buildings on the property to provide for an effective reconfiguration and redevelopment. NMUF will acquire the property from DLP Marquette General Hospital, LLC and serve as a facilitator to develop and issue a Request for Qualifications to secure a master developer for the site. The approach is proposed to focus on housing of all product types and price points, including affordable and workforce housing, as well as commercial uses that will enhance and support the community. The specific components of the development will be based on an agreement between the Foundation and the master developer. The estimated investment is $166 million.

The size and scale of the remaining buildings on the property that will need to be removed represents a significant extraordinary cost and barrier to redevelopment. The project will not be able to proceed with the burden of almost $20 million in asbestos abatement and demolition without financial support. In addition, the redevelopment is anticipated to require infrastructure improvements, including and in addition to the proposed reconstruction of College Avenue and associated infrastructure. These costs are also Brownfield Eligible Activities and may be reimbursed.

This Brownfield Plan will provide incremental tax revenues generated by the significant private investment to repay certain Eligible Activities, including environmental due diligence and due care, lead and asbestos abatement, demolition, site preparation and infrastructure.

The former hospital qualifies as Brownfield Eligible Property under Act 381 as functionally obsolete.

Project Name: Former Hospital Redevelopment

Project Location: The Eligible Property is comprised of one parcel in the City of Marquette generally bounded by W. Magnetic Street, N. 7th Street, W. Kaye Avenue, and Hebard Court.

Type of Eligible Property: Functionally Obsolete, Adjacent Property

Eligible Activities: Baseline Environmental Assessment Activities, Due Care Activities, Asbestos Abatement, Demolition, Site Preparation, Infrastructure

Eligible Activities	Environmental	Non-Environmental	TOTAL
Eligible Activities	**$534,750**	**$32,856,650**	**$33,391,400**
Interest	**$158,000**	**$10,652,000**	**$10,810,000**
ELIGIBLE ACTIVITY SUBTOTAL	**$692,750**	**$43,508,650**	**$44,201,400**
Brownfield Plan Development and Approval	**$5,000**	**$20,000**	**$25,000**
Brownfield Plan Implementation	**$10,000**	**$200,000**	**$210,000**
TOTAL ELIGIBLE ACTIVITY	***$707,750***	***$43,728,650***	***$44,436,400***
Administrative and Operating Cost (Local Only)	***$50,000***	***$150,000***	**$200,000**

Years to Complete Eligible Activities Payback: *Local Capture 17 years; State Capture 19 years*

Estimated Investment: $166,000,000

Estimated Annual Tax Revenue in First Year After Brownfield Obligation: $4,439,000

BROWNFIELD PLAN

FORMER HOSPITAL REDEVELOPMENT
MARQUETTE, MARQUETTE COUNTY, MICHIGAN

CITY OF MARQUETTE BROWNFIELD REDEVELOPMENT AUTHORITY

1.0 INTRODUCTION

Act 381, P.A. 1996, as amended, was enacted to promote the revitalization, redevelopment, and reuse of contaminated, tax reverted, blighted, functionally obsolete, or historically designated property through incentives adopted as part of a Brownfield Plan. The Brownfield Plan outlines the qualifications, costs, impacts, and incentives for the project.

The Brownfield Plan must be approved by the brownfield redevelopment authority established under Act 381 and the governing body of the authority's municipality to take effect. The Michigan Department of Environment, Great Lakes and Energy (EGLE) must approve Environmental Eligible Activities and the Michigan Strategic Fund must approve Non-Environmental Eligible Activities for State tax capture. The City of Marquette established the City of Marquette Brownfield Redevelopment Authority (MBRA) pursuant to Act 381 and filed with the Secretary of State on January 28, 1998.

This Brownfield Plan may be modified or amended in accordance with the requirements of Act 381, as necessary to achieve the purposes of Act 381.

The Brownfield Plan describes the public purpose and qualifying factors for determining the site as an Eligible Property, the Eligible Activities and estimated costs, the impacts of tax increment financing, and other project factors.

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The former Marquette General Hospital began in the early 1900's and grew to a complex of eleven (11) buildings on 23 acres. In 2019, the site was vacated for a new facility in Marquette's downtown business district. Except for approximately 50 employees temporarily working in one building, the site has been vacant. Residential properties owned by the hospital have been sold. The remaining redevelopment area is 17.05 acres.

The Northern Michigan University Foundation (NMUF) has executed a contract for the sale of real estate with DLP Marquette General Hospital, LLC for the purpose of redeveloping the former hospital property in a manner that provides mutual benefit to Northern Michigan University, the City of Marquette, and residents of these shared communities. NMUF's focus since entering into its agreement with DLP Marquette General Hospital, LLC

has been to evaluate the full spectrum of possibilities and potential challenges associated with redeveloping the site, including environmental due diligence, the feasibility and cost of site preparation (i.e., demolishing the current complex), and the financial and practical feasibility of redeveloping the property in a way that benefits the Marquette community, its citizens, and Northern Michigan University. NMUF will execute a contract with a master developer selected through a qualifications-based selection process. The master developer will work with the community and partners to prepare a development plan, obtain all project approvals, secure financing, and manage demolition and construction. The property is zoned MU – Mixed Use and is governed by the Land Development Code of the City of Marquette.

The estimated private investment is anticipated at $166,000,000, plus an estimated $5,422,000 for public infrastructure improvements. Building and site demolition is anticipated to begin in early Spring 2023. The development is anticipated to be phased over 5 – 8 years. For the purposes of the Brownfield Plan, the investment and increased taxable value is spread over 8 years. The project is located in the City of Marquette, a Qualified Local Governmental Unit (QLGU).

1.2 Eligible Property Information

The Eligible Property includes one parcel covering an area approximately 17.05 acres in size as described below:

Parcel Number	Address	Description	Acreage	Qualifying Status
0410680	420 W. Magnetic Street	**Land in the City of Marquette, Marquette County, MI, described as:** A □a□□el of land □eing all of □o□s 1 □□□o□g□3□□□e □o□□□ 102□3 fee□of □o□s 4 and 5□□□e □o□□□ 135 fee□of □o□7□□□e □o□□□ 90 fee□of □o□s 8 and 9□all of □o□s 68 □□□o□g□90□all of □o□s 92 □□□o□g□99□all of □□□l□ded □o□s B and □□and □□e □o□□□ 150 fee□of □□e □ es□150 fee□of □□□l□ded □o□□□of □□e □o□□□al Addi□□on □o □□e □i□y of Ma□□□e□□e□ A□□ all of □o□s 61 □□□o□g□72□all of □o□s 97 □□□o□g□120□all of □o□s 150 □□□o□g□153□all of □o□s 160 □□□o□g□163□of □□e □ollege □eig□s Pla□□ A□□ □□e □a□a□ed 50-foo□□ee □□ee□□e□□een □ollege A□en□e and Magne□i□ □□ee□and □□e □a□a□ed 25-foo□□ee □□ee□□as□of □o□61 in □□e □ollege □eig□s Pla□ A□□ □o□60 and □□e □o□□□ 15 fee□of □o□61 e□□e□□□e □ es□24 fee□of said lo□s□of □ollege □eig□s □□□di□ision □o □□e □i□y of Ma□□□e□□e□Mi□□igan□ and □o□s 68□69□70□71□72□73□74□and □□e □o□□□ 15 fee□of □o□s 79□80 and 81 of □o□□al□s Addi□□on □o □□e □i□y of Ma□□□e□□e□Mi□□igan□□oge□□e□ □i□□ □□e □o□□□ 11□8 fee□of □a□□o□□ion of □a□a□ed □aye A□en□e lying i□□ □ediа□ely ad□a□en□o □□e □as□26 fee□of □o□60 of □ollege □eig□s □□□di□ision □o □□e □i□y of Ma□□□e□□e and □o □o□s 68□69□70 and a □o□□ion of 71 as □o□e □a□i□□la□y o□□lined in □ed on □□□i□□□ a□a□□ed □e□e□o and □ade a □a□□□e□eof□of□□o□□al□s Addi□□on □o □□e □i□y of Ma□□□e□□e□and □□a□□o□□ion of □a□a□ed □ee □□□ee□lying □o□□□of □aye A□en□e and □□e□io□sly □on□eyed □o □o□□□e□n Mi□□igan □ni□e□si□y□	17.05	Functionally Obsolete

1.3 Public Purpose ***MCL 125.2664(5):***

The redevelopment of the former hospital into a mixed-use development with a focus on multiple housing products and public infrastructure improvements will meet a critical community need for housing, provide community gathering spaces, transform a property that is inconsistent with surrounding land uses into an integrated, planned development with a respectful transition from residential neighborhoods to Northern Michigan University, and significantly increase the value of functionally obsolete property. When completed, property taxes are estimated at over **$4,505,000** per year (following the retirement of Brownfield obligations).

2.0 INFORMATION REQUIRED BY SECTION 13(2) OF THE STATUTE

2.1 Description of Project and Plan Costs ***MCL 125.2663(2)(a):***

The project includes the transformation of a functionally obsolete and vacant hospital campus with the demolition of the existing eleven (11) buildings into a mixed-use development with a focus on diverse housing products and significant public infrastructure improvements.

The Brownfield Plan includes Environmental and Non-Environmental Eligible Activities:

Environmental Eligible Activities include:

- Baseline Environmental Assessment Activities
    - Phase I Environmental Site Assessments
    - Phase II Environmental Site Assessments
    - Baseline Environmental Assessments
- Due Care Activities
    - Due Care Investigation, Planning and Documentation
    - Due Care Response Activities

Non-Environmental Eligible Activities include:

- Lead and Asbestos Abatement
- Demolition
- Site Preparation
- Public Infrastructure

Other Eligible Activities include:

- Brownfield Plan development and approval;
- Brownfield Plan implementation; and

- Administrative and operating costs of the MBRA with local tax capture only.
- Interest (Estimated at 5.0% for 10 years for Private EA, 4.0% for 20 years for Public EA)

Eligible Activities	Environmental	Non-Environmental	TOTAL
Eligible Activities	**$534,750**	**$32,856,650**	**$33,391,400**
Interest	**$158,000**	**$10,652,000**	**$10,810,000**
ELIGIBLE ACTIVITY SUBTOTAL	**$692,750**	**$43,508,650**	**$44,201,400**
Brownfield Plan Development and Approval	**$5,000**	**$20,000**	**$25,000**
Brownfield Plan Implementation	**$10,000**	**$200,000**	**$210,000**
TOTAL ELIGIBLE ACTIVITY	***$707,750***	***$43,728,650***	***$44,436,400***
Administrative and Operating Cost (Local Only)	***$50,000***	***$150,000***	**$200,000**

Additional detail is provided in Table 1.1: Environmental Eligible Activities and Table 1.2 Non-Environmental Eligible Activities.

The cost of Eligible Activities included in and authorized by this Brownfield Plan will be reimbursed with incremental applicable local and state tax revenue generated by the increased private investment on the Eligible Property and captured by the MBRA, subject to any limitation and conditions described in this Brownfield Plan, Act 381 Work Plan and the terms of a Reimbursement Agreement between the developer(s), the MBRA, and the City of Marquette. State tax capture requires approval of an Act 381 Work Plan by the Michigan Department of Environment, Great Lakes and Energy (EGLE) for Environmental Eligible Activities and the Michigan Strategic Fund (MSF) for Non-Environmental Eligible Activities, with exemptions for certain Eligible Activities, including Baseline Environmental Assessment and Due Care Investigation and Planning Activities.

The Eligible Activity costs included in this Brownfield Plan are estimated and may increase or decrease depending on the nature and extent of unknown conditions encountered on the Eligible Property or other circumstances. Reimbursement will be based on the actual cost of Eligible Activities approved under this Brownfield Plan and an Act 381 Work Plan from Brownfield Tax Increment Financing (TIF) revenues captured by the Authority and shall be governed by the terms and conditions of the Reimbursement Agreement and Section 2 of Act 381 of 1996, as amended (MCL 125.2652). This Brownfield Plan and the Reimbursement Agreement establish the maximum Eligible Activity cost. Line-item Eligible Activity may be adjusted after the adoption of this Brownfield Plan with the approval of the Authority, as long as the total maximum Eligible Activity cost is not exceeded.

2.2 Summary of Eligible Activities ***MCL 125.2663(2)(b):***

Act 381 provides for the costs of certain Environmental and Non-Environmental Eligible Activities to be reimbursed through tax increment financing. The following is a summary of Environmental Eligible Activities and Non-Environmental Eligible Activities.

EGLE Eligible Activities

1. *Baseline Environmental Assessment (BEA) Activities:* BEA Activities include Phase I Environmental Site Assessments (ESAs), Phase II ESAs, and a Baseline Environmental Assessment to provide an exemption for the developer and assigns from environmental liability for pre-existing contamination. Act 381 includes provisions for Baseline Environmental Activities to be conducted prior to the approval of a Brownfield Plan for local tax capture (Section 13b.(9)(b)) and for State tax capture without EGLE approval (Section 13b.(8)(a-b)), as long as included in a subsequent Brownfield Plan.
    A. Phase I ESA: A Phase I ESA was conducted in November 2021 for the former hospital property consistent with ASTM Standard E1527-13. The Phase I ESA includes a review of historical and current information, including regulatory agency files, historical maps, and past uses to evaluate the potential for contamination, a site inspection of both the grounds and the exterior and interior of buildings on the property, and interviews with individuals knowledgeable about the past use of the property to identify any Recognized Environmental Conditions (RECs). The Phase I report identified the following REC:

        - The existence of three USTs at the subject property associated with emergency generator fueling introduces the potential for releases of petroleum and hazardous substances to the environment. The USTs include UST No. 4, a 20,000-gallon diesel fuel UST located east of the Logistics Garage and installed on November 1, 1976; UST No. 5, a 12,000-gallon diesel fuel UST located in parking lot east of the North Building and installed on January 1, 1991; and UST. No. 6, a 15,000-gallon diesel fuel UST located near southeast portion of the West Building and installed on September 29, 2004.

    B. Phase II ESA: A Phase II ESA was conducted for the Eligible Property in December 2021 to investigate the REC as part of the environmental due diligence process for property acquisition. Analysis of the soil samples did not identify soil impacts at concentrations above EGLE Residential and Non-Residential Generic Cleanup Criteria. As a result, the property is not a Part 201 Facility.

While previous environmental assessments have not identified the presence of contaminants above EGLE Generic Cleanup Criteria (GCC) and the property is not a Part 201 Facility at this time, there is a possibility that the operation of health care facility over 100 years may have resulted in a release of hazardous substances that may have not yet been identified.

There are anticipated to be multiple property transactions to effectuate the redevelopment. Each subsequent purchaser will be conducting environmental due diligence, so allowance has been made in the Brownfield Plan to reimburse the costs for subsequent Phase I and Phase II ESAs. In addition, allocations are included in the Brownfield Plan for Baseline Environmental Assessment under circumstances where a release is subsequently identified, as well as for costs for contaminated soil removal in such cases.

Other Activities

Brownfield Plan and Work Plan Preparation: The preparation and approval of the Brownfield Plan and Act 381 Work Plans are included as Eligible Activities. These costs are allocated between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

Brownfield Plan and Work Plan Implementation: The implementation of the Brownfield Plan and Act 381 Work Plans are included as Eligible Activities. These costs are allocated between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

Administrative and Operating Costs: An estimate of reasonable and actual administrative and operating costs of the MBRA is included as Eligible Activities as a Local Only Cost. These costs are split between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

Interest: Interest is included as an Eligible Activity. Interest is calculated at 5.0% for 10 years for Environmental Eligible Activity costs for the purposes of this Brownfield Plan.

The following tables estimate the costs for Environmental Eligible Activities to be funded by tax increment revenues.

EGLE Environmental Eligible Activity Cost

Eligible Activities	Estimated Cost
Baseline Environmental Assessment	*$150,000*
Due Care Activities	*$315,000*
Contingency	*$69,750*
EGLE Environmental Eligible Activities Total	***$534,750***
Interest	*$158,000*
Brownfield Plan/Work Plan Development and Approval Cost	*$5,000*
Brownfield Plan/Work Plan Implementation Cost	*$10,000*
ENVIRONMENTAL ELIGIBLE ACTIVITIES TOTAL	***$707,750***
MBRA Administrative and Operation Costs	*$50,000*

MSF Non-Environmental Eligible Activities

MSF Non-Environmental Eligible Activities are included under this Brownfield Plan under the auspices of Act 381. The MSF Non-Environmental Eligible Activities include lead and asbestos abatement, demolition, site preparation and infrastructure.

1. *Lead and Asbestos Abatement:* NESHAP regulations require a lead and asbestos survey prior to disturbance of commercial buildings to demonstrate Potential Asbestos Containing Materials (PACMs) do not contain asbestos by properly testing materials in accordance with Occupational Safety and Health Administration standards. Demolition or remodeling buildings that contain lead, cadmium and/or asbestos is subject to regulations to protect the health of the persons that may be affected.

Lead and Asbestos Abatement	Total
Pre-Demolition Survey	$20,000
Monitoring	$50,000
Abatement	$4,100,000
Contingency (15%)	$625,000
TOTAL	$4,795,500

2. *Demolition:* In preparation for the effective redevelopment, demolition of all buildings is anticipated. In addition, site demolition is anticipated for the existing parking area and associated infrastructure. The scope of work includes engineering specifications, contractor procurement and site demolition and demolition of buildings.

Demolition	Total
Site Demolition	$785,000
Building Demolition	$13,900,000
Engineering/Inspections	$3,130,000
Contingency (15%)	$2,672,250
TOTAL	$20,487,250

3. *Site Preparation:* Site preparation will consist of land balancing and grading, geotechnical engineering, special foundations, relocation of active utilities, and temporary site and erosion control.

Site Preparation	Total
Geotechnical Engineering	$30,000
Grading and Land Balancing	$100,000
Relocation of Active Utilities	$750,000
Staking, Temp Sheeting/Shoring	$330,000
Architectural/Engineering	$121,000
Contingency (15%)	$199,650
TOTAL	$1,530,650

4. *Infrastructure:* Infrastructure will include urban stormwater management, streetscaping, park improvements, and public infrastructure directly benefitting the Eligible Property and adjacent property.

Infrastructure	Total
Urban Stormwater Mgt (private)	$540,000
Infrastructure Improvements	$3,100,000
Park Improvements	$1,000,000
Architectural/Engineering	$615,000
Contingency (15%)	$788,250
TOTAL	$6,043,250

Other Activities

Brownfield Plan and Work Plan Preparation: The preparation and approval of the Brownfield Plan and Act 381 Work Plans are included as Eligible Activities. These costs are allocated between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

Brownfield Plan and Work Plan Implementation: The implementation of the Brownfield Plan and Act 381 Work Plans are included as Eligible Activities. These costs are allocated between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

Administrative and Operating Costs: An estimate of reasonable and actual administrative and operating costs of the MBRA is included as Eligible Activities for Local Only capture. These costs are split between EGLE Environmental Eligible Activities and MSF Non-Environmental Eligible Activities.

Interest: Interest is included as an Eligible Activity. Interest is calculated at 5.0% for 10 years for Private Eligible Activity costs and at 4.0% for 20 years for Public Eligible Activity costs for the purposes of this Brownfield Plan.

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues *MCL 125.2663(2)(c):*

Act 381 defines Initial Taxable Value as taxable value of an Eligible Property identified in and subject to a Brownfield Plan at the time the resolution adding that Eligible Property in the Brownfield Plan is adopted, as shown either by the most recent assessment roll for which equalization has been completed at the time the resolution is adopted or, if provided by the Brownfield Plan, by the next assessment roll for which equalization will be completed following the date the resolution adding that eligible property in the Brownfield Plan is adopted.

As provided in this Brownfield Plan, the Initial Taxable Value will be established by the taxable value as of December 31, 2022.

The EGLE Environmental and MSF Non-Environmental Eligible Activity cost is *$33,391,000* plus an estimated *$10,810,000* in interest and *$235,000* in Brownfield Plan/Work Plan Development, Approval and Implementation, for a total of *$44,436,400.* The Brownfield Plan also includes $2*00,000* in MBRA Administrative and Operating Costs and capture of 50% of the State Education Tax for the State Brownfield Fund as required by Act 381, estimated at *$3,306,867* for this Brownfield Plan. The Brownfield Plan also provides for deposits into the Local Brownfield Revolving Fund (LBRF) during the time of capture, with State tax capture limited to an amount equal to State tax capture for EGLE Environmental Eligible Activities if available. LBRF deposits from State taxes are estimated at $300,693 and local taxes at *$1,141,579*. The overall investment for the Project is estimated at over *$166 million*.

Table 2 identifies taxable values for real and personal property, including tax increment revenues for the Eligible Property. In addition, 3 mils are captured and distributed to the State for the State Brownfield Redevelopment Fund. In accordance with Act 381, this share does not affect the State and local ratio. The cash flow analysis for the project indicates payoff of the obligation in *seventeen (17) years* from 2023 for Local Capture and *nineteen (19) years* for State Capture.

Redevelopment of the property is anticipated to be initiated in Spring 2023, with abatement and demolition activities. The actual tax increment captured will be based on taxable value set through the property assessment process by the local unit of government and equalized by the County and the millage rates set each year by the

taxing jurisdictions. The estimated tax increment captured by the Authority is summarized in the table below and detailed in Table 2.

Estimate Tax Revenues and Tax Increment Capture by the Authority

Year		Total Tax Revenues	Captured Taxes	Year		Total Tax Revenues	Captured Taxes	
1	2023	$0	$0	*16*	2038	$4,182,367	$4,100,680	
2	2024	$446,875	$438,147	*17*	2039	$4,245,103	$3,475,371	(1)
3	2025	$900,453	$882,866	*18*	2040	$4,308,779	$1,794,863	
4	2026	$1,360,835	$1,334,256	*19*	2041	$4,373,411	$314,321	(2)
5	2027	$1,828,122	$1,792,417	*20*	2042	$4,439,012	$0	
6	2028	$2,302,419	$2,257,450	*21*	2043	$4,505,597	$0	
7	2029	$2,783,830	$2,729,459	*22*	2044	$4,573,181	$0	
8	2030	$3,272,463	$3,208,547	*23*	2045	$4,641,779	$0	
9	2031	$3,768,425	$3,694,822	*24*	2046	$4,711,405	$0	
10	2032	$3,824,951	$3,750,245	*25*	2047	$4,782,077	$0	
11	2033	$3,882,325	$3,806,498	*26*	2048	$4,853,808	$0	
12	2034	$3,940,560	$3,863,596	*27*	2049	$4,926,615	$0	
13	2035	$3,999,669	$3,921,550	*28*	2050	$5,000,514	$0	
14	2036	$4,059,664	$3,980,373	*29*	2051	$5,075,522	$0	
15	2037	$4,120,559	$4,040,079	*30*	2052	$5,151,655	$0	

(1) Local and LBRF Tax Capture Ends

(2) State Capture Ends

Total	$110,261,974	$49,385,539
State Brownfield Fund		($3,306,867)
LBRF		($1,442,272)
Admin		($200,000)
Balance		$44,436,400

2.4 Method of Financing and Description of Advances Made by the Municipality

MCL 125.2663(2)(d):

Private Environmental Eligible Activity Costs and Non-Environmental Eligible Activity Costs will be financed by the developer(s). Public Infrastructure may be funded through a Brownfield Bond issued by the MBRA, through a Capital Improvement Bond issued by the City of Marquette or other public sources.

2.5 Maximum Amount of Note or Bond Indebtedness ***MCL 125.2663(2)(e):***

The maximum amount of Eligible Activities is *$33,391,400,* the portion of which maximum bond indebtedness will be *$5,422,250*.

2.6 Beginning Date and Duration of Capture ***MCL 125.2663(2)(f):***

The anticipated beginning date of capture is 2024, estimated to be the first year tax increment revenues are available. The duration of Brownfield Plan capture will be the time to capture taxes in an amount equal to the Eligible Activity obligation, Interest, State Brownfield Fund, Local Brownfield Revolving Fund, and Administrative and Operation Costs. As shown on Table 2, total costs of all Eligible Activities on the property redevelopment are expected to be repaid through tax increment financing within *17 years* for Local Capture and *19 years* for State Capture.

2.7 Estimated Impact of Tax Increment Financing on Tax Revenues of Taxing Jurisdictions ***MCL 125.2663(2)(g):***

Table 2.1 and 2.2 identify annual and total tax revenues projected for capture from the increase in property tax valuations. Individual tax levies within each taxing jurisdiction are also presented on Table 2.1. Table 3 presents the allocation of tax capture and the total tax increment revenues for the duration of the Brownfield Plan.

The total tax capture is estimated at *$33391,000* for Eligible Activities, plus an estimated *$10,810,000* in interest, *$235,000* in Brownfield Plan development, approval and implementation, $2*00,000* in MBRA Administrative and Operating costs, an estimated $3,306,867 for the State Brownfield Fund and an estimated $1,442,272 for the LBRF for a total capture of *$44,436,400.* After the Brownfield obligation is met, tax revenues will accrue to taxing jurisdictions in an amount estimated at over *$4,439,000* per year on into the future.

2.8 Legal Description, Location, and Determination of Eligibility ***MCL 125.2663(2)(h):***

Legal Description: The legal description of the Eligible Property follows:

Parcel Number	Address	Description	Acreage	Qualifying Status
0410680	420 W. Magnetic Street	**Land in the City of Marquette, Marquette County, MI, described as:** A □a□□el of land □eing all of □o□s 1 □□o□g□ 3□□□e □o□□□ 102□3 fee□of □o□s 4 and 5□□□e □o□□□ 135 fee□of □o□7□□□e □o□□□ 90 fee□ of □o□s 8 and 9□all of □o□s 68 □□o□g□ 90□all of □o□s 92 □□o□g□ 99□all of □□□l□ded □o□s B and □□and □□e □o□□□ 150 fee□of □□e □ es□150 fee□of □□□l□ded □o□□□of □□e □o□□al Addi□ion □o □□e □i□y of Ma□□□e□□e□ A□□ all of □o□s 61 □□o□g□ 72□all of □o□s 97 □□o□g□ 120□all of □o□s 150 □□o□g□ 153□all of □o□s 160 □□o□g□ 163□of □□e □ollege □eig□□s Pla□□ A□□ □□e □a□a□ed 50-foo□□ee □□ee□□e□□een □ollege A□en□e and Magne□i□ □□ee□and □□e □a□a□ed 25-foo□□ee □□ee□□as□of □o□ 61 in □□e □ollege □eig□s Pla□ A□□ □o□60 and □□e □o□□□ 15 fee□of □o□61 e□□e□□□□e □ es□24 fee□of said lo□s□of □ollege □eig□s □□□di□ision □o □□e □i□y of Ma□□□e□□e□ Mi□□igan□and □o□s 68□69□70□71□72□73□74□and □□e □o□□□ 15 fee□of □o□s 79□80 and 81 of □o□□al□s Addi□ion □o □□e □i□y of Ma□□□e□□e□Mi□□igan□oge□□e□□i□□ □□e □o□□□ 11□8 fee□of □□a□ □o□ion of □a□a□ed □aye A□en□e lying i□ □ edia□ely ad□a□en□o □□e □as□26 fee□of □o□60 of □ollege □eig□s □□□di□ision □o □□e □i□y of Ma□□□e□□e and □o □o□s 68□69□70 and a □o□ion of 71 as □o□e □a□i□□la□y o□lined in □ed on □□□i□i□□ a□a□□ed □e□e□o and □ade a □a□□□e□eof□of□□o□□al□s Addi□ion □o □□e □i□y of Ma□□□e□□e□and □□a□□o□ion of □a□a□ed □ee □□ee□lying □o□□□ of □aye A□en□e and □□e□io□sly □on□eyed □o □o□□□e□n Mi□□igan □ni□e□si□y□	17.05	Functionally Obsolete

Location: The Eligible Property is generally bounded by W. Magnetic Street, N. 7th Street, W. Kaye Avenue, and Hebard Court, with the functional address of 420 W. Magnetic Street in Marquette, Michigan. Figure 1 depicts the location of the Eligible Property and Figure 2 depicts the Eligible Property boundaries.

Eligibility Determination: A Phase II ESA was conducted for the Eligible Property in December 2021 to investigate the RECs as part of the environmental due diligence process for property acquisition. Analysis of the soil samples did not identify the presence of contaminants above EGLE Generic Cleanup Criteria. As a result, the subject property is not a Part 201 Facility. An Affidavit of Functionally Obsolescence has been prepared by the City of Marquette Assessor, Miles Anderson, a Level IV Assessor, attached in the Appendix.

Personal Property: Personal Property is and will be included as part of the Eligible Property.

2.9 Estimate of Number of Persons Residing on Eligible Property ***MCL 125.2663(2)(i):***

There are currently no residential dwellings or residences that occupy the Eligible Property.

2.10 Plan for Residential Relocation ***MCL 125.2663(2)(j):***

The Eligible Property does not currently contain any residential dwellings; therefore, a plan for residential relocation is not applicable.

2.11 Provision of Costs of Relocation ***MCL 125.2663(2)(k):***

The Eligible Property does not currently contain any residential dwellings; therefore, a provision for residential relocation has not been allocated.

2.12 Strategy to Comply with Relocation Assistance Act, 1972 PA 227 ***MCL 125.2663(2)(l):***

The Eligible Property does not currently contain any residential dwellings; therefore, relocation is not necessary.

2.13 Other Material Required by the Authority or Governing Body ***MCL 125.2663(2)(m):***

None

EXHIBITS

FIGURES

Figure 1 Eligible Property Location Map

Figure 2.1 Eligible Property Boundaries

Figure 2.2 ALTA Survey

Figure 2.3 Preliminary Site Plan Rendering

Figure 3 Public Infrastructure

TABLES

Table 1.1 Environmental Eligible Activities Costs and Schedule

Table 1.2 Non-Environmental Eligible Activities Costs and Schedule

Table 2.1 – Annual Revenue and Brownfield Capture Estimates

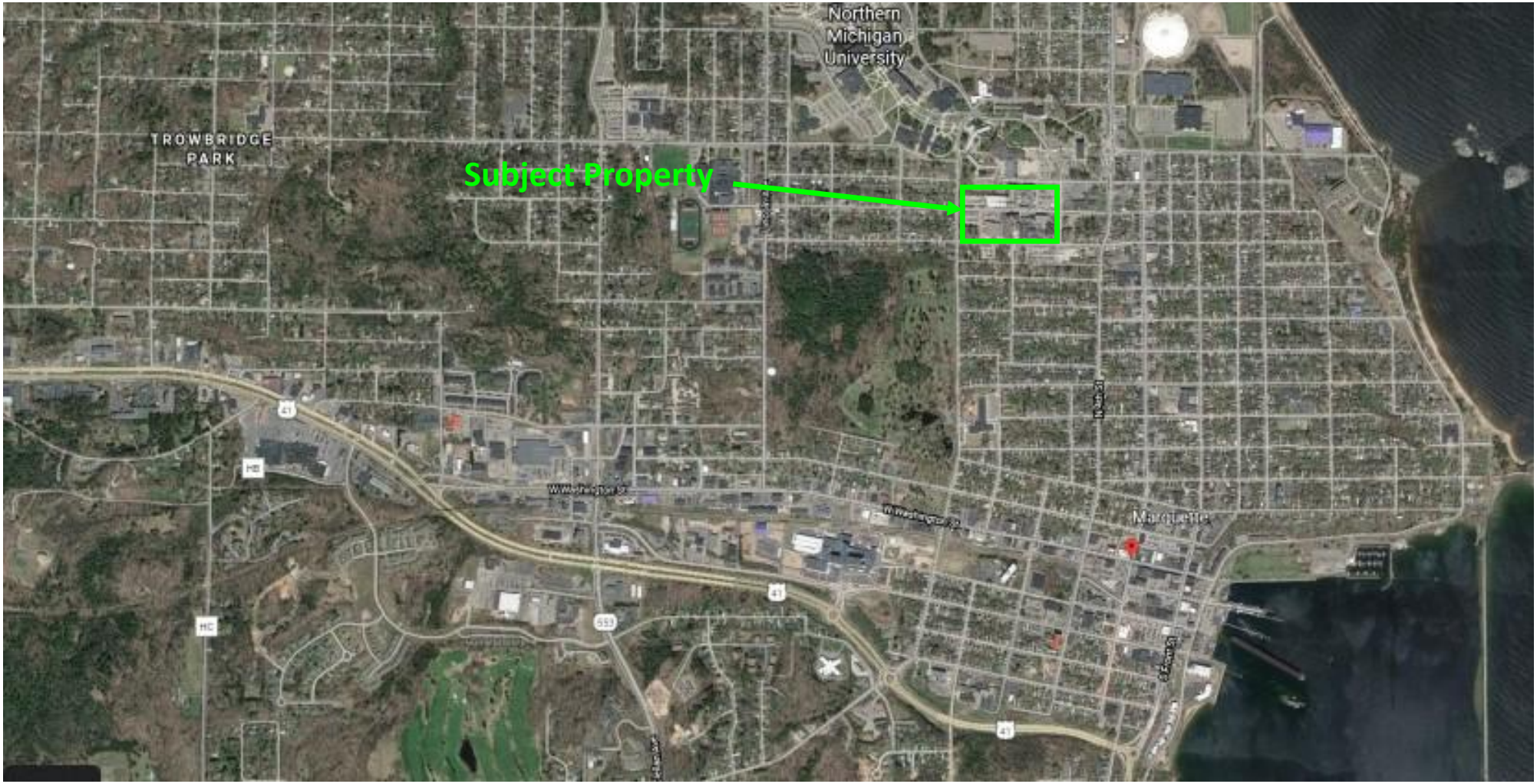
Table 2.2 – Tax Increment Revenue Reimbursement Allocation Table

Table 3. Impact on Tax Jurisdictions

ATTACHMENTS

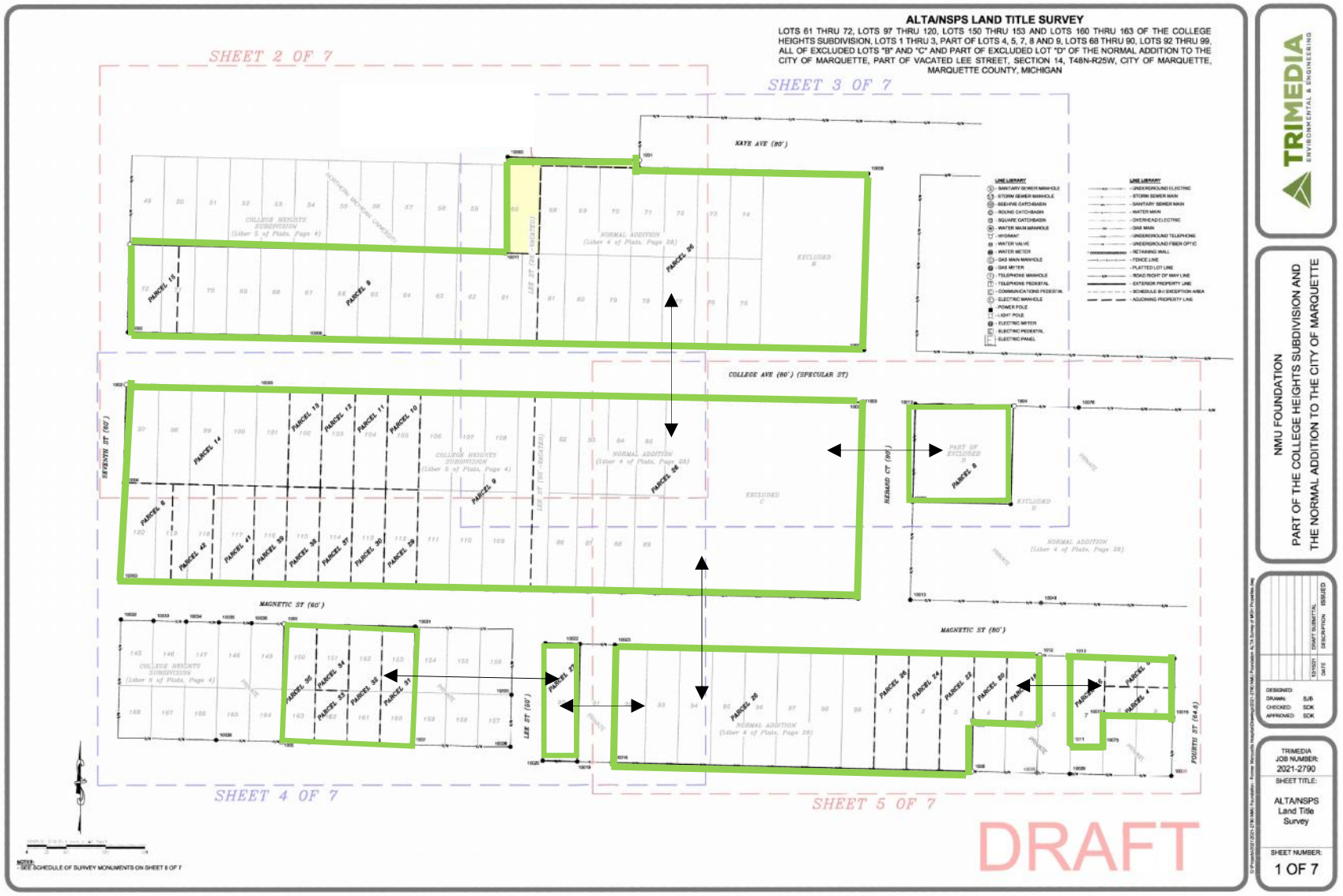
Attachment A – Brownfield Plan Resolutions

Attachment B – Affidavit of Functional Obsolescence



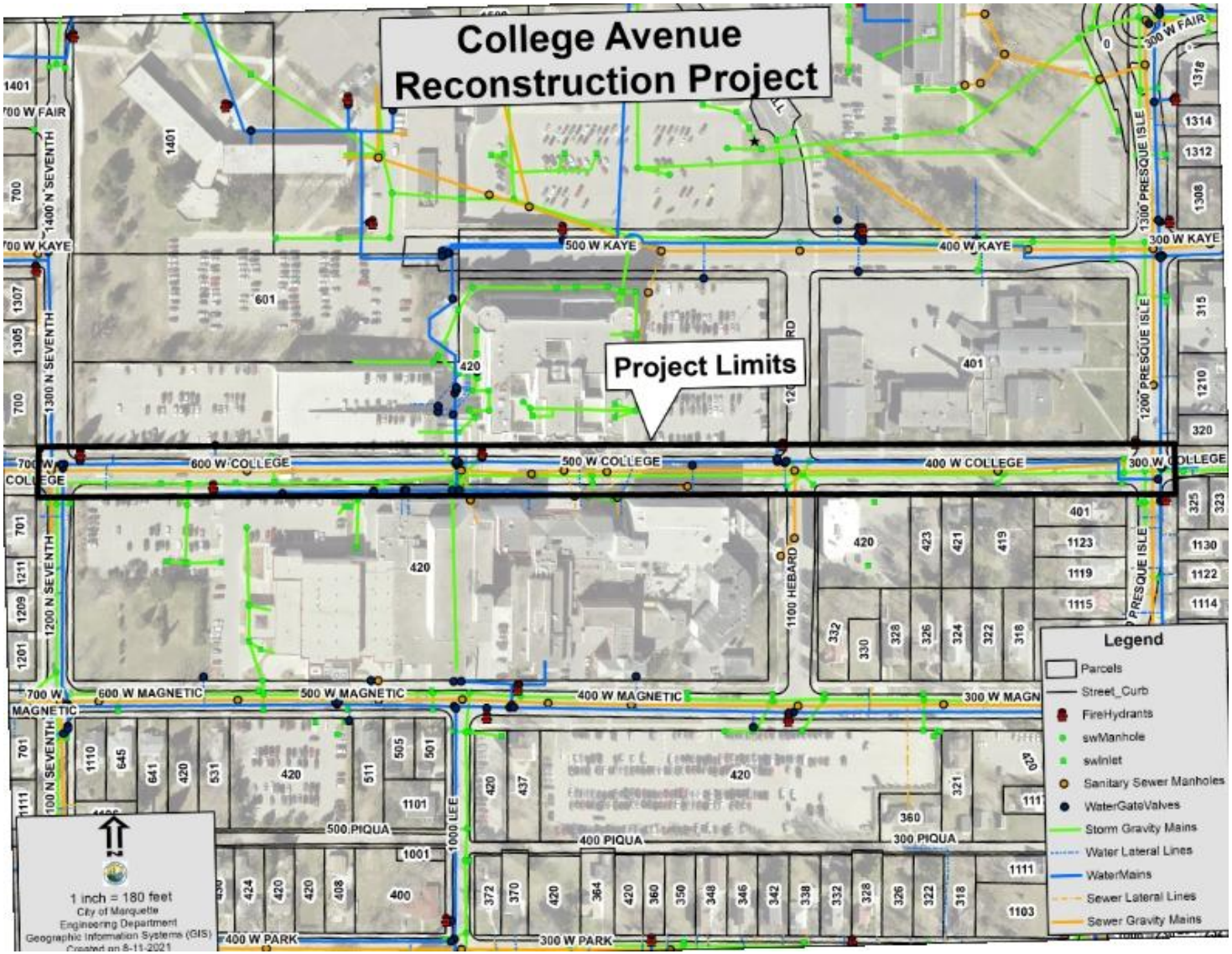
Brownfield Plan Former MGH	Figure 1: Eligible Property Site Location
	Source: Google Earth
Marquette Brownfield Redevelopment Authority Marquette, Michigan	Date: April 2022

Brownfield Plan **Former MGH**	**Figure 2.1: Eligible Property Boundary**
	Source: Google Earth
Marquette Brownfield Redevelopment Authority **Marquette, Michigan**	**Date: April 2022**



Brownfield Plan **Former MGH**	**Figure 2.2: ALTA Survey with Eligible Property Designation**
Marquette Brownfield Redevelopment Authority **Marquette, Michigan**	**Source: TriMedia Environmental and Engineering, Marquette, Michigan** **Date: April 2022**

Brownfield Plan Vault – Marquette	Figure 2.3: Preliminary Site Plan Rendering
	Source: Eppstein Uhen Architects Milwaukee, WI
Marquette Brownfield Redevelopment Authority Marquette, Michigan	Date: February 2022



Brownfield Plan **Former MGH**	**Figure 3: Public Infrastructure**
Marquette Brownfield Redevelopment Authority **Marquette, Michigan**	**Source: City of Marquette Engineering Department** **Date: April 2022**

Table 1.1 EGLE Eligible Activities Costs and Schedule Former MGH Redevelopment City of Marquette Brownfield Redevelopment Authority	
EGLE Eligible Activities	**Cost**
Department Specific Activities	
BEA Actiivities	
Phase I ESA	$25,000
Phase II ESA	$100,000
Baseline Environmental Assessment	$25,000
Subtotal	$150,000
Due Care Activities	
Due Care Investigation	$100,000
Section 7A Compliance Analysis	$15,000
Due Care Measures	
Soil Removal, Transport and Disposal	$200,000
Vapor Mitigation	$0
Subtotal	$315,000
EGLE Eligible Activities Subtotal	*$465,000*
Contingency (15%)	*$69,750*
EGLE Eligible Activities Subtotal	**$534,750**
Interest (5% for 10 Years)	**$158,000**
EGLE Eligible Activities Total Costs	**$692,750**
Brownfield Plan/Act 381 Work Plan Preparation	**$5,000**
Brownfield Plan/Act 381 Work Plan Implementation	**$10,000**
EGLE Eligible Activities Total Costs	**$707,750**
MBRA Administrative and Operating Costs	**$50,000**

Table 1.2 MSF Eligible Activities Costs and Schedule Former MGH Redevelopment City of Marquette Brownfield Redevelopment Authority	
MSF Eligible Activities	**Cost**
Lead, Asbestos, Mold Abatement	
Survey	$20,000
Monitoring	$50,000
Abatement	$4,100,000
Subtotal	$4,170,000
Demolition	
Site Demolition	$785,000
Building Demolition	$13,900,000
Engineering/Inspections/CM	$3,130,000
Subtotal	$17,815,000
Private Infrastructure Improvements	
Urban stormwater management system - low impact design	$500,000
Architectural/Engineering Costs (8%)	$40,000
Subtotal	$540,000
Site Preparation	
Geotechnical Engineering	$30,000
Grading and Land Balancing	$100,000
Relocation of Active Utilities	$750,000
Staking	$30,000
Temporary Facilities, Site Control, Protection	$100,000
Temporary Sheeting Shoring	$200,000
Soft Costs	$121,000
Subtotal	$1,331,000
Private MSF Eligible Activities Sub-Total	**$23,856,000**
Contingency (15%)	**$3,578,400**
Private MSF Eligible Activities SubTotal	**$27,434,400**
Interest (5% for 10 years)	**$8,095,000**
Private MSF Eligible Activities Total	**$35,529,400**
Public Infrastructure Improvements	
Sidewalks	$500,000
Roads	$2,000,000
Curbs and Gutters	$150,000
Landscaping	$150,000
Lighting	$150,000
Park/Seating Areas	$1,000,000
Publicly-Owned Utilities	$150,000
Architectural/Engineering Costs	$615,000
Subtotal	$4,715,000
Contingency (15%)	**$707,250**
Public MSF Eligible Activities SubTotal	**$5,422,250**
Interest 4% for 20 years)	$2,557,000
Brownfield Plan/Act 381 Work Plan Preparation	**$20,000**
Brownfield Plan/Act 381 Work Plan Implementation	**$200,000**
City MSF Eligible Activities Total	**$8,199,250**
MSF Eligible Activities Total Costs	**$43,728,650**
MBRA Administrative and Operating Costs	**$150,000**

Table 2.1 - Annual Revenue and Brownfield Capture Estimates
Former Hospital Redevelopment Brownfield Plan
City of Marquette Brownfield Redevelopment Authority

Estimated Taxable Value (TV) Increase Rate:	1.50%																			
Plan Year			**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15**			
Revenue Year		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037			
*Base Taxable Value		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -			
Annual Value Additions	$ 146,000,000			$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000									
Cumulative Value Additions				$ 18,250,000	$ 36,773,750	$ 55,575,356	$ 74,658,987	$ 94,028,871	$ 113,689,304	$ 133,644,644	$ 153,899,314	$ 156,207,803	$ 158,550,920	$ 160,929,184	$ 163,343,122	$ 165,793,269	$ 168,280,168			
Estimated New TV		$ -		$ 9,125,000	$ 18,386,875	$ 27,787,678	$ 37,329,493	$ 47,014,436	$ 56,844,652	$ 66,822,322	$ 76,949,657	$ 78,103,902	$ 79,275,460	$ 80,464,592	$ 81,671,561	$ 82,896,634	$ 84,140,084			
Incremental Difference (New TV - Base TV)			$ -	$ 9,125,000	$ 18,386,875	$ 27,787,678	$ 37,329,493	$ 47,014,436	$ 56,844,652	$ 66,822,322	$ 76,949,657	$ 78,103,902	$ 79,275,460	$ 80,464,592	$ 81,671,561	$ 82,896,634	$ 84,140,084			
Non PRE % Estimate	**80%**																			
Total School Revenue	Millage Rate																			
	45.65% 24.0000		$ -	$ 186,150	$ 375,092	$ 566,869	$ 761,522	$ 959,094	$ 1,159,631	$ 1,363,175	$ 1,569,773	$ 1,593,320	$ 1,617,219	$ 1,641,478	$ 1,666,100	$ 1,691,091	$ 1,716,458			
Total Local Revenue	Millage Rate																			
	54.35% 28.5726	$ -	$ -	$ 260,725	$ 525,361	$ 793,966	$ 1,066,601	$ 1,343,325	$ 1,624,200	$ 1,909,287	$ 2,198,652	$ 2,231,632	$ 2,265,106	$ 2,299,083	$ 2,333,569	$ 2,368,572	$ 2,404,101			
Total Revenue	Millage Rate																			
	52.5726	$ -	$ -	$ 446,875	$ 900,453	$ 1,360,835	$ 1,828,122	$ 2,302,419	$ 2,783,830	$ 3,272,463	$ 3,768,425	$ 3,824,951	$ 3,882,325	$ 3,940,560	$ 3,999,669	$ 4,059,664	$ 4,120,559			
State Revenue	Millage Rate	42.49%																		
State Education Tax (SET)	6.0000	$ -	$ -	$ 54,750	$ 110,321	$ 166,726	$ 223,977	$ 282,087	$ 341,068	$ 400,934	$ 461,698	$ 468,623	$ 475,653	$ 482,788	$ 490,029	$ 497,380	$ 504,841			
School Operating Tax	18.0000	$ -	$ -	$ 131,400	$ 264,771	$ 400,143	$ 537,545	$ 677,008	$ 818,563	$ 962,241	$ 1,108,075	$ 1,124,696	$ 1,141,567	$ 1,158,690	$ 1,176,070	$ 1,193,712	$ 1,211,617			
School Total	**24.0000**	**$ -**	**$ -**	**$ 186,150**	**$ 375,092**	**$ 566,869**	**$ 761,522**	**$ 959,094**	**$ 1,159,631**	**$ 1,363,175**	**$ 1,569,773**	**$ 1,593,320**	**$ 1,617,219**	**$ 1,641,478**	**$ 1,666,100**	**$ 1,691,091**	**$ 1,716,458**			
Local Revenue	Millage Rate	57.51%																		
City Operating	14.9225	$ -	$ -	$ 136,168	$ 274,378	$ 414,662	$ 557,049	$ 701,573	$ 848,264	$ 997,156	$ 1,148,281	$ 1,165,505	$ 1,182,988	$ 1,200,733	$ 1,218,744	$ 1,237,025	$ 1,255,580			
Senior	0.3496	$ -	$ -	$ 3,190	$ 6,428	$ 9,715	$ 13,050	$ 16,436	$ 19,873	$ 23,361	$ 26,902	$ 27,305	$ 27,715	$ 28,130	$ 28,552	$ 28,981	$ 29,415			
County Allocated	5.2938	$ -	$ -	$ 48,306	$ 97,336	$ 147,102	$ 197,615	$ 248,885	$ 300,924	$ 353,744	$ 407,356	$ 413,466	$ 419,668	$ 425,963	$ 432,353	$ 438,838	$ 445,421			
Transit	0.6000	$ -	$ -	$ 5,475	$ 11,032	$ 16,673	$ 22,398	$ 28,209	$ 34,107	$ 40,093	$ 46,170	$ 46,862	$ 47,565	$ 48,279	$ 49,003	$ 49,738	$ 50,484			
Aging	0.4474	$ -	$ -	$ 4,083	$ 8,226	$ 12,432	$ 16,701	$ 21,034	$ 25,432	$ 29,896	$ 34,427	$ 34,944	$ 35,468	$ 36,000	$ 36,540	$ 37,088	$ 37,644			
MOE	0.5500	$ -	$ -	$ 5,019	$ 10,113	$ 15,283	$ 20,531	$ 25,858	$ 31,265	$ 36,752	$ 42,322	$ 42,957	$ 43,602	$ 44,256	$ 44,919	$ 45,593	$ 46,277			
Dispatch	0.4970	$ -	$ -	$ 4,535	$ 9,138	$ 13,810	$ 18,553	$ 23,366	$ 28,252	$ 33,211	$ 38,244	$ 38,818	$ 39,400	$ 39,991	$ 40,591	$ 41,200	$ 41,818			
Rescue	0.1525	$ -	$ -	$ 1,392	$ 2,804	$ 4,238	$ 5,693	$ 7,170	$ 8,669	$ 10,190	$ 11,735	$ 11,911	$ 12,090	$ 12,271	$ 12,455	$ 12,642	$ 12,831			
Veterans	0.0800	$ -	$ -	$ 730	$ 1,471	$ 2,223	$ 2,986	$ 3,761	$ 4,548	$ 5,346	$ 6,156	$ 6,248	$ 6,342	$ 6,437	$ 6,534	$ 6,632	$ 6,731			
Heritage Trail	0.2000	$ -	$ -	$ 1,825	$ 3,677	$ 5,558	$ 7,466	$ 9,403	$ 11,369	$ 13,364	$ 15,390	$ 15,621	$ 15,855	$ 16,093	$ 16,334	$ 16,579	$ 16,828			
Library	1.3685	$ -	$ -	$ 12,488	$ 25,162	$ 38,027	$ 51,085	$ 64,339	$ 77,792	$ 91,446	$ 105,306	$ 106,885	$ 108,488	$ 110,116	$ 111,768	$ 113,444	$ 115,146			
ISD	2.2048	$ -	$ -	$ 20,119	$ 40,539	$ 61,266	$ 82,304	$ 103,657	$ 125,331	$ 147,330	$ 169,659	$ 172,203	$ 174,787	$ 177,408	$ 180,069	$ 182,770	$ 185,512			
MAPS Sinking Fund	0.9500	$ -	$ -	$ 8,669	$ 17,468	$ 26,398	$ 35,463	$ 44,664	$ 54,002	$ 63,481	$ 73,102	$ 74,199	$ 75,312	$ 76,441	$ 77,588	$ 78,752	$ 79,933			
Local Total	**27.6161**	**$ -**	**$ -**	**$ 251,997**	**$ 507,774**	**$ 767,387**	**$ 1,030,895**	**$ 1,298,355**	**$ 1,569,828**	**$ 1,845,372**	**$ 2,125,049**	**$ 2,156,925**	**$ 2,189,279**	**$ 2,222,118**	**$ 2,255,450**	**$ 2,289,282**	**$ 2,323,621**			
State and Local Capture	Millage Rate																			
TOTAL	**51.6161**	$ -	**$ -**	**$ 438,147**	**$ 882,866**	**$ 1,334,256**	**$ 1,792,417**	**$ 2,257,450**	**$ 2,729,459**	**$ 3,208,547**	**$ 3,694,822**	**$ 3,750,245**	**$ 3,806,498**	**$ 3,863,596**	**$ 3,921,550**	**$ 3,980,373**	**$ 4,040,079**			
Non-Capturable Millages	Millage Rate																			
Library Debt	0.4565	$ -	$ -	$ 4,166	$ 8,394	$ 12,685	$ 17,041	$ 21,462	$ 25,950	$ 30,504	$ 35,128	$ 35,654								
MAPS Debt	0.5000	$ -	$ -	$ 4,563	$ 9,193	$ 13,894	$ 18,665	$ 23,507	$ 28,422	$ 33,411	$ 38,475	$ 39,052	$ 39,638	$ 40,232						
		$ -	**$ -**	**$ 8,728**	**$ 17,587**	**$ 26,579**	**$ 35,706**	**$ 44,969**	**$ 54,372**	**$ 63,916**	**$ 73,602**	**$ 74,706**	**$ 39,638**	**$ 40,232**	**$ -**	**$ -**	**$ -**			

Estimated Taxable Value (TV) Increase Rate:	2.50%																			
Plan Year		**16**	**17**	**18**	**19**	**20**	**21**	**22**	**23**	**24**	**25**	**26**	**27**	**28**	**29**	**30**				
Revenue Year		2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052				
*Base Taxable Value		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -				
Annual Value Additions																				
Cumulative Value Additions		$ 170,804,370	$ 173,366,436	$ 175,966,932	$ 178,606,436	$ 181,285,533	$ 184,004,816	$ 186,764,888	$ 189,566,362	$ 192,409,857	$ 195,296,005	$ 198,225,445	$ 201,198,827	$ 204,216,809	$ 207,280,061	$ 210,389,262				
Estimated New TV		$ 85,402,185	$ 86,683,218	$ 87,983,466	$ 89,303,218	$ 90,642,767	$ 92,002,408	$ 93,382,444	$ 94,783,181	$ 96,204,929	$ 97,648,002	$ 99,112,722	$ 100,599,413	$ 102,108,405	$ 103,640,031	$ 105,194,631				
Incremental Difference (New TV - Base TV)		$ 85,402,185	$ 86,683,218	$ 87,983,466	$ 89,303,218	$ 90,642,767	$ 92,002,408	$ 93,382,444	$ 94,783,181	$ 96,204,929	$ 97,648,002	$ 99,112,722	$ 100,599,413	$ 102,108,405	$ 103,640,031	$ 105,194,631				
Total School Revenue	Millage Rate																			
	45.65% 24.0000	$ 1,742,205	$ 1,768,338	$ 1,794,863	$ 1,821,786	$ 1,849,112	$ 1,876,849	$ 1,905,002	$ 1,933,577	$ 1,962,581	$ 1,992,019	$ 2,021,900	$ 2,052,228	$ 2,083,011	$ 2,114,257	$ 2,145,970				
Total Local Revenue	Millage Rate																			
	54.35% 28.5726	$ 2,440,162	$ 2,476,765	$ 2,513,916	$ 2,551,625	$ 2,589,900	$ 2,628,748	$ 2,668,179	$ 2,708,202	$ 2,748,825	$ 2,790,057	$ 2,831,908	$ 2,874,387	$ 2,917,503	$ 2,961,265	$ 3,005,684				
Total Revenue	Millage Rate																			
	52.5726	$ 4,182,367	$ 4,245,103	$ 4,308,779	$ 4,373,411	$ 4,439,012	$ 4,505,597	$ 4,573,181	$ 4,641,779	$ 4,711,405	$ 4,782,077	$ 4,853,808	$ 4,926,615	$ 5,000,514	$ 5,075,522	$ 5,151,655				
School Capture	Millage Rate																			
State Education Tax (SET)	6.0000	$ 512,413	$ 520,099	$ 527,901	$ 535,819	$ 543,857	$ 552,014	$ 560,295	$ 568,699	$ 577,230	$ 585,888	$ 594,676	$ 603,596	$ 612,650	$ 621,840	$ 631,168				
School Operating Tax	18.0000	$ 1,229,791	$ 1,248,238	$ 1,266,962	$ 1,285,966	$ 1,305,256	$ 1,324,835	$ 1,344,707	$ 1,364,878	$ 1,385,351	$ 1,406,131	$ 1,427,223	$ 1,448,632	$ 1,470,361	$ 1,492,416	$ 1,514,803				
School Total	**24.0000**	**$ 1,742,205**	**$ 1,768,338**	**$ 1,794,863**	**$ 1,821,786**	**$ 1,849,112**	**$ 1,876,849**	**$ 1,905,002**	**$ 1,933,577**	**$ 1,962,581**	**$ 1,992,019**	**$ 2,021,900**	**$ 2,052,228**	**$ 2,083,011**	**$ 2,114,257**	**$ 2,145,970**				
Local Capture	Millage Rate																			
City Operating	14.9225	$ 1,274,414	$ 1,293,530	$ 1,312,933	$ 1,332,627	$ 1,352,617	$ 1,372,906	$ 1,393,500	$ 1,414,402	$ 1,435,618	$ 1,457,152	$ 1,479,010	$ 1,501,195	$ 1,523,713	$ 1,546,568	$ 1,569,767				
Senior	0.3496	$ 29,857	$ 30,304	$ 30,759	$ 31,220	$ 31,689	$ 32,164	$ 32,647	$ 33,136	$ 33,633	$ 34,138	$ 34,650	$ 35,170	$ 35,697	$ 36,233	$ 36,776				
County Allocated	5.2938	$ 452,102	$ 458,884	$ 465,767	$ 472,753	$ 479,845	$ 487,042	$ 494,348	$ 501,763	$ 509,290	$ 516,929	$ 524,683	$ 532,553	$ 540,541	$ 548,650	$ 556,879				
Transit	0.6	$ 51,241	$ 52,010	$ 52,790	$ 53,582	$ 54,386	$ 55,201	$ 56,029	$ 56,870	$ 57,723	$ 58,589	$ 59,468	$ 60,360	$ 61,265	$ 62,184	$ 63,117				
Aging	0.4474	$ 38,209	$ 38,782	$ 39,364	$ 39,954	$ 40,554	$ 41,162	$ 41,779	$ 42,406	$ 43,042	$ 43,688	$ 44,343	$ 45,008	$ 45,683	$ 46,369	$ 47,064				
MOE	0.55	$ 46,971	$ 47,676	$ 48,391	$ 49,117	$ 49,854	$ 50,601	$ 51,360	$ 52,131	$ 52,913	$ 53,706	$ 54,512	$ 55,330	$ 56,160	$ 57,002	$ 57,857				
Dispatch	0.497	$ 42,445	$ 43,082	$ 43,728	$ 44,384	$ 45,049	$ 45,725	$ 46,411	$ 47,107	$ 47,814	$ 48,531	$ 49,259	$ 49,998	$ 50,748	$ 51,509	$ 52,282				
Rescue	0.1525	$ 13,024	$ 13,219	$ 13,417	$ 13,619	$ 13,823	$ 14,030	$ 14,241	$ 14,454	$ 14,671	$ 14,891	$ 15,115	$ 15,341	$ 15,572	$ 15,805	$ 16,042				
Veterans	0.08	$ 6,832	$ 6,935	$ 7,039	$ 7,144	$ 7,251	$ 7,360	$ 7,471	$ 7,583	$ 7,696	$ 7,812	$ 7,929	$ 8,048	$ 8,169	$ 8,291	$ 8,416				
Heritage Trail	0.2	$ 17,080	$ 17,337	$ 17,597	$ 17,861	$ 18,129	$ 18,400	$ 18,676	$ 18,957	$ 19,241	$ 19,530	$ 19,823	$ 20,120	$ 20,422	$ 20,728	$ 21,039				
Library	1.3685	$ 116,873	$ 118,626	$ 120,405	$ 122,211	$ 124,045	$ 125,905	$ 127,794	$ 129,711	$ 131,656	$ 133,631	$ 135,636	$ 137,670	$ 139,735	$ 141,831	$ 143,959				
ISD	2.2048	$ 188,295	$ 191,119	$ 193,986	$ 196,896	$ 199,849	$ 202,847	$ 205,890	$ 208,978	$ 212,113	$ 215,294	$ 218,524	$ 221,802	$ 225,129	$ 228,506	$ 231,933				
MAPS Sinking Fund	0.95	$ 81,132	$ 82,349	$ 83,584	$ 84,838	$ 86,111	$ 87,402	$ 88,713	$ 90,044	$ 91,395	$ 92,766	$ 94,157	$ 95,569	$ 97,003	$ 98,458	$ 99,935				
Local Total	**27.6161**	**$ 2,358,475**	**$ 2,393,852**	**$ 2,429,760**	**$ 2,466,207**	**$ 2,503,200**	**$ 2,540,748**	**$ 2,578,859**	**$ 2,617,542**	**$ 2,656,805**	**$ 2,696,657**	**$ 2,737,107**	**$ 2,778,163**	**$ 2,819,836**	**$ 2,862,133**	**$ 2,905,065**				
Local Capture	Millage Rate																			
TOTAL	**51.6161**	**$ 4,100,680**	**$ 4,162,190**	**$ 4,224,623**	**$ 4,287,992**	**$ 4,352,312**	**$ 4,417,597**	**$ 4,483,861**	**$ 4,551,119**	**$ 4,619,385**	**$ 4,688,676**	**$ 4,759,006**	**$ 4,830,391**	**$ 4,902,847**	**$ 4,976,390**	**$ 5,051,036**				
Non-Capturable Millages	Millage Rate																			
Library Debt	0.4565	$ -																		
MAPS Debt	0.5000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -				
		$ -	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**				

Table 2.2 - Tax Increment Revenue Reimbursement Allocation Table
Former Hospital Redevelopment Brownfield Plan
City of Marquette Brownfield Redevelopment Authority

Maximum Reimbursement	Proportionality	School & Local Taxes	State Brownfield Fund	LBRF	Local-Only Taxes	Total
State	**42.49%**	**$ 18,879,138**	$ 3,306,867	$ 300,693		$ 22,486,698
Local	**57.51%**	**$ 25,557,262**		$ 1,141,579	$ 200,000	$ 26,898,841
TOTAL	100.0%	**$ 44,436,400**	**$ 3,306,867**	**$ 1,442,272**		**$ 49,385,539**
EGLE		$ 707,750				
MSF		$ 43,728,650				
TOTAL		**$ 44,436,400**				

Estimated Total Years of Capture:	
Local Eligible Activities	17
State Eligible Activities	19

Estimated Capture	$ 44,436,400
Administrative Fees	$ 200,000
State Revolving Fund	$ 3,306,867
LSRRF	$ 1,442,272
TOTAL	$ 49,385,539

Estimated Taxable Value (TV) Increase Rate: 1.50%

Plan Year				**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15**
Revenue Year				2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
*Base Taxable Value				$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Annual Value Additions			$146,000,000	$ -	$ -	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ 18,250,000	$ -					
Cumulative Value Additions					$ -	$ 18,250,000	$ 36,773,750	$ 55,575,356	$ 74,658,987	$ 94,028,871	$ 113,689,304	$ 133,644,644	$ 153,899,314	$ 156,207,803	$ 158,550,920	$ 160,929,184	$ 163,343,122	$ 165,793,269	$ 168,280,168
Estimated New TV				$ -	$ -	$ 9,125,000	$ 18,386,875	$ 27,787,678	$ 37,329,493	$ 47,014,436	$ 56,844,652	$ 66,822,322	$ 76,949,657	$ 78,103,902	$ 79,275,460	$ 80,464,592	$ 81,671,561	$ 82,896,634	$ 84,140,084
Incremental Difference (New TV - Base TV)					$ -	$ 9,125,000	$ 18,386,875	$ 27,787,678	$ 37,329,493	$ 47,014,436	$ 56,844,652	$ 66,822,322	$ 76,949,657	$ 78,103,902	$ 79,275,460	$ 80,464,592	$ 81,671,561	$ 82,896,634	$ 84,140,084
Total School Revenue	Millage Rate																		
	45.65%	24.0000		$ -	$ -	$ 186,150	$ 375,092	$ 566,869	$ 761,522	$ 959,094	$ 1,159,631	$ 1,363,175	$ 1,569,773	$ 1,593,320	$ 1,617,219	$ 1,641,478	$ 1,666,100	$ 1,691,091	$ 1,716,458
Total Local Revenue	Millage Rate																		
	54.35%	28.5726		$ -	$ -	$ 260,725	$ 525,361	$ 793,966	$ 1,066,601	$ 1,343,325	$ 1,624,200	$ 1,909,287	$ 2,198,652	$ 2,231,632	$ 2,265,106	$ 2,299,083	$ 2,333,569	$ 2,368,572	$ 2,404,101
Total Revenue	Millage Rate																		
		52.5726		$ -	$ -	$ 446,875	$ 900,453	$ 1,360,835	$ 1,828,122	$ 2,302,419	$ 2,783,830	$ 3,272,463	$ 3,768,425	$ 3,824,951	$ 3,882,325	$ 3,940,560	$ 3,999,669	$ 4,059,664	$ 4,120,559

Plan Year					0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Revenue Year	notes			Capture Rate	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Total State Incremental Revenue				42.49%	$ -	$ -	$ 186,150	$ 375,092	$ 566,869	$ 761,522	$ 959,094	$ 1,159,631	$ 1,363,175	$ 1,569,773	$ 1,593,320	$ 1,617,219	$ 1,641,478	$ 1,666,100	$ 1,691,091	$ 1,716,458
State Brownfield Revolving Fund (50% of SET)					$ -	$ -	$ 27,375	$ 55,161	$ 83,363	$ 111,988	$ 141,043	$ 170,534	$ 200,467	$ 230,849	$ 234,312	$ 237,826	$ 241,394	$ 245,015	$ 248,690	$ 252,420
State TIR Available for Reimbursement					**$ -**	**$ -**	**$ 158,775**	**$ 319,932**	**$ 483,506**	**$ 649,533**	**$ 818,051**	**$ 989,097**	**$ 1,162,708**	**$ 1,338,924**	**$ 1,359,008**	**$ 1,379,393**	**$ 1,400,084**	**$ 1,421,085**	**$ 1,442,401**	**$ 1,464,037**
Total Local Incremental Revenue				57.51%	$ -	$ -	$ 251,997	$ 507,774	$ 767,387	$ 1,030,895	$ 1,298,355	$ 1,569,828	$ 1,845,372	$ 2,125,049	$ 2,156,925	$ 2,189,279	$ 2,222,118	$ 2,255,450	$ 2,289,282	$ 2,323,621
BRA Administrative Fee	2%	$ 200,000			$ -	$ -	$ 5,040	$ 10,155	$ 15,348	$ 20,618	$ 25,967	$ 31,397	$ 36,907	$ 42,501	$ 12,067					
Local TIR Available for Reimbursement					**$ -**	**$ -**	**$ 246,957**	**$ 497,618**	**$ 752,040**	**$ 1,010,277**	**$ 1,272,388**	**$ 1,538,431**	**$ 1,808,464**	**$ 2,082,548**	**$ 2,144,859**	**$ 2,189,279**	**$ 2,222,118**	**$ 2,255,450**	**$ 2,289,282**	**$ 2,323,621**
Total State & Local TIR Available for Reimbursement				**$ -**	**$ -**	**$ -**	**$ 405,732**	**$ 817,550**	**$ 1,235,545**	**$ 1,659,810**	**$ 2,090,439**	**$ 2,527,528**	**$ 2,971,173**	**$ 3,421,472**	**$ 3,503,867**	**$ 3,568,672**	**$ 3,622,202**	**$ 3,676,535**	**$ 3,731,683**	**$ 3,787,658**
DEVELOPER	Beginning Balance																			
				% Allocation			82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%
Developer Reimbursement			82%	$36,222,150	$ -	$ -	$ 330,731	$ 666,422	$ 1,007,150	$ 1,352,988	$ 1,661,413	$ 2,008,797	$ 2,361,391	$ 2,719,274	$ 2,784,758	$ 2,763,539	$ 2,804,992	$ 2,888,664	$ 2,948,561	$ 2,992,790
Developer Reimbursement Balance				***$36,222,150***	***$ 36,222,150***	***$ 36,222,150***	***$ 35,891,419***	***$ 35,224,997***	***$ 34,217,847***	***$ 32,864,860***	***$ 31,203,447***	***$ 29,194,650***	***$ 26,833,259***	***$ 24,113,985***	***$ 21,329,226***	***$ 18,565,687***	***$ 15,760,695***	***$ 12,872,031***	***$ 9,923,470***	***$ 6,930,680***
CITY	Beginning Balance																			
				% Allocation			18%	18%	18%	18%	18%	18%	18%	18%	18%	18%	18%	18%	18%	18%
City Reimbursement				$8,214,250	$ -	$ -	$ 75,001	$ 151,127	$ 228,396	$ 306,823	$ 376,766	$ 455,543	$ 535,503	$ 616,661	$ 631,511	$ 626,699	$ 636,100	$ 655,075	$ 668,658	$ 678,688
City Reimbursement Balance				***$8,214,250***	***$ 8,214,250***	***$ 8,139,249***	***$ 7,988,121***	***$ 7,759,726***	***$ 7,452,903***	***$ 7,076,137***	***$ 6,620,594***	***$ 6,085,092***	***$ 5,468,430***	***$ 4,836,919***	***$ 4,210,219***	***$ 3,574,119***	***$ 2,919,045***	***$ 2,250,387***	***$ 1,571,700***
MSF Non-Environmental Costs				*$ 43,728,650*	*$ -*	*$ -*	*$ 399,270*	*$ 804,529*	*$ 1,215,866*	*$ 1,633,374*	*$ 2,005,716*	*$ 2,425,090*	*$ 2,850,754*	*$ 3,282,803*	*$ 3,361,858*	*$ 3,336,241*	*$ 3,386,285*	*$ 3,487,296*	*$ 3,559,607*	*$ 3,613,001*
State Tax Reimbursement	98.41%			$ 18,578,445	$ -	$ -	$ 156,246	$ 314,836	$ 475,805	$ 639,188	$ 784,896	$ 949,010	$ 1,115,585	$ 1,284,659	$ 1,303,929	$ 1,289,552	$ 1,308,895	$ 1,378,746	$ 1,419,428	$ 1,440,719
Local Tax Reimbursement	98.41%			$ 25,150,205	$ -	$ -	$ 243,024	$ 489,693	$ 740,062	$ 994,186	$ 1,220,820	$ 1,476,080	$ 1,735,169	$ 1,998,145	$ 2,057,930	$ 2,046,689	$ 2,077,390	$ 2,108,551	$ 2,140,179	$ 2,172,281
Total MSF Reimbursement Balance					*$ 43,728,650*	*$ 43,728,650*	*$ 43,329,380*	*$ 42,524,852*	*$ 41,308,985*	*$ 39,675,611*	*$ 37,669,895*	*$ 35,244,806*	*$ 32,394,052*	*$ 29,111,248*	*$ 25,749,390*	*$ 22,413,149*	*$ 19,026,864*	*$ 15,539,568*	*$ 11,979,961*	*$ 8,366,960*
State MSF Balance to Be Reimbursed					*$ 18,578,445*	*$ 18,578,445*	*$ 18,422,199*	*$ 18,107,363*	*$ 17,631,558*	*$ 16,992,370*	*$ 16,207,474*	*$ 15,258,464*	*$ 14,142,879*	*$ 12,858,220*	*$ 11,554,292*	*$ 10,264,740*	*$ 8,955,845*	*$ 7,577,099*	*$ 6,157,671*	*$ 4,716,951*
Local MSF Balance to Be Reimbursed					*$ 25,150,205*	*$ 25,150,205*	*$ 24,907,182*	*$ 24,417,489*	*$ 23,677,427*	*$ 22,683,241*	*$ 21,462,422*	*$ 19,986,342*	*$ 18,251,173*	*$ 16,253,028*	*$ 14,195,099*	*$ 12,148,409*	*$ 10,071,020*	*$ 7,962,469*	*$ 5,822,290*	*$ 3,650,009*
EGLE Environmental Costs				*$ 707,750*	*$ -*	*$ -*	*$ 6,462*	*$ 13,021*	*$ 19,679*	*$ 26,436*	*$ 32,463*	*$ 39,250*	*$ 46,140*	*$ 53,132*	*$ 54,412*	*$ 53,997*	*$ 54,807*	*$ 56,442*	*$ 57,612*	*$ 58,477*
State Tax Reimbursement	1.59%			$ 300,693	$ -	$ -	$ 2,529	$ 5,096	$ 7,701	$ 10,345	$ 12,704	$ 15,360	$ 18,056	$ 20,792	$ 21,104	$ 20,871	$ 21,185	$ 22,315	$ 22,973	$ 23,318
Local Tax Reimbursement	1.59%			$ 407,057	$ -	$ -	$ 3,933	$ 7,926	$ 11,978	$ 16,091	$ 19,759	$ 23,890	$ 28,084	$ 32,340	$ 33,308	$ 33,126	$ 33,623	$ 34,127	$ 34,639	$ 35,158
Total EGLEReimbursement Balance					*$ 707,750*	*$ 707,750*	*$ 701,288*	*$ 688,266*	*$ 668,588*	*$ 642,151*	*$ 609,689*	*$ 570,439*	*$ 524,299*	*$ 471,167*	*$ 416,755*	*$ 362,758*	*$ 307,951*	*$ 251,509*	*$ 193,896*	*$ 135,420*
State EGLE Balance to Be Reimbursed					*$ 300,693*	*$ 300,693*	*$ 298,164*	*$ 293,068*	*$ 285,367*	*$ 275,022*	*$ 262,319*	*$ 246,959*	*$ 228,903*	*$ 208,111*	*$ 187,007*	*$ 166,135*	*$ 144,951*	*$ 122,636*	*$ 99,662*	*$ 76,344*
Local EGLE Balance to Be Reimbursed					*$ 407,057*	*$ 407,057*	*$ 403,124*	*$ 395,198*	*$ 383,220*	*$ 367,129*	*$ 347,370*	*$ 323,480*	*$ 295,396*	*$ 263,056*	*$ 229,748*	*$ 196,623*	*$ 163,000*	*$ 128,873*	*$ 94,234*	*$ 59,076*
Total Annual Eligible Activity Reimbursement					*$ -*	*$ -*	*$ 405,732*	*$ 817,550*	*$ 1,235,545*	*$ 1,659,810*	*$ 2,038,178*	*$ 2,464,340*	*$ 2,896,894*	*$ 3,335,936*	*$ 3,416,270*	*$ 3,390,238*	*$ 3,441,092*	*$ 3,543,739*	*$ 3,617,219*	*$ 3,671,477*
Local Only Costs	2%																			
Local Tax Reimbursement					*$ -*															*$ -*
Total Local Only Reimbursement Balance					*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
Local Brownfield Revolving Fund												2.50%	2.50%	2.50%	2.50%	2.50%	5.00%	5.00%	5.00%	5.00%
State Tax Capture	$ 300,693			*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ 20,451*	*$ 24,727*	*$ 29,068*	*$ 33,473*	*$ 33,975*	*$ 68,970*	*$ 70,004*	*$ 20,024*	
Local Tax Capture	$ 1,141,579			*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ 31,810*	*$ 38,461*	*$ 45,212*	*$ 52,064*	*$ 53,621*	*$ 109,464*	*$ 111,106*	*$ 112,772*	*$ 114,464*	*$ 116,181*
Total LBRF Capture	$ 1,442,272			*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ 52,261*	*$ 63,188*	*$ 74,279*	*$ 85,537*	*$ 87,597*	*$ 178,434*	*$ 181,110*	*$ 132,797*	*$ 114,464*	*$ 116,181*
State Brownfield Fund					*$ -*	*$ -*	*$ 27,375*	*$ 55,161*	*$ 83,363*	*$ 111,988*	*$ 141,043*	*$ 170,534*	*$ 200,467*	*$ 230,849*	*$ 234,312*	*$ 237,826*	*$ 241,394*	*$ 245,015*	*$ 248,690*	*$ 252,420*
Total Annual Brownfield Capture					*$ -*	*$ -*	*$ 438,147*	*$ 882,866*	*$ 1,334,256*	*$ 1,792,417*	*$ 2,257,450*	*$ 2,729,459*	*$ 3,208,547*	*$ 3,694,822*	*$ 3,750,245*	*$ 3,806,498*	*$ 3,863,596*	*$ 3,921,550*	*$ 3,980,373*	*$ 4,040,079*

Table 2.2 - Tax Increment Revenue Reimbursement Allocation Table
Former Hospital Redevelopment Brownfield Plan
City of Marquette Brownfield Redevelopment Authority

Estimated Taxable Valu		Local Eligible Activity LBRF Capture Ends		State Eligible Activity Capture Ends																
	16	**17**	**18**	**19**	**20**	**21**	**22**	**23**	**24**	**25**	**26**	**27**	**28**	**29**	**30**
	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052
*	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Ann								$ -	$ -			$ -	$ -	$ -	$ -
Cumulat	$ 170,804,370	$ 173,366,436	$ 175,966,932	$ 178,606,436	$ 181,285,533	$ 184,004,816	$ 186,764,888	$ 189,566,362	$ 192,409,857	$ 195,296,005	$ 198,225,445	$ 201,198,827	$ 204,216,809	$ 207,280,061	$ 210,389,262
	$ 85,402,185	$ 86,683,218	$ 87,983,466	$ 89,303,218	$ 90,642,767	$ 92,002,408	$ 93,382,444	$ 94,783,181	$ 96,204,929	$ 97,648,002	$ 99,112,722	$ 100,599,413	$ 102,108,405	$ 103,640,031	$ 105,194,631
Incremental Difference	$ 85,402,185	$ 86,683,218	$ 87,983,466	$ 89,303,218	$ 90,642,767	$ 92,002,408	$ 93,382,444	$ 94,783,181	$ 96,204,929	$ 97,648,002	$ 99,112,722	$ 100,599,413	$ 102,108,405	$ 103,640,031	$ 105,194,631
Total School Revenue															
	$ 1,742,205	$ 1,768,338	$ 1,794,863	$ 1,821,786	$ 1,849,112	$ 1,876,849	$ 1,905,002	$ 1,933,577	$ 1,962,581	$ 1,992,019	$ 2,021,900	$ 2,052,228	$ 2,083,011	$ 2,114,257	$ 2,145,970
Total Local Revenue															
	$ 2,440,162	$ 2,476,765	$ 2,513,916	$ 2,551,625	$ 2,589,900	$ 2,628,748	$ 2,668,179	$ 2,708,202	$ 2,748,825	$ 2,790,057	$ 2,831,908	$ 2,874,387	$ 2,917,503	$ 2,961,265	$ 3,005,684
Total Revenue															
	$ 4,182,367	$ 4,245,103	$ 4,308,779	$ 4,373,411	$ 4,439,012	$ 4,505,597	$ 4,573,181	$ 4,641,779	$ 4,711,405	$ 4,782,077	$ 4,853,808	$ 4,926,615	$ 5,000,514	$ 5,075,522	$ 5,151,655
Plan Year	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Revenue Year	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052
Total State Incremental Revenue	$ 1,742,205	$ 1,768,338	$ 1,794,863	$ 1,821,786	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
State Brownfield Revolving Fund (50% of SET)	$ 256,207	$ 260,050	$ 263,950	$ 267,910	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
State TIR Available for Reimbursement	**$ 1,485,998**	**$ 1,508,288**	**$ 1,530,912**	**$ 1,553,876**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Total Local Incremental Revenue	$ 2,358,475	$ 2,393,852	$ 2,429,760	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
BRA Administrative Fee															
Local TIR Available for Reimbursement	**$ 2,358,475**	**$ 2,393,852**	**$ 2,429,760**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Total State & Local TIR Available for Reimbursement	**$ 3,844,473**	**$ 3,902,140**	**$ 3,960,673**	**$ 1,553,876**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
DEVELOPER	82%	82%	23%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Developer Reimbursement	$ 2,989,619	$ 3,034,463	$ 906,598	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Developer Reimbursement Balance	***$ 3,941,061***	***$ 906,598***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***	***$ (0)***
CITY	18%	18%	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
City Reimbursement	$ 677,969	$ 688,138	$ 205,593	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
City Reimbursement Balance	***$ 893,731***	***$ 205,593***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***	***$ 0***
MSF Non-Environmental Costs	*$ 3,609,173*	*$ 2,987,431*	*$ 1,506,529*	*$ 263,827*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
State Tax Reimbursement	$ 1,462,330	$ 1,484,265	$ 1,506,529	$ 263,827	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Local Tax Reimbursement	$ 2,146,843	$ 1,503,166	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total MSF Reimbursement Balance	*$ 4,757,787*	*$ 1,770,357*	*$ 263,827*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ -*
State MSF Balance to Be Reimbursed	*$ 3,254,621*	*$ 1,770,356*	*$ 263,827*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*
Local MSF Balance to Be Reimbursed	*$ 1,503,166*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*
EGLE Environmental Costs	*$ 58,415*	*$ 48,352*	*$ 24,383*	*$ 4,270*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
State Tax Reimbursement	$ 23,668	$ 24,023	$ 24,383	$ 4,270	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Local Tax Reimbursement	$ 34,747	$ 24,329	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total EGLEReimbursement Balance	*$ 77,005*	*$ 28,653*	*$ 4,270*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*
State EGLE Balance to Be Reimbursed	*$ 52,676*	*$ 28,653*	*$ 4,270*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*	*$ 0*
Local EGLE Balance to Be Reimbursed	*$ 24,329*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*	*$ (0)*
Total Annual Eligible Activity Reimbursement	*$ 3,667,588*	*$ 3,035,782*	*$ 1,530,912*	*$ 268,097*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
Local Only Costs															
Local Tax Reimbursement	$ -	$ -	$ -												
Total Local Only Reimbursement Balance	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Local Brownfield Revolving Fund	7.50%	7.50%	0.00%	0.00%	0.00%										
State Tax Capture					$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Local Tax Capture	$ 176,886	$ 179,539	$ -		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		
Total LBRF Capture	$ 176,886	$ 179,539	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
State Brownfield Fund	*$ 256,207*	*$ 260,050*	*$ 263,950*	*$ 46,224*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
Total Annual Brownfield Capture	*$ 4,100,680*	*$ 3,475,371*	*$ 1,794,863*	*$ 314,321*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*

TABLE 3 IMPACT ON TAXING JURISDICTIONS

BROWNFIELD PLAN - THIRTY YEAR DURATION

FORMER HOSPITAL REDEVELOPMENT

CITY OF MARQUETTE BROWNFIELD REDEVELOPMENT AUTHORITY

		Millages	Captured Millage	Percent Allocation	Total Capture $49,385,539	Total Revenues
City of Marquette			15.2721	55.30%	$14,875,446	$19,509,739
Allocated		14.9225				
Senior		0.3496				
Marquette County			7.6207	27.60%	$7,422,772	$9,735,260
County Allocated		5.2938				
Transit		0.6000				
Aging		0.4474				
MOE		0.5500				
Dispatch		0.4970				
Rescue		0.1525				
Veterans		0.0800				
Heritage Trail		0.2000	0.2000	0.72%	$194,806	$255,495
Library		1.3685	1.3685	4.96%	$1,332,957	$1,748,226
Library Debt*		***0.4565***				$190,983
Marquette Area Public Schools			0.9500	3.44%	$925,326	$1,213,602
MAPS Sinking Fund		0.9500				
School Debt*		***0.5000***				$289,052
ISD		2.2048	2.2048	7.98%	$2,147,536	$2,816,579
Local Taxes Total	53.50%	28.5726	27.6161	100.00%	$26,898,841	$35,758,936
State Taxes*	46.50%		24.0000		$19,179,830	$23,443,971
School Operating		18.0000				
State Educ Tax		3.0000				
State Brownfield Fund		3.0000			$3,306,867	
Total		52.5726	51.6161		$49,385,539	$59,202,907

* Debt Millage not captured as part of Brownfield Plan

RESOLUTION
Brownfield Plan – Former Hospital Redevelopment
City of Marquette Brownfield Redevelopment Authority

At a regular meeting of the City of Marquette Brownfield Redevelopment Authority of Marquette, Michigan, held at the Marquette Municipal Service Center, 1100 Wright Street, Marquette, Michigan on May 19, 2022 at 8:00 a.m., the following resolution was offered by

Authority Member Dennis Smith and supported by

Authority Member Jerry Irby.

Whereas The Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended, authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, or historically designated property through tax increment financing of Eligible Activities approved in a Brownfield Plan; and

Whereas the Marquette City Commission (the "Commission") established the City of Marquette Brownfield Redevelopment Authority (MBRA) under the procedures under Act 381 on September 8, 1997 and certified by the State of Michigan on January 28, 1998 to facilitate the cleanup and redevelopment of Brownfields within the City of Marquette; and,

Whereas, a Brownfield Plan that outlines the qualifications, costs, impacts, and incentives for reimbursement from Brownfield Tax Increment Financing revenues with the adoption of the Brownfield Plan has been prepared and submitted for the redevelopment of the former Marquette General Hospital with the demolition of the existing buildings with a collaborative redevelopment prepared and implemented by a master developer selected by the project facilitator, the Northern Michigan University Foundation; and

Whereas the City of Marquette Brownfield Redevelopment Authority has reviewed the Brownfield Plan and finds that it meets the requirements of Act 381 and constitutes a public purpose to meet a critical community need for housing, provide community gathering spaces, transform a property that is inconsistent with surrounding land uses into an integrated, planned development with a respectful transition from the residential neighborhoods to the University, and significantly increase the value of functionally obsolete property; and

Whereas a public hearing on the Brownfield Plan is anticipated to be held on the regular meeting of the Marquette City Commission on May 31, 2022 and notice of the public hearing and notice to taxing jurisdictions will provided in compliance with the requirements of Act 381;

Now, Therefore be it Resolved that the City of Marquette Brownfield Redevelopment Authority hereby approves the Brownfield Plan for Former Hospital Redevelopment subject to final review and approval by the Executive Director, and recommends approval by the Marquette City Commission; and

Be it Further Resolved that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid; and,

Be it Further Resolved that any prior resolution, or any part thereof, in conflict with any of the provisions of this Resolution are hereby repealed.

Yes: 5

No: 0

Resolution duly adopted

David Allen, Chair, City of Marquette
Brownfield Redevelopment Authority

Certified to be a true copy

19 MAY 2022
Date

Matt Tuccini, Secretary

RESOLUTION
Brownfield Plan Approval
Former Hospital Redevelopment
420 West Magnetic Street

At a regular meeting of the Marquette City Commission held at Marquette City Hall, 300 W. Baraga Avenue, Marquette, Michigan on May 31, 2022, at 6:00 p.m., the following resolution was offered by

Commissioner _____ and supported by

Commissioner _____.

Whereas The Michigan Brownfield Redevelopment Financing Act, Act 381, P.A. 1996 as amended, authorizes municipalities to create a brownfield redevelopment authority to promote the revitalization, redevelopment, and reuse of contaminated, blighted, functionally obsolete, or historically designated property through tax increment financing of Eligible Activities approved in a Brownfield Plan; and

Whereas the Marquette City Commission (the "Commission") established the City of Marquette Brownfield Redevelopment Authority (MBRA) under the procedures under Act 381 on September 8, 1997 and certified by the State of Michigan on January 28, 1998 to facilitate the cleanup and redevelopment of Brownfields within the City of Marquette; and,

Whereas a Brownfield Plan that outlines the qualifications, costs, impacts, and incentives for reimbursement from Brownfield Tax Increment Financing revenues with the adoption of the Brownfield Plan has been prepared and submitted for the redevelopment of the former Marquette General Hospital with the demolition of the existing buildings with a collaborative redevelopment prepared and implemented by a master developer selected by the project facilitator, the Northern Michigan University Foundation; and

Whereas the City of Marquette Brownfield Redevelopment Authority reviewed the Brownfield Plan and determined the Brownfield Plan meets the requirements of Act 381 and constitutes a public purpose to meet a critical community need for housing, provide community gathering spaces, transform a property that is inconsistent with surrounding land uses into an integrated, planned development with a respectful transition from the residential neighborhoods to the University, and significantly increase the value of functionally obsolete property; and

Whereas the City of Marquette Brownfield Redevelopment Authority approved the Brownfield Plan at a regular meeting on May 19, 2022 and provided a recommendation to the Marquette City Commission to approve the Brownfield Plan; and

Whereas a public hearing on the Brownfield Plan was held on May 31, 2022, and notice of the public hearing and notice to taxing jurisdictions has been provided in compliance with the requirements of Act 381; and

Now, Therefore be it Resolved, Whereas, The Marquette City Commission has reviewed the Brownfield Plan and finds, in accordance with the requirements of Section 14 of Act 381 that:

(a) The Brownfield Plan constitutes a public purpose to meet a critical community need for housing, provide community gathering spaces, transform a property that is inconsistent with surrounding land uses into an integrated, planned development with a respectful transition from the residential neighborhoods to the University, and significantly increase the value of functionally obsolete property;
(b) The Brownfield Plan meets the requirements of Sections 13 and 13b of Act 381, Brownfield Plan Provisions as described in the Brownfield Plan, consistent with format recommended by the State of Michigan, including a description of the costs intended to be paid with tax increment revenues, a brief summary of Eligible Activities, estimate of captured taxable value and tax increment revenues, method of financing, maximum amount of indebtedness, beginning date and duration of capture, estimate of impact on taxing jurisdictions, legal description of Eligible Property, estimates of persons residing on the Eligible Property if applicable, and a plan and provisions for relocation of residents, if applicable;
(c) The proposed method of financing the costs of Eligible Activities by a master developer selected by the Northern Michigan University Foundation for private Eligible Activities and the Authority and the City of Marquette for public infrastructure is feasible, as described in Section 2.4 of the Brownfield Plan;
(d) The costs of Eligible Activities proposed are reasonable and necessary to carry out the purposes of Act 381, including environmental due diligence and due care activities, meeting regulatory requirements for lead and asbestos inspection and if necessary, abatement prior to demolition, demolition, relocation of active utilities, site preparation and public infrastructure, and the cost estimates are based on evaluation from certified professionals, experience in comparable projects, and preliminary discussions with reputable companies, as described in Section 2.1 and 2.2 of the Brownfield Plan; and
(e) The amount of captured taxable value estimated from the adoption of the Brownfield Plan is reasonable, as calculated in Table 2.1 and 2.2 of the Brownfield Plan, based on calculations of the tax revenues derived from taxable value increases and millage rates approved and authorized by the taxing jurisdictions on an annualized basis and balances against the outstanding Eligible Activity obligation approved as part of the Brownfield Plan and expenses reviewed and approved by the City of Marquette Brownfield Redevelopment Authority; and

Be it Further Resolved that pursuant to the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of 1996, as amended, being MCL 125.2651, *et seq,* the Marquette City Commission hereby approves the Brownfield Plan for the former Marquette General Hospital Redevelopment.

Be it Further Resolved that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof, other than the part so declared to be invalid; and,

Be it Further Resolved that any prior resolutions, or any part thereof, in conflict with any of the provisions of this Resolution are hereby repealed.

Yes:_____

No:_____

Resolution duly adopted

_____
Jennifer A. Smith, Mayor
City of Marquette

Certified to be a true copy, _____
Date

_____
Kyle Whitney, City Clerk

AFFIDAVIT OF MILES ANDERSON

STATE OF MICHIGAN)
SS)
COUNTY OF MARQUETTE)

The undersigned, being first duly sworn, deposes and says:

1. I am a Level IV assessor for the City of Marquette.
2. In my capacity as the City Assessor, I have physically Inspected the building located at 420 W Magnetic Street, Marquette, Michigan in 2021 and have found this property to be functionally obsolete, in accordance with PA 146 of 2000 as amended, MCL 125.2781 based on its current condition in 2021 only the property located South of College Avenue meets this definition.

3. The parcel number and legal description of the property included is as follows:

DLP Marquette General Hospital LLC Properties

Part of Parcel # 0410680 located South of College Avenue. ***420 W Magnetic St***

BEAL'S ADDITION

W 19.1' OF LOT 4 & ALL OF LOTS 6

COLLEGE HEIGHTS ADDITION

LOTS 97 THRU 120, LOT 148, LOTS 150 THRU 153, LOTS 160 THRU 163, LOT 165 AND VAC LEE ST AD□TO LOT 61

NORMAL ADDITION

LOTS 1 THRU 3, N 102.3' OF LOTS 4 AND 5, LOT 7, N 90' AND S 45' OF LOTS 8 AND 9, LOT 68 THRU 81 , LOTS 92 THRU 99, E□CLUDED LOT C, AND VAC LEE ST AD□TO LOTS 68, 81.

ALSO

PART OF E□CLUDED LOT D BEG AT SE COR OF W COLLEGE AVE & HEBARD CT INTERSECTION, TH E 150', TH S 300', TH W 100' TH N 150', TH W 50', TH N 150 TO POB.

PALMER'S ADDITION □3

LOTS 221, 222,

SEC 14 T48N R25W

PART OF SE 1/4 OF SW 1/4 BEG AT A PT 85’ E OF THE NE COR OF LEE & PAR STS TH N 127.2’; TH E 84’; TH S 127.2’; TH W 84’ TO POB.

AND

PART OF SE 1/4 OF SW 1/4 BEG AT PT 224’ E OF NE COR OF LEE & W PARK STS; TH N 129.3’; TH E 50’; TH S 129.3’; TH W 50’ TO POB.

Excludes all property NORTH of College Avenue described as follows: COLLEGE HEIGHTS ADDITION

LOTS 61 THRU 72, AND VAC LEE ST AD TO LOTS 61.

NORMAL ADDITION

LOTS 68 THRU 81, E CLUDED LOT B, AND VAC LEE ST AD TO LOTS 68 & 81.

4. The building was constructed in phases many years ago.

5. The building is a former regional hospital, brick structure. The heating, plumbing and electrical systems all need to be replaced and updated to meet current standards.

6. Based on my knowledge of the property and the type of work needed to make the building viable in the current market, it is my opinion as a certified level IV Assessor that the building meets the definition of "functionally obsolete" as defined in the Obsolete Properties Rehabilitation Act, 2000, PA 146, MCL 125.2782 and the Brownfield Redevelopment Financing Act, 1996. PA 381, MCL 125.2652

7. I have personal knowledge of the facts set forth above and can competently testify if called as a witness.

MMAO Michigan Master Assessing Officer.

Miles Anderson
Assessor, City of Marquette

Agenda Date: 5/31/2022

Public Hearing(s)
Public Hearing - UPPCO Limited Franchise Ordinance - Roll Call Vote

BACKGROUND:

In September 2019, staff discovered that the Upper Peninsula Power Company (UPPCO) was supplying retail electric utility service to Marquette Range Coal Services Company (Cleveland-Cliffs) near the site of the former Presque Isle Power Plant without a public utility franchise. Pursuant to Article 7, Section 29 of the Michigan Constitution of 1963, and the Marquette City Charter, utility providers cannot provide public utility services within the City unless they have a franchise to do so.

In November 2019, UPPCO asked the City to grant UPPCO a limited franchise to allow it to continue providing electric utility services to Marquette Range Coal Services Company. At that time, UPPCO provided the attached Ordinance for a Limited Franchise with the following basic terms: the non-exclusive franchise would allow UPPCO to provide electric utility services solely to Marquette Range Coal Services Company, the franchise would become effective 30 days after adoption and continue for 30 years, and the franchise could be revoked by either party upon 60 days written notice to the other.

In order to fully consider the request, in December 2019 the City Attorney notified UPPCO that the request would be taken under advisement. It is appropriate for the City Commission to consider the request at this time.

Per City Charter, a public utility franchise may only be granted by ordinance, and an ordinance may not be enacted at the meeting at which it is introduced. A franchise ordinance which is subject to revocation by the city commission may not be enacted by the city commission unless a copy of the franchise ordinance has been available in the city clerk's office for public inspection for at least four weeks after publication of a notice that such ordinance is on file.

Notice of the availability of the franchise ordinance for inspection at the city clerk's office was published on April 12, 2022. This public hearing was scheduled at the May 9, 2022 City Commission meeting.

There are two primary options available for considering this request:

- Approve the attached Ordinance for a Limited Franchise with UPPCO to provide electric services to Marquette Range Coal Services Company within the City of Marquette as requested; or
- Reject the attached Ordinance for a Limited Franchise for UPPCO to provide electric services to Marquette Range Coal Services Company within the City of Marquette and authorize the City Manager to provide 60 days written notice to UPPCO to remove its personal property from City real property.

FISCAL EFFECT:

None by this action.

RECOMMENDATION:

Following the public hearing, consider the Ordinance for a Limited Franchise for UPPCO to provide electric service to Marquette Range Coal Services Company within the City of Marquette and take action regarding the request.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Ord. 706 - Proposed UPPCO Franchise

City of Marquette

Marquette County, Michigan

ORDINANCE NO. 706

A LIMITED FRANCHISE, granting to UPPER PENINSULA POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate electric and fiber lines, poles and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to conduct a local electric business solely with the Marquette Range Coal Services Company in the City of Marquette, Marquette County, Michigan for a period of thirty years.

The City of Marquette ORDAINS:

Section 1. Grant of Franchise. The City of Marquette, located in Marquette County, Michigan (the "City") hereby grants to Upper Peninsula Power Company, its subsidiaries, successors, and assigns (the "Company") consent, permission, right and authority to construct, lay, operate, maintain, use, and replace electric, fiber, and other communication lines, poles, cables, conduits, appliances, buildings and other necessary works, in the highways, streets, alleys and other public places in the City as necessary to provide electric service to the Marquette Range Coal Services Company and a non-exclusive franchise is hereby granted to the Company, its subsidiaries, successors, and assigns, to transact local business in the City for the sole purposes of producing, storing, transmitting, selling, and distributing electricity into and through the City to provide electric service to the Marquette Range Coal Services Company.

Section 2. Consideration. In consideration of the rights, power and authority hereby granted, the Company shall faithfully perform all things required by the terms hereof.

Section 3. Use of Streets and Other Public Places. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within the City and shall within a reasonable time after making an opening or excavations, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns shall use due care in exercising the privileges herein contained and shall be liable to the City and to every owner of property abutting the Company's lines or other facilities, for all damages and costs arising from the negligence of the Company or its officers, agents, and servants.

Section 4. Force Majeure. The Company shall not be liable for failure to furnish service as herein provided, or for any breach of the Company's obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Company.

Section 5. Hold Harmless. The Company shall at all times keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the Company's negligent construction and negligent maintenance of the structures and equipment hereby authorized. If any action is commenced against the City resulting from Company's negligent construction and maintenance, the Company shall, upon notice, defend the City and save

it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 6. Effective Date; Term of Franchise; Acceptance by the Company. This Franchise shall take effect 30 days following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter; provided, however, that when this Franchise shall become effective the City Clerk shall deliver to the Company a certified copy of the Franchise accompanied by written evidence of publication thereof as required by law, and the Company shall, within sixty (60) days after receipt of the above documents, file with the City Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Franchise Not Exclusive. The rights, power and authority granted by this Franchise are not exclusive, and nothing contained herein shall prevent the City from granting other non-exclusive electric franchises.

Section 8. Franchise Revocable. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 9. Effect and Interpretation of Franchise. All other franchises, ordinances and resolutions related to the Company, and parts thereof, which conflict with any of the terms of this Franchise are hereby rescinded, to the extent of such conflict. The catch line headings which precede each section of this Franchise are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Franchise.

Section 10. Successors and Assigns. The words "Upper Peninsula Power Company" and the "Company," wherever used herein, are intended and shall be held and construed to mean and include both Upper Peninsula Power Company and its subsidiaries, successors, and assigns, whether so expressed or not.

Ayes:_____

Nays:_____

Date Passed:_____

Attested, by Order of the City of Marquette, Marquette County, Michigan

_____
City Clerk

_____
City Manager

CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of the City of Marquette, Marquette County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City Council at a regular meeting held on_____, 2019, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and, (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Dated: _____

_____
Marquette City Clerk

ACCEPTANCE

This Franchise is hereby accepted by the Company on _____ , 2019 pursuant to the terms and conditions set forth in the foregoing Franchise.

UPPER PENINSULA POWER COMPANY

By: _____

Its: _____

Agenda Date: 5/31/2022

Public Hearing(s)

Public Hearing - Land Development Code Amendments - Roll Call Vote

BACKGROUND:

On April 12, 2022, the Planning Commission conducted a Public Hearing for the consideration of a comprehensive set of amendments to the Land Development Code that had been the subject of several months of work and refinement before this meeting. After considering the proposed amendments and conducting a Public Hearing, the Planning Commission approved the following motion:

It was moved by S. Mittlefehldt, seconded by M. Dunn and carried 8-0 that after review of the draft Land Development Code (LDC) amendments presented as case 01-ZOA-04-2022, 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 and appropriate and therefore should be approved by the City Commission as presented.

In the attached draft amendments, strikethroughs indicate repealed content, yellow highlights indicate newly added material and turquoise highlights indicate staff notations.

The City Commission scheduled this Public Hearing at the April 25, 2022 regular meeting.

FISCAL EFFECT:

None.

RECOMMENDATION:

Following the public hearing, adopt Ordinance #709 - Land Development Code Amendments.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Planning Commission case file for 01-ZOA-04-22
- 4-12-22_Planning Commission Meeting Minutes
- Ord 709 - LDC Amendments

CITY OF MARQUETTE
PLANNING AND ZONING
1100 Wright Street
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: David Stensaas, City Planner and Zoning Administrator
DATE: March 3, 2022
SUBJECT: **Public Hearing – 01-ZOA-04-2022 Land Development Code Amendments**

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 2021 and early 2022.

The draft amendments to the LDC document are attached, and they will be available to the public as part of the agenda packet that is posted on the City's website, and in the Planning-Zoning division offices prior to the meeting.

Recommended Action:

The Planning Commission should conduct a public hearing to receive comments from the public regarding the draft amendments to the Land Development Code (LDC), review and discuss the proposed amendments and any concerns that may exist, and take appropriate action in the form of a motion to either:

A. recommend approval of the draft LDC amendments to the City Commission, or
B. request that staff facilitates further amendments of the LDC document.

It is highly recommended that any motion regarding this request include a statement such as:

> After review of the draft Land Development Code (LDC) amendments presented as case 01-ZOA-04-2022, 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 / are not**) 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 / are not**) justified and appropriate and therefore (**should / should not**) be approved by the City Commission (**as presented / and revised with the following amendments…**).

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.~~

Other text that is neither highlighted or lined-through is included for context.

Some text is highlighted in blue to explain features of the amended text.

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Article 2 Definitions

Section 54.202 Specific Terms

~~**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."~~

Bed and Breakfast: An owner-occupied residential dwelling where no more than 10 (ten) guest rooms are made available for lodgers' sleeping accommodations. Such an establishment offers breakfast and possibly other meals or food to lodgers at no extra cost. See also definition of "Bed and Breakfast Inn" and "Homestay."

~~**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."~~

Bed and Breakfast Inn: A private residence constructed as a hotel and used for lodging purposes, in which more than 10 (ten) but not more than 14 (fourteen) guest rooms are made available for the lodgers' sleeping accommodations. The innkeeper resides at the Inn and offers breakfast and possibly other meals or food to lodgers. See also definition of "Bed and Breakfast" and "Homestay."

Block: A parcel or adjoining parcels of land that are bounded by local, collector, and arterial roads. Usually a block has a perimeter of roads, with roads on three or four sides of the contiguous parcels, but there may be exceptions, such as where a lake or a railroad forms a boundary.

Block Face: A block face is the area between intersections of the bounding/perimeter roads of contiguous parcels. A street may traverse one or two block faces, depending on if either one or two sides of the street is a parcel of land or not (e.g. undeveloped lakeshore may not constitute a block face).

Dwelling Unit: One (1) or more rooms, in a building, with a bathroom and usually containing ~~principal~~ kitchen facilities, designed or used as a self-contained unit for residential occupancy by one (1) family for such purposes as cooking, bathing, gathering, entertainment, and sleeping. A dwelling unit may be established by use in a structure or a portion of a structure that has neither a typical kitchen nor a typical bathroom, which are not always present when a person or persons are occupying space independently as renters or guests; therefore the design of the structure alone is not limiting regarding space being used as a dwelling unit. Tents, recreational vehicles (RVs) and other structures designed for temporary occupancy (14 days or less) 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, commercial establishments approved for RVs, or other areas where camping may be authorized during emergencies or otherwise. See also the definition of "Occupancy, Temporary."

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 with the exception that compacted gravel parking lots are allowed for *Land Intensive Recreational Uses*. The City Engineer may require minimum standards for hard parking surface (e.g., material depth, material specifications, construction techniques, etc.)

Halfway House: A house licensed by a State Agency for the continued care, treatment and counseling of individuals who have successfully completed institutional treatment or that have a treatment plan established with a relevant institution/agency and who will benefit from a controlled atmosphere in a residential setting. This type of home will have a manager that tracks the treatment and progress of all residents and arranges for the various health care and other needs that individual residents require to achieve their best possible health. Also known as a Sober Living House.

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, archery ranges, and other indoor recreational facilities. "Indoor Recreation" excludes "Adult Entertainment Uses."

Lot Types: Lot Types are as follows (See *Figure 4. Lot Types*)

> **(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." The frontage facing the limited access highway is either a side or rear yard depending on the lot layout.

Open Structure: An open structure is a building, or structural amenity, having the total of all walls at least eighty (80) percent open. An open building, such as a pergola, may have a roof, but the percent of walls in the building envelope shall not exceed twenty (20) percent. An open structure is considered pervious only if it has no roof.

Open Space: Open space is the part of a parcel (which includes required yards) that is open and unobstructed from its lowest level to the sky, except for specific permitted obstructions and access ways, and that is accessible to and usable by all persons that have rights to use the property.

Outdoor Food and Non-Alcoholic Beverage Service: An establishment where food and/or non-alcoholic beverages are prepared and served for consumption outdoors in a designated dining area which excludes drive-through restaurants. See definitions of "Restaurant, Indoor Service."

Outdoor Alcoholic Beverage Service: A service conducted by a private establishment, in a designated outdoors area, where alcoholic beverages are served or permitted to be consumed.
See definitions of "Bar" and "Restaurant, Indoor Service."

Outdoor Livability Space: Any area of a site which is not covered by an enclosed structure, is not included in required parking area, and is available for use by residents and visitors.

Shooting Range, Indoor: Indoor Shooting Range means an indoor area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

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 but not limited to retaining walls, driveways, and pavement for patios, sidewalks, porches, etc.

Supportive Housing Facility, Transitional and/or Permanent: A residential facility that provides housing and supportive services to homeless persons or families for periods up to two years (transitional) and/or beyond two years (permanent) and that has as its purpose facilitating the movement of homeless persons and families into independent living. Such facility may support those transitioning from rehabilitation or corrections facilities, and provides appropriate supportive services to persons with special need conditions (homelessness, domestic violence survivors, mental health challenges, drug addiction, etc.) intended to facilitate their eventual movement to maintaining permanent independent living within 24 months.

Article 3 Zoning Districts and Map

Section 54.306 Permitted Uses by District

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~~ P	~~S~~ P	~~S~~ P		~~S~~ P									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~~ P	~~S~~ P	~~S~~ P		~~S~~ P	~~S~~ P								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	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~~1~~2
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		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						
Rooming House			S		S	S								Section 54.642~~1~~3
Supportive Housing Facility, Transitional and/or Permanent	S	S	P		S	S								Section 54.646

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

	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
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 54.6~~39~~40
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~~1~~1
School, Primary or Secondary	S	S	S		S	S			P	P				Section 54.643~~4~~4
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					P	~~S~~ P	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 or Accessory Use)					S	P	S	S	P	P		P ~~S~~		Section 54.635(C) or (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 Alcoholic ~~Food and~~ Beverage Service					S	P	P	P				P		Section 54.636
Outdoor Food and Non-Alcoholic Beverage Service					P	P	P	P				P		Section 54.637
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~~8~~8
Service Establishment					P	P	P	P			P			
Shooting Range, Indoor							P	P			P			Section 54.645
Storage, Open							P	P	P	P	P	P	P	Section 54.634
Vehicle Repair and Service					S	S	S	P			P			Section 54.627

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 54.6389*
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			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 54.6447*
Marquette Downtown Waterfront District Form-Based Code (see *Section 54.321*)														
Third Street Corridor Form-Based Code (see *Section 54.322*)														

Section 54.307 LDR, Low Density Residential District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Dwelling, Accessory Unit • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Residential Limited Animal Keeping	• ~~Adult Foster Care, Small Group Home~~ • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • ~~Dwelling, Accessory Unit~~ • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Public or Governmental Building • Recreational Use, Public • Religious Institution • School, Primary or Secondary • Supportive Housing Facility, Transitional and/or Permanent
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.308 MDR, Medium Density Residential District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Dwelling, Accessory Unit • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Residential Limited Animal Keeping	• ~~Adult Foster Care, Small Group Home~~ • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • ~~Dwelling, Accessory Unit~~ • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Hospital Hospitality House • Public or Governmental Building • Recreational Use, Public • Religious Institution • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.309 MFR, Multiple Family Residential District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Dwelling, Accessory Unit • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Dwelling, Two-Family (Duplex) • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Supportive Housing Facility, Transitional and/or Permanent	• Accessory Use, Non-Single Family Residential Lots • Adult Foster Care, Large Group Home • ~~Adult Foster Care, Small Group Home~~ • Bed and Breakfast • Cemetery • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • ~~Dwelling, Accessory Unit~~ • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Hospital • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

(D) Dimensional Regulations for 5+ Multiple Family Units			
Lot, Coverage, and Building Height Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	15,000 *(C)*	*Front Yard (ft.)*	15 *(A)*
Min. Lot Width (ft.)	100 *(D)*	*Side Yard (one) (ft.)*	15 *(H), (L), (M)*
Max. Impervious Surface Coverage (%)	*(S)*	*Side Yard (total of 2) (ft.)*	30 *(H), (L), (M)*
Max. Building Height of Primary Building (ft.) (P)	44 *(M & N)*	*Rear Yard (ft.)*	30 *(H), (L), (M)*
Max. Building Height of Accessory Building	*(L)*		
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	0.20		
Where there is a discrepancy between *Article 4* and this table, *Article 4* shall prevail.			

(E) Dimensional Regulations for 1-4 Dwelling Units and other uses identified in Section 54.309			
Lot, Coverage, and Building Height Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	9,000 *(E)*	*Front Yard (ft.)*	15 *(A)*
Min. Lot Width (ft.)	75 *(E)*	*Side Yard (one) (ft.)*	10 *(H), (L), (M)*
Max. Impervious Surface Coverage (%)	*(R or S)*	*Side Yard (total of 2) (ft.)*	20 *(H), (L), (M)*
Max. Building Height of Primary Building (ft.) (P)	44 *((M & N*	*Rear Yard (ft.)*	30 *(H), (L), (M)*
Max. Building Height of Accessory Building	*(L)*		
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	0.20		
Where there is a discrepancy between *Article 4* and this table, *Article 4* shall prevail.			

Note: The existing (E) will become (F) References to Additional Standards

Section 54.310 MHP, Mobile Home Park District

(B) Permitted Principal Uses	(C) Special Land Uses
• Adult Foster Care, Family Home • Child or Day Care, Family Home • Food Production, Minor • Mobile Home Park • Outdoor Entertainment and Community Events (Temporary)	
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Section 54.311 M-U, Mixed-Use District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child Care Center or Day Care Center • Child or Day Care, Family Home • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Live/Work • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • 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 (Temporary) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	• Accessory Use, Non-Single Family Residential Lots • ~~Adult Foster Care, Small Group Home~~ • Bar • Bed and Breakfast • Bed and Breakfast Inn • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • ~~Dwelling, Accessory Unit~~ • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Alcoholic ~~Food and~~ Beverage Service • Recreational Use, Public • Rooming House • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

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 • Drive-Through Uses • Dwelling, Live/Work • Dwelling, Accessory Unit • Dwelling, Multiple-Family • 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 Alcoholic ~~Food and~~ Beverage Service • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Food and Non-Alcoholic 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 • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.313 GC, General Commercial District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Alcoholic ~~Food and~~ Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Storage, Open • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment	• Accessory Use, Non-Single Family Residential Lots • Hospital • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.314 RC, Regional Commercial District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Alcoholic ~~Food and~~ Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment	• Accessory Use, Non-Single Family Residential Lots • Hospital • Manufacturing, Light • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Storage, Bulk • Warehousing • Wholesaling Operations • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.315 M, Municipal District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Indoor Recreation • Office, Professional • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open • Wireless Telecommunications Facilities	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Recycling Collection and Transfer Stations • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.316 C, Civic District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Indoor Recreation • Office, Professional • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open • Wireless Telecommunications Facilities	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.317 IM, Industrial/Manufacturing District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Food Production, Minor • Gasoline Service Stations • Indoor Recreation • Manufacturing, Light • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Temporary) • Public or Governmental Building • Railroad Facilities • Religious Institution • Retail Business, Indoor • Service Establishment • Shooting Range, Indoor • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Warehousing • Wholesale Trade Establishment • Wholesaling Operations • Wireless Telecommunications Facilities	• Accessory Use, Non-Single Family Residential Lots • Adult Entertainment Uses • Major Repair and Maintenance Operations • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Microbusiness – Heavy Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Processor – Heavy Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Manufacturing, Heavy • Pet Boarding Facility • Retail Business, Outdoor Permanent • Storage, Bulk
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.318 CR, Conservation and Recreation District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Outdoor Entertainment and Community Events (Accessory, Temporary, and Principal) • Outdoor Alcoholic Beverage Service • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Open	• Accessory Use, Non-Single Family Residential Lots • Natural Resource Extraction Operations • ~~Outdoor Entertainment and Community Events (Principal or Accessory Use)~~ • Port Facilities and Docks • Recreational Use, Land Intensive • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.319 BLP, Board of Light and Power District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Major Repair and Maintenance Operations • Outdoor Entertainment and Community Events (Temporary) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Bulk • Storage, Open • Utility Electrical Power Generation • Warehousing • Wireless Telecommunications Facilities	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Recreational Use, Land Intensive
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.321 Marquette Downtown Waterfront District Form-Based Code

(B) The Downtown Waterfront District Regulating Plan.

(2) Rules for New Development. New development in the Downtown Waterfront District shall integrate street (roadway) design and land development to create a complementary and connected pattern for growth and development. The rules below will establish/create a compact, mixed-use district and provide flexible opportunities for residential, employment, commerce, and recreational uses.

(a) Streets~~,~~ and Blocks and Alleys

(v) ~~Where designated on the REGULATING PLAN~~ In the case of an existing alley/access easement, except where lots are on a perimeter common to non-developable, lakeshore, or conservation lands:

a. ALLEYS shall provide access to the rear of all lots and are ~~. ALLEY construction is~~ required as part of the redevelopment project within the rear setback~~, unless an ALLEY already exists~~. ALLEYS shall be ~~constructed~~ reconstructed if existing, 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 to be maintained by existing alleys/access easements. The specific configuration may include shared parking areas and other uses so long as reasonable service access is relatively unimpeded.

~~**c.** Where an alley does not exist and is not feasible to construct at the time of redevelopment of any property, the applicant is required to maintain the area within the rear setback by, at a minimum:~~

~~**i.** Sodding and providing routine landscape maintenance to the area.~~

~~**ii.** Keeping the area clear of debris, stored materials, and vehicles.~~

(~~vi~~ v) Stub streets shown on the REGULATING PLAN are not considered to be established until the City of Marquette obtains the property. Until this occurs, the RBL/RBZ will be the current property line.

(b) Buildings

(vi) Cladding materials shall be of typical wood finish materials, typical masonry materials (e.g. brick, stone, concrete, cement, tile, stucco, granite, limestone, cast stone), and non-polished metals, unless otherwise designated by the individual building form standards. Glass curtain walls, reflective glass, and other materials of greater than 30% reflectance are prohibited due to the undesirable blinding effect compounded by snow. Metal cladding shall be limited to not more than 40% of the non-fenestrated façade area, except in the Working Waterfront and Workshop Flex subdistricts.

(vii) Cladding may consist of no more than fifty (50) percent white-grey-black coloration; at least fifty (50) percent of cladding coloration must be any primary, secondary, or tertiary colors, or combinations and hues of these colors.

(~~vii~~ viii) Mechanical and electrical equipment including, but not limited to, air

compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks must be screened in accordance with *Section 54.1003(F)* and *Section 54.1003(G)*.

(d) Parking

(iii) Achieving Parking:

a. Parking requirements may be met either on-site or within a ~~600~~ 2,000 foot radius of the development parcel.

b. Shared parking shall be designated by appropriate signage and markings as required by City policy.

c. Vehicular parking spaces may not be placed over a public utility easement without the approval of the City Engineer and the Zoning Administrator, except where Planning Commission approval is required.

(C) Building Form Standards.

(3) Limited and Prohibited Uses (within the Downtown Waterfront District). The items below have been placed into Figure 10, which is shown on the following page.

~~**(a) Uses Permitted By Right.** See the individual Building Form Standard pages.~~

~~**(b) SPECIAL LAND USES (RESIDENTIAL USE areas – see definitions):**~~

~~**(i)** Group Day Care Home (*Section 54.608*)~~

~~**(ii)** Foster Family Group Home~~

~~**(iii)** Halfway House (*Section 54.620*)~~

~~**(iv)** Homeless Shelter (*Section 54.623*)~~

~~**(c) SPECIAL LAND USES (COMMERCE and Other)**~~

~~**(i)** Wireless Telecommunications Facilities (*Section 54.644*)~~

~~**(ii)** Outdoor Entertainment and Community Events (*Section 54.635*)~~

~~**(iii)** Recreation Use, Public~~

~~**(iv)** Marihuana Microbusiness – Light Manufacturing (*Section 54.628*)~~

~~**(v)** Marihuana Retailer (*Section 54.628*)~~

~~**(vi)** Marihuana Processor – Light Manufacturing (*Section 54.628*)~~

~~**(vii)** Marihuana Safety Compliance Facility (*Section 54.628*)~~

~~**(d) SPECIAL LAND USES in the G3 and G5 sub-districts**~~

~~**(i)** Marihuana Designated Consumption Establishment (*Section 54.628*)~~

Figure 10. Downtown Marquette Waterfront District Table of Permitted and Special Uses

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

USE	G3	G5	NL	WWZ	WF	F5
A. RESIDENTIAL						
Dwelling Units (see *Article 6*)	P	P	P	P	P	P
Bed and Breakfasts (see *Section 54.603*)	P	P	P	P	P	P
Bed and Breakfast Inns (see *Section 54.604*)	P	P	P	P	P	P
Adult Foster Care Family Home	P	P	P	P	P	P
Family Day Care Homes	P	P	P	P	P	P
Foster Family Homes	P	P	P	P	P	P
Domestic Violence Shelter (see *Section 54.610*)	P	P	P	P	P	P
Homestays (see *Section 54.624*)	P	P	P	P	P	P
Vacation Home Rentals (see *Section 54.624*)	P	P	P	P	P	P
Home Office (see *Section 54.622*)	P	P	P	P	P	P
Home Occupation (see *Section 54.621*)	P	P	P	P	P	P
Group Day Care Home (*Section 54.608*)	S	S	S	S	S	S
Foster Family Group Home	S	S	S	S	S	S
Halfway House (*Section 54.620*)	S	S	S	S	S	S
Homeless Shelter (*Section 54.623*)	S	S	S	S	S	S
B. RETAIL						
Retail Service	P	P		P	P	P
Retail Specialty	P	P		P	P	P
Retail Trade	P	P		P	P	P
C. 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; and government functions open to the public.	P	P		P	P	P
D. COMMERCE						
Executive, Administrative, and Professional Offices (See *Section 54.633*)	P	P		P	P	P
Medical and Dental Offices, and Clinics (See *Section 54.633*)	P	P		P	P	P
Day Care Centers (See *Section 54.609*)	P	P		P	P	P
On-premise Alcohol Sales	P	P		P	P	P
Outdoor Alcoholic Beverage Service (See *Section 54.636*)	P	P		P	P	P
Outdoor Food and Non-Alcoholic Beverage Service (See *Section 54.637*)	P	P		P	P	P
All of the Civic Use Categories Except Passenger Terminals	P	P		P	P	P
All of the Retail Use Categories	P	P		P	P	P
Parking Facilities and Structures, including a parking lot attendant shelter.	P	P		P	P	P
E. LIGHT INDUSTRIAL						
Light Manufacturing (See *Section 54.627*)	P	P		P	P	P
Waterfront Related Repair and Maintenance	P	P		P	P	P
Mooring and Docking of Boats	P	P		P	P	P
Winter Storage of Watercraft Between the Dates of October 1st and May 30th	P	P		P	P	P
F. OTHER						
Wireless Telecommunications Facilities (See *Section 54.647*)	S	S		S	S	S
Outdoor Entertainment and Community Events (See *Section 54.635*)	~~S~~ P	~~S~~ P		S	S	S
Recreation Use, Public	S	S		S	S	S
Marihuana Microbusiness – Light Manufacturing (See *Section 54.628*)	S	S		S	S	S
Marihuana Retailer (See *Section 54.628*)	S	S		S	S	S
Marihuana Processor – Light Manufacturing (See *Section 54.628*)	S	S		S	S	S
Marihuana Safety Compliance Facility (See *Section 54.628*)	S	S		S	S	S
Marihuana Designated Consumption Establishment (See *Section 54.628*)	S	S				

(D) Marquette Waterfront – General 3
(4) GROUND STORY Height: Residential Units (General 3)
(a) The finished floor elevation shall be no more than 7 feet above the exterior sidewalk elevation at the REQUIRED BUILDING LINE. **(b)** The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling or mezzanine floor height of 12 feet.
(6) Mezzanines (General 3)
Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

(E) Marquette Waterfront – General 5
(4) GROUND STORY Height: Residential Units (General 5)
(b) The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling or mezzanine floor ~~STORY HEIGHT~~ height of 12 feet.

(I) Marquette Waterfront - Founders 5
(4) GROUND STORY HEIGHT: RESIDENTIAL Units (Founders 5)
(b) The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling or mezzanine floor ~~STORY HEIGHT~~ height of 12 feet.

Section 54.322 Third Street Corridor District Form-Based Code

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

(1) Intent.

(2) Conflicting Ordinances.

(3) Pre-Existing Conditions. (moved up from item B.2 for greater clarity)

~~(3)~~(4) Transect Districts.

~~(4)~~(5)Approval Process.

~~(5) Appeals.~~

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

(1) Instructions. (moved up from item B.1 for greater clarity)

~~(6)~~(7) The Third Street Regulating Plan.

(d) Parking and access:

~~**(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.~~

(f) Civic Spaces (CS) (moved up from item B.3 for greater clarity)

~~**(7)**~~**(8) How to Use this Section.**

~~**(8)**~~**(9)Definitions**

~~**(5)**~~**(10) Appeals.**

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

~~**(1) Instructions.**~~ (Moved to item A.6 for greater clarity)

~~**(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.**~~ (Moved to item A.3 for greater clarity)

~~**(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)**~~ (Moved to item A.7 for greater clarity)

(a) *Civic spaces* shall be generally designed as described in *Figure 1~~0~~2. Civic Space*.

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

(4) Fencing Standards.

(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~~21*), 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 side yard shall not exceed 48 inches in height; in a rear yard private lot line fences shall be between 48 and

72 inches in height and may be of open or closed construction. See *Figure 2~~1~~3. Fence Locations*.

(iii) A fence and/or wall in the side or rear yard for an approved commercial Outdoor ~~Food and~~ Alcoholic 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.

(iv) A solid/screening fence is allowed along the lot line that has a commercial off-street parking lot abutting a residential use,

(3) Building Specifications: Frontage Requirements

(c) Where building façades do not occupy the entire frontage length in T5, a *street screen* may be erected as follows, provided it meets Section 54.704 Clear Vision Triangle:

(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 24 feet.

(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:

(ii) The *shopfront private frontage* shall be no less than ~~70%~~ 30% glazing (i.e., windows).

(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.

(viii) Cladding may consist of no more than fifty (50) percent white-grey-black coloration; at least fifty (50) percent of cladding coloration must be any primary, secondary, or tertiary colors, or combinations and hues of these colors.

(7) Use. Buildings, as the primary element of town planning, are subject to variations in use, placement and configuration.

(d) General to all sub-districts:

(i) All buildings in each transect district shall conform to the use and types on *Figure 2~~2~~4. ~~Use~~ Table of Permitted Land Uses and Special Land Uses in the TSC Districts*

(ii) No commercial use is permitted above a residential use.

Figure ~~22. Use~~ 24. Table of Permitted Land Uses and Special Land Uses in the TSC District

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

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 (*Sections 54.613 & 54.403(C & D)*)	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 (*Sections 54.616 & 54.403(E)*)	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 54.6423*)	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 134*, *Figure 135*, and ,as applicable, *Section 54.705*)	P	P
Outdoor Entertainment and Community Events (Accessory or Principal Use) (*Section 54.635(C) or (D)*)	S	S	Accessory Use, Non-Single Family ResidentialLots	S	S
Retail building	P	P	Accessory Use, Single-Family Residential Lots	P	P
Gallery	P	P	Commercial Service Establishment	P	P
Restaurant, Indoor Service and with or without Outdoor Food and Non-Alcoholic Beverage Service (*Section 54.637*)	P	P	Food Production, Minor	P	P
Restaurant, with Outdoor ~~Food and~~ Alcoholic Beverage Service (*Section 54.636*)	S	S	Outdoor Recreation	P	P
Mixed-use building	P	P	Wireless Telecom Facilities (*Section 54.6447*)	S	S
Open/outdoor market building	P	P			
Retail Sales, Outdoor Temporary (*Section 54.638*)	P	P			
Indoor Recreation	P	P			
Farmers' Markets (*Section 54.618*)	P	P			
Kiosk	P	P			
Push cart	P	P	Permitted Use		P
Marihuana Retailer (*Section 54.628*)		S	Special Land Use		S

(8) Parking Location and Access.

(a) Parking shall not be located within ~~25~~ 20 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~~ 2,000 feet of the lot.

Article 4 Schedule of Regulations

Section 54.402 Schedule of Regulations

Zoning District	Minimum Lot Dimensions		Minimum Setback Requirements (T)				Maximum Height of Structures (P)		Maximum Impervious Surface Coverage of the Lot
	Size (sq. ft.)	Width (feet)	Front Yard (feet)	Side Yards (feet)		Rear Yard (feet)	Primary Building (feet)	Accessory Building (feet)	
				Smallest Side	Total of Two Sides				
LDR, Low Density Residential	8,100	60	20, (B)	10 (L)	20 (L)	30 (L)	31.5	(L)	(R)
MDR, Medium Density Residential	4,500 (C)	37.5 (D)	15 (A), (B)	5 (L)	13 (L)	20 (L)	31.5	(L)	(R)
MFR, Multi-Family Residential (J K) 5+ Multiple Family Units MFR,1-4 Units and other uses identified in 54.309 (K)	15,000 (C) 9,000 (E)	100 (D) 75 (E)	15 (A) 15 (A)	15 (H), (L), (M) 10 (H, L, M)	30((H), (L), (M) 20 (H, L, M)	30 (H), (L), (M) 30 (H, L, M)	44 (M)(N) ~~36.5~~	(L)	(R or S)
MHP, Mobile Home District	See Section 54.630								
M-U, Mixed-Use	4,800 (C)(E)	40 (D)(E)	0 (E), (F), (G)	5 (I), (L), (N)	13 (I), (L), (N)	20 (I), (L), (N)	44 (N)	(L)	(R or S)
CBD, Central Business District	None	None	0	5 (I)	10 (I)	10 (J)	60	18	(R or S)
GC, General Commercial	None	None	0 (F) (G)	15 (I)	30 (I)	20	40	18	(S)
RC, Regional Commercial	None	None	30	15	30	20	40	18	(S)
M, Municipal	None	None	None	None	None	None	None	None	(S)
C, Civic	None	None	None	5	10	20	60	24	(S)
IM, Industrial/Manufacturing	None	None	40	20	40	40	80 (O)	60 (O)	(S)
CR, Conservation/Recreation	None	None	15	50	100	20 (Q)	36.5	18	(S)
BLP, Board of Light and Power	None	None	40	20	40	40	None	None	(S)
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)									
Third Street Corridor Form-Based Code (see Section 54.322)									

Section 54.403 Footnotes to Schedule of Regulations

(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~~ on the same block as the subject lot.

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC and MFR Districts. In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.

~~(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, M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.

~~(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 Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.

(1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.

(2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.

Existing items E-S would need to be moved up one letter place if item (E) above, which would become (F), is adopted. The item below is currently item E.

(~~E~~ F) 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.

(~~M~~ N) Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts. 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.

(~~O~~ P) 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. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.

Article 5 Supplemental Zoning District Standards

Section 54.503 Condominium Developments

(G) Design and Engineering Standards and Required Improvements for Condominium Developments. The design and engineering standards for condominium developments, as well as required improvements for condominium developments, shall be the same as those required for subdivisions in *Section 54.501(E)*.

(1) Exception: If there are no other public streets within 1,500 feet of the nearest site condominium parcel line, then the site condominium parcel can have private road frontage and any of the street development standards do not have to be met in Section 54.501(E) (1), (2), (6), (7), and (8) items. The standards in Section 54.401(E) (3), (4), (5), and (6) do have to be met, however any reference to "street" will be replaced with "private road".

Article 6 Standards Applicable to Specific Land Uses

Section 54.603 Bed and Breakfast Home

(A) Room Size. A minimum room size of 70 Sq. Ft. for the first occupant and an additional 50 Sq. Ft. for each occupant thereafter shall be provided.

(B) Length of Stay. No one guest's stay is to exceed 14 consecutive days.

(C) Parking. In Residential Districts and the M-U District, there must be at least one (1) space per room, plus two (2) spaces for the owner. In Commercial Districts, parking shall be provided in accordance with the requirements provided in the Zoning Ordinance for hotels and motels.

(D) Signage. A Bed and Breakfast Home licensed under the ordinance shall be allowed one additional sign on the property. The sign shall be non- illuminated, mounted flush against the building, with a maximum size of five (5) square feet. Other signage shall be regulated by *Article 11*.

(E) Proximity. In Residential Districts, a Bed and Breakfast Home shall not be located within 300 lineal feet measured along the street right-of-way of another Bed and Breakfast Home or Bed and Breakfast Inn.

(F) Transferability. Special land use permits for Bed and Breakfast Homes in a Residential District may not be transferred from owner to owner without Planning Commission approval.

(G) Code Compliance. A Bed and Breakfast Home shall not commence or continue to operate without compliance with all applicable code requirements. Owners shall submit to inspections of both the exterior and interior of the dwelling to ensure compliance with health, safety, and welfare regulations pursuant to all applicable city code requirements.

(H) Structure. Building modifications or additions shall be architecturally designed to blend with the character of the existing structure and neighborhood.

(I) Site Plans. A site plan meeting the specifications of the Land Development Code shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.

(J) Review Considerations. The Planning Commission shall be guided by the standards set forth in *Section 54.1402(E)*.

(K) **Serving Full Breakfast.** If the bed and breakfast has 8 or fewer rooms (including owner and family rooms), a full breakfast can be served without a food service license as long as it is a packaged deal. A bed and breakfast that has 9 or more rooms should be licensed with the County health Department, when serving a full breakfast. (changed to conform with state health department standards)

Section 54.604 Bed and Breakfast Inn

(A) **Room Size.** A minimum room size of 70 sq. ft. for the first occupant and an additional 50 sq. ft. for each occupant thereafter shall be provided.

(B) **Length of Stay.** No one guest's stay is to exceed 14 consecutive days.

(C) **Parking.** In non-Commercial Districts, one space per room, plus two (2) spaces for the owner. In Commercial Districts, parking shall be provided in accordance with the requirements provided in the Zoning Ordinance for hotels and motels.

(D) **Signage.** Signage regulated by *Article 11*.

(E) **Proximity.** In Residential Districts, Bed and Breakfast Inns shall not be located within 300 lineal feet measured along the street right-of-way of another Bed and Breakfast Inn or Bed and Breakfast Home.

(F) **Transferability.** Special land use permits for Bed and Breakfast Inns in a Residential District may not be transferred from owner to owner without Planning Commission approval.

(G) **Code Compliance.** A Bed and Breakfast Inn shall not commence or continue to operate without compliance with all applicable code requirements. Owners shall submit to inspections of both the exterior and interior of the dwelling to ensure compliance with health, safety, and welfare regulations pursuant to all applicable city code requirements.

(H) **Structure.** No main building shall be removed in order to allow for a Bed and Breakfast Inn in residential districts nor shall such a structure be removed in order to provide parking for such an establishment. Building modifications or additions shall be architecturally designed to blend with the character of the existing structure and neighborhood in residential districts.

(I) **Site Plans.** A site plan meeting the specifications of the Land Development Code shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.

(J) **Review Considerations.** The Planning Commission shall be guided by the standards set forth in *Section 54.1402(E)* and, if applicable, *Section 54.1403(C)* if the Bed and Breakfast Inn is a special land use.

(K) Serving Full Breakfast. If the bed and breakfast has 8 or fewer rooms (including owner and family rooms), a full breakfast can be served without a food service license as long as it is a packaged deal. A bed and breakfast that has 9 or more rooms should be licensed with the County health Department, when serving a full breakfast. (changed to conform with state health department standards)

Section 54.611 Drive-Through Uses

(A) Building Design. Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive through facilities and structures separate from the primary structure are prohibited.

(B) Drive-Through Setback. Drive-through uses, including the drive-through window and any canopies, must be located to the rear or side of the primary structure, except that corner parcels may use one (1) frontage of the building for drive-through window service. All drive- through service windows must be set back a minimum of eight (8) feet from the front building wall of the primary structure.

(C) Traffic and Pedestrian Safety. A curb opening for a driveway is prohibited where the driveway would create a safety or traffic hazard because of its location in relation to pedestrian entrances or crossings.

(D) Stacking Lane Location. Stacking lanes may not be located in a required front yard setback and must not create hazardous conditions for pedestrians or other users on the site or in any adjacent right-of-way.

(1) For new construction, the payment or pickup window must be at least 40 feet from the closest point of the sidewalk vehicles were required to cross to access the window in order to accommodate two waiting motor vehicles.

(2) Existing sidewalk shall not be replaced with a driveway apron in new construction.

(3) Customers on foot, bicycle, in a wheelchair, etc. may not be prohibited from use.

(E) Headlight Glare. Drive-through uses must be designed and configured and screened such that glare from the headlights of vehicles waiting in the stacking lane is obstructed from shining into neighboring residential or commercial uses, and so that glare does not create a driving hazard on streets or roads abutting the drive-through use.

(F) Landscaping. A landscape buffer meeting the requirements of *Section 54.1003* shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property

(G) Screening. Where a drive-through/stacking lane is adjacent to a residential zoning district or a property being used primarily for residential dwelling a six-foot (6') screening fence shall be placed on the commercial property for the length of the drive-through/stacking lane and to the end wall of the building in which the pick-up window resides.

Section 54.612 Dwelling, Accessory Unit

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

(H) Attachment Options. The ADU may be attached to the single-family dwelling ~~or~~ and constructed on ~~the second~~ any story of a conforming detached accessory building on the site, including the basement level. 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.

Section 54.635 Outdoor Entertainment and Community Events

(B) Outdoor Entertainment and Community Event as a Temporary Use Requiring a Permit.

(3) Development Standards. The following must be addressed to the satisfaction of the Zoning Administrator or Planning Commission, as applicable:

(a) Adequate access and off-street parking must be provided. Vehicle circulation and traffic control may be subject to Police Department approval. Parking space requirements may be reduced per section 54.902(I).

Section 54.636 Outdoor ~~Food and~~ Alcoholic Beverage Service

(A) Outdoor Food and/or Alcoholic Beverage Service on Public Property. Outdoor food and beverage service (including alcoholic beverages) on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.

(B) Outdoor ~~Food and~~ Alcoholic Beverage Service on Private Property. Outdoor ~~food and~~ alcoholic beverage service on private property is subject to the following requirements:

(1) Accessibility. Outdoor ~~food and~~ alcoholic beverage service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor ~~food and~~ alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor ~~food and~~ alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

(3) Location of Outdoor ~~Food and~~ Alcoholic Beverage Service Areas. Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of *Section 54.705(F)*.

(D) Vehicle Parking Requirements. Parking space requirements may be reduced per section 54.902(I).

Section 54.637 Outdoor Food and Non-Alcoholic Beverage Service

(A) Outdoor Food and Non-Alcoholic Beverage Service on Public Property. Outdoor food and non-alcoholic beverage service on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.

(B) Outdoor Food and Non-Alcoholic Beverage Service on Private Property. Outdoor food and non-alcoholic beverage service on private property is subject to the following requirements:

(1) Accessibility. Outdoor food and beverage non-alcoholic service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor food and non-alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier- free ramp or access aisle. If outdoor food and non-alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

(2) Mobile Food Vending Units. Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service.

(3) Location of Outdoor Food and Non-Alcoholic Beverage Service Areas. Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of *Section 54.705(F)*.

(C) Outdoor Entertainment and Community Events. See *Section 54.635*.

(D) Vehicle Parking Requirements. Parking space requirements may be reduced per section 54.902(I).

Section 54.637~~7~~8 Outdoor Temporary Retail Sales

(A) Temporary retail sales areas, for approved commercial land uses, may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than 90 days in any 12-month period. The location of sales merchandise and/or temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to remaining parking spaces. Prior to placement of merchandise or erection of temporary structures, the Zoning Administrator must be notified of the date of removal. The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator. It is the responsibility of the business owner to contact the Building Code Administrator to determine if a building permit is required.

(B) Mobile Food Vending Units per Chapter 35 of the City Code are exempt from *Section 54.637(A)*.

(C) Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of *Section 54.637(A)*.

(D) Temporary outdoor sales and display of merchandise in conjunction with Marquette Downtown Development Authority sanctioned events are exempt from *Section 54.637(A)*

but must be removed at the conclusion of the event.

(E) Temporary outdoor sales for non-commercial land uses which are an accessory use of property, such as yard/garage sales and children's lemonade sales, are authorized with the permission of the property owner. Such sale events may occur on a singular property up to 10 times per year and no more than 4 times per month.

Section 54.645 Shooting Range, Indoor

(A) Indoor Shooting Ranges must comply with the following:

(1) The building and method of operation shall comply with the "generally accepted operating practices" adopted Michigan Department of Natural Resources for Sport Shooting Ranges per P.A. 250 of 1994.

(2) No ammunition shall be used in the range that exceeds the certified design and construction specifications of the range.

(3) No range shall sell or dispense alcoholic beverages, marihuana, or other controlled substances, nor shall they be in a building which contains a business that sells or dispenses these substances. Alcoholic beverages, marihuana, or other controlled substances are not allowed on the premises of the range at any time.

(4) The range shall conform with all Federal, State and Local requirements related to the use, sale, rental, and transport of firearms.

(5) The structure must be constructed and maintained such that noise from the structure during use will not cause any disturbance to those across the real property boundary of the structure.

(6) The owner or operator of a commercial indoor range shall have on the premises at all times during range operation an individual certified as a firearm or range instructor.

Section 54.646 Supportive Housing Facility, Permanent and Transitional

The applicant shall provide a narrative account of how the facility will comply with each of the following conditions for development and operation:

(A) On-site Facility Manager and Staffing, including accessory support services such as arrangements for resident counseling, physical and mental health care, child-care, employment assistance, job training, life-skills training, alcohol/drug abuse programs, case management, etc.

(B) Affiliation with a Charitable Organization or Governmental Agency. The facility must be associated with a charitable association such as a 501 (c) organization, or a governmental agency, and will preferably have internal oversight of finances and operations by a board of directors.

(C) Site Plan and Property Maintenance Requirements. Existing structures shall meet all the minimum , site plan and parking requirements for licensing. Applications for new building shall include a site plan, floor plan and elevations.

(D) How routine and irregular property maintenance will be conducted.

(E) Occupancy limits/capacity and sanitary facilities for residents.

(F) How many *transitional* (up to 2 years in residence) vs. *permanent* residents (more than two years in residence) the facility intends to house.

(G) Register. Operators shall keep a list of the names of all persons staying at the facility and the register shall be available for inspection by City Officials at any time.

(H) There shall be a minimum separation between similar facilities of five hundred feet (500').

(I) Pre-Application. Prior to application for zoning approval, the applicant must meet with the Planning Department to discuss the project and standards for development and is strongly encouraged to inform the neighbors of plans for the rooming house.

Section 54.6447 Wireless Telecommunications Facilities

(A) Purpose. The purpose of this Ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Ordinance are to:

(1) ~~Protect residential areas and land uses from potential adverse impacts of towers and antennas;~~
Encourage location of towers and antennas, to the extent possible, in areas where the adverse impact on the community is minimal.

(2) Encourage the location of towers in non-residential areas;

(3) Minimize the total number of towers throughout the community;

(4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

~~(5)~~ ~~Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;~~

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

~~(8)~~ ~~Consider the public health and safety of communication towers; and~~

~~(9)~~ (8) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, City of Marquette shall give due consideration to the City's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(E) Towers Requiring Special Land Use Permits.

(2)Towers

(b) Factors Considered in Granting Special Land Use Permits for Towers. In addition to any standards for consideration of special land use permit applications pursuant to *Section 54.1403* of the Land Development Code, the Planning Commission shall consider the following factors in determining whether to issue a special land use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this Ordinance are better served thereby:

(i) Height of the proposed tower;

(ii) Proximity of the tower to residential structures and residential district boundaries;

~~(iii)~~ ~~Nature of uses on adjacent and nearby properties;~~

(~~iv~~ iii) Surrounding topography;
(~~v~~ iv) Surrounding tree coverage and foliage;
(~~vi~~ v) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
(~~vii~~ vi) Proposed ingress and egress; and
(~~viii~~ vii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in *Section 54.644(E)(2)(c)* of this Ordinance.

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.

(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~~ twelve (12) inches from the front lot line, five (5) feet from the rear lot line~~s,~~ 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~~, with the following exceptions:

(1) Front yard setbacks are not required for barrier-free access ramps if resident requires ramp access
(2) due to a disability and there is not adequate space to locate the ramp elsewhere on the property. When such ramp is no longer required it shall be considered a legal, non-conforming encroachment.
(3) 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.
(4) Existing step or walls that are located between the front property line and 12 inches into the private property may be maintained but not rebuilt, per Section 54. 1202 of the LDC. If existing steps or walls protrude into the public right-of-way and are in disrepair, a Grant of License to use public property must be sought for approval to conduct rebuilding work to restore the structure to like-new condition.

(D) Unenclosed Balconies, ~~and~~ Open Porches, Decks, and Patios. Unenclosed balconies, ~~and~~ open porches, decks, and patios 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, decks, and patios is permitted or required by *Article 4*.

(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. Basketball hoops, clotheslines, even statues.~~

Maximum Height: No attached or detached structural amenity shall exceed sixteen and one-half (16.5) feet in height.

(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) Permit and Exemptions. A permit is required for structural amenities unless it meets the following exemptions, and the structural amenities must meet the requirements of 54.702(G):

(a) Enclosed structural amenities less than ~~nine (9)~~ sixteen (16) 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.

(b) Open/Unenclosed structural amenities, such as children's playsets, and seasonal or collapsible temporary structures such as tents and similar shelters less than 160 square feet in floor area.

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 and Structures. Where the accessory building or structure 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 or structures 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 or structures 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 or structure 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 or structure 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 and Structures.

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

(b) Minimum Side and Rear Yard Setbacks. Detached accessory buildings or structure shall be located at least ten (10) feet from the side and rear property lines.

(c) Front Yard Location Prohibited. No detached accessory building or structure shall be located in a front yard.

(d) Maximum Lot Coverage. Detached accessory buildings or structures 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 or structure 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 and Structures. Attached accessory building or structures shall meet the yard requirements of the Schedule of Regulations (*Article 4*).

(C) Accessory Buildings and Structures 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 or structure in the CBD, GC, RC, C, I-M, CR, and BLP district may exceed the lot coverage of the principal building.

(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:

(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~~ A temporary structure may be permitted for no more than ~~90~~ 120 days in a 12-month period, with the following exceptions:

(a) structures for outdoor food and beverage service, whether for indoor or outdoor dining

(b) structures erected via municipal or DDA authority for programmed outdoor summer or winter activities.

(c) structures that are being used in relation to and during the construction of permanent facilities that have been approved for zoning compliance and building permits.

The Zoning Administrator may extend the period of permission for up to 180 days in total during a 12-month period, in any of the above cases, upon request of the property/structure owner and based on the relevant circumstances (i.e. reason for request)

Section 54.706 Fences and Walls

(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 following exceptions ~~of~~:

(1) where the rearmost wall of the neighboring dwelling structure is between the front wall and rear wall of the subject home, a 6 ft. screening fence may be built to the rear of the neighboring dwelling's rearmost wall along that side of the subject property, and each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.

(2) for required retaining walls.

(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~~ Alcoholic Beverage Service use (see *Section 54.634*) and for Outdoor Entertainment and Community Events (see *Section 54.635*) may be up to eight (8) feet in height for the purposes of visual and noise screening of that particular use ~~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~~7~~* for examples of noncompliant fences), except the following:

(i) A solid/screening fence is allowed in the side yard or rear yard between abutting residential land uses.

(ii) 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.

(iii) 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.

(iv) A wall or fence in the side or rear yard of an approved Outdoor Alcoholic Beverage Service (see Section 54.636) and Outdoor Entertainment and Community Events uses (see Section 54.635) may be 100% of the fence area of solid opaque construction for the purposes of visual and noise screening of that particular use.

(v) Retaining walls.

~~**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 pf screening the outdoor growing area.~~

~~**(vi) 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.~~

(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 and garden fencing (as long as it is not permanently anchored and the use is temporary for the snow or growing season). 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. Temporary fencing that is not permanently anchored and the use is temporary does not require a fence permit.

Article 9 Parking, Loading, and Access Management

Section 54.901 Intent

It is hereby determined that the provision of off-street vehicle 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 54.902 Parking Regulations

(E) Parking Standards Applicable to Specific Zoning Districts.
LDR and MDR Districts and single-family and two-family structures in other zoning districts.

(c) Maximum Rear Yard Paving. In the LDR and MDR districts, no more than 25% of the rear yard may be paved (including but not limited to asphalt or concrete, but with the exception of compacted gravel) for parking provided the impervious surface coverage limits of the lot (see *Article 4*) are not exceeded.

(d) "Front Area" Parking Limitations. Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of "Hard Parking Surface" in *Section 54.202(A)(91)*). Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings. New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious ~~unpaved land~~ surface (including but not limited to uncompacted pea gravel, cobbles, grass, etc.) to ensure a pervious buffer between driveways and the adjacent lot line, with the exception of the presence of a retaining wall along the subject lot line or other such difficulty. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.

(h) Application of Parking Development Standards. All one- and two-family residential parking spaces shall be exempt from the standards of *Section 54.905*, except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. For purposes of providing required parking spaces onsite, the minimum dimensions for residential parking spaces shall be nine (9) feet wide by eighteen (18) feet long. Driveways in the front yard must be a full-width hard parking surface. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of- way for a driveway.

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/maximum 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/Maximum 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 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)	~~One~~ Two (2) spaces per each dwelling unit with more than one bedroom; one (1) parking space must be provided for each one-bedroom dwelling unit. 2 motor vehicle parking spaces per dwelling unit is the maximum allowed.
(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. A hotel or motel may provide parking spaces and power hookups for recreational vehicles (RVs). The maximum number of spaces for RVs shall be ten (10) percent of the number of rental units/rooms.

(F) Industrial/Wholesaling/Warehousing	
(1) Production or Processing of Materials, Goods, or Products	One (1) space per ~~1,000~~ 1,500 square feet of floor area plus one (1) space per 10,000 square feet of site area.

	(G) Retail Trade	
(1)	Establishments for the consumption of Food or Beverages on the Premises, excluding Drive-Through Restaurants	1 space for every two (2) capacity occupants
(2)	Drive-Through Restaurants	1 space for every two (2) capacity occupants plus ~~five (5)~~ two (2) stacking spaces between the pick-up window and the order station, where space exists. ~~and five (5)~~ Any other stacking spaces ~~that do~~ shall not conflict with access to required parking spaces or block right-of-way~~, per order station (e.g., menu board)~~.

Section 54.905 Parking Layout, Design, Construction, and Maintenance

All off-street parking shall be laid out, constructed, and maintained according to the following standards and regulations:

(A) Required Parking Space Dimensions. Unless otherwise stated in *Section 54.905(C)*, all parking spaces shall be laid out in the minimum dimensions of nine (9) feet wide by eighteen (18) feet long, exclusive of maneuvering lanes.

Article 11 Signs

Section 54.1103 Definitions

Rules of Interpretation. Refer to *Section 54.201* for rules of interpretation of terms and words in this Article.

(A) Sign Definitions, Sign Types. The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

(33) Permanent Sign: A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing, or designed into building materials such as stonework.

(45) Temporary Sign: A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

(C) Sign Definitions, General.

(6) Building Entrance: A building entrance that is clearly available as a public entrance, with the exception of businesses that for reasons related to privacy do not clearly indicate a public entrance.

Section 54.1107 Exempt Signs Permitted in All Zoning Districts

Certificates of Zoning Compliance shall not be required for the following signs provided that said signs meet all other requirements of this Ordinance, including but not limited to those in *Section 54.1109*. Approval of the property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

(A) Temporary signage in accordance with *Section 54.1109* and *Section 54.1105*, unless otherwise stated in this Ordinance. Commercial signs placed on construction sites for project information and/or associated contractors, and where home improvements are underway, are permitted for up to 14 days after the work is completed. These ground and yard signs must comply with the size requirements for permanent signs as stated in Section 54.1105.

(K) Permanent signs, where the use of the structure/property has changed and removing the sign would be an unreasonable burden (e.g. such as names carved into stone.

Section 54.1109 General Sign Standards

(E) Awning, Canopy, and Marquee Signs:

(1) Minimum Height. Awnings, canopies, and marquees, and signs attached to them, shall not be placed less than ~~ten~~ eight (~~10~~ 8) feet above a public sidewalk or right-of-way, with the exception of the replacement of legally non-conforming historic signs (per the definition of *historic sign* in 54.1103).

Article 14 Administrative Procedures

Section 54.1402 Site Plan Review

(B) Uses Subject to Site Plan Review, Minor/Administrative Site Plan Review, and Exemptions. The required review process for uses and development is described in *Figure ~~49~~51*. All uses and development, regardless of whether site plan review is required, are subject to the Zoning Compliance review requirements of *Section 54.1401*. The Zoning Administrator may administratively approve or conditionally approve minor site plans as described in *Figure ~~49~~51* and *Section 54.1402(D)(1)*. All other site plans must be reviewed by the Planning Commission. Three levels of Site Plan Review are conducted by the Planning Commission – Sketch Plan Review, Preliminary Site Plan Review (PSPR), and Final Site Plan Review (FSPR).

In Fig. 51 change “Minor Site Plan Review” as below:

Figure ~~49~~51. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required	Minor/Admin. Site Plan Review	Exempt From Site Plan Review

(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.

(3) Site Plan. ~~Twelve (12)~~ Six (6) copies of plan sheet(s) providing the information listed below (*Figure ~~50~~52*). For minor site plans, three (3) copies of plan sheets are required. Sheet size of submitted drawings shall be at least 24-inches by 36-inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of 20 acres or less; and one (1) inch equals fifty (50) feet for sites over 20 acres. One digital copy of the complete plan set must also be submitted. The surrounding area drawing may be in a scale of one (1) inch equals one-hundred (100). ~~Digital plans must also be submitted.~~

(5) Sketch Plan. A sketch plan must include the information listed below (*Figure ~~50~~52*). The number of plans submitted is determined by the Zoning Administrator, based upon whether or not the plans need to be reviewed by the Fire Dept., Police Dept., and/or Dept. of Public Works – in addition to the Engineering and Planning-Zoning functions of the Community Development Department.~~, and the Zoning Administrator may accept digital plans.~~ One digital copy of the complete plan set must also be submitted. The sheet size of submitted drawings shall be at a scale acceptable to the Zoning Administrator. Upon request of the applicant, the Zoning Administrator may waive individual sketch plan requirements if the requirements are found to be unnecessary or irrelevant to the intent of providing the information; however, the Planning Commission has the right to require all of the in information in *Figure ~~50~~52*.

Figure ~~50~~52. Site Plan Information Required in the Site Plan Set

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
Identification of Project			
The applicant's name.	●	●	●
Name of the development.	●	●	●
The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.		●	●
Small scale location sketch of sufficient size and scale.	●		
A survey of the property, sealed by a surveyor licensed in the State of Michigan.		●	●
Date of preparation and any revisions.	●	●	●
North arrow.	●	●	●
Complete and current legal description and size of property in acres.	●	●	●
Existing Features			
Property lines and dimensions drawn to scale.	●	●	●
Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.	●	●	●
Lot lines and all structures on the property and within 100 feet of the site's property lines.		●	●
~~Locations of all significant natural features, 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.)~~	~~●~~	~~●~~	~~●~~
Locations of all significant natural features – streams, wetlands and floodplains (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees (see Section 54.807).	●	●	●
Boundary of any Riparian Overlay Districts, per *Section 54.320(E)*. Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per Section 54.806		●	●
Any existing private or public easements.		●	●
Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.	●	●	●
Locations of existing utilities.	●	●	●
Existing topography at a minimum of two (2) foot contour intervals.		●	●
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
Schematic storm water management plan, including elements stated below for Final Site Plan requirements, as needed to show intended compliance with the requirements of the Land Development Code.		●	
Proposed topography with a site grading plan with topography at a minimum of two (2) foot contour intervals.		~~●~~	●
Boundary of any Riparian Overlay Districts, per *Section 54.320(E)*. Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per Section 54.806		●	●
Location and method of screening for all waste dumpsters. See *Section 54.1003(F)*.		~~●~~	●
Location and dimensions of parking spaces. See *Article 9*.	●	●	●
General landscaping design concept acceptable to the Zoning Administrator.	●		
A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. See *Article 10*.		●	●
~~Locations of exterior light fixtures.~~	~~●~~		
Details of exterior lighting including fixture and pole locations, height, and method of shielding. See *Section 54.802*.		~~●~~	●
The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See *Article 11*.	●	~~●~~	●
Locations of utility services (with sizes) and storm water management elements, including, storm drainage, retention or detention ponds and/or swales, rain gardens, riparian buffer vegetative strips, per *Section 54.803.* Any proposed public or private easements.			●
Fire hydrant number and placement or other water supply, and standpipe connection type; Fire dept. connection location; Alarm panel location; Fire dept. access details.			●
If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed.	●	●	●
Site Circulation Details and Access Design			
General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See *Section 54.907*.	●		
~~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.~~		~~●~~	~~●~~

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.		●	
Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See *Section 54.907*.		●	
Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.			●
Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.			●
Written verification of access easements or agreements, if applicable.		●	●
Additional Information			
Any other information necessary to establish compliance with this and other ordinances.	●	●	●

(D) Site Plan Review Procedures. No Zoning Compliance or Special Land Use Permit shall be issued for any uses subject to site plan review except in accordance with a site plan approved by the Planning Commission, or a Minor Site Plan approved by the Zoning Administrator, in accordance with the following procedures:

(4) Preliminary Site Plan Review.

The purpose of Preliminary Site Plan Review is to allow for the review and decision on most aspects of the site without the need for final detailed engineering unless required by the City Engineer. An applicant may submit some of the engineering elements in schematic/diagram form in the Preliminary site plan set per the requirements shown in *Figure 52*, and such items must be approved per the Final Site Plan Review (FSPR) requirements prior to staff completion of a Zoning Compliance Permit for the project. Applications for preliminary site plan review must be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place. The Planning Commission shall review the preliminary site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of *Section 54.1402(E)*. The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the preliminary site plan as follows:

(d) Approval Subject to Conditions. The Planning Commission may approve a preliminary site plan, subject to one (1) or more conditions necessary to address minor modifications to the preliminary site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies. Upon approval of the preliminary site plan and the satisfaction of conditions, the applicant may apply for final site plan review.

(e) The Planning Commission may elect by an affirmative vote to be the approving authority of the Final Site Plan, otherwise the approving authority will be the Zoning Administrator. The scope of the proposal, the potential impact of the project, and/or or the estimated value of

public input or of conducting the approval in a public forum are all reasons that the Planning Commission may elect to be the review authority for the Final Site Plan. The Zoning Administrator may recommend that the Planning Commission be the approving authority in the staff report for the site plan review.

(5) Final Site Plan Review

(d) Planning Commission and/or Administrative Action. Except as noted in directly above, and as stated in Section 54.1402(D)(4)(c) for Preliminary Site Plan Review, the Planning Commission, or City Staff, shall approve, approve with conditions, or deny the site plan based on the compliance of the plan with City Ordinances and the review standards of this Ordinance. If conditional approval is granted, the conditions shall be stated specifically so that the Zoning Administrator or other reviewing departments can determine compliance with the conditions and grant approval following submission of revised plans; said review not to exceed ten business (10) days unless additional time is required by the Zoning Administrator or other reviewing departments to determine compliance with the conditions of site plan approval. A site plan shall be approved if it contains all of the information required by the ordinance and is in compliance with the standards of the Land Development Code (including *Section 54.1402(E)*), other City planning documents, City ordinances, and state and federal statutes.

(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) 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.

(b) Relevant LDC Amendment. If the Land Development Code is amended within one year of site plan approval and approved work has not been completed, any less intensive standards provided by the amendment may be applied to the unfinished aspects of the site plan if a revised site plan is submitted before the one year site plan approval period expires.

(c) Resubmission of Expired Plans. Site plans whose approval has expired shall require resubmission as an initial application.

Section 54.1403 Special Land Use Review

(A) Intent. This section of the ordinance governs permitting of special land uses which may be located in specific districts (see *Figure 8* for special land uses within each district) when the standards of special land use review have been met and the use and development comply with the standards of this Ordinance. It is the purpose of this section to maintain adequate provision for the security of the health, safety, convenience and general welfare of the inhabitants and uses of the zoning district and adjoining districts.

(B) Procedures. No special land use shall be established in any zoning district except upon permit issued by the Planning Commission. The Planning Commission shall be guided in making a decision by the standards set forth in this Ordinance in *Section 54.1403(C)*. The Planning Commission shall hear and decide only such special land uses as specifically authorized by district and by the terms of this Ordinance, but shall not hear a request for a Special Land Use Permit (SLUP) if the request is the same and for the same property, within a period of six months from the date of the public hearing in which the SLUP request was made initially, unless conditions have significantly changed (e.g. the subject and/or neighboring zoning districts have changed, to be determined by the Zoning Administrator). Special land use applications shall be submitted and reviewed according to the following procedures:

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
April 12, 2022

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, April 12, 2022, in the Commission Chambers at City Hall.

ROLL CALL
Present: W. Premeau, A. Andres, Vice-Chair M. Larson, S. Mittlefehldt, N. Williams, M. Dunn, Chair J. Cardillo, N. Frischkorn
Absent: None

AGENDA
It was moved by M. Larson, seconded by A. Andres and carried 8-0 to approve the agenda with the additional correspondence for 1A and 1B.

MINUTES
The minutes of March 1st, 2022 were approved by consensus.

CONFLICT OF INTEREST and EX-PARTE CONTACT
None was stated.

NEW BUSINESS

A. 01-REZ-04-22 – 1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431) and McClellan Ave PIN: 0512453 and 0512454

Zoning Official A. Landers stated the Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone Multiple City-owned properties between Fair Ave. and Wright St. along the McClellan Ave. corridor which are zoned Municipal (M) to be zoned Conservation & Recreation (CR). She stated at the February 14, 2022, City Commission meeting, the Commission made a motion to "Direct the City Manager or her designee to file a rezoning application for all City-owned properties fronting McClellan Avenue and located between Fair Avenue and Wright Street to change the zoning from Municipal to Conservation/Recreation". She referenced and showed the visuals of the staff report and attachments.

City Planner and Zoning Administrator D. Stensaas read correspondence received after the agenda was posted from Randy R. Appleton and from Karen and Jim Anderson

A Landers read correspondence received after the agenda was posted from Neil Russell, Randall and Coleen Howes, and Tim Wakkuri - Executive Director of the Upper Peninsula Medical Center.

City of Marquette Assistant City Manager Sean Hobbins, representing the City of Marquette as applicant, related the recent history of the proposed sale of the property in order to create an affordable housing development. He explained the objections of citizens and alternative proposals which were discussed.

Chair Cardillo opened the public hearing.

Margaret Brumm, 404 E. Magnetic St., stated that she attended this session on behalf of the former mayor, Jerry Irby. She stated she was present at his request to read his remarks onto the record, and related that Mayor Irby's written statement said that "he had, during his tenure, attended meetings with citizens and concerned property owners of area in question" and that "a commitment was made to the people concerned that the property along the McClellan Avenue extension would not be developed" and "that if the zoning was changed from it's current Conservation & Recreation designation that it would be breaking a promise made to those citizens and residents." Ms. Brumm stated that concluded the statement from Mr. Irby, and then related that she was in attendance at the meeting wherein former Mayor Irby spoke. Ms. Brumm

stated that later in that meeting it is recorded that Commissioner Stonehouse verified the promises made by the mayor that when the road had to be extended that the concerned residents would not face development in that area. Ms. Brumm stated that for reasons unknown to her it was not committed to writing, but she stressed it was verified by two people who were present in the room at the said meeting and that she considers this still a binding promise on behalf of the city.

Marsha Lucas, 48 Elder Dr., stated she was at the same meeting where said promise was made in the early 2000s, and that she was at the meetings the prior November, too. Stated that her son teaches Construction Management at Northern Michigan University and had previous work experience in managed projects such as the one proposed. She explained that putting water and sewage infrastructure into an area is a routine practice and it does not necessarily dictate that the area was planned to be developed. She emphasized that for this reason, it does not invalidate the comments made by Mr. Irby and Mr. Stonehouse at this meeting. Ms. Lucas quoted items from the Master Plan which she felt were relevant to concerns regarding this proposed development and that these items demonstrated that the proposed project would violate these tenants and the overall health of the environment by developing pristine woodlands and that the damage could not be undone once it had begun.

Anne Donohue, 1614 West Ave., stated that she would like the Zoning Commission to support the Conservation & Recreation zoning designation. She thought that the proposed rezoning would be detrimental to the diverse wildlife which inhabits this area. She stated that the area very much used and enjoyed by the surrounding residents.

Geraldine Nault, 1851 N. McClellan Ave., stated that a lot of the comments which she was going to make had already been discussed so her presentation would be brief. She emphasized that Marquette's natural environment is one of the greatest assets to the community and that it should be carefully maintained. She went on to recognize the need for housing, but stressed that if the trees were cut down, they could not be back in 10 or 20 years. Ms. Nault explained that the trees are 500 years old and are an important habitat for animals and is also an important family venue. She stated that children of such families would benefit from learning and observing nature and develop a more creative and respectful view of natural ecology by having this area as a resource. She stated that this particular area was significant due it being a slower and more peaceful area compared to bike trails, where people could take walks and walk their dogs. She requested that the Planning Commission recommend to the City Commission that the area be zoned as Conservation and Recreation. She related also that she thinks that the area has facilities for water and sewage, but not natural gas, according to her experience, and she would like the issue clarified and also clarification about the use of non-single-family buildings, perhaps at the end of the meeting.

Randy Howes, 1427 Wright St., stated that he and his wife Colleen were very excited about moving to the Marquette area and have two sons who are already living in the area, along with their grandchildren. He stated that they love the area and that are enthusiastic supporters of rezoning the area for Conservation and Recreation. Mr. Howes stated that after getting assistance navigation through the rules and regulations, his only concern was that he hoped that in the future that apartment buildings would not be considered in area, while recognizing the provisions in the statues that would allow it. He emphasized that Conservation and Recreation is the right thing to do, that the area was very beautiful, and it is fortunate that forward-thinking people in the area were thinking to conserve areas significant to ecology and he felt it's a great idea.

Jon Bahk-Halberg, 31 Elder Dr., stated that his back yard is adjacent to the very picturesque, wooded area in question. He stated that his family just bought the residence one year prior when they moved from South Korea the previous September. He related his experiences in Korea and why he felt this was not an area for development. He emphasized that having such areas as this contributed to the reputation and desirability for people to want to live in the City of Marquette. He stated that there are other natural areas in town, but the fact that this is a heavily wooded area is significant. He stated he had attended the November and was sure that the proposed development was not a good fit for the property and that many people were surprised by the proposal. He restated his support for the rezoning for Conservation and Recreation and that he thinks it makes sense for the City of Marquette to preserve such a valuable area. He stated that he realized that promises cannot always be kept due to changes, but since the reassurance given by Mr. Irby and Mr. Stonehouse were not made long ago and it is in the city's best interest to honor their commitment.

Kenneth Holder, 6 Elder Dr., stated that the others have already related what he intended to say, but he wanted to assert his support for rezoning the area as Conservation and Recreation.

No one else wished to comment. Chairperson Cardillo closed the public hearing.

Chairperson Cardillo opened the Planning Commission discussion.

> *It was moved by M. Dunn, seconded by A. Andres and carried 8-0 to suspend the rules for discussion.*

M. Dunn stated that he would like to immediately express that he has an internal conflict regarding this decision. He stated that he agreed with almost everything that was said during the public comments. He related that he felt that the area would make a great Conservation and Recreation property. He stated that when it comes to resolving issues related to the need for housing, it would be more appropriate to look at locations closer to the downtown area. He went on to explain the area where he feels uncomfortable is that this being a property owned by the City of Marquette, he has not seen a lot of input from residents other than those directly affected by it. He stated that if the property was privately owned, there would be no questions in his mind. He reflected that property is owned by the City for everyone in the city, not only the residents of this particular neighborhood. He stated that he felt this could be overreach on their part without additional input from the larger public of the city and that he was trying to think of a way to make that happen. He stated that brought up the question that if the Planning Commission were to not recommend the rezoning at this time, how long would it be before it could come up again for discussion and what was the timeframe that they were looking at.

D. Stensaas stated that a proposed rezoning case did not have an extended period of waiting between when the recommendation was made by the City Planning Commission and the decision by the City Commission.

A. Andres stated that he was wondering why they wouldn't wait until they see what the reaction was to the rezoning before a decision was made and it was moved forward. He stated that it would be doing everything at once instead of by individual parcels.

S. Mittlefehldt stated that along the lines of what M. Dunn and A. Andres had stated, there is an intention to revisit the Community Master Plan in the upcoming fall, and she emphasized that this is area was 27 acres, which is not a small section of the community. She illustrated that she was a huge supporter of ecology and that she likes the idea of zoning this area as Conservation and Recreation; however, she also did not feel that a full representation of the community was being heard regarding this significant part of the city. S. Mittlefehldt inquired if the recommendation might be postponed until a more comprehensive view of similar properties was obtained, although they might not be as large but were in a similar kind of situation. She stated that the rezoning needed to be looked at on the whole and not only by pieces.

J. Cardillo asked the question of D. Stensaas or S. Hobbins – as a Municipal property, for any kind of development, it would require a rezoning anyway, and permission to be granted by the City Commission, correct? S. Hobbins stated yes. She also stated that by us not doing this [rezoning] it's not like some development is going to happen without a lot of stuff falling into place and approved by a City Commission that has already committed to not letting anything happen there.

S. Hobbins stated that there is a significant process involved in selling a piece of City property and for rezoning. He stated the meeting in November was the first step in a long, multiple-step process that includes permission, appraisal, sale approvals, development agreements, and finally rezoning. He also stated that it could sit as Municipal for a while, the City Commission has been clear that they are not planning on selling it anytime soon, but if they decided to tomorrow there is a lengthy public process.
D. Stensaas stated that it's not true that no development can proceed without rezoning, because the City is allowed to do any number of things that are enumerated in the Land Development Code to develop its own property.

J. Cardillo stated that, just to be clear, by switching from Municipal to Conservation Recreation, these are the uses that would be eliminated – cemetery, farmer's market, indoor recreation, professional offices, outdoor entertainment and community events, schools – primary or secondary, universities, and wireless telecommunications. She stated she wanted to that we are all aware of what the changes would be, and that we are not talking about residential at all.

N. Frischkorn asked about the yellow easements shown on the map on p. 20. A. Landers stated those are wetland easements, and there is an access easement on the east side. D. Stensaas stated that access easement is a private easement for access to the landlocked parcels to the east of the road.

M. Larson stated that he agreed that there is a significant process ahead for considering zoning and the Master Plan, but we certainly have the ability to go in this direction as it is what is currently in the Master Plan, and the City Commission has asked to move forward. He also stated a question, if this gets rezoned to Conservation-Recreation, with the City owning that property, would the City tend to own this property in perpetuity, or are there other options that could come up. He also stated that he doesn't know how the value of the property would be affected by rezoning to Conservation-Recreation.

S. Hobbins stated that he can't speak to the future intentions of City Commissions, but his understanding is that moving to Conservation-Recreation is to prevent sale and development in the future, so it's really meant to put it in line with the rest of our park facilities and the cemetery, the fit strip, and set it aside as a natural area in the City and not sell it.

S. Mittlefehldt stated that she would like to see more information in the form of a study or a survey as to what exactly the ecological value of the land was. She inquired if the city might have the funds available to conduct such an inquiry and compare it to other areas that could perhaps be protected in some way.

S. Hobbins stated that he did not feel that that would be in line with the strategic priorities for spending money right now, and that the Commission is looking at setting this property aside and allowing it to continue to exist as is, it having been purchased by the city for the McClellan Ave. extension, and that if someone would like to conduct such a study it would be allowed, but it would not be funded by the city.

M. Larson inquired if at some time this may become like the Fit Strip, a more managed property with trails and the like. S. Hobbins stated that he thinks the Parks and Recreation Master Plan states that we're already at capacity for parks, and parks management may not have capacity to do any further kind of development and that his best interpretation of the situation is that the land would stay as it is and there wouldn't be any infrastructure added.

W. Premeau brought up as a point of interest that Mr. Irby was recalled from office. He then suggested this was probably irrelevant but that he just stated it. He stated that he had inquired about what the term 'in perpetuity' meant and that someone that knew what was going on with the City once told him it meant "until somebody can't remember". He mentioned that the North Marquette ballfields were Conservation but then the City started looking to build warehouses there. He went on to mentioned other sections of the city that had been zoned 'into perpetuity' and that later the zoning was changed. He said things would not necessarily stay that way, it can be changed later.

M. Dunn inquired as to why the Future Land Use Map in the proposed Zoning Map have two different designations?

D. Stensaas stated that the Future Land Use Map dealt with land use and that land uses are different than zoning. He elaborated that 'land use' is what the anticipated best uses or preferred uses of the property in question would be at the time, and that the Preferred Zoning Map shows the zoning districts that are that its adopted and the 'proposed zoning' at the time the Community Master Plan was adopted in 2015, those some of the proposed zoning districts were desired and not the zoning that was current there. He further explained that when the Land Development Code was adopted in 2019, many of the zoning districts did go into effect because those were then seen at that time as the preferred zoning to enable the land uses that were considered as the preferred land uses. He clarified that therefore zoning follows from planning and that is the way it should be. He said you cannot have the zoning ordinance unless the planning was done

first, and that doing otherwise would be a bad practice.

M. Dunn followed up with a question why the zoning was not changed in 2018 for the said parcels in 2018 to be a closer match to what the Future Land Use Map had indicated.

D. Stensaas explained that during the 18-month long Land Development Code development process that the LDC was not adopted until 2019. And at the beginning of the process, it had been decided that the city had decided it would be better to put all of its own land in its own zoning district. He stated that it was done in several different cases such as civic property and that Civic Zoning District was created for non-city governmental and instructional properties like the county and North Michigan University. He also explained that another zoning district was created for the BLP, for example, so all of their property is now within their own zoning district where their own uses make sense. He recalled that prior to this all of the properties in questions had all kinds of different uses going on. For example, he said, the BLP own property in residential district although it would never be building houses and that, of course, the city is not going to build houses. He stated that it would not make sense to keep the old convention in place, so the Land Development Code process ended up with a variety of different zoning districts which were not thought of back when the Community Master Plan was adopted. The Planning Commission and the City Commission agreed this was a better approach going forward.

N. Frischkorn stated that he understood why some of his fellow commissioners would like to get wider city input, but that ultimately a decision needed to be made according to the Master Plan that was in place at this moment, at the time that the request is being made. He quoted the first standard under the Land Development Code, Section 54.1405 as being 'consistency with the master plan' and that the Future Land Use Map showed the land in question as being marked for Conservation and Recreation. He then suggested that if changed in the current conditions or the public's attitude were to change, that would justify denying the rezoning even if the rezoning is in compliance with the Master Plan. He gave the opinion that after hearing the comments that were read into the record and the comments from his fellow commissioners, the community's attitude, as far as determine from the public record, has not changed and is in support of the rezoning. He further elaborated that environmental feature were another issue which needed to be looked at, and that most of the property to the west of McClellan was not suitable for development because it is wetlands. The property to the east of McClellan, he asserted, might be a different story. However, N. Frischkorn asserted that according to this thinking and based on the Master Plan, he felt the rezoning was appropriate.

N. Williams stated his concerns were that if this high-density area were rezoned that developers may keep pushing outward into lower density aesthetically desirable areas on the outskirts of town.

J. Cardillo stated that he had attended the City Commission meeting earlier the same day because she wanted to get an idea of what their thoughts were into why they would like to do this rezoning now. She pointed out that the City Commission had their own set of constraints and pressures and that the City Planning Commission exists to look at things purely from a planning perspective. She stated that although mostly there was agreement for the rezoning, some City Commissioners expressed that this proposal needed to be looked at wholistically and that this area should not be looked at in an isolated way since a new Community Master Plan was about to be revamped for the entire city. J. Cardillo stated that while she agrees that the majority of the land should be marked as CR, they should take this opportunity to really look wholistically at the city and that she would be in favor of postponing the rezoning with the understanding that it is not going to immediately change the situation or status of the property since the City Commission has the ultimately authority over what happens to it and it is known that they are in favor of keeping it as it is.

M. Dunn stated that he did not wish to vote against the rezoning but asked if there was any way to postpone the decision while the revision of the Community Master Plan was underway. He stated if it were mandatory that they were to make a final decision before the conclusion of the meeting, that he would vote in favor of rezoning it.

M. Larson inquired if any of the commissioners had comments on any particular parcel within the land in question. He stated that there were quite a few parcels included in this area and wanted to know if there

were any parcels of note that were thought to be suitable for reconsideration.

J. Cardillo reaffirmed that this was her reason for wondering why the process should be rushed, since the land in question was not at risk to be developed. She suggested taking time and looking at the land in question parcel by parcel and then look at it in the context of the broader city. She emphasized there was no need to rush the rezoning approval since there is no current danger of anything happening on the property.

M. Larson stated that he understood that, but since it meets the criteria, he thought it was clear what to do.

S. Mittlefehldt commented that a lot has changed since the Community Master Plan of 2015 was put into place in terms of the affordability of housing. She recalled the pandemic, the recession, and inflation as examples and though she understood that while she knows community members have expressed their opposition, that affordable housing does not happen due to such situations. She expressed that she understood the value of the land for ecological reasons and that it would be nice to see study performed, but that a more comprehensive community conversation needed to happen regarding the upcoming Community Master Plan plans around the issue of affordable housing and how to go about make it happen even when it's not popular politically. She stated this issue is a good illustration and brings to the forefront two very important topics within the community of natural preservation versus the need she has observed, especially among young people, for affordable housing. She said this particular zoning application is a case study about how the community is going to resolve this tension between the two ideas and that there needs to be more involvement from the community members as whole before a decision is made. She mentioned that she feels that the new Community Master Plan of 2022 will be very different from the one drawn up in 2015.

J. Cardillo stated that she would like to address the question about gas lines. She inquired if there were indeed gas lines.

A. Landers stated she would have to verify if that's true.

J. Cardillo inquired of Andrea if she could explain more about the accessory use, non-single-family residence.

A. Landers stated that the proposed project was not a multiple family use, it is non-single family residential lots. She explained that 'accessories' as when you have two of the principal uses.

J. Cardillo asked if that meant if there is no principal use then there is no accessory use.

A. Landers responded affirmatively.

J. Cardillo gave the example of an ice cream vending location in one of the parks as being an accessory use to the principal use of the park and this was affirmed.

S. Mittlefehldt illustrated the uses which would not be allowed should the said land be rezoned as Conservation and Recreation. The uses now allowed were cemetery, farmer's market, indoor recreation, office/profession, outdoor entertainment and community events, schools, universities, or wireless telecommunication facilities. She reemphasized that residential would not be allowed at all if the rezoning was approved.

N. Frischkorn stated that he had a question regarding the maps on pages 19 and 20. He inquired how the yellow easements marked on the maps were currently classified.

A. Landers stated that those were wetland easements, except for one easement which was for access and driveway.

N. Frischkorn clarified that the access easement was for a private parcel.

M. Larson stated that while he agrees that there will be a process involved in the near future to consider all zoning and lands of the city moving forward, it is still in the City Master Plan and the Future Plannings Map set for Conservation and Recreation. He said that the City Planning Commission currently has the ability to move toward that direction since that it has already been notated for Conservation and Recreation in the City Master Plan and Future Land Use Map. M. Larson said they had a path forward to rezone the land as Conservation and Recreation despite the fact that the process might be laid out differently in the coming fall. He stated that since moving forward toward CR use and the City Commission has asked them to move forward the same way, they were within their rights to do so. He asked the question, if the land is rezoned as CR, it is still owned by the city and does the city plan to continue to own the property going forward indefinitely. He inquired about the change in land value should it be sold to an outside party. He stated that according to his understanding, the more to rezone as CR was for the purpose of preventing such a sale to a private party and to move the land in line with the other park facilities of the city.

S. Mittlefehldt stated that she would like to see more information in the form of a study or a survey as to what exactly the ecological value of the land was. She inquired if the city might have the funds available to conduct such an inquiry and compare it to other areas that could perhaps be protected in some way.

M. Larson stated that he did not feel that that would be in line with the strategic priorities for spending money at this time. He stated that simply setting the property aside and allowing it to continue to exist as is, it having been purchased by the city from a private owner and set aside for such purposes, he did not feel that any money could be spent on conducting such a survey. She said if someone would like to conduct such a study it would be allowed, but such an enterprise would not be funded by the city. Inquired if any development would be done in accordance with the CR use should the rezoning be allowed. He also stated that Parks and Recreation were already at capacity and that park management did not currently posses the ability to do any further kind of development. He stated that his best interpretation of the situation is that the said land would stay exactly as it is.

W. Premeau brought up as a point of interest that Mr. Irby was recalled from office. He then suggested this was probably irrelevant but that he just stated it. He stated that he had inquired about what the term ‘in perpetuity’ meant. He claimed the response was ‘until somebody can’t remember’. He mentioned another property that was marked for conservation but then the city started looking to build warehouses on that property. He went on to mentioned other sections of the city that had been zoned ‘into perpetuity’ that later the zoning was changed. He said it’s just warning, things would not necessarily stay that way just become it is zoned into perpetuity and it can be changed later.

M. Dunn inquired as to why the Future Land Use Map in the proposed Zoning Map have two different designations?

D. Stensaas explained that the Future Land Use Map dealt with land use and that land uses are different than zoning. He elaborated that ‘land use’ is what the anticipated best uses or preferred uses of the property in question would be at the time that its adopted and the ‘proposed zoning’ at the time the Community Master Plan was adopted in 2015, those some of the proposed zoning districts were desired and not the zoning that was current there. He further explained that when the Land Development Code was adopted in 2019, many of the zoning districts did go into effect because those were then seen at that time as the preferred zoning to enable the land uses that were considered as the preferred land uses. He clarified that therefore zoning follows from planning and that is the way it should be. He said you cannot have the zoning ordinance unless the planning was done first, and that doing otherwise would be a bad practice.

M. Dunn followed up with a question why the zoning was not changed in 2018 for the said parcels in 2018 to be a closer match to what the Future Land Use Map had indicated.

D. Stensaas explained that during the 18-month long Land Development Code development process that the LDC was not adopted until 2019. And at the beginning of the process, it had been decided that the city had decided it would be better to put all of its own land in its own zoning district. He stated that it was done in several different cases such as civic property and that Civic Zoning District was created for non-city

governmental and instructional properties like the county and North Michigan University. He also explained that another zoning district was created for the BLP, for example, so all of their property is now within their own zoning district where their own uses make sense. He recalled that prior to this all of the properties in questions had all kinds of different uses going on. For example, he said, the BLP own property in residential district although it would never be building houses and that, of course, the city is not going to build houses. He stated that it would not make sense to keep the old convention in place, so the Land Development Code process ended up with a variety of different zoning districts which were not thought of back when the Community Master Plan was adopted. The Planning Commission and the City Commission agreed this was a better approach going forward.

N. Frischkorn stated that he understood why some of his fellow commissioners would like to get wider city input, but that ultimately a decision needed to be made according to the Master Plan that was in place at this moment, at the time that the request is being made. He quoted the first standard under the Land Development Code, Section 54.1405 as being 'consistency with the master plan' and that the Future Land Use Map showed the land in question as being marked for Conservation and Recreation. He then suggested that if changed in the current conditions or the public's attitude were to change, that would justify denying the rezoning even if the rezoning is in compliance with the Master Plan. He gave the opinion that after hearing the comments that were read into the record and the comments from his fellow commissioners, the community's attitude, as far as determine from the public record, has not changed and is in support of the rezoning. He further elaborated that environmental feature were another issue which needed to be looked at, and that most of the property to the west of McClellan was not suitable for development because it is wetlands. The property to the east of McClellan, he asserted, might be a different story. However, N. Frischkorn asserted that according to this thinking and based on the Master Plan, he felt the rezoning was appropriate.

N. Williams stated his concerns were that if this high-density area were rezoned that developers may keep pushing outward into lower density aesthetically desirable areas on the outskirts of town.

J. Cardillo stated that he had listened to the City Commission meeting because she wanted to get an idea of what their thoughts were into why they would like to do this rezoning now. She pointed out that the City Commission had their own set of constraints and pressures and that the City Planning Commission exists to look at things purely from a planning perspective. She stated that although mostly there was agreement for the rezoning, some City Commissioners expressed that this proposal needed to be looked at wholistically and that this area should not be looked at in an isolated way since a new Community Master Plan was about to be revamped for the entire city. J. Cardillo stated that while she agrees that the majority of the land should be marked as CR, they should take this opportunity to really look wholistically at the city and that she would be in favor of postponing the rezoning with the understanding that it is not going to immediately change the situation or status of the property since the City Commission has the ultimately authority over what happens to it and it is known that they are in favor of keeping it as it is.

M. Dunn stated that he did not wish to vote against the rezoning but asked if there was any way to postpone the decision while the revision of the Community Master Plan was underway. He stated if it were mandatory that they were to make a final decision before the conclusion of the meeting, that he would vote in favor of rezoning it.

M. Larson inquired if any of the commissioners had comments on any particular parcel within the land in question. He stated that there were quite a few parcels included in this area and wanted to know if there were any parcels of note that were thought to be suitable for reconsideration.

J. Cardillo reaffirmed that this was her reason for wondering why the process should be rushed, since the land in question was not at risk to be developed. She suggested taking time and looking at the land in question parcel by parcel and then look at it in the context of the broader city. She emphasized there was no need to rush the rezoning approval since there is no current danger of anything happening on the property.

M. Larson stated that he understood that, but since it meets the criteria, he thought it was clear what to do.

S. Mittlefehldt commented that a lot has changed since the Community Master Plan of 2015 was put into place in terms of the affordability of housing. She recalled the pandemic, the recession, and inflation as examples and though she understood that while she knows community members have expressed their opposition, that affordable housing does not happen due to such situations. She expressed that she understood the value of the land for ecological reasons and that it would be nice to see study performed, but that a more comprehensive community conversation needed to happen regarding the upcoming Community Master Plan plans around the issue of affordable housing and how to go about make it happen even when it's not popular politically. She stated this issue is a good illustration and brings to the forefront two very important topics within the community of natural preservation versus the need she has observed, especially among young people, for affordable housing. She said this particular zoning application is a case study about how the community is going to resolve this tension between the two ideas and that there needs to be more involvement from the community members as whole before a decision is made. She mentioned that she feels that the new Community Master Plan of 2022 will be very different from the one drawn up in 2015.

J. Cardillo stated that she would like to address the question about gas lines. She inquired if there were indeed gas lines.

A. Landers stated she would have to verify if that's true.

J. Cardillo inquired of Andrea if she could explain more about the accessory use, non-single-family residence.

A. Landers stated that the proposed project was not a multiple family use, it is non-single family residential lots. She explained that 'accessories' as when you have two of the principal uses.

J. Cardillo asked if that meant if there is no principal use then there is no accessory use.

A. Landers responded affirmatively.

J. Cardillo gave the example of an ice cream vending location in one of the parks as being an accessory use to the principal use of the park and this was affirmed.

> *It was moved by M. Larson, seconded by M. Dunn and carried 5-3 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-04-22, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 01-REZ-04-22 as presented.*
> *Yes: W. Premeau, Vice-Chair M. Larson, N. Williams, M. Dunn, N. Frischkorn*
> *No: A. Andres, S. Mittlefehldt, J. Cardillo*

B. **01-ZOA-04-22: Land Development Code Amendments**

A. Landers stated that 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 2021 and early 2022. She stated the draft amendments to the LDC document are attached to the agenda packet. She also stated that text to be eliminated is shown with strikethrough font, new text was highlighted in yellow, and text included to help explain the changes is highlighted in blue.

D. Stensaas stated that the text of the proposed ordinances has been the topic of many hours of work by staff and the Planning Commission over several months and that it would take hours to go through this in detail, so staff is just going to answer questions if anyone has any. He also stated that some changes were made to section 54.321 since the last Planning Commission meeting because staff realized that the intended changes to that section, which were in the document at the previous regular meeting, would have possibly created a legal foothold for the elimination of the short alley and the access it provides to three buildings on the east side of the 100 block of S. Front Street. The issue and the text were discussed, and

no further text changes were made.

Chair Cardillo opened the public hearing.

Margaret Brumm, 404 E. Magnetic St., stated that she initially believed that the proposed changes to the land development code were inspired by ad hoc housing committee, but now as she is rereading them and listening to comments, there is no mention of the ad hoc housing committee. She inquired if it was correct to state that the changes have nothing to do with the ad hoc housing committee recommendations. She stated that the ad hoc housing committee's recommendations that were most concerning to her were putting dwellings in smaller spaces. She said she's not seeing this recommendation now in what she's reading and asked if it was not allowed. She said if that recommendation were to be followed, in her opinion it would be bad. She related her experience with overcrowding in dorms when she was attending college. She said placing too many people in too a small space affects everyone's quality of life. She expressed her concern that nothing but bad results would come from cramming more people into a smaller space, even when it's technically possible. She stated in her personal and professional opinion she does not recommend decreasing lot sizes or allowing auxiliary dwellings.

Colleen Roberts, 903 Adams St., asked what the projected density for the City of Marquette in 25 years is. He inquired how high the density that they want, because it looked like that was how things were being mapped out. He said if small houses were allowed in back yards, he wanted to know how it would affect tax rates and home values. He stressed that although the committee had been tasked with increasing available housing in Marquette, there is a limited amount of land. He expressed the idea that annexing land would be necessary if the city wanted to increase the population in order to create a wider tax base. He firmly asserted that increasing the density and creating overpopulation was not a desirable goal because after 25 years, Marquette would no longer be a desirable place to live. He illustrated that creating high density in the city would not be good for people with children and urged the members to investigate what high density living areas in other cities were like to be living in.

Mary Buckmaster, 108 Palms St., stated that she recently became aware of the addition and revision recommendation to the land development code. She also stated that she did understand that the changes were in response to the recommendation of the ad hoc housing committee recommendation and that the committee worked long and hard on preparing these recommendations. She stated that one of the recommendations of the committee was a new land use called supportive housing facility transitional and/or permanent land use and that staff decided to place that land use in five cities zones, low density residential and medium density residential, multiple family residential, mixed land and central business zones. After a joint meeting between the ad hoc housing committee and the city commissions, the hearing was set which they are all attending. M. Buckmaster related the definition of the supported housing facility is on Page 36 of the agenda for this meeting. She stated that the permitted land use designation in the multiple family residential zone is what she was hoping the committee would change to special land use column. Article 3 and the Zoning Districts and the maps on 37 are a good visual, she said and this was the bottom line. Four zones have a special land use designation; one has a permitted use, she explained. She stated that since this is a new use, all five zones ought to have the designation in the five categories of special land use. She stated that her reasoning was that any of the zones in Marquette could possibly be right across the street from a multiple family zone. She stated she hoped that many new land use requests would result in all residents within 300 feet would be advised of the request and the planning commission meeting. She stated that one of the city documents covered only 5;4 percent of the zones in Marquette. Three very large buildings, Snowberry, the Turbel apartments, and Hara Vista must take a large amount of that percentage, she related. She stated that she have lived in Marquette all her life and she knows that it has been hard to find adequate housing recently and that she knew that everyone was having issues with this. She stated that despite having very talented people to help with the issue, there is only a limited amount of land. She asked that special land use designation for all five targeted is a fair way to proceed for all citizens of Marquette.

Geraldine Nault, 1851 N. McClellan Ave., stated that as the committee reviews both the Community Master Plan and the land development code to consider that people wish to live in Marquette because of what it is seen to be now. She stressed that as the committee goes about doing the extremely difficult job of amending things, just keep in mind what the city is like now and try not to make extreme changes.

No one else wished to comment. Chair Cardillo closed the public hearing and asked if anyone wanted to make a motion.

> *It was moved by A. Andres, seconded by M. Dunn and carried 8-0 to suspend the rules for discussion.*

A. Andres stated that he wants to thank the public that came to the meeting for their comments and participation. He also stated that he is inclined to approve the amendments.

M. Dunn stated that he didn't having anything to add.

W. Premeau stated that on page 23 there are limitations on colors and asked if they were allowed to do that.

D. Stensaas stated that those standards would apply in the two form-based code districts, just like there are specifications for materials, this specifies that exterior cladding can only be up to fifty percent white or gray, and that he would consider it a pilot project.

W. Premeau stated that he did not understand the talk around affordable housing and why there is not affordable housing. He stated that NMU played a huge factor in affordable housing. Also, he stated that between the City Planning Committee, the City Commission, the state, the county and others have added costs, and that building codes alone have added approximately $70,000 to $75,000 to the cost of house. He stated that designations keep changing and that now they need even more insulation, and that for the pittance that would be saved it doesn't make sense. He pointed out that any changes that they make that add costs, those costs should be able to be recuperated within 10 years, per state law, but that is totally disregarded. He stated that the government was making housing unaffordable, not the people.

> *It was moved by S. Mittlefehldt, seconded by M. Dunn and carried 8-0 that after review of the draft Land Development Code (LDC) amendments presented as case 01-ZOA-04-2022, 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 and appropriate and therefore should be approved by the City Commission as presented.*

C. 01-MPA-04-22: Master Plan Amendments

A. Landers stated the City of Marquette adopted its most recent Community Master Plan (CMP) on 12/17/2018. She stated the proposed update is to incorporate the *Final Report* of the City of Marquette Ad-Hoc Housing Committee as Appendix K. She also stated the 95-day public comment period for this CMP Amendment was between December 1, 2021, and March 6, 2022; and no comments were received. She showed a visual of the document.

Chair Cardillo opened the public hearing.

Margaret Brumm, 404 E. Magnetic St., stated she felt that people would not realize the significance of the changes to the Land Development Code and the Community Master Plan until the density reaches such a high density and increases to such a high degree that people would suddenly wake up and realize that they never envisioned that such a situation would happen. She expressed that the housing problems in the city would not be solved by shoving more people into the existing space. She stated that the residents of the City of Marquette do not wish to live in a crowded area with multipole neighbors and multiple vehicles. She stated that during a previous commission meeting was the fact that having additional spaces available for people to live on the same lot interferes with the storage of snow removal equipment during winter and yet she is not seeing in any of the documents that suggests that there must be space to deal the winter issues and the snowfall. She states that such a proposition to put more people in the same space goes against common sense. She stressed that the quality of life in Marquette will be detrimental for the society in future

and warned this would cause conflict between residents.

Colleen Roberts, 903 Adams St., stated that she was against changing the rules in order to accommodate increasing density, in order to increase the tax revenue. She stated that the proposition of building additional housing on existing lots was not even practically possible due to the increase in the cost of building materials. She asked that the committee consider the consequences will be for the people who intend to stay in Marquette. She then thanked the committee.

No one else wished to comment. Chair Cardillo closed the public hearing and asked if anyone wished to make a motion.

> *It was moved by M. Dunn and seconded by S. Mittlefehldt and carried 8-0 that after review of the proposed 2022 Community Master Plan Amendment, and after conducting a public hearing and careful consideration of the contents of the documents and maps, the Planning Commission finds that the proposed text amendments are justified and appropriate and therefore recommends that the City Commission approves as presented.*

CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS

Margaret Brumm, 404 E. Magnetic St., stated that she was proud that former Mayor Irby had asked her to come and address the commission. She mentioned that it had been pointed out that the former mayor's career had ended with him being recalled, and she knew that would give a person pause to appearing in public for fear of being criticized. She emphasized that in such a situation proves Mr. Irby very sincere in his desire to express that a promise had been made and that he felt very strongly about that promise. She expressed her surprise that earlier in the meeting some of the commission members had stated that "they needed more input from the public" and pointed out that the commission they voted to change the Land Development Code and the Community Master Plan with virtually no input from the public and it did not seem to bother any of the members. She mentioned that they had heard the testimony of many residents and yet they were still saying "they need more input from the public". She asserted that the members of the committee already had had input from the public. She stated the impression that this was gave was that they would be willing to do anything in order that the decision be made. She encouraged the committee member to realized that the people who are attending the public meeting are indeed the public and that due weight be given to the same. She commended Commissioner Larson on how clearly he presented the first agenda item. She stated her concern over the effects that the changes to the land use and the Community Master Plan were going to have on the residents of the city. She then addressed again that it was not desirable for them to say they wanted more input from the public when the public was sitting right in front of them. She thanked the committee for their time.

Geraldine Nault, 1851 N. McClellan Ave., stated that she also wanted to point out that there was notification to the public in the paper and so the public did have notice if they wanted to come. She stated that the information is also available on the city website, the whole packet is available online and people can see what issues are being brought up, and that the public had been notified. She said this was her comment and then thanked the commission.

TRAINING
A. Article: "Green Signals from Across the Pond", *Planning*, Winter 2022

D. Stensaas stated that this was the first of what is planned to be an ongoing series of informational and educational articles from a variety of sources, which is required by the Redevelopment Ready Communities program which the City is now part of. He explained that there was a format prepared already for planning commissions and that this if the first, simple step that was being taken toward that end. He stated that the article emphasizes that much could be learned from other countries that have embraced the circular economy idea and cradle-to-grave product development and product treatment. He stated the concept touches on a lot of different things having to do with sustainability such as the prevention of pollution and the avoidance of creating carbon emissions when products are produced. He went on to illustrate the

ecological subjects covered in the article. He also stated that in order to continue in the RRC action would have to be taken, whereas before involvement in this subject was not as mandatory.

COMMISSION AND STAFF COMMENTS

M. Dunn stated he would like to clarify for the record that the amendments were considered carefully over the period of around one year and that they were not rushed through. He wanted to emphasize that nobody breezed through these amendments or took them lightly. Secondly, he expressed that in his opinion the more public opinion that was heard, the better and that he would like to have more voices heard, more often. He thanked those that did appear and speak.

N. Frischkorn thanked the staff for their work preparing for the three public hearings which were held and expressed how helpful it was in making an informed decision.

S. Mittlefehldt stated that she really enjoyed the Green Signals article and informed the group of an upcoming trip to France to attend a *circular economy* conference and that she would be presenting some of her own research at the event. She expressed her pleasure at seeing her professional and personal interests in harmony. She stated she would like to share any knowledge she gained from the trip with the commission members.

W. Premeau stated that the only issue that arose for him was regarding former Mayor Irby and expressed his support for him. He stated he wouldn't go into the details, but he wanted it acknowledged that Mr. Irby was not the only person recalled and that one of the managers quit shortly after the recall.

A. Andres expressed frustration on how long they are waiting for a comment from the housing community while they were attempting to improve the quality of life in the city for everyone involved. He also expressed his frustration that due to the streets not being plowed, he was from attending some meetings. He asserted that if they were going to have meetings, they need to make the meetings more accessible and easier for people to attend. Mr. Andres emphasized that they do not take things lightly, they take their time deciding on issues, and try to take everyone's different views into consideration. He wanted to encourage more participation from a wider segment of society. He thanked the public for attending.

M. Larson stated that he would like to remind the commission about the upcoming training that will be on May 16th which is for Planning and Zoning for Solar Energy System.

D. Stensaas stated that two members have signed up for the training and mentioned other training opportunities were available as well, and that he would send out more information. He expressed frustration at the comments which make it appear as if the City doesn't have any professional planners and that they just rubber-stamp things. He stated that they take a lot of time considering what should be in the Land Development Code (LDC) and they weren't simply copying things produced by other committees or by the Ad Hoc Housing Commission. D. Stensaas stated that everything considered for or in the LDC was produced in-house, such at the definitions and standards. He clarified that an assumption was also made regarding the commission wanting more people in Marquette, which isn't accurate. He stated that the population was going to increase here because it is increasing by about 80 million people per year in net gain and that pressure will only increase on most places that people want to live and that he feels that this Planning Commission has done a good job of working with staff and taking public input and finding solutions that work for Marquette. He also stated that he wanted to address the comments about accessory dwelling units being cheap housing and that they have been allowed in Marquette for over three years, but that only one has been developed through an application and that may be because they are not a cheap housing option. He stated that ADUs are as expensive to develop as any other housing. He thanked the people who showed up and the comments they made.

J. Cardillo thanked Andrea and Dave for the months of work and effort for making the meeting happen. She stated that she would like to support all of the comments that Commissioner Andres had made about participation. She stated that it is exciting to have a full board here and that meetings such as these are very exciting to her and having a lot of participation is important to her. She expressed the thought that in

her opinion the committee should not be downsized and that having the full eight people was important. She thanked everyone and stated she was very glad that everyone was in attendance.

ADJOURNMENT
The meeting was adjourned by Chair J. Cardillo at 8:10 p.m.

Prepared by:

David Stensaas

David Stensaas, City Planner and Zoning Administrator
Planning Commission Staff Liaison
Transcription by iMedat, Edited by D. Stensaas

ORDINANCE #709

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

ARTICLE 2 – DEFINTIONS
ARTICLE 3 – ZONING DISTRICTS AND MAP
ARTICLE 4 – SCHEDULE OF REGULATIONS
ARTICLE 5 – SUPPLEMENTAL ZONING DISTRICT STANDARDS
ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES
ARTICLE 7 – GENERAL PROVISIONS
ARTICLE 9 – PARKING, LOADING, AND ACCESS MANAGEMENT
ARTICLE 11 – SIGNS
ARTICLE 14 – ADMINISTRATIVE PROCEDURES

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 amended as follows:

Article 2 Definitions

Section 54.202 Specific Terms

~~**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."~~

Bed and Breakfast: An owner-occupied residential dwelling where no more than 10 (ten) guest rooms are made available for lodgers' sleeping accommodations. Such an establishment offers breakfast and possibly other meals or food to lodgers at no extra cost. See also definition of "Bed and Breakfast Inn" and "Homestay."

~~**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."~~

Bed and Breakfast Inn: A private residence constructed as a hotel and used for lodging purposes, in which more than 10 (ten) but not more than 14 (fourteen) guest rooms are made available for the lodgers' sleeping accommodations. The innkeeper resides at the Inn and offers breakfast and possibly other meals or food to lodgers. See also definition of "Bed and Breakfast" and "Homestay."

Block: A parcel or adjoining parcels of land that are bounded by local, collector, and arterial roads. Usually a block has a perimeter of roads, with roads on three or four sides of the contiguous parcels, but there may be exceptions, such as where a lake or a railroad forms a boundary.

Block Face: A block face is the area between intersections of the bounding/perimeter roads of contiguous parcels. A street may traverse one or two block faces, depending on if either one or two sides of the street is a parcel of land or not (e.g. undeveloped lakeshore may not constitute a block face).

Dwelling Unit: One (1) or more rooms, in a building, with a bathroom and usually containing ~~principal~~ kitchen facilities, designed or used as a self-contained unit for residential occupancy by one (1) family for such purposes as cooking, bathing, gathering, entertainment, and sleeping. A dwelling unit may be established by use in a structure or a portion of a structure that has neither a typical kitchen nor a typical bathroom, which are not always present when a person or persons are occupying space independently as renters or guests; therefore the design of the structure alone is not limiting regarding space being used as a dwelling unit. Tents, recreational vehicles (RVs) and other structures designed for temporary occupancy (14 days or less) 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, commercial establishments approved for RVs, or other areas where camping may be authorized during emergencies or otherwise. See also the definition of "Occupancy, Temporary."

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 with the exception that compacted gravel parking lots are allowed for *Land Intensive Recreational Uses*. The City Engineer may require minimum standards for hard parking surface (e.g., material depth, material specifications, construction techniques, etc.)

Halfway House: A house licensed by a State Agency for the continued care, treatment and counseling of individuals who have successfully completed institutional treatment or that have a treatment plan established with a relevant institution/agency and who will benefit from a controlled atmosphere in a residential setting. This type of home will have a manager that tracks the treatment and progress of all residents and arranges for the various health care and other needs that individual residents require to achieve their best possible health.
Also known as a Sober Living House.

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, archery ranges, and other indoor recreational facilities. "Indoor Recreation" excludes "Adult Entertainment Uses."

Lot Types: Lot Types are as follows (See *Figure 4. Lot Types*)

(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." The frontage facing the limited access highway is either a side or rear yard depending on the lot layout.

Open Structure: An open structure is a building, or structural amenity, having the total of all walls at least eighty (80) percent open. An open building, such as a pergola, may have a roof, but the percent of walls in the building envelope shall not exceed twenty (20) percent. An open structure is considered pervious only if it has no roof.

Open Space: Open space is the part of a parcel (which includes required yards) that is open and unobstructed from its lowest level to the sky, except for specific permitted obstructions and access ways, and that is accessible to and usable by all persons that have rights to use the property.

Outdoor Food and Non-Alcoholic Beverage Service: An establishment where food and/or non-alcoholic beverages are prepared and served for consumption outdoors in a designated dining area which excludes drive-through restaurants. See definitions of "Restaurant, Indoor Service."

Outdoor Alcoholic Beverage Service: A service conducted by a private establishment, in a designated outdoors area, where alcoholic beverages are served or permitted to be consumed.
See definitions of "Bar" and "Restaurant, Indoor Service."

Outdoor Livability Space: Any area of a site which is not covered by an enclosed structure, is not included in required parking area, and is available for use by residents and visitors.

Shooting Range, Indoor: Indoor Shooting Range means an indoor area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

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 but not limited to retaining walls, driveways, and pavement for patios, sidewalks, porches, etc.

Supportive Housing Facility, Transitional and/or Permanent: A residential facility that provides housing and supportive services to homeless persons or families for periods up to two years (transitional) and/or beyond two years (permanent) and that has as its purpose facilitating the movement of homeless persons and families into independent living. Such facility may support those transitioning from rehabilitation or corrections facilities, and provides appropriate supportive services to persons with special need conditions (homelessness, domestic violence survivors, mental health challenges, drug addiction, etc.) intended to facilitate their eventual movement to maintaining permanent independent living within 24 months.

SECTION 2. Article 3 – Zoning Districts and Map
Chapter 54 – LAND DEVELOPMENT CODE, Article 3 – Zoning Districts and Map is hereby amended as follows:

Article 3 Zoning Districts and Map

Section 54.306 Permitted Uses by District

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~~ P	~~S~~ P	~~S~~ P		~~S~~ P									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~~ P	~~S~~ P	~~S~~ P		~~S~~ P	~~S~~ P								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	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~~1~~2
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		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						
Rooming House			S		S	S								Section 54.642~~1~~3
Supportive Housing Facility, Transitional and/or Permanent	S	S	P		S	S								Section 54.646

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

	LDR	MDR	MFR	MHP	MU	CBD	GC	RC	M	C	I-M	CR	BLP	Use Standards
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 54.6~~39~~40
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~~1~~1
School, Primary or Secondary	S	S	S		S	S			P	P				Section 54.643~~4~~4
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					P	~~S~~ P~~-~~	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 or Accessory Use)					S	P	S	S	P	P		P ~~S~~		Section 54.635(C) or (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 Alcoholic ~~Food and~~ Beverage Service					S	P	P	P				P		Section 54.636
Outdoor Food and Non-Alcoholic Beverage Service					P	P	P	P				P		Section 54.637
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~~8~~8
Service Establishment					P	P	P	P			P			
Shooting Range, Indoor							P	P			P			Section 54.645
Storage, Open							P	P	P	P	P	P	P	Section 54.634
Vehicle Repair and Service					S	S	S	P			P			Section 54.627

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 54.6389
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			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 54.6447
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)														
Third Street Corridor Form-Based Code (see Section 54.322)														

Section 54.307 LDR, Low Density Residential District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Dwelling, Accessory Unit • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Residential Limited Animal Keeping	• ~~Adult Foster Care, Small Group Home~~ • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • ~~Dwelling, Accessory Unit~~ • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Public or Governmental Building • Recreational Use, Public • Religious Institution • School, Primary or Secondary • Supportive Housing Facility, Transitional and/or Permanent
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.308 MDR, Medium Density Residential District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Dwelling, Accessory Unit • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Residential Limited Animal Keeping	• ~~Adult Foster Care, Small Group Home~~ • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • ~~Dwelling, Accessory Unit~~ • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Hospital Hospitality House • Public or Governmental Building • Recreational Use, Public • Religious Institution • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.309 MFR, Multiple Family Residential District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child or Day Care, Family Home • Dwelling, Accessory Unit • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • Dwelling, Two-Family (Duplex) • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Outdoor Entertainment and Community Events (Temporary) • Supportive Housing Facility, Transitional and/or Permanent	• Accessory Use, Non-Single Family Residential Lots • Adult Foster Care, Large Group Home • ~~Adult Foster Care, Small Group Home~~ • Bed and Breakfast • Cemetery • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • ~~Dwelling, Accessory Unit~~ • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Hospital • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Religious Institution • Rooming House • School, Primary or Secondary • School, University
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

(D) Dimensional Regulations for 5+ Multiple Family Units			
Lot, Coverage, and Building Height Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	15,000 *(C)*	*Front Yard (ft.)*	15 *(A)*
Min. Lot Width (ft.)	100 *(D)*	*Side Yard (one) (ft.)*	15 *(H), (L), (M)*
Max. Impervious Surface Coverage (%)	*(S)*	*Side Yard (total of 2) (ft.)*	30 *(H), (L), (M)*
Max. Building Height of Primary Building (ft.) (P)	44 *(M & N)*	*Rear Yard (ft.)*	30 *(H), (L), (M)*
Max. Building Height of Accessory Building	*(L)*		
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	0.20		
Where there is a discrepancy between *Article 4* and this table, *Article 4* shall prevail.			
(E) Dimensional Regulations for 1-4 Dwelling Units and other uses identified in Section 54.309			
Lot, Coverage, and Building Height Standards		***Minimum Setbacks***	
Min. Lot Area (sq. ft.)	9,000 *(E)*	*Front Yard (ft.)*	15 *(A)*
Min. Lot Width (ft.)	75 *(E)*	*Side Yard (one) (ft.)*	10 *(H), (L), (M)*
Max. Impervious Surface Coverage (%)	*(R or S)*	*Side Yard (total of 2) (ft.)*	20 *(H), (L), (M)*
Max. Building Height of Primary Building (ft.) (P)	44 *((M & N*	*Rear Yard (ft.)*	30 *(H), (L), (M)*
Max. Building Height of Accessory Building	*(L)*		
Max. Building Height (stories)	-		
Max. Lot Coverage/ Ground Coverage	0.20		
Where there is a discrepancy between *Article 4* and this table, *Article 4* shall prevail.			

Section 54.310 MHP, Mobile Home Park District

(B) Permitted Principal Uses	(C) Special Land Uses
• Adult Foster Care, Family Home • Child or Day Care, Family Home • Food Production, Minor • Mobile Home Park • Outdoor Entertainment and Community Events (Temporary)	
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Section 54.311 M-U, Mixed-Use District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Adult Foster Care, Small Group Home • Child Care Center or Day Care Center • Child or Day Care, Family Home • Drive-Through Uses • Dwelling, Accessory Unit • Dwelling, Live/Work • Dwelling, Multiple-Family • Dwelling, Single-Family Attached • Dwelling, Single-Family Detached • 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 (Temporary) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Veterinary Clinic (Domestic Animals Only)	• Accessory Use, Non-Single Family Residential Lots • ~~Adult Foster Care, Small Group Home~~ • Bar • Bed and Breakfast • Bed and Breakfast Inn • Child or Day Care, Group Home • Domestic Violence Abuse Shelter • ~~Dwelling, Accessory Unit~~ • Dwelling, Intentional Community • Foster Family Group Home • Fraternity or Sorority House • Halfway House • Homeless Shelter • Hospital • Hospital Hospitality House • Hotel or Motel • Manufacturing, Light • Marihuana Safety Compliance Facility • Nursing Home, Convalescent Home, Extended Care Facility, Assisted Living Facility • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Alcoholic ~~Food and~~ Beverage Service • Recreational Use, Public • Rooming House • School, Primary or Secondary • School, University • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

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 • Drive-Through Uses • Dwelling, Live/Work • Dwelling, Accessory Unit • Dwelling, Multiple-Family • 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 Alcoholic ~~Food and~~ Beverage Service • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Food and Non-Alcoholic 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 • Supportive Housing Facility, Transitional and/or Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.313 GC, General Commercial District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Alcoholic ~~Food and~~ Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Storage, Open • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment	• Accessory Use, Non-Single Family Residential Lots • Hospital • Manufacturing, Light • Marihuana Designated Consumption Establishment • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Vehicle Repair and Service • Wireless Telecommunications Facilities

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.314 RC, Regional Commercial District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Bar • Child Care Center or Day Care Center • Drive-Through Uses • Emergency Services • Farmers' Markets • Food Production, Minor • Gasoline Service Stations • Health Services • Hospice • Hotel or Motel • Indoor Recreation • Medical Hospital Related Accessory Uses • Medical Hospital Related Office • Medical Hospital Related Uses • Office, Medical • Office, Professional • Outdoor Alcoholic ~~Food and~~ Beverage Service • Outdoor Entertainment and Community Events (Temporary Use) • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Religious Institution • Restaurant, Indoor Service • Retail Business, Indoor • Retail Sales, Outdoor Temporary • Service Establishment • Shooting Range, Indoor • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Wholesale Trade Establishment	• Accessory Use, Non-Single Family Residential Lots • Hospital • Manufacturing, Light • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Outdoor Entertainment and Community Events (Principal & Accessory Use) • Pet Boarding Facility • Recreational Use, Public • Retail Business, Outdoor Permanent • Storage, Bulk • Warehousing • Wholesaling Operations • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.315 M, Municipal District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Indoor Recreation • Office, Professional • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open • Wireless Telecommunications Facilities	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Recycling Collection and Transfer Stations • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.316 C, Civic District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Indoor Recreation • Office, Professional • Outdoor Entertainment and Community Events (Principal, Temporary, or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open • Wireless Telecommunications Facilities	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.317 IM, Industrial/Manufacturing District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Food Production, Minor • Gasoline Service Stations • Indoor Recreation • Manufacturing, Light • Office, Medical • Office, Professional • Outdoor Entertainment and Community Events (Temporary) • Public or Governmental Building • Railroad Facilities • Religious Institution • Retail Business, Indoor • Service Establishment • Shooting Range, Indoor • Storage, Open • Vehicle Repair and Service • Veterinary Clinic (Domestic Animals Only) • Warehousing • Wholesale Trade Establishment • Wholesaling Operations • Wireless Telecommunications Facilities	• Accessory Use, Non-Single Family Residential Lots • Adult Entertainment Uses • Major Repair and Maintenance Operations • Marihuana Grower – Class A • Marihuana Grower – Class B • Marihuana Grower – Class C • Marihuana Grower – Excess • Marihuana Microbusiness – Light Manufacturing • Marihuana Microbusiness – Heavy Manufacturing • Marihuana Processor – Light Manufacturing • Marihuana Processor – Heavy Manufacturing • Marihuana Retailer • Marihuana Safety Compliance Facility • Marihuana Secure Transporters • Manufacturing, Heavy • Pet Boarding Facility • Retail Business, Outdoor Permanent • Storage, Bulk
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.318 CR, Conservation and Recreation District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Outdoor Entertainment and Community Events (Accessory, Temporary, and Principal) • Outdoor Alcoholic Beverage Service • Outdoor Food and Non-Alcoholic Beverage Service • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Open	• Accessory Use, Non-Single Family Residential Lots • Natural Resource Extraction Operations • ~~Outdoor Entertainment and Community Events (Principal or Accessory Use)~~ • Port Facilities and Docks • Recreational Use, Land Intensive • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • Wireless Telecommunications Facilities
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.319 BLP, Board of Light and Power District

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Major Repair and Maintenance Operations • Outdoor Entertainment and Community Events (Temporary) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Bulk • Storage, Open • Utility Electrical Power Generation • Warehousing • Wireless Telecommunications Facilities	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Recreational Use, Land Intensive
Where there is a discrepancy between *Section 54.306* and this table, *Section 54.306* shall prevail.	

Note: (D) Dimensional Regulations will be updated to reflect the new footnotes in 54.403

Section 54.321 Marquette Downtown Waterfront District Form-Based Code

(B) The Downtown Waterfront District Regulating Plan.

(2) Rules for New Development. New development in the Downtown Waterfront District shall integrate street (roadway) design and land development to create a complementary and connected pattern for growth and development. The rules below will establish/create a compact, mixed-use district and provide flexible opportunities for residential, employment, commerce, and recreational uses.

(a) Streets~~,~~ and Blocks and Alleys

(v) ~~Where designated on the REGULATING PLAN~~ In the case of an existing alley/access easement, except where lots are on a perimeter common to non-developable, lakeshore, or conservation lands:

a. ALLEYS shall provide access to the rear of all lots and are ~~. ALLEY construction is~~ required as part of the redevelopment project within the rear setback~~, unless an ALLEY already exists~~. ALLEYS shall be ~~constructed~~ reconstructed if existing, 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 to be maintained by existing alleys/access easements. The specific configuration may include shared parking areas and other uses so long as reasonable service access is relatively unimpeded.

~~**c.** Where an alley does not exist and is not feasible to construct at the time of redevelopment of any property, the applicant is required to maintain the area within the rear setback by, at a minimum:~~

~~**i.** Sodding and providing routine landscape maintenance to the area.~~

~~**ii.** Keeping the area clear of debris, stored materials, and vehicles.~~

(~~vi~~ v) Stub streets shown on the REGULATING PLAN are not considered to be established until the City of Marquette obtains the property. Until this occurs, the RBL/RBZ will be the current property line.

(b) Buildings

(vi) Cladding materials shall be of typical wood finish materials, typical masonry materials (e.g. brick, stone, concrete, cement, tile, stucco, granite, limestone, cast stone), and non-polished metals, unless otherwise designated by the individual building form standards. Glass curtain walls, reflective glass, and other materials of greater than 30% reflectance are prohibited due to the undesirable blinding effect compounded by snow. Metal cladding shall be limited to not more than 40% of the non-fenestrated

façade area, except in the Working Waterfront and Workshop Flex subdistricts.

(vii) Cladding may consist of no more than fifty (50) percent white-grey-black coloration; at least fifty (50) percent of cladding coloration must be any primary, secondary, or tertiary colors, or combinations and hues of these colors.

(~~vii~~ viii) Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks must be screened in accordance with *Section 54.1003(F)* and *Section 54.1003(G)*.

(d) Parking

(iii) Achieving Parking:

a. Parking requirements may be met either on-site or within a ~~600~~ 2,000 foot radius of the development parcel.

b. Shared parking shall be designated by appropriate signage and markings as required by City policy.

c. Vehicular parking spaces may not be placed over a public utility easement without the approval of the City Engineer and the Zoning Administrator, except where Planning Commission approval is required.

(C) Building Form Standards.

(3) Limited and Prohibited Uses (within the Downtown Waterfront District). The items below have been placed into Figure 10, which is shown on the following page.

~~**(a) Uses Permitted By Right.** See the individual Building Form Standard pages.~~

~~**(b) SPECIAL LAND USES (RESIDENTIAL USE areas – see definitions):**~~

~~**(i)** Group Day Care Home (*Section 54.608*)~~
~~**(ii)** Foster Family Group Home~~
~~**(iii)** Halfway House (*Section 54.620*)~~
~~**(iv)** Homeless Shelter (*Section 54.623*)~~

~~**(c) SPECIAL LAND USES (COMMERCE and Other)**~~

~~**(i)** Wireless Telecommunications Facilities (*Section 54.644*)~~
~~**(ii)** Outdoor Entertainment and Community Events (*Section 54.635*)~~
~~**(iii)** Recreation Use, Public~~
~~**(iv)** Marihuana Microbusiness – Light Manufacturing (*Section 54.628*)~~
~~**(v)** Marihuana Retailer (*Section 54.628*)~~
~~**(vi)** Marihuana Processor – Light Manufacturing (*Section 54.628*)~~
~~**(vii)** Marihuana Safety Compliance Facility (*Section 54.628*)~~

~~**(d) SPECIAL LAND USES in the G3 and G5 sub-districts**~~

~~**(i)** Marihuana Designated Consumption Establishment (*Section 54.628*)~~

Figure 10. Downtown Marquette Waterfront District Table of Permitted and Special Uses

USE	G3	G5	NL	WWZ	WF	F5
A. RESIDENTIAL						
Dwelling Units (see *Article 6*)	P	P	P	P	P	P
Bed and Breakfasts (see *Section 54.603*)	P	P	P	P	P	P
Bed and Breakfast Inns (see *Section 54.604*)	P	P	P	P	P	P
Adult Foster Care Family Home	P	P	P	P	P	P
Family Day Care Homes	P	P	P	P	P	P
Foster Family Homes	P	P	P	P	P	P
Domestic Violence Shelter (see *Section 54.610*)	P	P	P	P	P	P
Homestays (see *Section 54.624*)	P	P	P	P	P	P
Vacation Home Rentals (see *Section 54.624*)	P	P	P	P	P	P
Home Office (see *Section 54.622*)	P	P	P	P	P	P
Home Occupation (see *Section 54.621*)	P	P	P	P	P	P
Group Day Care Home (*Section 54.608*)	S	S	S	S	S	S
Foster Family Group Home	S	S	S	S	S	S
Halfway House (*Section 54.620*)	S	S	S	S	S	S
Homeless Shelter (*Section 54.623*)	S	S	S	S	S	S
B. RETAIL						
Retail Service	P	P		P	P	P
Retail Specialty	P	P		P	P	P
Retail Trade	P	P		P	P	P
C. 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; and government functions open to the public.	P	P		P	P	P
D. COMMERCE						
Executive, Administrative, and Professional Offices (See *Section 54.633*)	P	P		P	P	P
Medical and Dental Offices, and Clinics (See *Section 54.633*)	P	P		P	P	P
Day Care Centers (See *Section 54.609*)	P	P		P	P	P
On-premise Alcohol Sales	P	P		P	P	P
Outdoor Alcoholic Beverage Service (See *Section 54.636*)	P	P		P	P	P
Outdoor Food and Non-Alcoholic Beverage Service (See *Section 54.637*)	P	P		P	P	P
All of the Civic Use Categories Except Passenger Terminals	P	P		P	P	P
All of the Retail Use Categories	P	P		P	P	P
Parking Facilities and Structures, including a parking lot attendant shelter.	P	P		P	P	P
Outdoor Recreation.	P	P		P	P	P
E. LIGHT INDUSTRIAL						
Light Manufacturing (See *Section 54.627*)	P	P		P	P	P
Waterfront Related Repair and Maintenance	P	P		P	P	P
Mooring and Docking of Boats	P	P		P	P	P
Winter Storage of Watercraft Between the Dates of October 1st and May 30th	P	P		P	P	P
F. OTHER						
Wireless Telecommunications Facilities (See *Section 54.647*)	S	S		S	S	S
Outdoor Entertainment and Community Events (See *Section 54.635*)	~~S~~ P	~~S~~ P		S	S	S
Recreation Use, Public	S	S		S	S	S
Marihuana Microbusiness – Light Manufacturing (See *Section 54.628*)	S	S		S	S	S
Marihuana Retailer (See *Section 54.628*)	S	S		S	S	S
Marihuana Processor – Light Manufacturing (See *Section 54.628*)	S	S		S	S	S
Marihuana Safety Compliance Facility (See *Section 54.628*)	S	S		S	S	S
Marihuana Designated Consumption Establishment (See *Section 54.628*)	S	S				

(D) Marquette Waterfront – General 3
(4) GROUND STORY Height: Residential Units (General 3)
(a) The finished floor elevation shall be no more than 7 feet above the exterior sidewalk elevation at the REQUIRED BUILDING LINE. **(b)** The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling or mezzanine floor height of 12 feet.
(6) Mezzanines (General 3)
Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

(E) Marquette Waterfront – General 5
(4) GROUND STORY Height: Residential Units (General 5)
(b) The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling or mezzanine floor ~~STORY HEIGHT~~ height of 12 feet.

(I) Marquette Waterfront - Founders 5
(4) GROUND STORY HEIGHT: RESIDENTIAL Units (Founders 5)
(b) The first STORY shall have an interior clear height (floor to ceiling) of at least 8 feet and a maximum floor to ceiling or mezzanine floor ~~STORY HEIGHT~~ height of 12 feet.

Section 54.322 Third Street Corridor District Form-Based Code

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

(1) Intent.

(2) Conflicting Ordinances.

(3) Pre-Existing Conditions. (moved up from item B.2 for greater clarity)

~~(3)~~(4) Transect Districts.

~~(4)~~(5)Approval Process.

~~(5) Appeals.~~

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

(1) Instructions. (moved up from item B.1 for greater clarity)

~~(6)~~(7) The Third Street Regulating Plan.

(d) Parking and access:

~~(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.~~

(f) Civic Spaces (CS) (moved up from item B.3 for greater clarity)

~~**(7)**~~**(8) How to Use this Section.**

~~**(8)**~~**(9)Definitions**

~~**(5)**~~**(10) Appeals.**

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

~~**(1) Instructions.**~~ (Moved to item A.6 for greater clarity)

~~**(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.**~~ (Moved to item A.3 for greater clarity)

~~**(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)**~~ (Moved to item A.7 for greater clarity)

(a) *Civic spaces* shall be generally designed as described in *Figure 1~~0~~2. Civic Space*.

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

(4) Fencing Standards.

(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~~21*), 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 side yard shall not exceed 48 inches in height; in a rear yard private lot line fences shall be between 48 and 72 inches in height and may be of open or closed construction. See *Figure 21~~3~~. Fence Locations*.

(iii) A fence and/or wall in the side or rear yard for an approved commercial Outdoor ~~Food and~~ Alcoholic 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.

(iv) A solid/screening fence is allowed along the lot line that has a commercial off-street parking lot abutting a residential use,

(3) Building Specifications: Frontage Requirements

(c) Where building façades do not occupy the entire frontage length in T5, a *street screen* may be erected as follows, provided it meets Section 54.704 Clear Vision Triangle:

(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 24 feet.

(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:

(ii) The *shopfront private frontage* shall be no less than ~~70%~~ 30% glazing (i.e., windows).

(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.

(viii) Cladding may consist of no more than fifty (50) percent white-grey-black coloration; at least fifty (50) percent of cladding coloration must be any primary, secondary, or tertiary colors, or combinations and hues of these colors.

(7) Use. Buildings, as the primary element of town planning, are subject to variations in use, placement and configuration.

(d) General to all sub-districts:

(i) All buildings in each transect district shall conform to the use and types on *Figure 22~~4~~. ~~Use~~ Table of Permitted Land Uses and Special Land Uses in the TSC Districts*

(ii) No commercial use is permitted above a residential use.

Figure ~~22. Use~~ 24. Table of Permitted Land Uses and Special Land Uses in the TSC District

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

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 (*Sections 54.613 & 54.403(C & D)*)	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 (*Sections 54.616 & 54.403(E)*)	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 54.6423*)	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 134*, *Figure 135*, and ,as applicable, *Section 54.705*)	P	P
Outdoor Entertainment and Community Events (Accessory or Principal Use) (*Section 54.635(C) or (D)*)	S	S	Accessory Use, Non-Single Family ResidentialLots	S	S
Retail building	P	P	Accessory Use, Single-Family Residential Lots	P	P
Gallery	P	P	Commercial Service Establishment	P	P
Restaurant, Indoor Service and with or without Outdoor Food and Non-Alcoholic Beverage Service (*Section 54.637*)	P	P	Food Production, Minor	P	P
Restaurant, with Outdoor ~~Food and~~ Alcoholic Beverage Service (*Section 54.636*)	S	S	Outdoor Recreation	P	P
Mixed-use building	P	P	Wireless Telecom Facilities (*Section 54.6447*)	S	S
Open/outdoor market building	P	P			
Retail Sales, Outdoor Temporary (*Section 54.638*)	P	P			
Indoor Recreation	P	P			
Farmers' Markets (*Section 54.618*)	P	P			
Kiosk	P	P			
Push cart	P	P	Permitted Use		P
Marihuana Retailer (*Section 54.628*)		S	Special Land Use		S

(8) Parking Location and Access.

(a) Parking shall not be located within ~~25~~ 20 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~~ 2,000 feet of the lot.

Article 4 – Schedule of Regulations
Chapter 54 – LAND DEVELOPMENT CODE, Article 4 – Schedule of Regulations is hereby amended as follows:

Article 4 Schedule of Regulations

Section 54.402 Schedule of Regulations

Zoning District	Minimum Lot Dimensions		Minimum Setback Requirements (T)				Maximum Height of Structures (P)		Maximum Impervious Surface Coverage of the Lot
	Size (sq. ft.)	Width (feet)	Front Yard (feet)	Side Yards (feet)		Rear Yard (feet)	Primary Building (feet)	Accessory Building (feet)	
				Smallest Side	Total of Two Sides				
LDR, Low Density Residential	8,100	60	20, (B)	10 (L)	20 (L)	30 (L)	31.5	(L)	(R)
MDR, Medium Density Residential	4,500 (C)	37.5 (D)	15 (A), (B)	5 (L)	13 (L)	20 (L)	31.5	(L)	(R)
MFR, Multi-Family Residential (J K) 5+ Multiple Family Units --- MFR,1-4 Units and other uses identified in 54.309 (K)	15,000 (C) --- 9,000 (E)	100 (D) --- 75 (E)	15 (A) --- 15 (A)	15 (H), (L), (M) --- 10 (H, L, M)	30((H), (L), (M) --- 20 (H, L, M)	30 (H), (L), (M) --- 30 (H, L, M)	44 (M)(N) ~~36.5~~	(L)	(R or S)
MHP, Mobile Home District	See Section 54.630								
M-U, Mixed-Use	4,800 (C)(E)	40 (D)(E)	0 (E), (F), (G)	5 (I), (L), (N)	13 (I), (L), (N)	20 (I), (L), (N)	44 (N)	(L)	(R or S)
CBD, Central Business District	None	None	0	5 (I)	10 (I)	10 (J)	60	18	(R or S)
GC, General Commercial	None	None	0 (F) (G)	15 (I)	30 (I)	20	40	18	(S)
RC, Regional Commercial	None	None	30	15	30	20	40	18	(S)
M, Municipal	None	None	None	None	None	None	None	None	(S)
C, Civic	None	None	None	5	10	20	60	24	(S)
IM, Industrial/Manufacturing	None	None	40	20	40	40	80 (O)	60 (O)	(S)
CR, Conservation/Recreation	None	None	15	50	100	20 (Q)	36.5	18	(S)
BLP, Board of Light and Power	None	None	40	20	40	40	None	None	(S)
Marquette Downtown Waterfront District Form-Based Code (see Section 54.321)									
Third Street Corridor Form-Based Code (see Section 54.322)									

Section 54.403 Footnotes to Schedule of Regulations

(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~~ on the same block as the subject lot.

(C) Minimum Lot Area for Two-Family Dwellings (Duplexes) in the MDR, M-U, TSC and MFR Districts. In the MDR, M-U, TSC, and MFR District, the minimum lot area for a two-family dwelling (duplexes) is 6,000 sq. feet.

~~(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, M-U, TSC, and MFR Districts. In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a two-family dwelling (duplex) is 50 feet.

~~(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 Lot Area and Width for Three Family and Four Family Dwellings in the M-U, TSC, and MFR Districts.

(1) In the MDR, M-U, TSC, and the MFR District, the minimum lot area for a three-family and four family dwellings is 9,000 sq. feet.

(2) In the MDR, M-U, TSC, and the MFR District, the minimum lot width for a three-family and four family dwellings is 75 feet.

(~~E~~ F) 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.

(~~M~~ N) Height Exceptions and Increased Setbacks for Principal Buildings in the MFR and M-U Districts. 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.

(~~O~~ P) 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. Items attached to a building such as chimneys, weather vanes, lightning arrestors, etc. may be exempt as well.

SECTION 4. Article 5 – Supplemental Zoning District Standards
Chapter 54 – LAND DEVELOPMENT CODE, Article 5 – Supplemental Zoning District Standards is hereby amended as follows:

Article 5 Supplemental Zoning District Standards

Section 54.503 Condominium Developments

(G) Design and Engineering Standards and Required Improvements for Condominium Developments. The design and engineering standards for condominium developments, as well as required improvements for condominium developments, shall be the same as those required for subdivisions in *Section 54.501(E)*.

(1) Exception: If there are no other public streets within 1,500 feet of the nearest site condominium parcel line, then the site condominium parcel can have private road frontage and any of the street development standards do not have to be met in Section 54.501(E) (1), (2), (6), (7), and (8) items. The standards in Section 54.401(E) (3), (4), (5), and (6) do have to be met, however any reference to "street" will be replaced with "private road".

SECTION 5. Article 6 – Standards Applicable to Specific Land Uses
Chapter 54 – LAND DEVELOPMENT CODE, Article 6 – Standards Applicable to Specific Land Uses is hereby amended as follows:

Article 6 Standards Applicable to Specific Land Uses

Section 54.603 Bed and Breakfast Home

(A) **Room Size**. A minimum room size of 70 Sq. Ft. for the first occupant and an additional 50 Sq. Ft. for each occupant thereafter shall be provided.
(B) **Length of Stay.** No one guest's stay is to exceed 14 consecutive days.
(C) **Parking.** In Residential Districts and the M-U District, there must be at least one (1) space per room, plus two (2) spaces for the owner. In Commercial Districts, parking shall be provided in accordance with the requirements provided in the Zoning Ordinance for hotels and motels.
(D) **Signage.** A Bed and Breakfast Home licensed under the ordinance shall be allowed one additional sign on the property. The sign shall be non- illuminated, mounted flush against the building, with a maximum size of five (5) square feet. Other signage shall be regulated by *Article 11*.
(E) **Proximity.** In Residential Districts, a Bed and Breakfast Home shall not be located within 300 lineal feet measured along the street right-of-way of another Bed and Breakfast Home or Bed and Breakfast Inn.
(F) **Transferability.** Special land use permits for Bed and Breakfast Homes in a Residential District may not be transferred from owner to owner without Planning Commission approval.
(G) **Code Compliance.** A Bed and Breakfast Home shall not commence or continue to operate without compliance with all applicable code requirements. Owners shall submit to inspections of both the exterior and interior of the dwelling to ensure compliance with health, safety, and welfare regulations pursuant to all applicable city code requirements.
(H) **Structure.** Building modifications or additions shall be architecturally designed to blend with the character of the existing structure and neighborhood.
(I) **Site Plans.** A site plan meeting the specifications of the Land Development Code shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.
(J) **Review Considerations.** The Planning Commission shall be guided by the standards set forth in *Section 54.1402(E)*.
(K) **Serving Full Breakfast.** If the bed and breakfast has 8 or fewer rooms (including owner and family rooms), a full breakfast can be served without a food service license as long as it is a packaged deal. A bed and breakfast that has 9 or more rooms should be licensed with the County health Department, when serving a full breakfast. (changed to conform with state health department standards)

Section 54.604 Bed and Breakfast Inn

(A) **Room Size.** A minimum room size of 70 sq. ft. for the first occupant and an additional 50 sq. ft. for each occupant thereafter shall be provided.
(B) **Length of Stay.** No one guest's stay is to exceed 14 consecutive days.
(C) **Parking.** In non-Commercial Districts, one space per room, plus two (2) spaces for the owner. In Commercial Districts, parking shall be provided in accordance with the requirements provided in the Zoning Ordinance for hotels and motels.

(D) **Signage.** Signage regulated by *Article 11*.
(E) **Proximity.** In Residential Districts, Bed and Breakfast Inns shall not be located within 300 lineal feet measured along the street right-of-way of another Bed and Breakfast Inn or Bed and

Breakfast Home.

(F) **Transferability.** Special land use permits for Bed and Breakfast Inns in a Residential District may not be transferred from owner to owner without Planning Commission approval.

(G) **Code Compliance.** A Bed and Breakfast Inn shall not commence or continue to operate without compliance with all applicable code requirements. Owners shall submit to inspections of both the exterior and interior of the dwelling to ensure compliance with health, safety, and welfare regulations pursuant to all applicable city code requirements.

(H) **Structure.** No main building shall be removed in order to allow for a Bed and Breakfast Inn in residential districts nor shall such a structure be removed in order to provide parking for such an establishment. Building modifications or additions shall be architecturally designed to blend with the character of the existing structure and neighborhood in residential districts.

(I) **Site Plans.** A site plan meeting the specifications of the Land Development Code shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.

(J) **Review Considerations.** The Planning Commission shall be guided by the standards set forth in *Section 54.1402(E)* and, if applicable, *Section 54.1403(C)* if the Bed and Breakfast Inn is a special land use.

(K) **Serving Full Breakfast.** If the bed and breakfast has 8 or fewer rooms (including owner and family rooms), a full breakfast can be served without a food service license as long as it is a packaged deal. A bed and breakfast that has 9 or more rooms should be licensed with the County health Department, when serving a full breakfast. (changed to conform with state health department standards)

Section 54.611 Drive-Through Uses

(A) **Building Design.** Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive through facilities and structures separate from the primary structure are prohibited.

(B) **Drive-Through Setback.** Drive-through uses, including the drive-through window and any canopies, must be located to the rear or side of the primary structure, except that corner parcels may use one (1) frontage of the building for drive-through window service. All drive- through service windows must be set back a minimum of eight (8) feet from the front building wall of the primary structure.

(C) **Traffic and Pedestrian Safety.** A curb opening for a driveway is prohibited where the driveway would create a safety or traffic hazard because of its location in relation to pedestrian entrances or crossings.

(D) **Stacking Lane Location.** Stacking lanes may not be located in a required front yard setback and must not create hazardous conditions for pedestrians or other users on the site or in any adjacent right-of-way.

(1) For new construction, the payment or pickup window must be at least 40 feet from the closest point of the sidewalk vehicles were required to cross to access the window in order to accommodate two waiting motor vehicles.

(2) Existing sidewalk shall not be replaced with a driveway apron in new construction.

(3) Customers on foot, bicycle, in a wheelchair, etc. may not be prohibited from use.

(E) **Headlight Glare.** Drive-through uses must be designed and configured and screened such that glare from the headlights of vehicles waiting in the stacking lane is obstructed from shining into neighboring residential or commercial uses, and so that glare does not create a driving hazard on streets or roads abutting the drive-through use.

(F) **Landscaping.** A landscape buffer meeting the requirements of *Section 54.1003* shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property

(G) Screening. Where a drive-through/stacking lane is adjacent to a residential zoning district or a property being used primarily for residential dwelling a six-foot (6') screening fence shall be placed on the commercial property for the length of the drive-through/stacking lane and to the end wall of the building in which the pick-up window resides.

Section 54.612 Dwelling, Accessory Unit

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

(H) Attachment Options. The ADU may be attached to the single-family dwelling ~~or~~ and constructed on ~~the second~~ any story of a conforming detached accessory building on the site, including the basement level. 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.

Section 54.635 Outdoor Entertainment and Community Events

(B) Outdoor Entertainment and Community Event as a Temporary Use Requiring a Permit.

(3) Development Standards. The following must be addressed to the satisfaction of the Zoning Administrator or Planning Commission, as applicable:

(a) Adequate access and off-street parking must be provided. Vehicle circulation and traffic control may be subject to Police Department approval. Parking space requirements may be reduced per section 54.902(I).

Section 54.636 Outdoor ~~Food and~~ Alcoholic Beverage Service

(A) Outdoor Food and/or Alcoholic Beverage Service on Public Property. Outdoor food and beverage service (including alcoholic beverages) on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.

(B) Outdoor ~~Food and~~ Alcoholic Beverage Service on Private Property. Outdoor ~~food and~~ alcoholic beverage service on private property is subject to the following requirements:

(1) Accessibility. Outdoor ~~food and~~ alcoholic beverage service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor ~~food and~~ alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier- free ramp or access aisle. If outdoor ~~food and~~ alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

(3) Location of Outdoor ~~Food and~~ Alcoholic Beverage Service Areas. Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of *Section 54.705(F)*.

(D) Vehicle Parking Requirements. Parking space requirements may be reduced per section 54.902(I).

Section 54.637 Outdoor Food and Non-Alcoholic Beverage Service

(A) Outdoor Food and Non-Alcoholic Beverage Service on Public Property. Outdoor food and non-alcoholic beverage service on public property is subject to the requirements of Chapter 12 (Business), Article 6 (Sidewalk Café Permits) of the City Code of Ordinances.

(B) Outdoor Food and Non-Alcoholic Beverage Service on Private Property. Outdoor food and non-alcoholic beverage service on private property is subject to the following requirements:

(1) Accessibility. Outdoor food and beverage non-alcoholic service on private property shall be located in a manner that will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor food and non-alcoholic beverage service areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier- free ramp or access aisle. If outdoor food and non-alcoholic beverage service areas are located on a private sidewalk, a minimum five (5) foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

(2) Mobile Food Vending Units. Mobile Food Vending Units per Chapter 35 of the City Code are not considered Outdoor Food and Beverage Service.

(3) Location of Outdoor Food and Non-Alcoholic Beverage Service Areas. Tables and chairs must remain within a well-defined and clearly marked area. The City may require enclosures consisting of metal railing, brick walls, landscape planters or other suitable materials using decorative, wrought iron fencing, or other suitable materials. The City may permit temporary enclosure structures, provided the temporary enclosure structures meet the requirements of *Section 54.705(F)*.

(C) Outdoor Entertainment and Community Events. See *Section 54.635*.

(D) Vehicle Parking Requirements. Parking space requirements may be reduced per section 54.902(I).

Section 54.6378 Outdoor Temporary Retail Sales

(A) Temporary retail sales areas, for approved commercial land uses, may be permitted to occupy not more than twenty-five percent (25%) of the existing or required parking spaces on the site, for a total of not more than 90 days in any 12-month period. The location of sales merchandise and/or temporary structures shall not interfere with pedestrian accessibility, traffic patterns, or access to remaining parking spaces. Prior to placement of merchandise or erection of temporary structures, the Zoning Administrator must be notified of the date of removal. The location and construction of all temporary structures (including tents) erected in association with the temporary sale of merchandise shall require the approval of the Zoning Administrator and the Fire Administrator. It is the responsibility of the business owner to contact the Building Code Administrator to determine if a building permit is required.

(B) Mobile Food Vending Units per Chapter 35 of the City Code are exempt from *Section 54.637(A)*.

(C) Temporary sales areas that require a person to obtain a license from the City Clerk's Office are exempt from obtaining a Zoning Compliance Permit, but must meet the requirements of *Section 54.637(A)*.

(D) Temporary outdoor sales and display of merchandise in conjunction with Marquette Downtown Development Authority sanctioned events are exempt from *Section 54.637(A)* but must be removed at the conclusion of the event.

(E) Temporary outdoor sales for non-commercial land uses which are an accessory use of property, such as yard/garage sales and children's lemonade sales, are authorized with the permission of the property owner. Such sale events may occur on a singular property up to 10 times per year and no more than 4 times per month.

Section 54.645 Shooting Range, Indoor

(A) Indoor Shooting Ranges must comply with the following:

(1) The building and method of operation shall comply with the "generally accepted operating practices" adopted Michigan Department of Natural Resources for Sport Shooting Ranges per P.A. 250 of 1994.

(2) No ammunition shall be used in the range that exceeds the certified design and construction specifications of the range.

(3) No range shall sell or dispense alcoholic beverages, marihuana, or other controlled substances, nor shall they be in a building which contains a business that sells or dispenses these substances. Alcoholic beverages, marihuana, or other controlled substances are not allowed on the premises of the range at any time.

(4) The range shall conform with all Federal, State and Local requirements related to the use, sale, rental, and transport of firearms.

(5) The structure must be constructed and maintained such that noise from the structure during use will not cause any disturbance to those across the real property boundary of the structure.

(6) The owner or operator of a commercial indoor range shall have on the premises at all times during range operation an individual certified as a firearm or range instructor.

Section 54.646 Supportive Housing Facility, Permanent and Transitional

The applicant shall provide a narrative account of how the facility will comply with each of the following conditions for development and operation:

(A) On-site Facility Manager and Staffing, including accessory support services such as arrangements for resident counseling, physical and mental health care, child-care, employment assistance, job training, life-skills training, alcohol/drug abuse programs, case management, etc.

(B) Affiliation with a Charitable Organization or Governmental Agency. The facility must be associated with a charitable association such as a 501 (c) organization, or a governmental agency, and will preferably have internal oversight of finances and operations by a board of directors.

(C) Site Plan and Property Maintenance Requirements. Existing structures shall meet all the minimum , site plan and parking requirements for licensing. Applications for new building shall include a site plan, floor plan and elevations.

(D) How routine and irregular property maintenance will be conducted.

(E) Occupancy limits/capacity and sanitary facilities for residents.

(F) How many *transitional* (up to 2 years in residence) vs. *permanent* residents (more than two years in residence) the facility intends to house.

(G) Register. Operators shall keep a list of the names of all persons staying at the facility and the register shall be available for inspection by City Officials at any time.

(H) There shall be a minimum separation between similar facilities of five hundred feet (500').

(I) Pre-Application. Prior to application for zoning approval, the applicant must meet with the Planning Department to discuss the project and standards for development and is strongly encouraged to inform the neighbors of plans for the rooming house.

Section 54.6447 Wireless Telecommunications Facilities

(A) Purpose. The purpose of this Ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Ordinance are to:

(1) ~~Protect residential areas and land uses from potential adverse impacts of towers and antennas;~~ Encourage location of towers and antennas, to the extent possible, in areas where the adverse impact on the community is minimal.

(2) Encourage the location of towers in non-residential areas;

(3) Minimize the total number of towers throughout the community;

(4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) ~~Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;~~

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

~~**(8)** Consider the public health and safety of communication towers; and~~

~~**(9)**~~ **(8)** Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, City of Marquette shall give due consideration to the City's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(E) Towers Requiring Special Land Use Permits.

(2)Towers

(b) Factors Considered in Granting Special Land Use Permits for Towers. In addition to any standards for consideration of special land use permit applications pursuant to *Section 54.1403* of the Land Development Code, the Planning Commission shall consider the following factors in determining whether to issue a special land use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this Ordinance are better served thereby:

(i) Height of the proposed tower;

(ii) Proximity of the tower to residential structures and residential district boundaries;

~~**(iii)** Nature of uses on adjacent and nearby properties;~~

(~~iv~~ iii) Surrounding topography;

(~~v~~ iv) Surrounding tree coverage and foliage;

(~~vi~~ v) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(~~vii~~ vi) Proposed ingress and egress; and

(~~viii~~ vii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in *Section 54.644(E)(2)(c)* of this Ordinance.

SECTION 6. Article 7 – General Provisions
Chapter 54 – LAND DEVELOPMENT CODE, Article 7 – General Provisions is hereby amended as follows:

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.
(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~~ twelve (12) inches from the front lot line, five (5) feet from the rear lot line~~s~~, 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~~, with the following exceptions:

- **(1)** Front yard setbacks are not required for barrier-free access ramps if resident requires ramp access
- **(2)** due to a disability and there is not adequate space to locate the ramp elsewhere on the property. When such ramp is no longer required it shall be considered a legal, non-conforming encroachment.
- **(3)** 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.
- **(4)** Existing step or walls that are located between the front property line and 12 inches into the private property may be maintained but not rebuilt, per Section 54. 1202 of the LDC. If existing steps or walls protrude into the public right-of-way and are in disrepair, a Grant of License to use public property must be sought for approval to conduct rebuilding work to restore the structure to like-new condition.

(D) Unenclosed Balconies, ~~and~~ Open Porches, Decks, and Patios. Unenclosed balconies, ~~and~~ open porches, decks, and patios 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, decks, and patios is permitted or required by *Article 4*.

(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. Basketball hoops, clotheslines, even statues.~~

Maximum Height: No attached or detached structural amenity shall exceed sixteen and one-half (16.5) feet in height.

(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) Permit and Exemptions. A permit is required for structural amenities unless it meets the following exemptions, and the structural amenities must meet the requirements of 54.702(G)**:**

(a) Enclosed structural amenities less than ~~nine (9)~~ sixteen (16) 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.

(b) Open/Unenclosed structural amenities, such as children's playsets, and seasonal or collapsible temporary structures such as tents and similar shelters less than 160 square feet in floor area.

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 and Structures. Where the accessory building or structure 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 or structures 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 or structures 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 or structure 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 or structure 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 and Structures.

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

(b) Minimum Side and Rear Yard Setbacks. Detached accessory buildings or structure shall be located at least ten (10) feet from the side and rear property lines.

(c) Front Yard Location Prohibited. No detached accessory building or structure shall be located in a front yard.

(d) Maximum Lot Coverage. Detached accessory buildings or structures 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 or structure 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 and Structures. Attached accessory building or structures shall meet the yard requirements of the Schedule of Regulations (*Article 4*).

(C) Accessory Buildings and Structures 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 or structure in the CBD, GC, RC, C, I-M, CR, and BLP district may exceed the lot coverage of the principal building.

(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:

(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~~ A temporary structure may be permitted for no more than ~~90~~ 120 days in a 12-month period, with the following exceptions:

(a) structures for outdoor food and beverage service, whether for indoor or outdoor dining

(b) structures erected via municipal or DDA authority for programmed outdoor summer or winter activities.

(c) structures that are being used in relation to and during the construction of permanent facilities that have been approved for zoning compliance and building permits.

The Zoning Administrator may extend the period of permission for up to 180 days in total during a 12-month period, in any of the above cases, upon request of the property/structure owner and based on the relevant circumstances (i.e. reason for request)

Section 54.706 Fences and Walls

(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 following exceptions ~~of~~:
(1) where the rearmost wall of the neighboring dwelling structure is between the front wall and rear wall of the subject home, a 6 ft. screening fence may be built to the rear of the neighboring dwelling's rearmost wall along that side of the subject property, and each side of the property is treated independently. Where the rearmost portion of the subject property is a shed/garage for vehicle or other storage, and not containing dwelling space, it shall not be counted as the rearmost portion of the dwelling.
(2) for required retaining walls.

(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~~ Alcoholic Beverage Service use (see *Section 54.634*) and for Outdoor Entertainment and Community Events (see *Section 54.635*) may be up to eight (8) feet in height for the purposes of visual and noise screening of that particular use ~~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~~7* for examples of noncompliant fences), except the following:

- **(i)** A solid/screening fence is allowed in the side yard or rear yard between abutting residential land uses.
- **(ii)** 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.
- **(iii)** 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.
- **(iv)** A wall or fence in the side or rear yard of an approved Outdoor Alcoholic Beverage Service (see Section 54.636) and Outdoor Entertainment and Community Events uses (see Section 54.635) may be 100% of the fence area of solid opaque construction for the purposes of visual and noise screening of that particular use.
- **(v)** Retaining walls.

~~**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 pf screening the outdoor growing area.~~

~~**(vi) 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.~~

(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 and garden fencing (as long as it is not permanently anchored and the use is temporary for the snow or growing season). 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. Temporary fencing that is not permanently anchored and the use is temporary does not require a fence permit.

SECTION 7. Article 9 – Parking, Loading, and Access Management
Chapter 54 – LAND DEVELOPMENT CODE, Article 9 – Parking, Loading, and Access Management is hereby amended as follows:

Article 9 Parking, Loading, and Access Management

Section 54.901 Intent

It is hereby determined that the provision of off-street vehicle 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 54.902 Parking Regulations

(E) Parking Standards Applicable to Specific Zoning Districts.
LDR and MDR Districts and single-family and two-family structures in other zoning districts.

(c) Maximum Rear Yard Paving. In the LDR and MDR districts, no more than 25% of the rear yard may be paved (including but not limited to asphalt or concrete, but with the exception of compacted gravel) for parking provided the impervious surface coverage limits of the lot (see *Article 4*) are not exceeded.

(d) "Front Area" Parking Limitations. Parking in the front area is permitted only on an approved hard surface parking space and/or driveway, or in a garage (see definition of "Hard Parking Surface" in *Section 54.202(A)(91)*). Parking spaces in the front yard area must be at least two (2) feet from the side lot line, at least two (2) feet from the inside edge of a sidewalk, and at least ten (10) feet from the edge of an established street. The encroaching driveways and parking spaces must be drained so as to dispose of all surface water accumulated in such a way as to preclude drainage of water onto adjacent property or toward adjacent buildings. New or expanded driveways must be separated from the side lot line by a minimum of 12 inches of pervious ~~unpaved land~~ surface (including but not limited to uncompacted pea gravel, cobbles, grass, etc.) to ensure a pervious buffer between driveways and the adjacent lot line, with the exception of the presence of a retaining wall along the subject lot line or other such difficulty. The Zoning Administrator may permit parking in a front area during the winter parking ban period for single-family or duplex dwelling units upon request for a Front Yard Parking Waiver for a limited time when the site cannot be altered without causing a hardship on the property owner, or indefinitely in rare cases that the site cannot be reasonably altered to create one (1) additional parking space or a widened driveway. Self-created difficulties, such as adding renters and vehicles, are not applicable to the consideration for a Front Yard Parking Waiver.

(h) Application of Parking Development Standards. All one- and two-family residential parking spaces shall be exempt from the standards of *Section 54.905*, except that site plans drawn to scale shall be submitted to the Zoning Administrator for review and approval for creation of driveways or parking spaces. Parking spaces may be on pavers or other hard parking surfaces that have an unpaved strip between the surfaces supporting the wheels. For purposes of providing required parking spaces onsite, the minimum dimensions for residential parking spaces shall be nine (9) feet wide by eighteen (18) feet long. Driveways in the front yard must be a full-width hard parking surface. Curb cut and driveway permits shall be obtained from the City Engineer when curb cuts are made or modified or if there is any work in the right-of- way for a driveway.

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/maximum 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/Maximum 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 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)	~~One~~ Two (2) spaces per each dwelling unit with more than one bedroom; one (1) parking space must be provided for each one-bedroom dwelling unit. 2 motor vehicle parking spaces per dwelling unit is the maximum allowed.
(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. A hotel or motel may provide parking spaces and power hookups for recreational vehicles (RVs). The maximum number of spaces for RVs shall be ten (10) percent of the number of rental units/rooms.

(F) Industrial/Wholesaling/Warehousing	
(1) Production or Processing of Materials, Goods, or Products	One (1) space per ~~1,000~~ 1,500 square feet of floor area plus one (1) space per 10,000 square
(G) Retail Trade	
(1) Establishments for the consumption of Food or Beverages on the Premises, excluding Drive-Through Restaurants	1 space for every two (2) capacity occupants

(2) Drive-Through Restaurants	1 space for every two (2) capacity occupants plus ~~five (5)~~ two (2) stacking spaces between the pick-up window and the order station, where space exists. ~~and five (5)~~ Any other stacking spaces ~~that do~~ shall not conflict with access to required parking spaces or block right-of-way~~, per order station (e.g., menu board)~~.

Section 54.905 Parking Layout, Design, Construction, and Maintenance

All off-street parking shall be laid out, constructed, and maintained according to the following standards and regulations:

(A) Required Parking Space Dimensions. Unless otherwise stated in *Section 54.905(C)*, all parking spaces shall be laid out in the minimum dimensions of nine (9) feet wide by eighteen (18) feet long, exclusive of maneuvering lanes.

SECTION 8. Article 11 – Signs
Chapter 54 – LAND DEVELOPMENT CODE, Article 11 – Signs is hereby amended as follows:

Article 11 Signs

Section 54.1103 Definitions

Rules of Interpretation. Refer to *Section 54.201* for rules of interpretation of terms and words in this Article.

(A) Sign Definitions, Sign Types. The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

(33) Permanent Sign: A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing, or designed into building materials such as stonework.

(45) Temporary Sign: A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

(C) Sign Definitions, General.

(6) Building Entrance: A building entrance that is clearly available as a public entrance, with the exception of businesses that for reasons related to privacy do not clearly indicate a public entrance.

SECTION 9. Article 14 – Administrative Procedures
Chapter 54 – LAND DEVELOPMENT CODE, Article 14 – Administrative Procedures is hereby amended as follows:

Article 14 Administrative Procedures

Section 54.1402 Site Plan Review

(B) Uses Subject to Site Plan Review, Minor/Administrative Site Plan Review, and Exemptions. The required review process for uses and development is described in *Figure 4951*. 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 administratively approve or conditionally approve minor site plans as described in *Figure 4951* and *Section 54.1402(D)(1)*. All other site plans must be reviewed by the Planning Commission. Three levels of Site Plan Review are conducted by the Planning Commission – Sketch Plan Review, Preliminary Site Plan Review (PSPR), and Final Site Plan Review (FSPR).

In Fig. 51 change "Minor Site Plan Review" as below:

Figure 4951. Required Review Process Based on Development Activity

Development Activity	Site Plan Review Required	Minor/Admin. Site Plan Review	Exempt From Site Plan Review

(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.

(3) Site Plan. ~~Twelve (12)~~ Six (6) copies of plan sheet(s) providing the information listed below (*Figure 5052*). 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. One digital copy of the complete plan set must also be submitted. The surrounding area drawing may be in a scale of one (1) inch equals one-hundred (100). ~~Digital plans must also be submitted.~~

(5) Sketch Plan. A sketch plan must include the information listed below (*Figure 5052*). The number of plans submitted is determined by the Zoning Administrator, based upon whether or not the plans need to be reviewed by the Fire Dept., Police Dept., and/or Dept. of Public Works – in addition to the Engineering and Planning-Zoning functions of the Community Development Department., ~~and the Zoning Administrator may accept digital plans.~~ One digital copy of the complete plan set must also be submitted. The sheet size of submitted drawings shall be at a scale acceptable to the Zoning Administrator. Upon request of the applicant, the Zoning Administrator may waive individual sketch plan requirements if the requirements are found to be unnecessary or irrelevant to the intent of providing the information; however, the Planning Commission has the right to require all of the in information in *Figure 5052*.

Figure ~~50~~52. Site Plan Information Required in the Site Plan Set

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
Identification of Project			
The applicant's name.	●	●	●
Name of the development.	●	●	●
The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.		●	●
Small scale location sketch of sufficient size and scale.	●		
A survey of the property, sealed by a surveyor licensed in the State of Michigan.		●	●
Date of preparation and any revisions.	●	●	●
North arrow.	●	●	●
Complete and current legal description and size of property in acres.	●	●	●
Existing Features			
Property lines and dimensions drawn to scale.	●	●	●
Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.	●	●	●
Lot lines and all structures on the property and within 100 feet of the site's property lines.		●	●
~~Locations of all significant natural features, 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.)~~	~~●~~	~~●~~	~~●~~
Locations of all significant natural features – streams, wetlands and floodplains (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees (see Section 54.807).	●	●	●
Boundary of any Riparian Overlay Districts, per *Section 54.320(E)*. Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per Section 54.806		●	●
Any existing private or public easements.		●	●
Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.	●	●	●
Locations of existing utilities.	●	●	●
Existing topography at a minimum of two (2) foot contour intervals.		●	●
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
Schematic storm water management plan, including elements stated below for Final Site Plan requirements, as needed to show intended compliance with the requirements of the Land Development Code.		•	
Proposed topography with a site grading plan with topography at a minimum of two (2) foot contour intervals.		~~•~~	•
Boundary of any Riparian Overlay Districts, per *Section 54.320(E)*. Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per Section 54.806		•	•
Location and method of screening for all waste dumpsters. See *Section 54.1003(F)*.		~~•~~	•
Location and dimensions of parking spaces. See *Article 9*.	•	•	•
General landscaping design concept acceptable to the Zoning Administrator.	•		
A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. See *Article 10*.		•	•
~~Locations of exterior light fixtures.~~	~~•~~		
Details of exterior lighting including fixture and pole locations, height, and method of shielding. See *Section 54.802*.		~~•~~	•
The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See *Article 11*.	•	~~•~~	•
Locations of utility services (with sizes) and storm water management elements, including, storm drainage, retention or detention ponds and/or swales, rain gardens, riparian buffer vegetative strips, per *Section 54.803.* Any proposed public or private easements.			•
Fire hydrant number and placement or other water supply, and standpipe connection type; Fire dept. connection location; Alarm panel location; Fire dept. access details.			•
If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed.	•	•	•
Site Circulation Details and Access Design			
General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See *Section 54.907*.	•		
~~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.~~		~~•~~	~~•~~

Site Plan Information Required	Sketch Plan	Preliminary Site Plan	Final Site Plan
Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.		•	
Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See *Section 54.907*.		•	
Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.			•
Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.			•
Written verification of access easements or agreements, if applicable.		•	•
Additional Information			
Any other information necessary to establish compliance with this and other ordinances.	•	•	•

(D) Site Plan Review Procedures. No Zoning Compliance or Special Land Use Permit shall be issued for any uses subject to site plan review except in accordance with a site plan approved by the Planning Commission, or a Minor Site Plan approved by the Zoning Administrator, in accordance with the following procedures:

(4) Preliminary Site Plan Review.
The purpose of Preliminary Site Plan Review is to allow for the review and decision on most aspects of the site without the need for final detailed engineering unless required by the City Engineer. An applicant may submit some of the engineering elements in schematic/diagram form in the Preliminary site plan set per the requirements shown in *Figure 52*, and such items must be approved per the Final Site Plan Review (FSPR) requirements prior to staff completion of a Zoning Compliance Permit for the project. Applications for preliminary site plan review must be submitted to the Zoning Administrator at least twenty (20) business days prior to the meeting at which the review is to take place. The Planning Commission shall review the preliminary site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of *Section 54.1402(E)*. The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the preliminary site plan as follows:

(d) Approval Subject to Conditions. The Planning Commission may approve a preliminary site plan, subject to one (1) or more conditions necessary to address minor modifications to the preliminary site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies. Upon approval of the preliminary site plan and the satisfaction of conditions, the applicant may apply for final site plan review.

(e) The Planning Commission may elect by an affirmative vote to be the approving authority of the Final Site Plan, otherwise the approving authority will be the Zoning Administrator. The scope of the proposal, the potential impact of the project, and/or or the estimated value of public input or of conducting the approval in a public forum are all reasons that the Planning Commission may elect to be the review authority for the Final Site Plan. The Zoning Administrator may recommend that the Planning Commission be the approving authority in the staff report for the site plan review.

(5) Final Site Plan Review

(d) Planning Commission and/or Administrative Action. Except as noted in directly above, and as stated in Section 54.1402(D)(4)(c) for Preliminary Site Plan Review, the Planning Commission, or City Staff, shall approve, approve with conditions, or deny the site plan based on the compliance of the plan with City Ordinances and the review standards of this Ordinance. If conditional approval is granted, the conditions shall be stated specifically so that the Zoning Administrator or other reviewing departments can determine compliance with the conditions and grant approval following submission of revised plans; said review not to exceed ten business (10) days unless additional time is required by the Zoning Administrator or other reviewing departments to determine compliance with the conditions of site plan approval. A site plan shall be approved if it contains all of the information required by the ordinance and is in compliance with the standards of the Land Development Code (including *Section 54.1402(E)*), other City planning documents, City ordinances, and state and federal statutes.

(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) 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.

(b) Relevant LDC Amendment. If the Land Development Code is amended within one year of site plan approval and approved work has not been completed, any less intensive standards provided by the amendment may be applied to the unfinished aspects of the site plan if a revised site plan is submitted before the one year site plan approval period expires.

(c) Resubmission of Expired Plans. Site plans whose approval has expired shall require resubmission as an initial application.

Section 54.1403 Special Land Use Review

(A) Intent. This section of the ordinance governs permitting of special land uses which may be located in specific districts (see *Figure 8* for special land uses within each district) when the standards of special land use review have been met and the use and development comply with the standards of this Ordinance. It is the purpose of this section to maintain adequate provision for the security of the health, safety, convenience and general welfare of the inhabitants and uses of the zoning district and adjoining districts.

(B) Procedures. No special land use shall be established in any zoning district except upon permit issued by the Planning Commission. The Planning Commission shall be guided in making a decision by the standards set forth in this Ordinance in *Section 54.1403(C)*. The Planning Commission shall hear and decide only such special land uses as specifically authorized by district and by the terms of this Ordinance, but shall not hear a request for a Special Land Use Permit (SLUP) if the request is the same and for the same property, within a period of six months from the date of the public hearing in which the SLUP request was made initially, unless conditions have significantly changed (e.g. the subject and/or neighboring zoning districts have changed, to be determined by the Zoning Administrator). Special land use applications shall be submitted and reviewed according to the following procedures:

SECTION 10. Publication

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

_____ _____

Jennifer A. Smith, Mayor Kyle Whitney, Clerk

Adopted: _____

Published: _____

Agenda Date: 5/31/2022

Public Hearing(s)
Public Hearing - Rezoning of City-owned Properties Adjacent to McClellan Avenue - Roll Call Vote

BACKGROUND:

The subject properties are currently zoned as Municipal. The intent of the Municipal district is to permit flexible development and approval standards for properties used by the City of Marquette. Following the proposal of an affordable housing project in November of 2021 and the resulting City Commission discussion, as well as feedback from the surrounding neighborhood, the City Commission authorized an application to rezone the property as Conservation/Recreation (CR). The intent of the CR district is to preserve the character of land in the city with outstanding scenic and/or recreational qualities by restricting development not suited to this goal; to prevent development of land which has great ecological value or where there are natural hazards to development; and to preserve open areas for forestry, agriculture and recreation. Rezoning the land to CR would put it into the same category as most of the City-owned waterfront (including the recently acquired WE beach), Presque Isle Park, and most of the other recreational areas within the City. Rezoning the property to Conservation-Recreation would not change the City's ownership of the property and would not commit the City to any specific uses of the property. It would however remove a large portion of property, already served by utilities, from City surplus land that is eligible for development for housing.

On April 12, 2022, the Planning Commission conducted a Public Hearing for the proposed rezoning of several City-owned properties in the McClellan Avenue corridor between Fair Avenue and Wright Street from a Municipal zoning district to a Conservation-Recreation zoning district. This rezoning will require a zoning map amendment. The properties are:

1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431) and McClellan Ave PIN: 0512453 and 0512454

After the presentation of the Staff File Review and Analysis, applicant testimony, and a Public Hearing, the Planning Commission made the following motion:

It was moved by M. Larson, seconded by M. Dunn and carried 5-3 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-04-22, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 01-REZ-04-22 as presented.

Yes: W. Premeau, Vice-Chair M. Larson, N. Williams, M. Dunn, N. Frischkorn

No: A. Andres, S. Mittlefehldt, J. Cardillo

The City Commission scheduled this Public Hearing at the April 25, 2022 regular meeting.

FISCAL EFFECT:

None.

RECOMMENDATION:

Following the Public Hearing, adopt Ordinance 710, rezoning several parcels of City-owned property located adjacent to McClellan Avenue from Municipal to Conservation-Recreation as recommended by the Planning Commission, and direct the Mayor and City Clerk to sign the Ordinance.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Planning Commission case file for 01-REZ-04-22
- 4-12-22_Planning Commission Meeting Minutes
- Ord. 710 - Rezoning

CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT ST
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: March 23, 2022
SUBJECT: **01-REZ-04-22 – 1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431) and McClellan Ave PIN: 0512453 and 0512454**

The Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone the properties located at 1433 Wright St., 1435 Wright St., 1621 Center St., 1505 Fair Ave., 1398 West Ave., 1396 West Ave., 1600 W. Fair Ave., McClellan Ave PIN: 0512453 and 0512454, which are zoned **Municipal (M)** to be zoned **Conservation & Recreation (CR)**.

At the February 14, 2022, City Commission meeting, the Commission made a motion to "Direct the City Manager or her designee to file rezoning application for all City-owned properties fronting McClellan Avenue and located between Fair Avenue and Wright Street to change the zoning from Municipal to Conservation/Recreation".

Please see the attached Staff Report for more specific information regarding the application.

RECOMMENDED ACTION:

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 of the above property would be in harmony with considerations required by the Community Master Plan and that the request is in accordance with Section 54.1405 of the Land Development Code - Zoning Ordinance Amendment Procedures, and make a recommendation to the City Commission.

It is also highly recommended that any motion regarding the request include the following or similar language:

> *After conducting a public hearing and review of the application and Staff Report for 01-REZ-04-22, the Planning Commission finds that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission (approve / deny) 01-REZ-04-22 (as presented / for the following reasons / with the following conditions).*

STAFF FILE REPORT/ANALYSIS

Completed by Andrea M. Landers – Zoning Official
Reviewed by David Stensaas – City Planner and Zoning Administrator

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Case #: 01-REZ-04-22

Date: March 30, 2022

Project/Application: Rezoning request from **Municipal (M)** to be zoned **Conservation and Recreation (CR)**.

Location and Parcel ID: 1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431) and McClellan Ave for PIN:0512453 and 0512454

Available Utilities: Natural Gas, Electricity, and Garbage Collection. City Installed Municipal infrastructure to include water & sewer mains and laterals to future lots.

Year Built: These parcels are vacant land.

Current Zoning: M- Municipal

Surrounding Zoning: North: MDR – Medium Density Residential & M-U – Mixed-Use
South: MDR – Medium Density Residential & M-U – Mixed-Use
East: CR – Conservation and Recreation, MDR – Medium Density Residential, & M-U – Mixed-Use
West: MDR – Medium Density Residential

Zoning Districts and Standards:

Current Zoning

Section 54.315 M, Municipal District

(A) Intent
The intent of the Municipal district is to permit flexible development and approval standards for properties used by the City of Marquette. Because this district applies to City-owned properties, the permitted uses are specific to City use or use generally permitted on City property.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Cemetery • Farmers' Markets • Food Production, Minor • Indoor Recreation • Office, Professional	• Accessory Use, Non-Single Family Residential Lots • Port Facilities and Docks • Recycling Collection and Transfer Stations • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway.

• Outdoor Entertainment and Community Events (Principal or Accessory Use) • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • School, Primary or Secondary • School, University • Storage, Open • 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***	
Min. Lot Area (sq. ft.)	None	*Front Yard (ft.)*	None
Min. Lot Width (ft.)	None	*Side Yard (one) (ft.)*	None
Max. Impervious Surface Coverage (%)	*(R)*	*Side Yard (total of 2) (ft.)*	None
Max. Building Height of Primary Building (ft.) (O)	None	*Rear Yard (ft.)*	None
Max. Building Height of Accessory Building	None		
Max. Building Height (stories)	-		
Where there is a discrepancy between *Article 4* and this table, *Article 4* shall prevail.			

Footnotes to Schedule of Regulations

(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.

(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.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

(1) Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

(2) Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
C, M, and CR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Proposed Zoning

Section 54.318 CR, Conservation and Recreation District

(A) Intent
The intent of the CR district is to preserve the character of land in the city which have outstanding scenic and/or recreational qualities by restricting development not suited to this goal; to prevent development of land which has great ecological value or where there are natural hazards to development; to preserve open areas for forestry, agriculture and recreation; and to control the construction of structures along the shoreline of Lake Superior. One of the purposes of the CR district is to have an appropriate zoning district for municipal parks that meet these objectives.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Open	• Accessory Use, Non-Single Family Residential Lots • Natural Resource Extraction Operations • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Port Facilities and Docks • Recreational Use, Land Intensive • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • 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***	
Min. Lot Area (sq. ft.)	None	*Front Yard (ft.)*	15
Min. Lot Width (ft.)	None	*Side Yard (one) (ft.)*	50
Max. Impervious Surface Coverage (%)	(R)	*Side Yard (total of 2) (ft.)*	100
Max. Building Height of Primary Building (ft.) (O)	36.5	*Rear Yard (ft.)*	20 (P)
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.			

54.403 Footnotes to Schedule of Regulations

(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.

(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.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

(1) Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

(2) Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
C, M, and CR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Relationship to Applicable Land Development Code Standards (staff comments in bold text)**:**

Section 54.1405 Zoning Ordinance Amendment Procedures

(A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.

The application was submitted by the City Manager upon direction from the City Commission on Feb. 14, 2022 in a scheduled meeting.

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

The application was submitted, found complete, and accepted.

(C) Amendment Review Procedures.

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

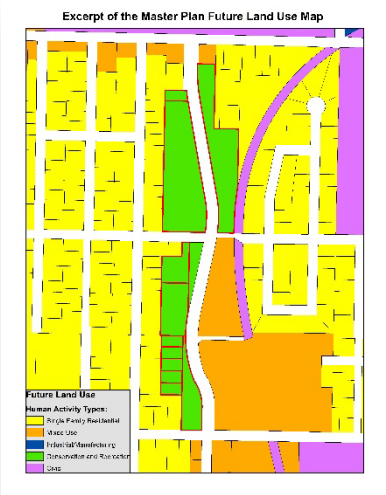
The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, April 12, 2022.

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

The Planning Commission is being asked to make a recommendation at their meeting on April 12, 2022.

(3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with *Section 54.1406*. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

TBD.



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

(1) Master Plan. Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

These properties are designated for *Conservation and Recreation* on the *Future Land Use Map* of the Community Master Plan (CMP) and are designated as *Municipal* on the *Proposed Zoning Map.* These designations were adopted with the 2015 amendments to the CMP after careful consideration, and they remained unchanged as of the December 2018 update to the CMP. See p.3-7 of the CMP for description of the designation for Conservation-Recreation as a land use category.

Please see pp.3-30, 3-31, 3-32 of the Community Master Plan (CMP), specifically the section titled "*Using the Master Plan for Zoning Ordinance Amendment Review*" and Figure 3-5 "*Decision Tree for Planning Commission Review of a Proposed Rezoning*." The Planning Commission must review these portions of the CMP and all other supporting information, this report in particular, and the attachment titled Rezoning Considerations for Planning Commissions, and hold a public hearing for community input prior to making a determination of whether to recommend approval or the request as presented or not.

(2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance.

Please see above - "Zoning District and Standards".

(3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

This portion of McClellan Ave is classified as "Urban Minor Arterial" per the Community Master Plan (see p.6-6), therefore vehicular traffic volumes are high. This portion of Fair Ave is classified as "Urban Major Collector" per the Community Master Plan, therefore vehicular traffic volumes are moderate. This portion of Center Street is classified as "Urban Local Street" per the Community Master Plan, therefore vehicular traffic volumes are low.

(4) Utilities and Services. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

There are no problems anticipated.

(5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

There was no error in the Zoning Ordinance.

(6) No Exclusionary Zoning**.** That the amendment will not be expected to result in exclusionary zoning.

The proposal will not result in exclusionary zoning.

(7) Environmental Features. If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The proposed zoning is compatible with site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

(8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The proposed rezoning would be compatible with surrounding uses and zoning.

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

Per the application the total square footage of all of these parcels is approximately 570,273 S.F.

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

Most of the City-owned parcels are either zoned Municipal or Conservation and Recreation.

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

The existing Municipal Zoning District allows for public recreational use so amending the list of permitted uses would not need to be done, unless Land Intensive Recreational Use is the specific use that is wanted for the future, then this would have to be added if remained Municipal.

(12) Isolated or Incompatible Zone Prohibited**.** If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

Per the application the total square footage of all of these parcels is approximately 570,273 S.F.

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

Clerk or his/her designee, which shall identify all map amendments.

The required notice of adoption shall include all of the following information:

(1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
(2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
(3) The effective date of the ordinance or amendment.

If the proposed zoning amendment is adopted by the City Commission the requirements of this section will be met.

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

This section is not applicable, as this is not a rezoning with conditions request.

Additional Comments:

The Planning Commission should consider the request, and the information provided in this analysis, hold a public hearing, and provide a recommendation to the City Commission.

The City Commission recently expressed commitment to updating the Community Master Plan (CMP). As an alternative to recommending rezoning to Conservation-Recreation at this time, the Planning Commission might consider gathering public opinions regarding rezoning these properties and any other City-owned property as part of the land use and zoning work that must go into the CMP-update project. Municipal zoning offers much more flexibility than Conservation-Recreation, and perhaps even a small portion of the overall acreage considered by this proposal should be held as Municipal to serve other community needs aside from open space.

City Commission:

At the February 14, 2022, City Commission meeting, under New Business item, Disposition of 1435 Wright Street (North McClellan Avenue Property):

Commissioner Jess Hanley moved to Direct the City Manager or her designee to file rezoning application for 1435 Wright Street to change the zoning from Municipal to

Conservation/Recreation, seconded by Commissioner Evan Bonsall.

Following discussion, Commissioner Davis moved to amend the motion on the floor to direct the rezoning application be filed for all City-owned properties fronting McClellan Avenue and located between Fair Avenue and Wright Street. This motion was seconded by Mayor Pro Tem Mayer and carried unanimously.

The Commission then voted on the main motion: to Direct the City Manager or her designee to file rezoning application for all City-owned properties fronting McClellan Avenue and located between Fair Avenue and Wright Street to change the zoning from Municipal to Conservation/Recreation. This motion carried unanimously.

Attachments:

1. Rezoning Application
2. Area Map
3. Block Maps Part 1 and 2
4. Area Zoning Map
5. Future Land Use Map from the Master Plan
6. Proposed Zoning Map from the Master Plan
7. Photos of the parcels
8. Publication Notice
9. *Rezoning Information for Planning Commissions* document
10. *Spot Zoning Considerations*

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

CITY OF MARQUETTE
REZONING APPLICATION

0512431

FEE $550 0511880, 0511840 0512390, 0512454 0512453, 0990041 **CITY STAFF USE**

Parcel ID#: 09700021, 09300021 File #: 01-REZ-04-22 Date: 3-11-22

Hearing Date: 4-12-22 Application Deadline (including all support material): 3-15-22

Receipt #: _____ Check #: _____ Received by and date: N/A City

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

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

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

Please review the attached excerpt from the Land Development Code.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER	APPLICANT/OWNERS REPRESENTATIVE
Name: City of Marquette	Name: Sean Hobbins
Address: 300 W Baraga Ave	Address: 300 W Baraga Ave
City, State, Zip: Marquette, MI 49855	City, State, Zip: Marquette, MI 49855
Phone #: 9062258104	Phone #: 9062258104
Email: shobbins@marquettemi.gov	Email: shobbins@marquettemi.gov
****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****	****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

PRE-APPLICATION CONFERENCE

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

PHASING OF APPLICATION

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

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

PROPERTY INFORMATION

Property Address: See Atch. Property Identification Number: See Atch.

Size of property (frontage / depth / sq. ft. or acres): 570273.4256 ft sq (combined)

Surrounding Zoning Districts: North MDR/MU East MDR/MU South MDR/MU West MDR

Legal Description: See Atch.

PROPOSAL

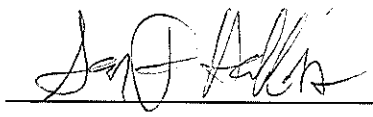
Current Zoning District: M Proposed Zoning District: CR

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

SIGNATURE

I hereby certify the following:

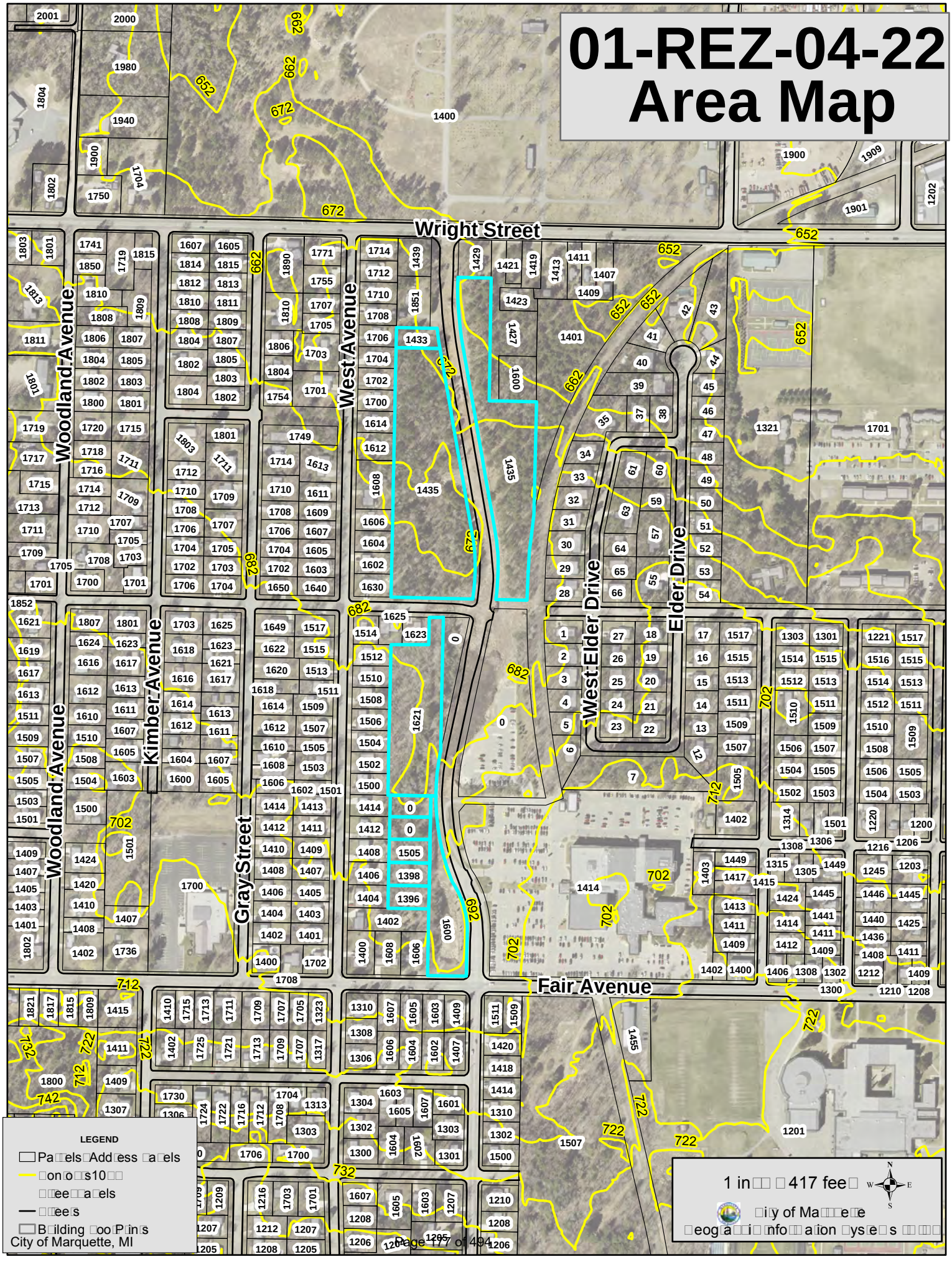
1. I am the legal owner of the property for which this application is being submitted, or I have submitted a written statement by the property owner that allows me to apply on their behalf.
2. I desire to apply for a rezoning of the property indicated in this application with the attachments and the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

Property Owner Signature:  Date: 03/04/22

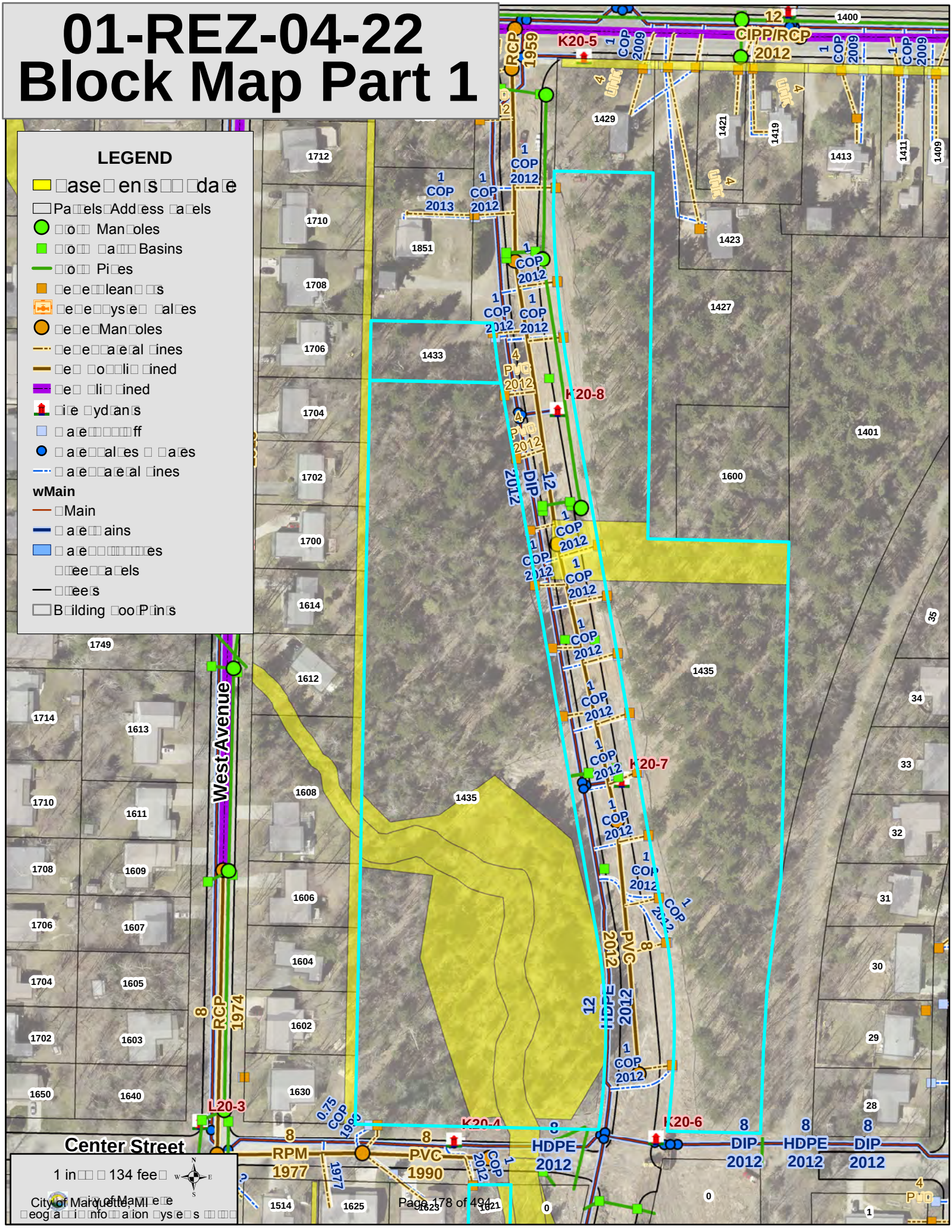
Attachment to Rezoning Application
for Property Address, Property identification Number (PIN), and Legal Description

- Property Address: **1433 Wright St**, PIN: **0511880**
  - Legal Description: A PAR. OF LAND LOC. IN THE N.W. 1/4 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SEC. 15 T48N R25W, COMM. AT THE N.E. COR. OF SAID N.E. 1/4. TH. S. 33'; TH. W. 363'; TH. S. 312' TO THE P.O.B. TH. S. 84'; TH. W. 132'; TH. N. 84'; TH. E. 132' TO THE P.O.B. (CONT. 11,088 SQ. FT. / .2545 AC.)
- Property Address: **1435 Wright St**, PIN: **0511840**
  - Legal Description: A PAR. OF LAND LOC. IN THE N.E. 1/4 OF THE N.W. 1/4 OF SEC. 15 T48N R25W, COMM. AT A PT. 33' S. AND 295.52' E. OF THE N.W. COR. OF THE N.E. 1/4 OF THE N.W. 1/4; TH. S. 396'; TH. W. 132'; TH. S. 856.34' TO THE N. R.O.W. LINE OF CENTER ST.; TH. E. 495'; TO THE W. R.O.W. OF THE CITY BIKE PATH; TH. N. 692.34'; TH. W. 165'; TH. N. 428'; TH. W. 132'; TH. N. 132'; TH. W. 66' TO THE P.O.B. EXC MCCLELLAN AVE EXTENSION & CENTER ST EXTENSION. (8.12 A M/L)
- Property Address: **1621 Center St**, PIN: **0512390**
  - Legal Description: A PAR. OF LAND LOC. IN THE S.E. 1/4 OF THE N.W. 1/4 OF SEC. 15 T48N R25W, DESC. AS COMM. AT THE N.W. COR OF SEC. 15. TH. S. 89 DEG. 19' 0" E. 1315' ; TH. S. 0 DEG. 34' 59" W. 1318'; TH. S. 43 DEG. 47' 14" E. 46.42'; TH. S. 89 DEG. 05' 18" E. 263.99' TO THE P.O.B. TH. S. 0 DEG. 31' 12" W. 96.57'; TH. S. 89 DEG. 55' 28" W. 132' ; TH. S. 0 DEG. 31' 12" W. 525' ; TH. S. 89 DEG. 52' 32" E. 181.01'; TH. N. 0 DEG. 31' 09" E. 620.90'; TH. N. 89 DEG. 05' 18" W. 49' TO THE P.O.B. (CONT. 99762.18 SQ. FT. / 2.290 AC.)
- Property Address: **McClellan Ave**, PIN: **0512454**
  - Legal Description: SEC 15 T48N R25W .241 A M/L PRT OF SE 1/4 OF NW 1/4 COM AT SW COR, TH N00DEG14'20"E 584.15', TH S89DEG54'E 173' TO POB; TH N00DEG14'20"E 75'; TH S89DEG54' E 140'; TH S00DEG14'20"W 75'; TH N89DEG54"W 140' TO POB (CONT. 10,500 SF)
- Property Address: **McClellan Ave**, PIN: **0512453**
  - Legal Description: SEC 15 T48N R25W .255 A M/L PRT OF SE 1/4 OF THE NW 1/4 OF SD SEC COMM AT THE SW COR OF SE 1/4 OF NW 1/4, TH N0DEG14'20"E 505', TH S89DEG54'E 173' TO POB; TH N0DEG14'20"E 79.15'; TH S89DEG54'E 140.5'; TH S0DEG14'20"W 79.15'; TH N89DEG54'W 140.5' TO POB (CONT. 11,120.575 SF)
- Property Address: **1505 W. Fair Ave**, PIN: **0970041**
  - Legal Description: KAMMEN SUBDIVISION #2 THE E 1/2 OF LOT 11
- Property Address: **1398 West Ave**, PIN: **0970031**
  - Legal Description: KAMMEN'S ADD. #2 THE E. 1/2 OF LOT-10
- Property Address: **1396 West Ave**, PIN: **0970021**
  - Legal Description: KAMMEN'S ADD. #2 THE E. 1/2 OF LOT-9
- Property Address: **1600 W. Fair Ave**, PIN: **0512431**
  - Legal Description: A PAR. OF LAND LOC. IN THE S.W. 1/4 OF THE S.E. 1/4 OF THE N.W. 1/4 OF SEC. 15 T48N R25W, DESC. AS COMM. AT THE INT. OF THE N. R.O.W. LINE OF FAIR AVE. & THE S.E. COR. OF LOT-1 OF KAMMEN SUBD., TH. N. 448.09'; TH. S.E.'LY ON THE W. R.O.W. LINE OF MCCLELLAN AVE. EXT. TO THE N. R.O.W. LINE OF FAIR AVE.; TH. W. 137.80' TO THE P.O.B. (CONT. 47,000 SQ. FT. / 1.08 AC.)

01-REZ-04-22
Area Map



01-REZ-04-22
Block Map Part 1



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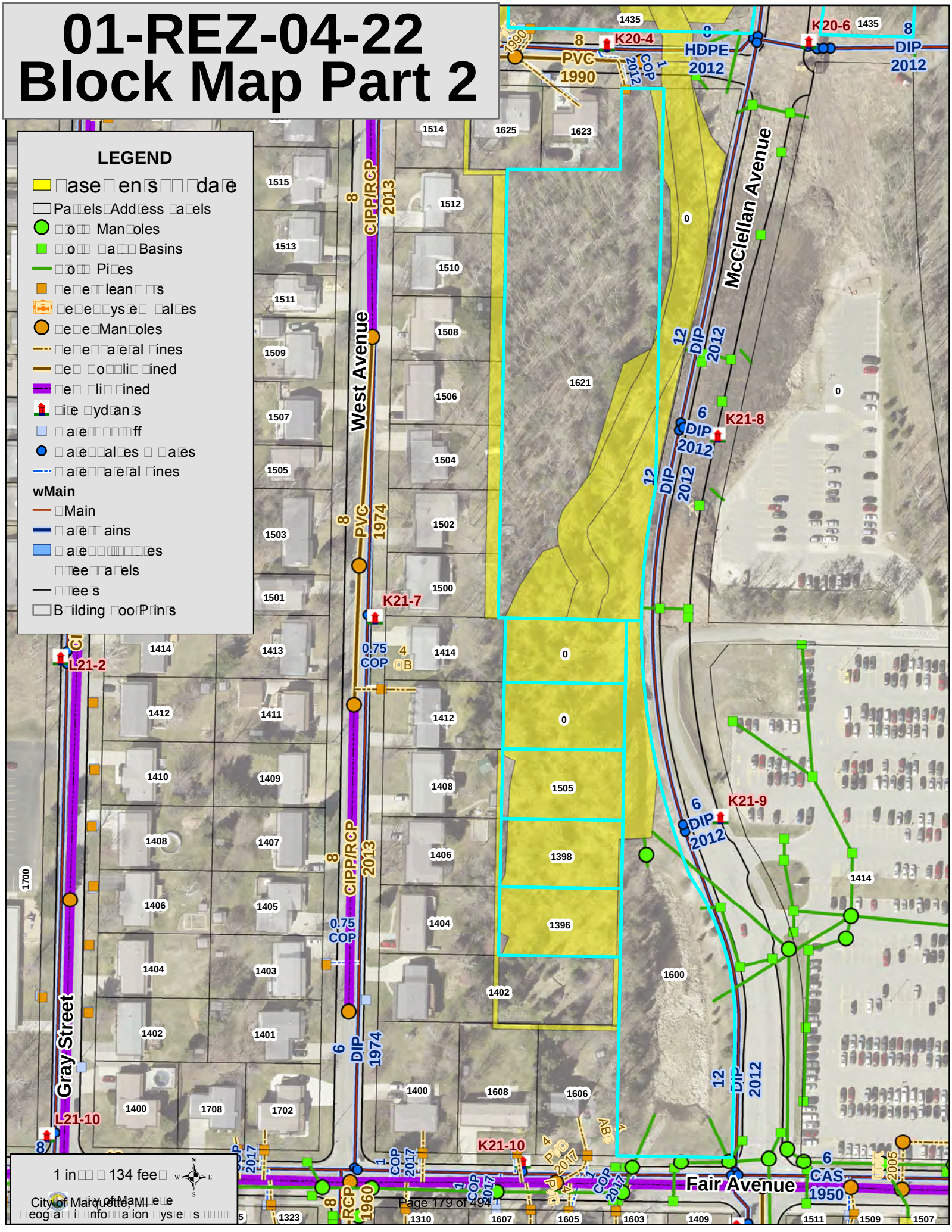
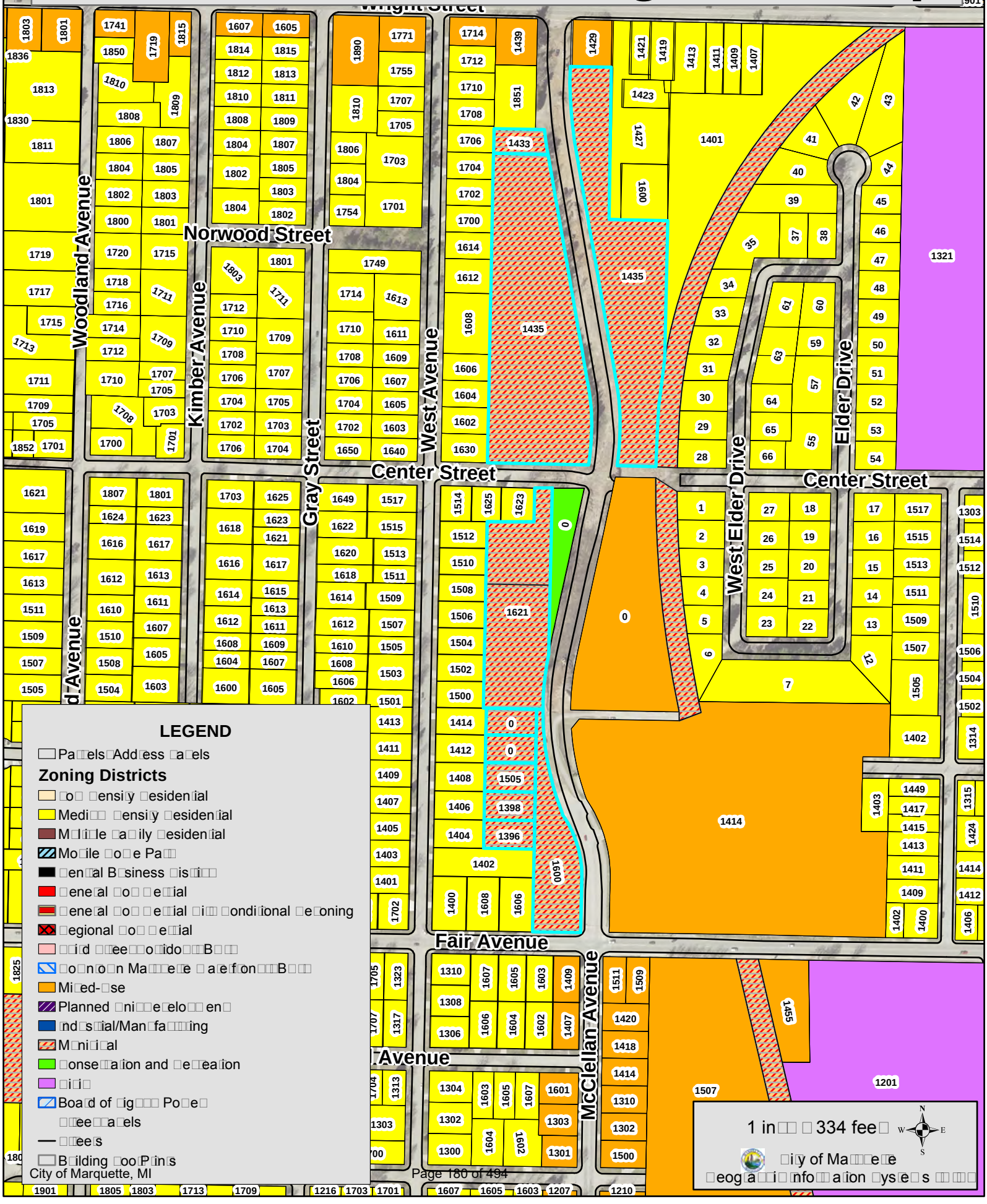
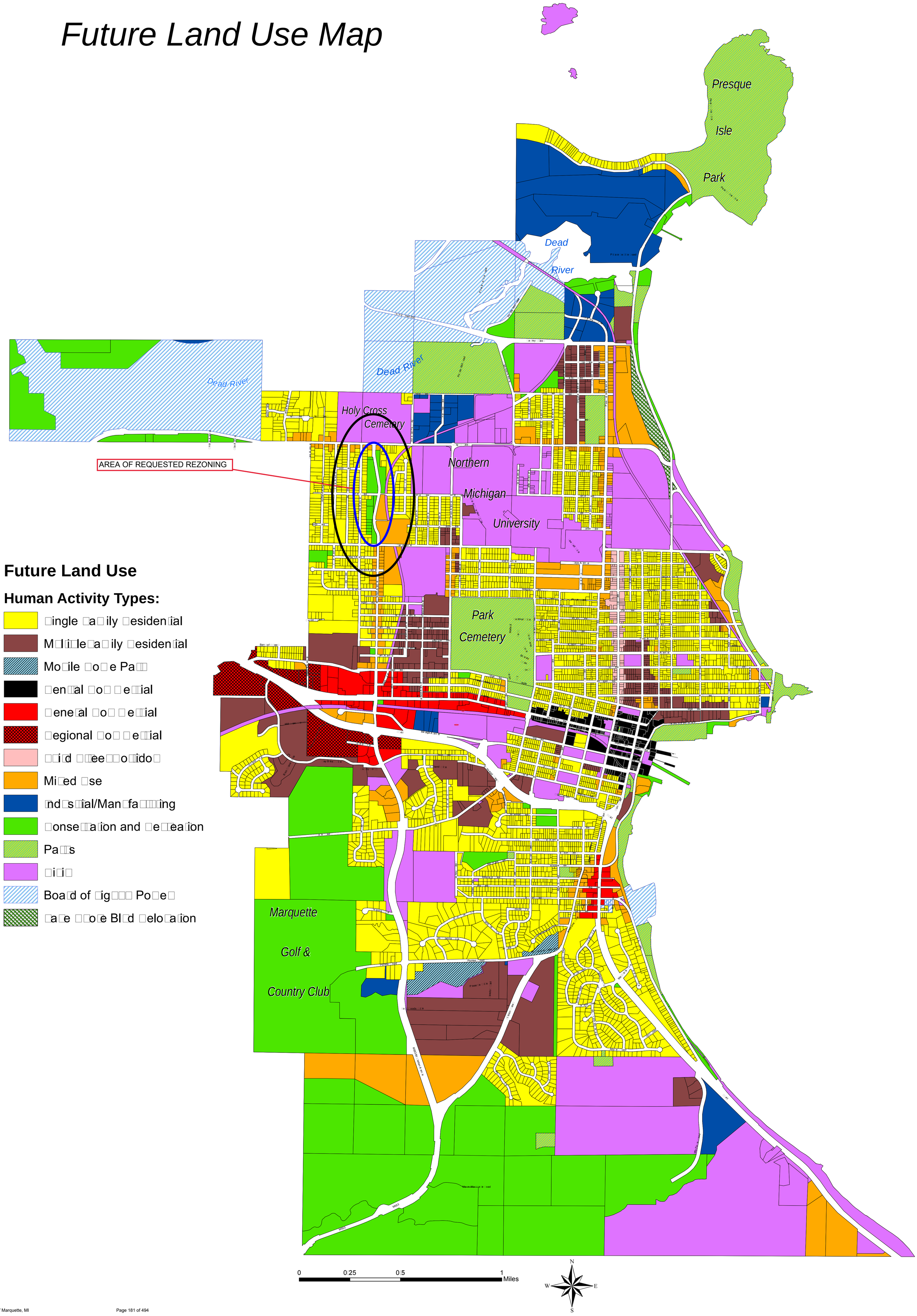


01-REZ-04-22 Zoning Area Map



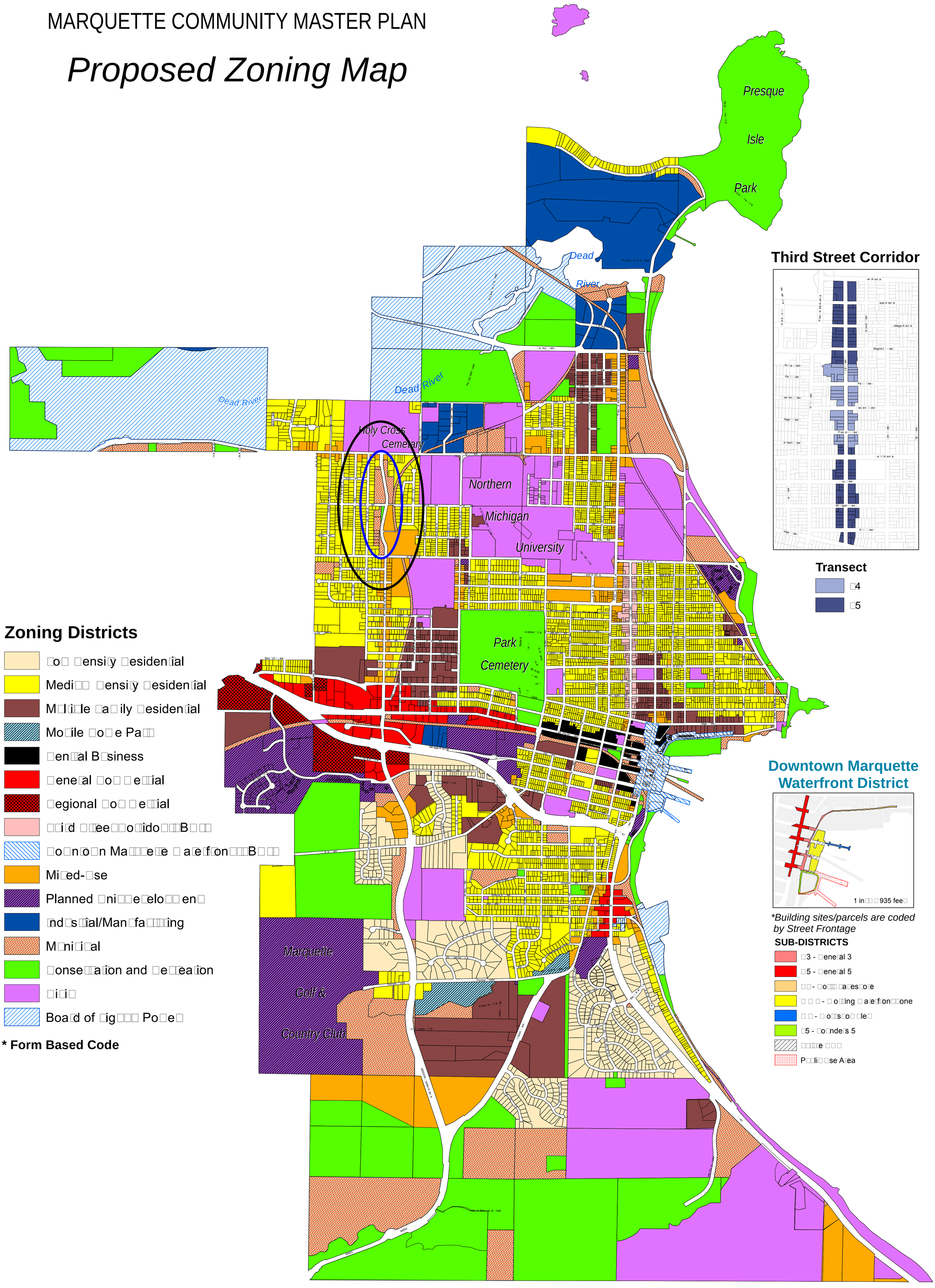
MARQUETTE COMMUNITY MASTER PLAN

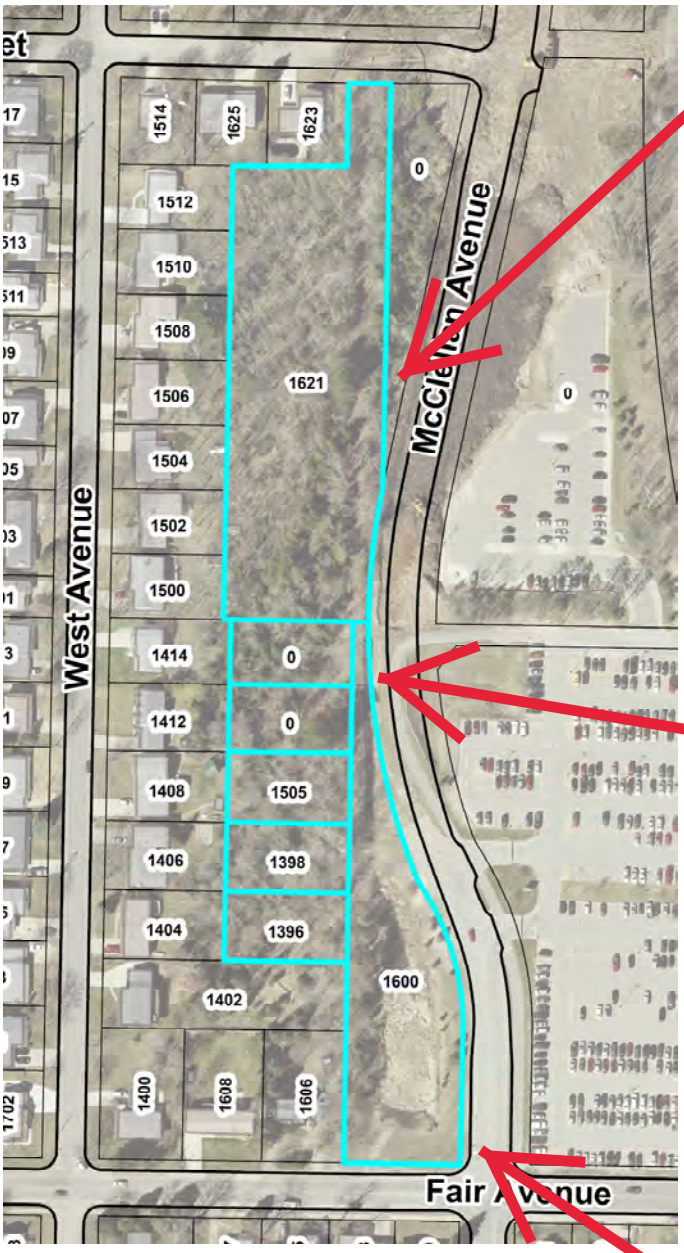
Future Land Use Map



MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

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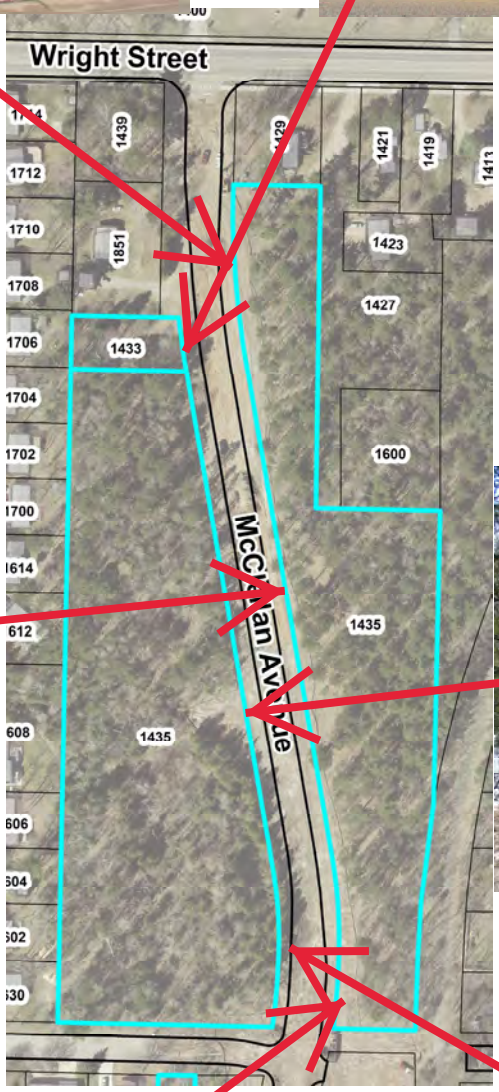
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Good advice

www.creators.com. | tion on your forehead that website at www.cartalk.com.

PUBLIC HEARING NOTICE
MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing for the following:

01-REZ-04-22:: The City of Marquette is requesting to rezone the properties located at 1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431), and McClellan Ave PIN: 0512453 and 0512454, which are zoned Municipal (M) to be zoned Conservation & Recreation (CR).

01-ZOA-04-22: AN ORDINANCE TO AMEND OR ADD SEVERAL SECTIONS OF MARQUETTE CITY CODE CHAPTER 54 – LAND DEVELOPMENT CODE:

TABLE OF CONTENTS; TABLE OF FIGURES; ARTICLE 2 – DEFINITIONS: SEC. 54.202; ARTICLE 3 – ZONING DISTRICTS AND MAP: SECS. 54.306, 54.307, 54.308, 54.309, 54.310, 54.311, 54.312, 54.313, 54.314, 54.315, 54.316, 54.317, 54.318, 54.319, 54.321, AND 54.322; ARTICLE 4 – SCHEDULE AND REGULATIONS: SECS. 54.402 and 54.403; ARTICLE 5 – SUPPLEMENTAL ZONING DISTRICT STANDARDS: SEC 54.503; ARTICLE 6 – STANDARDS APPLICABLE TO SPECIFIC LAND USES: SECS. 54.603, 54.604, 54.611, 54.612, 54.635. 54.636, 54.637, 54.638, 54.639, 54.640, 54.641, 54.642, 54.643, 54.644, 54.645, 54.646, 54.647; ARTICLE 7 – GENERAL PROVISIONS: SECS. 54.702, 54.705, AND 54.706; ARTICLE 9 – PARKING, LOADING AND ACCESS MANAGEMENT: SEC. 54.901, 54.902, 54.903, 54.905; ARTICLE 11 – SIGNS: SECS. 54.1103, 54.1107, 54.1109; ARTICLE 14 – ADMINISTRATIVE PROCEDURES: SECS. 54.1402 AND 54.1403.

01-MPU-04-22: An amendment to the Community Master Plan for a new appendix to add the Final Report of the Ad-Hoc Housing Committee and update to the Table of Contents.

The public hearing for these requests will be at 6:00 P.M. on Tuesday, April 12, 2022, in the Commission Chambers at City Hall, 300 W. Baraga Ave. If you wish to comment on these matters you may do so at that time. Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail alanders@marquettemi.gov. Written submissions will be accepted until 12:00 p.m. on April 12, 2022.

Materials pertaining to the requests are available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday. Otherwise, you can request to have the materials e-mailed to you by e-mailing alanders@marquettemi.gov. You can also view the the amended Master Plan on our website at www.marquettemi.gov, and go to the Planning Page. If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers
Zoning Official
alanders@marquettemi.gov
225-8383

Use your time wisely.

You could spend hours driving around town, searching for help wanted signs and picking up job applications, but why bother. Log on and start your job search online. Check out the classifieds at www.miningjournal.net and browse through hundreds of listings updated daily.

CITY OF ISHPEMING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Ishpeming City Council on Wednesday, April 6, 2022 at 6:00 p. m. in the Council Chambers at Ishpeming City Hall, 100 E. Division Street, to consider oral or written comments regarding the proposed sale of the following described public property in the City of Ishpeming:

The parcel is located on Lot 28 as set forth on the Plat entitled "Assessor's Plat of the Frenchtown Location" as recorded in the Marquette County Register of Deeds Office, Liber 12 of Plats on pages 256A/B and 257A/B also known as the "Frenchtown Pumphouse".

Written comments may be submitted to the City Manager's office at 100 E. Division Street prior to the meeting. Questions may be directed to the City Manager's office at the above address or 906/485-1091, Ext. 203.

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* Annual Percentage Yield (APY) effective 03/18/2022. CDs offered by Edward Jones are bank-issued and FDIC-insured up to $250,000 (principal and interest accrued but not yet paid) per depositor, per insured depository institution, for each account ownership category. Please visit www.fdic.gov or contact your financial advisor for additional information. Subject to availability and price change. CD values are subject to interest rate risk such that when interest rates rise, the prices of CDs can decrease. If CDs are sold prior to maturity, the investor can lose principal value. FDIC insurance does not cover losses in market value. Early withdrawal may not be permitted. Yields quoted are net of all commissions. CDs require the distribution of interest and do not allow interest to compound. CDs offered through Edward Jones are issued by banks and thrifts nationwide. All CDs sold by Edward Jones are registered with the Depository Trust Corp. (DTC).

Ryan M LaMere
Financial Advisor

662 Palms Avenue
Ishpeming, MI 49849
906-485-6385

Lyle Warner
Financial Advisor

edwardjones.com

Rezoning

- The main question that must be answered when considering a rezoning is: *"Is that an appropriate location for that zone?"*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *"Are the uses permitted in the existing zone reasonable?"*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

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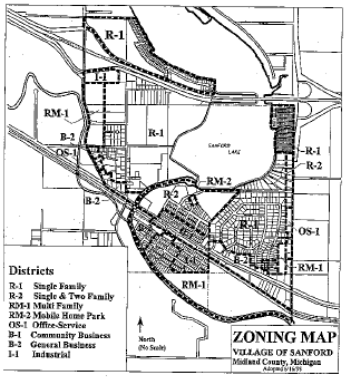
Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?



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Rezoning Factors to Consider

RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

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SPOT ZONING

Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

Result

- Typically ruled invalid if challenged in court.

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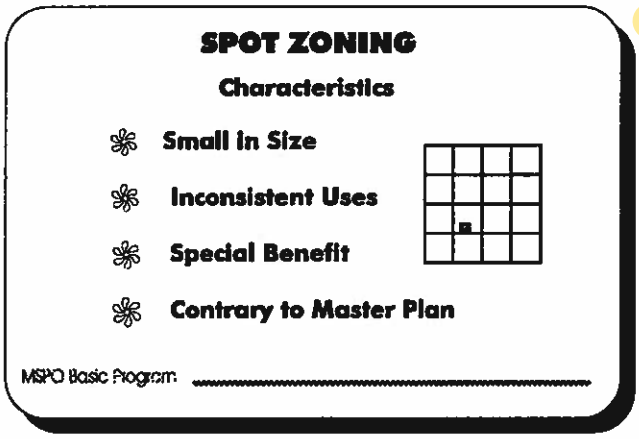
SPOT ZONING CONSIDERATIONS

The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.



What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

Small in Size

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely is will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

Inconsistent Uses

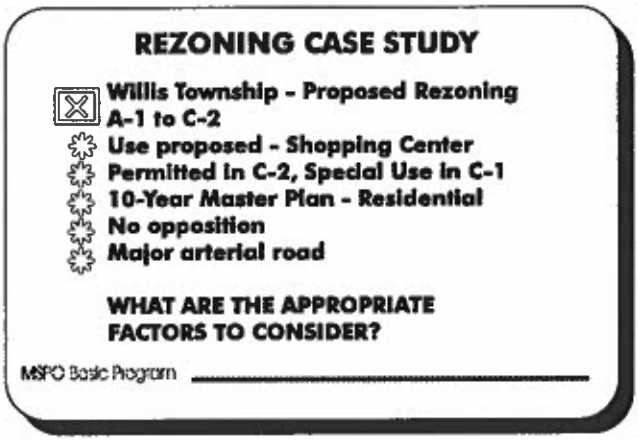
The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

Contrary to the Master Plan

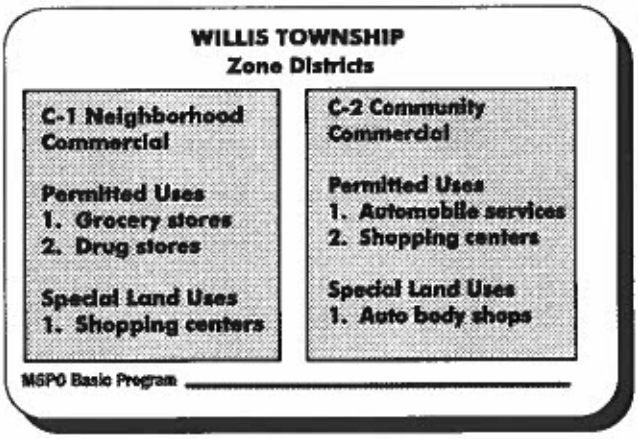
The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.



Rezoning Case Study

Willis Township - Proposed Rezoning A-1 to C-2

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the C-2 District. A variance may also be required for a side yard setback.



- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?

OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
April 12, 2022

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, April 12, 2022, in the Commission Chambers at City Hall.

ROLL CALL
Present: W. Premeau, A. Andres, Vice-Chair M. Larson, S. Mittlefehldt, N. Williams, M. Dunn, Chair J. Cardillo, N. Frischkorn
Absent: None

AGENDA
It was moved by M. Larson, seconded by A. Andres and carried 8-0 to approve the agenda with the additional correspondence for 1A and 1B.

MINUTES
The minutes of March 1st, 2022 were approved by consensus.

CONFLICT OF INTEREST and EX-PARTE CONTACT
None was stated.

NEW BUSINESS

A. 01-REZ-04-22 – 1433 Wright St.(PIN: 0511880), 1435 Wright St. (PIN: 0511840), 1621 Center St. (PIN: 0512390), 1505 W. Fair Ave. (PIN: 0970041), 1398 West Ave. (PIN: 0970031), 1396 West Ave. (PIN: 0970021), 1600 W Fair Ave. (PIN: 0512431) and McClellan Ave PIN: 0512453 and 0512454

Zoning Official A. Landers stated the Planning Commission is being asked to make a recommendation to the City Commission regarding a request to rezone Multiple City-owned properties between Fair Ave. and Wright St. along the McClellan Ave. corridor which are zoned Municipal (M) to be zoned Conservation & Recreation (CR). She stated at the February 14, 2022, City Commission meeting, the Commission made a motion to "Direct the City Manager or her designee to file a rezoning application for all City-owned properties fronting McClellan Avenue and located between Fair Avenue and Wright Street to change the zoning from Municipal to Conservation/Recreation". She referenced and showed the visuals of the staff report and attachments.

City Planner and Zoning Administrator D. Stensaas read correspondence received after the agenda was posted from Randy R. Appleton and from Karen and Jim Anderson

A Landers read correspondence received after the agenda was posted from Neil Russell, Randall and Coleen Howes, and Tim Wakkuri - Executive Director of the Upper Peninsula Medical Center.

City of Marquette Assistant City Manager Sean Hobbins, representing the City of Marquette as applicant, related the recent history of the proposed sale of the property in order to create an affordable housing development. He explained the objections of citizens and alternative proposals which were discussed.

Chair Cardillo opened the public hearing.

Margaret Brumm, 404 E. Magnetic St., stated that she attended this session on behalf of the former mayor, Jerry Irby. She stated she was present at his request to read his remarks onto the record, and related that Mayor Irby's written statement said that "he had, during his tenure, attended meetings with citizens and concerned property owners of area in question" and that "a commitment was made to the people concerned that the property along the McClellan Avenue extension would not be developed" and "that if the zoning was changed from it's current Conservation & Recreation designation that it would be breaking a promise made to those citizens and residents." Ms. Brumm stated that concluded the statement from Mr. Irby, and then related that she was in attendance at the meeting wherein former Mayor Irby spoke. Ms. Brumm

stated that later in that meeting it is recorded that Commissioner Stonehouse verified the promises made by the mayor that when the road had to be extended that the concerned residents would not face development in that area. Ms. Brumm stated that for reasons unknown to her it was not committed to writing, but she stressed it was verified by two people who were present in the room at the said meeting and that she considers this still a binding promise on behalf of the city.

Marsha Lucas, 48 Elder Dr., stated she was at the same meeting where said promise was made in the early 2000s, and that she was at the meetings the prior November, too. Stated that her son teaches Construction Management at Northern Michigan University and had previous work experience in managed projects such as the one proposed. She explained that putting water and sewage infrastructure into an area is a routine practice and it does not necessarily dictate that the area was planned to be developed. She emphasized that for this reason, it does not invalidate the comments made by Mr. Irby and Mr. Stonehouse at this meeting. Ms. Lucas quoted items from the Master Plan which she felt were relevant to concerns regarding this proposed development and that these items demonstrated that the proposed project would violate these tenants and the overall health of the environment by developing pristine woodlands and that the damage could not be undone once it had begun.

Anne Donohue, 1614 West Ave., stated that she would like the Zoning Commission to support the Conservation & Recreation zoning designation. She thought that the proposed rezoning would be detrimental to the diverse wildlife which inhabits this area. She stated that the area very much used and enjoyed by the surrounding residents.

Geraldine Nault, 1851 N. McClellan Ave., stated that a lot of the comments which she was going to make had already been discussed so her presentation would be brief. She emphasized that Marquette's natural environment is one of the greatest assets to the community and that it should be carefully maintained. She went on to recognize the need for housing, but stressed that if the trees were cut down, they could not be back in 10 or 20 years. Ms. Nault explained that the trees are 500 years old and are an important habitat for animals and is also an important family venue. She stated that children of such families would benefit from learning and observing nature and develop a more creative and respectful view of natural ecology by having this area as a resource. She stated that this particular area was significant due it being a slower and more peaceful area compared to bike trails, where people could take walks and walk their dogs. She requested that the Planning Commission recommend to the City Commission that the area be zoned as Conservation and Recreation. She related also that she thinks that the area has facilities for water and sewage, but not natural gas, according to her experience, and she would like the issue clarified and also clarification about the use of non-single-family buildings, perhaps at the end of the meeting.

Randy Howes, 1427 Wright St., stated that he and his wife Colleen were very excited about moving to the Marquette area and have two sons who are already living in the area, along with their grandchildren. He stated that they love the area and that are enthusiastic supporters of rezoning the area for Conservation and Recreation. Mr. Howes stated that after getting assistance navigation through the rules and regulations, his only concern was that he hoped that in the future that apartment buildings would not be considered in area, while recognizing the provisions in the statues that would allow it. He emphasized that Conservation and Recreation is the right thing to do, that the area was very beautiful, and it is fortunate that forward-thinking people in the area were thinking to conserve areas significant to ecology and he felt it's a great idea.

Jon Bahk-Halberg, 31 Elder Dr., stated that his back yard is adjacent to the very picturesque, wooded area in question. He stated that his family just bought the residence one year prior when they moved from South Korea the previous September. He related his experiences in Korea and why he felt this was not an area for development. He emphasized that having such areas as this contributed to the reputation and desirability for people to want to live in the City of Marquette. He stated that there are other natural areas in town, but the fact that this is a heavily wooded area is significant. He stated he had attended the November and was sure that the proposed development was not a good fit for the property and that many people were surprised by the proposal. He restated his support for the rezoning for Conservation and Recreation and that he thinks it makes sense for the City of Marquette to preserve such a valuable area. He stated that he realized that promises cannot always be kept due to changes, but since the reassurance given by Mr. Irby and Mr. Stonehouse were not made long ago and it is in the city's best interest to honor their commitment.

Kenneth Holder, 6 Elder Dr., stated that the others have already related what he intended to say, but he wanted to assert his support for rezoning the area as Conservation and Recreation.

No one else wished to comment. Chairperson Cardillo closed the public hearing.

Chairperson Cardillo opened the Planning Commission discussion.

> *It was moved by M. Dunn, seconded by A. Andres and carried 8-0 to suspend the rules for discussion.*

M. Dunn stated that he would like to immediately express that he has an internal conflict regarding this decision. He stated that he agreed with almost everything that was said during the public comments. He related that he felt that the area would make a great Conservation and Recreation property. He stated that when it comes to resolving issues related to the need for housing, it would be more appropriate to look at locations closer to the downtown area. He went on to explain the area where he feels uncomfortable is that this being a property owned by the City of Marquette, he has not seen a lot of input from residents other than those directly affected by it. He stated that if the property was privately owned, there would be no questions in his mind. He reflected that property is owned by the City for everyone in the city, not only the residents of this particular neighborhood. He stated that he felt this could be overreach on their part without additional input from the larger public of the city and that he was trying to think of a way to make that happen. He stated that brought up the question that if the Planning Commission were to not recommend the rezoning at this time, how long would it be before it could come up again for discussion and what was the timeframe that they were looking at.

D. Stensaas stated that a proposed rezoning case did not have an extended period of waiting between when the recommendation was made by the City Planning Commission and the decision by the City Commission.

A. Andres stated that he was wondering why they wouldn't wait until they see what the reaction was to the rezoning before a decision was made and it was moved forward. He stated that it would be doing everything at once instead of by individual parcels.

S. Mittlefehldt stated that along the lines of what M. Dunn and A. Andres had stated, there is an intention to revisit the Community Master Plan in the upcoming fall, and she emphasized that this is area was 27 acres, which is not a small section of the community. She illustrated that she was a huge supporter of ecology and that she likes the idea of zoning this area as Conservation and Recreation; however, she also did not feel that a full representation of the community was being heard regarding this significant part of the city. S. Mittlefehldt inquired if the recommendation might be postponed until a more comprehensive view of similar properties was obtained, although they might not be as large but were in a similar kind of situation. She stated that the rezoning needed to be looked at on the whole and not only by pieces.

J. Cardillo asked the question of D. Stensaas or S. Hobbins – as a Municipal property, for any kind of development, it would require a rezoning anyway, and permission to be granted by the City Commission, correct? S. Hobbins stated yes. She also stated that by us not doing this [rezoning] it's not like some development is going to happen without a lot of stuff falling into place and approved by a City Commission that has already committed to not letting anything happen there.

S. Hobbins stated that there is a significant process involved in selling a piece of City property and for rezoning. He stated the meeting in November was the first step in a long, multiple-step process that includes permission, appraisal, sale approvals, development agreements, and finally rezoning. He also stated that it could sit as Municipal for a while, the City Commission has been clear that they are not planning on selling it anytime soon, but if they decided to tomorrow there is a lengthy public process.
D. Stensaas stated that it's not true that no development can proceed without rezoning, because the City is allowed to do any number of things that are enumerated in the Land Development Code to develop its own property.

J. Cardillo stated that, just to be clear, by switching from Municipal to Conservation Recreation, these are the uses that would be eliminated – cemetery, farmer's market, indoor recreation, professional offices, outdoor entertainment and community events, schools – primary or secondary, universities, and wireless telecommunications. She stated she wanted to that we are all aware of what the changes would be, and that we are not talking about residential at all.

N. Frischkorn asked about the yellow easements shown on the map on p. 20. A. Landers stated those are wetland easements, and there is an access easement on the east side. D. Stensaas stated that access easement is a private easement for access to the landlocked parcels to the east of the road.

M. Larson stated that he agreed that there is a significant process ahead for considering zoning and the Master Plan, but we certainly have the ability to go in this direction as it is what is currently in the Master Plan, and the City Commission has asked to move forward. He also stated a question, if this gets rezoned to Conservation-Recreation, with the City owning that property, would the City tend to own this property in perpetuity, or are there other options that could come up. He also stated that he doesn't know how the value of the property would be affected by rezoning to Conservation-Recreation.

S. Hobbins stated that he can't speak to the future intentions of City Commissions, but his understanding is that moving to Conservation-Recreation is to prevent sale and development in the future, so it's really meant to put it in line with the rest of our park facilities and the cemetery, the fit strip, and set it aside as a natural area in the City and not sell it.

S. Mittlefehldt stated that she would like to see more information in the form of a study or a survey as to what exactly the ecological value of the land was. She inquired if the city might have the funds available to conduct such an inquiry and compare it to other areas that could perhaps be protected in some way.

S. Hobbins stated that he did not feel that that would be in line with the strategic priorities for spending money right now, and that the Commission is looking at setting this property aside and allowing it to continue to exist as is, it having been purchased by the city for the McClellan Ave. extension, and that if someone would like to conduct such a study it would be allowed, but it would not be funded by the city.

M. Larson inquired if at some time this may become like the Fit Strip, a more managed property with trails and the like. S. Hobbins stated that he thinks the Parks and Recreation Master Plan states that we're already at capacity for parks, and parks management may not have capacity to do any further kind of development and that his best interpretation of the situation is that the land would stay as it is and there wouldn't be any infrastructure added.

W. Premeau brought up as a point of interest that Mr. Irby was recalled from office. He then suggested this was probably irrelevant but that he just stated it. He stated that he had inquired about what the term 'in perpetuity' meant and that someone that knew what was going on with the City once told him it meant "until somebody can't remember". He mentioned that the North Marquette ballfields were Conservation but then the City started looking to build warehouses there. He went on to mentioned other sections of the city that had been zoned 'into perpetuity' and that later the zoning was changed. He said things would not necessarily stay that way, it can be changed later.

M. Dunn inquired as to why the Future Land Use Map in the proposed Zoning Map have two different designations?

D. Stensaas stated that the Future Land Use Map dealt with land use and that land uses are different than zoning. He elaborated that 'land use' is what the anticipated best uses or preferred uses of the property in question would be at the time, and that the Preferred Zoning Map shows the zoning districts that are that its adopted and the 'proposed zoning' at the time the Community Master Plan was adopted in 2015, those some of the proposed zoning districts were desired and not the zoning that was current there. He further explained that when the Land Development Code was adopted in 2019, many of the zoning districts did go into effect because those were then seen at that time as the preferred zoning to enable the land uses that were considered as the preferred land uses. He clarified that therefore zoning follows from planning and that is the way it should be. He said you cannot have the zoning ordinance unless the planning was done

first, and that doing otherwise would be a bad practice.

M. Dunn followed up with a question why the zoning was not changed in 2018 for the said parcels in 2018 to be a closer match to what the Future Land Use Map had indicated.

D. Stensaas explained that during the 18-month long Land Development Code development process that the LDC was not adopted until 2019. And at the beginning of the process, it had been decided that the city had decided it would be better to put all of its own land in its own zoning district. He stated that it was done in several different cases such as civic property and that Civic Zoning District was created for non-city governmental and instructional properties like the county and North Michigan University. He also explained that another zoning district was created for the BLP, for example, so all of their property is now within their own zoning district where their own uses make sense. He recalled that prior to this all of the properties in questions had all kinds of different uses going on. For example, he said, the BLP own property in residential district although it would never be building houses and that, of course, the city is not going to build houses. He stated that it would not make sense to keep the old convention in place, so the Land Development Code process ended up with a variety of different zoning districts which were not thought of back when the Community Master Plan was adopted. The Planning Commission and the City Commission agreed this was a better approach going forward.

N. Frischkorn stated that he understood why some of his fellow commissioners would like to get wider city input, but that ultimately a decision needed to be made according to the Master Plan that was in place at this moment, at the time that the request is being made. He quoted the first standard under the Land Development Code, Section 54.1405 as being 'consistency with the master plan' and that the Future Land Use Map showed the land in question as being marked for Conservation and Recreation. He then suggested that if changed in the current conditions or the public's attitude were to change, that would justify denying the rezoning even if the rezoning is in compliance with the Master Plan. He gave the opinion that after hearing the comments that were read into the record and the comments from his fellow commissioners, the community's attitude, as far as determine from the public record, has not changed and is in support of the rezoning. He further elaborated that environmental feature were another issue which needed to be looked at, and that most of the property to the west of McClellan was not suitable for development because it is wetlands. The property to the east of McClellan, he asserted, might be a different story. However, N. Frischkorn asserted that according to this thinking and based on the Master Plan, he felt the rezoning was appropriate.

N. Williams stated his concerns were that if this high-density area were rezoned that developers may keep pushing outward into lower density aesthetically desirable areas on the outskirts of town.

J. Cardillo stated that he had attended the City Commission meeting earlier the same day because she wanted to get an idea of what their thoughts were into why they would like to do this rezoning now. She pointed out that the City Commission had their own set of constraints and pressures and that the City Planning Commission exists to look at things purely from a planning perspective. She stated that although mostly there was agreement for the rezoning, some City Commissioners expressed that this proposal needed to be looked at wholistically and that this area should not be looked at in an isolated way since a new Community Master Plan was about to be revamped for the entire city. J. Cardillo stated that while she agrees that the majority of the land should be marked as CR, they should take this opportunity to really look wholistically at the city and that she would be in favor of postponing the rezoning with the understanding that it is not going to immediately change the situation or status of the property since the City Commission has the ultimately authority over what happens to it and it is known that they are in favor of keeping it as it is.

M. Dunn stated that he did not wish to vote against the rezoning but asked if there was any way to postpone the decision while the revision of the Community Master Plan was underway. He stated if it were mandatory that they were to make a final decision before the conclusion of the meeting, that he would vote in favor of rezoning it.

M. Larson inquired if any of the commissioners had comments on any particular parcel within the land in question. He stated that there were quite a few parcels included in this area and wanted to know if there

were any parcels of note that were thought to be suitable for reconsideration.

J. Cardillo reaffirmed that this was her reason for wondering why the process should be rushed, since the land in question was not at risk to be developed. She suggested taking time and looking at the land in question parcel by parcel and then look at it in the context of the broader city. She emphasized there was no need to rush the rezoning approval since there is no current danger of anything happening on the property.

M. Larson stated that he understood that, but since it meets the criteria, he thought it was clear what to do.

S. Mittlefehldt commented that a lot has changed since the Community Master Plan of 2015 was put into place in terms of the affordability of housing. She recalled the pandemic, the recession, and inflation as examples and though she understood that while she knows community members have expressed their opposition, that affordable housing does not happen due to such situations. She expressed that she understood the value of the land for ecological reasons and that it would be nice to see study performed, but that a more comprehensive community conversation needed to happen regarding the upcoming Community Master Plan plans around the issue of affordable housing and how to go about make it happen even when it's not popular politically. She stated this issue is a good illustration and brings to the forefront two very important topics within the community of natural preservation versus the need she has observed, especially among young people, for affordable housing. She said this particular zoning application is a case study about how the community is going to resolve this tension between the two ideas and that there needs to be more involvement from the community members as whole before a decision is made. She mentioned that she feels that the new Community Master Plan of 2022 will be very different from the one drawn up in 2015.

J. Cardillo stated that she would like to address the question about gas lines. She inquired if there were indeed gas lines.

A. Landers stated she would have to verify if that's true.

J. Cardillo inquired of Andrea if she could explain more about the accessory use, non-single-family residence.

A. Landers stated that the proposed project was not a multiple family use, it is non-single family residential lots. She explained that 'accessories' as when you have two of the principal uses.

J. Cardillo asked if that meant if there is no principal use then there is no accessory use.

A. Landers responded affirmatively.

J. Cardillo gave the example of an ice cream vending location in one of the parks as being an accessory use to the principal use of the park and this was affirmed.

S. Mittlefehldt illustrated the uses which would not be allowed should the said land be rezoned as Conservation and Recreation. The uses now allowed were cemetery, farmer's market, indoor recreation, office/profession, outdoor entertainment and community events, schools, universities, or wireless telecommunication facilities. She reemphasized that residential would not be allowed at all if the rezoning was approved.

N. Frischkorn stated that he had a question regarding the maps on pages 19 and 20. He inquired how the yellow easements marked on the maps were currently classified.

A. Landers stated that those were wetland easements, except for one easement which was for access and driveway.

N. Frischkorn clarified that the access easement was for a private parcel.

M. Larson stated that while he agrees that there will be a process involved in the near future to consider all zoning and lands of the city moving forward, it is still in the City Master Plan and the Future Plannings Map set for Conservation and Recreation. He said that the City Planning Commission currently has the ability to move toward that direction since that it has already been notated for Conservation and Recreation in the City Master Plan and Future Land Use Map. M. Larson said they had a path forward to rezone the land as Conservation and Recreation despite the fact that the process might be laid out differently in the coming fall. He stated that since moving forward toward CR use and the City Commission has asked them to move forward the same way, they were within their rights to do so. He asked the question, if the land is rezoned as CR, it is still owned by the city and does the city plan to continue to own the property going forward indefinitely. He inquired about the change in land value should it be sold to an outside party. He stated that according to his understanding, the more to rezone as CR was for the purpose of preventing such a sale to a private party and to move the land in line with the other park facilities of the city.

S. Mittlefehldt stated that she would like to see more information in the form of a study or a survey as to what exactly the ecological value of the land was. She inquired if the city might have the funds available to conduct such an inquiry and compare it to other areas that could perhaps be protected in some way.

M. Larson stated that he did not feel that that would be in line with the strategic priorities for spending money at this time. He stated that simply setting the property aside and allowing it to continue to exist as is, it having been purchased by the city from a private owner and set aside for such purposes, he did not feel that any money could be spent on conducting such a survey. She said if someone would like to conduct such a study it would be allowed, but such an enterprise would not be funded by the city. Inquired if any development would be done in accordance with the CR use should the rezoning be allowed. He also stated that Parks and Recreation were already at capacity and that park management did not currently posses the ability to do any further kind of development. He stated that his best interpretation of the situation is that the said land would stay exactly as it is.

W. Premeau brought up as a point of interest that Mr. Irby was recalled from office. He then suggested this was probably irrelevant but that he just stated it. He stated that he had inquired about what the term ‘in perpetuity’ meant. He claimed the response was ‘until somebody can’t remember’. He mentioned another property that was marked for conservation but then the city started looking to build warehouses on that property. He went on to mentioned other sections of the city that had been zoned ‘into perpetuity’ that later the zoning was changed. He said it’s just warning, things would not necessarily stay that way just become it is zoned into perpetuity and it can be changed later.

M. Dunn inquired as to why the Future Land Use Map in the proposed Zoning Map have two different designations?

D. Stensaas explained that the Future Land Use Map dealt with land use and that land uses are different than zoning. He elaborated that ‘land use’ is what the anticipated best uses or preferred uses of the property in question would be at the time that its adopted and the ‘proposed zoning’ at the time the Community Master Plan was adopted in 2015, those some of the proposed zoning districts were desired and not the zoning that was current there. He further explained that when the Land Development Code was adopted in 2019, many of the zoning districts did go into effect because those were then seen at that time as the preferred zoning to enable the land uses that were considered as the preferred land uses. He clarified that therefore zoning follows from planning and that is the way it should be. He said you cannot have the zoning ordinance unless the planning was done first, and that doing otherwise would be a bad practice.

M. Dunn followed up with a question why the zoning was not changed in 2018 for the said parcels in 2018 to be a closer match to what the Future Land Use Map had indicated.

D. Stensaas explained that during the 18-month long Land Development Code development process that the LDC was not adopted until 2019. And at the beginning of the process, it had been decided that the city had decided it would be better to put all of its own land in its own zoning district. He stated that it was done in several different cases such as civic property and that Civic Zoning District was created for non-city

governmental and instructional properties like the county and North Michigan University. He also explained that another zoning district was created for the BLP, for example, so all of their property is now within their own zoning district where their own uses make sense. He recalled that prior to this all of the properties in questions had all kinds of different uses going on. For example, he said, the BLP own property in residential district although it would never be building houses and that, of course, the city is not going to build houses. He stated that it would not make sense to keep the old convention in place, so the Land Development Code process ended up with a variety of different zoning districts which were not thought of back when the Community Master Plan was adopted. The Planning Commission and the City Commission agreed this was a better approach going forward.

N. Frischkorn stated that he understood why some of his fellow commissioners would like to get wider city input, but that ultimately a decision needed to be made according to the Master Plan that was in place at this moment, at the time that the request is being made. He quoted the first standard under the Land Development Code, Section 54.1405 as being 'consistency with the master plan' and that the Future Land Use Map showed the land in question as being marked for Conservation and Recreation. He then suggested that if changed in the current conditions or the public's attitude were to change, that would justify denying the rezoning even if the rezoning is in compliance with the Master Plan. He gave the opinion that after hearing the comments that were read into the record and the comments from his fellow commissioners, the community's attitude, as far as determine from the public record, has not changed and is in support of the rezoning. He further elaborated that environmental feature were another issue which needed to be looked at, and that most of the property to the west of McClellan was not suitable for development because it is wetlands. The property to the east of McClellan, he asserted, might be a different story. However, N. Frischkorn asserted that according to this thinking and based on the Master Plan, he felt the rezoning was appropriate.

N. Williams stated his concerns were that if this high-density area were rezoned that developers may keep pushing outward into lower density aesthetically desirable areas on the outskirts of town.

J. Cardillo stated that he had listened to the City Commission meeting because she wanted to get an idea of what their thoughts were into why they would like to do this rezoning now. She pointed out that the City Commission had their own set of constraints and pressures and that the City Planning Commission exists to look at things purely from a planning perspective. She stated that although mostly there was agreement for the rezoning, some City Commissioners expressed that this proposal needed to be looked at wholistically and that this area should not be looked at in an isolated way since a new Community Master Plan was about to be revamped for the entire city. J. Cardillo stated that while she agrees that the majority of the land should be marked as CR, they should take this opportunity to really look wholistically at the city and that she would be in favor of postponing the rezoning with the understanding that it is not going to immediately change the situation or status of the property since the City Commission has the ultimately authority over what happens to it and it is known that they are in favor of keeping it as it is.

M. Dunn stated that he did not wish to vote against the rezoning but asked if there was any way to postpone the decision while the revision of the Community Master Plan was underway. He stated if it were mandatory that they were to make a final decision before the conclusion of the meeting, that he would vote in favor of rezoning it.

M. Larson inquired if any of the commissioners had comments on any particular parcel within the land in question. He stated that there were quite a few parcels included in this area and wanted to know if there were any parcels of note that were thought to be suitable for reconsideration.

J. Cardillo reaffirmed that this was her reason for wondering why the process should be rushed, since the land in question was not at risk to be developed. She suggested taking time and looking at the land in question parcel by parcel and then look at it in the context of the broader city. She emphasized there was no need to rush the rezoning approval since there is no current danger of anything happening on the property.

M. Larson stated that he understood that, but since it meets the criteria, he thought it was clear what to do.

S. Mittlefehldt commented that a lot has changed since the Community Master Plan of 2015 was put into place in terms of the affordability of housing. She recalled the pandemic, the recession, and inflation as examples and though she understood that while she knows community members have expressed their opposition, that affordable housing does not happen due to such situations. She expressed that she understood the value of the land for ecological reasons and that it would be nice to see study performed, but that a more comprehensive community conversation needed to happen regarding the upcoming Community Master Plan plans around the issue of affordable housing and how to go about make it happen even when it's not popular politically. She stated this issue is a good illustration and brings to the forefront two very important topics within the community of natural preservation versus the need she has observed, especially among young people, for affordable housing. She said this particular zoning application is a case study about how the community is going to resolve this tension between the two ideas and that there needs to be more involvement from the community members as whole before a decision is made. She mentioned that she feels that the new Community Master Plan of 2022 will be very different from the one drawn up in 2015.

J. Cardillo stated that she would like to address the question about gas lines. She inquired if there were indeed gas lines.

A. Landers stated she would have to verify if that's true.

J. Cardillo inquired of Andrea if she could explain more about the accessory use, non-single-family residence.

A. Landers stated that the proposed project was not a multiple family use, it is non-single family residential lots. She explained that 'accessories' as when you have two of the principal uses.

J. Cardillo asked if that meant if there is no principal use then there is no accessory use.

A. Landers responded affirmatively.

J. Cardillo gave the example of an ice cream vending location in one of the parks as being an accessory use to the principal use of the park and this was affirmed.

> *It was moved by M. Larson, seconded by M. Dunn and carried 5-3 that after conducting a public hearing and review of the application and Staff Report for 01-REZ-04-22, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 01-REZ-04-22 as presented.*
> *Yes: W. Premeau, Vice-Chair M. Larson, N. Williams, M. Dunn, N. Frischkorn*
> *No: A. Andres, S. Mittlefehldt, J. Cardillo*

B. **01-ZOA-04-22: Land Development Code Amendments**

A. Landers stated that 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 2021 and early 2022. She stated the draft amendments to the LDC document are attached to the agenda packet. She also stated that text to be eliminated is shown with strikethrough font, new text was highlighted in yellow, and text included to help explain the changes is highlighted in blue.

D. Stensaas stated that the text of the proposed ordinances has been the topic of many hours of work by staff and the Planning Commission over several months and that it would take hours to go through this in detail, so staff is just going to answer questions if anyone has any. He also stated that some changes were made to section 54.321 since the last Planning Commission meeting because staff realized that the intended changes to that section, which were in the document at the previous regular meeting, would have possibly created a legal foothold for the elimination of the short alley and the access it provides to three buildings on the east side of the 100 block of S. Front Street. The issue and the text were discussed, and

no further text changes were made.

Chair Cardillo opened the public hearing.

Margaret Brumm, 404 E. Magnetic St., stated that she initially believed that the proposed changes to the land development code were inspired by ad hoc housing committee, but now as she is rereading them and listening to comments, there is no mention of the ad hoc housing committee. She inquired if it was correct to state that the changes have nothing to do with the ad hoc housing committee recommendations. She stated that the ad hoc housing committee's recommendations that were most concerning to her were putting dwellings in smaller spaces. She said she's not seeing this recommendation now in what she's reading and asked if it was not allowed. She said if that recommendation were to be followed, in her opinion it would be bad. She related her experience with overcrowding in dorms when she was attending college. She said placing too many people in too a small space affects everyone's quality of life. She expressed her concern that nothing but bad results would come from cramming more people into a smaller space, even when it's technically possible. She stated in her personal and professional opinion she does not recommend decreasing lot sizes or allowing auxiliary dwellings.

Colleen Roberts, 903 Adams St., asked what the projected density for the City of Marquette in 25 years is. He inquired how high the density that they want, because it looked like that was how things were being mapped out. He said if small houses were allowed in back yards, he wanted to know how it would affect tax rates and home values. He stressed that although the committee had been tasked with increasing available housing in Marquette, there is a limited amount of land. He expressed the idea that annexing land would be necessary if the city wanted to increase the population in order to create a wider tax base. He firmly asserted that increasing the density and creating overpopulation was not a desirable goal because after 25 years, Marquette would no longer be a desirable place to live. He illustrated that creating high density in the city would not be good for people with children and urged the members to investigate what high density living areas in other cities were like to be living in.

Mary Buckmaster, 108 Palms St., stated that she recently became aware of the addition and revision recommendation to the land development code. She also stated that she did understand that the changes were in response to the recommendation of the ad hoc housing committee recommendation and that the committee worked long and hard on preparing these recommendations. She stated that one of the recommendations of the committee was a new land use called supportive housing facility transitional and/or permanent land use and that staff decided to place that land use in five cities zones, low density residential and medium density residential, multiple family residential, mixed land and central business zones. After a joint meeting between the ad hoc housing committee and the city commissions, the hearing was set which they are all attending. M. Buckmaster related the definition of the supported housing facility is on Page 36 of the agenda for this meeting. She stated that the permitted land use designation in the multiple family residential zone is what she was hoping the committee would change to special land use column. Article 3 and the Zoning Districts and the maps on 37 are a good visual, she said and this was the bottom line. Four zones have a special land use designation; one has a permitted use, she explained. She stated that since this is a new use, all five zones ought to have the designation in the five categories of special land use. She stated that her reasoning was that any of the zones in Marquette could possibly be right across the street from a multiple family zone. She stated she hoped that many new land use requests would result in all residents within 300 feet would be advised of the request and the planning commission meeting. She stated that one of the city documents covered only 5;4 percent of the zones in Marquette. Three very large buildings, Snowberry, the Turbel apartments, and Hara Vista must take a large amount of that percentage, she related. She stated that she have lived in Marquette all her life and she knows that it has been hard to find adequate housing recently and that she knew that everyone was having issues with this. She stated that despite having very talented people to help with the issue, there is only a limited amount of land. She asked that special land use designation for all five targeted is a fair way to proceed for all citizens of Marquette.

Geraldine Nault, 1851 N. McClellan Ave., stated that as the committee reviews both the Community Master Plan and the land development code to consider that people wish to live in Marquette because of what it is seen to be now. She stressed that as the committee goes about doing the extremely difficult job of amending things, just keep in mind what the city is like now and try not to make extreme changes.

No one else wished to comment. Chair Cardillo closed the public hearing and asked if anyone wanted to make a motion.

> *It was moved by A. Andres, seconded by M. Dunn and carried 8-0 to suspend the rules for discussion.*

A. Andres stated that he wants to thank the public that came to the meeting for their comments and participation. He also stated that he is inclined to approve the amendments.

M. Dunn stated that he didn't having anything to add.

W. Premeau stated that on page 23 there are limitations on colors and asked if they were allowed to do that.

D. Stensaas stated that those standards would apply in the two form-based code districts, just like there are specifications for materials, this specifies that exterior cladding can only be up to fifty percent white or gray, and that he would consider it a pilot project.

W. Premeau stated that he did not understand the talk around affordable housing and why there is not affordable housing. He stated that NMU played a huge factor in affordable housing. Also, he stated that between the City Planning Committee, the City Commission, the state, the county and others have added costs, and that building codes alone have added approximately $70,000 to $75,000 to the cost of house. He stated that designations keep changing and that now they need even more insulation, and that for the pittance that would be saved it doesn't make sense. He pointed out that any changes that they make that add costs, those costs should be able to be recuperated within 10 years, per state law, but that is totally disregarded. He stated that the government was making housing unaffordable, not the people.

> *It was moved by S. Mittlefehldt, seconded by M. Dunn and carried 8-0 that after review of the draft Land Development Code (LDC) amendments presented as case 01-ZOA-04-2022, 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 and appropriate and therefore should be approved by the City Commission as presented.*

C. 01-MPA-04-22: Master Plan Amendments

A. Landers stated the City of Marquette adopted its most recent Community Master Plan (CMP) on 12/17/2018. She stated the proposed update is to incorporate the *Final Report* of the City of Marquette Ad-Hoc Housing Committee as Appendix K. She also stated the 95-day public comment period for this CMP Amendment was between December 1, 2021, and March 6, 2022; and no comments were received. She showed a visual of the document.

Chair Cardillo opened the public hearing.

Margaret Brumm, 404 E. Magnetic St., stated she felt that people would not realize the significance of the changes to the Land Development Code and the Community Master Plan until the density reaches such a high density and increases to such a high degree that people would suddenly wake up and realize that they never envisioned that such a situation would happen. She expressed that the housing problems in the city would not be solved by shoving more people into the existing space. She stated that the residents of the City of Marquette do not wish to live in a crowded area with multipole neighbors and multiple vehicles. She stated that during a previous commission meeting was the fact that having additional spaces available for people to live on the same lot interferes with the storage of snow removal equipment during winter and yet she is not seeing in any of the documents that suggests that there must be space to deal the winter issues and the snowfall. She states that such a proposition to put more people in the same space goes against common sense. She stressed that the quality of life in Marquette will be detrimental for the society in future

and warned this would cause conflict between residents.

Colleen Roberts, 903 Adams St., stated that she was against changing the rules in order to accommodate increasing density, in order to increase the tax revenue. She stated that the proposition of building additional housing on existing lots was not even practically possible due to the increase in the cost of building materials. She asked that the committee consider the consequences will be for the people who intend to stay in Marquette. She then thanked the committee.

No one else wished to comment. Chair Cardillo closed the public hearing and asked if anyone wished to make a motion.

> *It was moved by M. Dunn and seconded by S. Mittlefehldt and carried 8-0 that after review of the proposed 2022 Community Master Plan Amendment, and after conducting a public hearing and careful consideration of the contents of the documents and maps, the Planning Commission finds that the proposed text amendments are justified and appropriate and therefore recommends that the City Commission approves as presented.*

CITIZENS WISHING TO ADDRESS THE COMMISSION ON NON-AGENDA ITEMS

Margaret Brumm, 404 E. Magnetic St., stated that she was proud that former Mayor Irby had asked her to come and address the commission. She mentioned that it had been pointed out that the former mayor's career had ended with him being recalled, and she knew that would give a person pause to appearing in public for fear of being criticized. She emphasized that in such a situation proves Mr. Irby very sincere in his desire to express that a promise had been made and that he felt very strongly about that promise. She expressed her surprise that earlier in the meeting some of the commission members had stated that "they needed more input from the public" and pointed out that the commission they voted to change the Land Development Code and the Community Master Plan with virtually no input from the public and it did not seem to bother any of the members. She mentioned that they had heard the testimony of many residents and yet they were still saying "they need more input from the public". She asserted that the members of the committee already had had input from the public. She stated the impression that this was gave was that they would be willing to do anything in order that the decision be made. She encouraged the committee member to realized that the people who are attending the public meeting are indeed the public and that due weight be given to the same. She commended Commissioner Larson on how clearly he presented the first agenda item. She stated her concern over the effects that the changes to the land use and the Community Master Plan were going to have on the residents of the city. She then addressed again that it was not desirable for them to say they wanted more input from the public when the public was sitting right in front of them. She thanked the committee for their time.

Geraldine Nault, 1851 N. McClellan Ave., stated that she also wanted to point out that there was notification to the public in the paper and so the public did have notice if they wanted to come. She stated that the information is also available on the city website, the whole packet is available online and people can see what issues are being brought up, and that the public had been notified. She said this was her comment and then thanked the commission.

TRAINING
A. Article: "Green Signals from Across the Pond", *Planning*, Winter 2022

D. Stensaas stated that this was the first of what is planned to be an ongoing series of informational and educational articles from a variety of sources, which is required by the Redevelopment Ready Communities program which the City is now part of. He explained that there was a format prepared already for planning commissions and that this if the first, simple step that was being taken toward that end. He stated that the article emphasizes that much could be learned from other countries that have embraced the circular economy idea and cradle-to-grave product development and product treatment. He stated the concept touches on a lot of different things having to do with sustainability such as the prevention of pollution and the avoidance of creating carbon emissions when products are produced. He went on to illustrate the

ecological subjects covered in the article. He also stated that in order to continue in the RRC action would have to be taken, whereas before involvement in this subject was not as mandatory.

COMMISSION AND STAFF COMMENTS

M. Dunn stated he would like to clarify for the record that the amendments were considered carefully over the period of around one year and that they were not rushed through. He wanted to emphasize that nobody breezed through these amendments or took them lightly. Secondly, he expressed that in his opinion the more public opinion that was heard, the better and that he would like to have more voices heard, more often. He thanked those that did appear and speak.

N. Frischkorn thanked the staff for their work preparing for the three public hearings which were held and expressed how helpful it was in making an informed decision.

S. Mittlefehldt stated that she really enjoyed the Green Signals article and informed the group of an upcoming trip to France to attend a *circular economy* conference and that she would be presenting some of her own research at the event. She expressed her pleasure at seeing her professional and personal interests in harmony. She stated she would like to share any knowledge she gained from the trip with the commission members.

W. Premeau stated that the only issue that arose for him was regarding former Mayor Irby and expressed his support for him. He stated he wouldn't go into the details, but he wanted it acknowledged that Mr. Irby was not the only person recalled and that one of the managers quit shortly after the recall.

A. Andres expressed frustration on how long they are waiting for a comment from the housing community while they were attempting to improve the quality of life in the city for everyone involved. He also expressed his frustration that due to the streets not being plowed, he was from attending some meetings. He asserted that if they were going to have meetings, they need to make the meetings more accessible and easier for people to attend. Mr. Andres emphasized that they do not take things lightly, they take their time deciding on issues, and try to take everyone's different views into consideration. He wanted to encourage more participation from a wider segment of society. He thanked the public for attending.

M. Larson stated that he would like to remind the commission about the upcoming training that will be on May 16th which is for Planning and Zoning for Solar Energy System.

D. Stensaas stated that two members have signed up for the training and mentioned other training opportunities were available as well, and that he would send out more information. He expressed frustration at the comments which make it appear as if the City doesn't have any professional planners and that they just rubber-stamp things. He stated that they take a lot of time considering what should be in the Land Development Code (LDC) and they weren't simply copying things produced by other committees or by the Ad Hoc Housing Commission. D. Stensaas stated that everything considered for or in the LDC was produced in-house, such at the definitions and standards. He clarified that an assumption was also made regarding the commission wanting more people in Marquette, which isn't accurate. He stated that the population was going to increase here because it is increasing by about 80 million people per year in net gain and that pressure will only increase on most places that people want to live and that he feels that this Planning Commission has done a good job of working with staff and taking public input and finding solutions that work for Marquette. He also stated that he wanted to address the comments about accessory dwelling units being cheap housing and that they have been allowed in Marquette for over three years, but that only one has been developed through an application and that may be because they are not a cheap housing option. He stated that ADUs are as expensive to develop as any other housing. He thanked the people who showed up and the comments they made.

J. Cardillo thanked Andrea and Dave for the months of work and effort for making the meeting happen. She stated that she would like to support all of the comments that Commissioner Andres had made about participation. She stated that it is exciting to have a full board here and that meetings such as these are very exciting to her and having a lot of participation is important to her. She expressed the thought that in

her opinion the committee should not be downsized and that having the full eight people was important. She thanked everyone and stated she was very glad that everyone was in attendance.

ADJOURNMENT
The meeting was adjourned by Chair J. Cardillo at 8:10 p.m.

Prepared by:

David Stensaas

David Stensaas, City Planner and Zoning Administrator
Planning Commission Staff Liaison
Transcription by iMedat, Edited by D. Stensaas

ORDINANCE #710
AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 54 – ZONING, BY CHANGING THE ZONING DESIGNATION OF SEVERAL CITY-OWNED PROPERTIES IN THE McCLELLAN AVENUE CORRIDOR BETWEEN FAIR AVENUE AND WRIGHT STREET

The City of Marquette Ordains:

SECTION 1. Zoning Designation.
The following properties, which are currently zoned Municipal (M), are hereby changed to a zoning of Conservation-Recreation:

- 1433 Big Bay St. (PIN: 0511880)
- 1435 Big Bay St. (PIN: 0511840)
- 1621 Center St. (PIN: 0512390)
- 1505 W. Main Ave. (PIN: 0970041)
- 1398 Pes Ave. (PIN: 0970031)
- 1396 Pes Ave. (PIN: 0970021)
- 1600 w Main Ave. (PIN: 0512431)
- McClellan Ave. Panels (PIN: 0512453 and 0512454)

SECTION 2. Map Revision.
This change shall be shown on the Marquette City Zoning Map.

SECTION 3. Effective Date.
This ordinance shall take effect ten days after adoption but not before publication.

_____ _____
Jennifer A. Smith, Mayor Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____

Agenda Date: 5/31/2022

Public Hearing(s)
Public Hearing - Single Lot Assessment Roll #589 - Roll Call Vote

BACKGROUND:

Chapter 40, Section 40-21 of the City Code requires that: “When an improvement shall have been made by the City upon or in respect to any single premises, the expense of which is chargeable against such premises and the owner thereof under the provisions of this chapter and is not of that class required to be prorated among several lots and parcels of land in a special assessment district, an account of the cost to be charged to the owner shall be reported to the City Treasurer who shall immediately bill the owner, if known.”

The City Code further requires that, “When the City Treasurer determines that a number of properties have had outstanding bills for a sufficient time, the Treasurer shall notify the City Assessor who shall prepare a single lot assessment roll, and schedule a Public Hearing before the City Commission on that roll.”

Impacted property owners have received notification of the time and place of the hearing in accordance with Section 40-21 of the City Code.

The City Commission scheduled this Public Hearing at the May 9, 2022 regular meeting.

FISCAL EFFECT:

$1,411.13 plus accruing interest and penalties.

RECOMMENDATION:

Confirm Single Lot Special Assessment Roll #589, and authorize the Mayor to sign the Warrant.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Warrant
- Single Lot Special Assessment Roll #589

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□o the □reasurer of the City of □ ar□uette□□ ichi□an:

The Commission of the City of Marquette, Michigan, having on the THIRTY FIRST day of MAY 2022 duly completed and confirmed Special Assessment Roll No. 589 hereto annexed, the same being for special assessment taxes covering the total cost of construction of the following described public improvement, to-wit:

2022 SINGLE LOT SPECIAL ASSESSMENT ROLL □589

TOTAL ROLL $1411.13

□ou are □ereby Commanded to collect from the several persons named in said Special Assessment Roll the several sums mentioned in said roll opposite their respective names, together with lawful collection fees, interest and charges, and to hold the same sub□ect to the order of the Commission of said City of Marquette. And in case any person or persons named in assessment roll shall neglect or refuse to pay his said assessment tax, you are hereby authorized and directed to levy said assessment tax and lawful fees, interest and charges, by distress and sale of the goods and chattels of such person or persons.

And you are further commanded to make due returns to the Commission of the said City of Marquette, and for so doing this shall be your sufficient warrant.

IN □ I□NESS □ □E□E□□, we have hereunto set our hands at the City of Marquette, Marquette County, Michigan this □□□□□□ day of □□□□□□□□□□□□□□□□□□□□□□□□, A.D. □□□□□□□□□□

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CITY OF MARQUETTE - SINGLE LOT SPECIAL ASSESSMENT ROLL #589

PROPERTY	LEGAL DESCRIPTION	SINGLE LOT SPECIAL ASSESSMENT	TOTAL	INVOICE #
#0230380 - 225 W Hewitt Ave Russell Davis PO Box 22 Arnold, MI 49819	HARLOW'S ADD. #4, THE E. 1/2 OF LOT-29 AND ADJ. VAC. PINE ST.	Unpaid charges for: Fire Rental Code Compliance Inspection plus interest, and special assessment fee	$109.81	16769
#0480200 - 2206 Presque Isle Ave Josh Dewey 2206 Presque Isle Ave Marquette, MI 49855	NORTH MARQUETTE ADDITION LOTS 11,12, & THE N 1/2 OF LOT 13, BLOCK 2	Unpaid charges for: Fire Rental Code Compliance Inspection plus interest, and special assessment fee	$111.13	16107
#0250061 - 415 Oak St Stephen Lajoice 415 Oak St Marquette, MI 49855	HARLOW'S ADDITION #6 THE S 62.5' OF LOT 4	Unpaid charges for: Mowing Charges plus interest, and special assessment fee	$240.00	16318
#0310420 - 1001 N Fourth St Gregory Lipp 1001 N Fourth St Marquette, MI 49855	PALMER'S ADD. #2 THE E. 75' OF LOTS-142 & 143	Unpaid charges for: Mowing Charges plus interest, and special assessment fee	$238.50	16513
#0240311 - 315 S Seventh St Peter Meldrum 266 Mt Vernon Grosse Pointe Farms, MI 48236	HARLOW'S ADD. #5 THE N. 48' OF LOT-29	Unpaid charges for: Fire Rental Code Compliance Inspection plus interest, and special assessment fee	$99.41	15245
#0120150 - 519 W Baraga Ave Peter Meldrum 266 Mt Vernon Grosse Pointe Farms, MI 48236	BALDWIN'S ADD THE E. 25' OF LOT-20	Unpaid charges for: Fire Rental Code Compliance Inspection plus interest, and special assessment fee	$99.41	15245
#0360551 - 828 High St Peter Meldrum 266 Mt Vernon Grosse Pointe Farms, MI 48236	MOORE'S ADD. THE N. 87' OF LOT-73	Unpaid charges for: Fire Rental Code Compliance Inspection plus interest, and special assessment fee	$99.40	15245
#0360460 - 315 E Crescent St	MOORE'S ADDITION	Unpaid charges for:		

Kristina O'Connor 315 E Crescent St Marquette, MI 49855	LOT 65	Fire Rental Code Compliance Inspection plus interest, and special assessment fee	$110.47	16413
#1060140 - 498 Stone Quarry Dr Kimberly Sweeney 498 Stone Quarry Dr Marquette, MI 49855	THE MEADOWS SITE CONDOMIMIUM DEVELOPMENT LOT-14	Unpaid charges for: Late Filing of Property Transfer Affidavit plus interest, and special assessment fee	$303.00	15577
TOTAL SINGLE LOT ASSESSMENT			$1,411.13	

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote

Approve the minutes of the May 16, 2022 special Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- May 16 special meeting minutes

City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes
City Commission

SPECIAL MEETING MINUTES

Monday, May 16, 2022

Special Meeting

Call to Order, Pledge of Allegiance and Roll Call

Present: Ayes: Bonsall, Davis, Hanley, Hill, Mayer, Smith, Stonehouse

Approval of the Agenda

Commissioner Fred Stonehouse moved to Approve the agenda as presented, seconded by Mayor Pro Tem Cody Mayer 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.

Barb Owdziej said there is an issue with people driving too fast on Fair. She said she is interested in tonight's meeting and thinks it is great that the hospital property will be developed. She said had questions about how Veridea Group has been selected for this project.
Tony Boyle shared concerns that the contractor selection process was not fair and feels that affordable housing is not guaranteed in this project.
Paul Schloegel thanked the NMU Foundation for facilitating a project of this scope, which he said seems too good to be true.
Antonio Adan discussed transparency and said it's important to continue the conversation about affordable, workforce housing. He said everyone must work together to get the most out of this development.

1. Consent Agenda

Commissioner Jessica Hanley moved to Approve the Consent Agenda, seconded by Mayor Pro Tem Cody Mayer and Carried Unanimously.

1.a. Approve the minutes of the May 9, 2022 special Commission meeting

1.b. Approve the minutes of the May 9, 2022 regular Commission meeting

Presentation(s)

2. Presentation and Discussion- Former Hospital Redevelopment

Mayor Smith asked her fellow Commissioners to please wait until after all portions of the presentation before asking questions.
NMU Foundation CEO Brad Canale provided an overview of the project history and then turned the floor over to Dave Nyberg, the Foundation's Executive Director of Business Engagement and Economic Development.
Mr. Nyberg said the NMUF's goals include aligning resources and relationships to advance the university; he said that in that regard, a mostly vacant, 23-acre former hospital site adjacent to campus is not a viable option. After giving some insight into the future of the project, Mr. Nyberg introduced Jesse Bell, the president of the NMUF Board of Trustees.
Mr. Bell shared the history of the RFQ process, and discussed similar projects around the country that tied campuses together with the neighboring community. He then introduced Veridea Group CEO Bob Mahaney.
Mr. Mahaney said Veridea Group has been involved with this site for years and praised the NMUF for coming up with a novel approach that allowed them to leverage various resources to bring this project to fruition. The brownfield plan, he said, is a vital component to the project.
Following these presentations, City Assistant City Manager Sean Hobbins offered a brief presentation about the proposed tax-increment financing impacts of this project.

Commission discussion followed the presentations, with a focus on details of the proposed project, the public benefit to be realized, the timeline for the proposed brownfield plan, the prospective of workforce housing options into this development, and the idea that the City may have only one opportunity in the foreseeable future to spur a large redevelopment on this central site.

New Business

3. Schedule Public Hearing- Former Hospital Redevelopment Brownfield Plan

Mayor Pro Tem Cody Mayer moved to Approve the scheduling of a public hearing for the Former Hospital Redevelopment Brownfield Plan for the May 31, 2022 City Commission meeting, seconded by Commissioner Sally Davis and Carried Unanimously.

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

Tony Boyle expressed concern that the housing proposed as a part of this development would serve only to drive housing prices up across the city.
Margaret Brumm expressed concern that the plan discussed tonight was not as beneficial as it could be for the city.
Karen Schmidt said she would like to see this redevelopment follow climate-friendly, green best practices.
Dave Campana said he is excited about this project and pleased that Veridea is the developer. He said the people that make up Veridea live and work in this community and have done good work here in the past. He said people want the old hospital gone and

they want a redevelopment that improves the tax base.
Geraldine Nault said she liked the presentations, and praised the idea of a senior living component.
Paul Schloegel spoke about housing prices and the allure of Marquette as a retirement community, and he said that tonight's proposal looked like it was the best-case scenario for the old hospital site.
Ellen Symons said she lives near the old hospital site and has been concerned about the future of the property ever since the hospital moved. She said she is excited by this plan.
Barb Owdziej said she is very much in support of the plan. She said she would like to see some planning and support for childcare options as that is a key to making this attractive to young, working families.

Comments from the Commission

Mayor Pro Tem Mayer said he has heard from numerous residents with questions about whether the developer selection process was handled appropriately by the NMU Foundation and he said he believes it was. He said Veridea does good work in the community. He said he is hopeful we can have some level of workforce housing in this specific develpoment, but it may not be possible. He said that rising interest rates and an uncertain economy mean that timing is critical and that waiting could mean the project doesn't happen, and that's not an option for the City or the Commission.
Commissioner Hill said Marquette is going to grow and we must keep these high-level planning conversations active while we grow. She said the city needs to remain focused on community benefit and she suggested people read a newly released book, "Fixer Upper: How to Fix America's Broken Housing System".
Commissioner Stonehouse said the plans discussed tonight are exciting, but that they will take time. He talked about the city's relationship with the university and said that NMU housing issues are city housing issues and that the two entities need to work together to solve them. He said he has the fullest confidence in NMU, the NMU Foundation and Veridea, and said this could be a centennial, transformational project.
Commissioner Bonsall said this discussion is about more than just funding mechanisms; it's about creating a community we want to live in. He said he enjoyed hearing the thoughts of the City Commission and the public tonight, and said it is important that the May 31 public hearing includes input from the public.
Commissioner Davis thanked commenters from tonight and said she agreed on the childcare front – she said it was included in the RFQ response and it is a real need.
Commissioner Hanley said she was impressed with the RFQ response and said there could be several reasons that Veridea was the only response to the RFQ. She said that had they not responded, though, there would have been no developer and no plan provided tonight.
Mayor Smith said childcare is a real need, that it has been a part of this discussion and that she wants to partner with the community to expand childcare options.

Comments from the City Manager

City Manager Karen Kovacs thanked the City Commission for their discussion and input tonight.

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.

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
BCBSM Plan Change Agreements

BACKGROUND:

The City's health insurance plan is comprised of a high deductible Blue Cross Blue Shield of Michigan plan that the City then self-funds an HRA "seamless wrap" to ensure costs are more manageable out of pocket for employees. Ahead of the July 1, 2022 renewal, our benefits advisor, 44North, has advised us to change the out of pocket maximum for our high deductible BCBSM plan to $8,150 annually for the employee and $16,300 for their family in order to limit the increased out of pocket costs to employees seen in our renewal.

Our current dental insurance cost was quoted with an increase of 3.32% for our July 1 renewal. To minimize the increase, 44North has proposed a self-funded BCBSM dental plan. The funding arrangement for this plan will not change the benefit level for active employees or retirees, but will save the City 3.09%, essentially equalizing our cost to this year rather than seeing an increase for next year.

The City budgets for and pays the State of Michigan hard caps set by law for medical insurance for active employees along with the full cost of vision and dental coverage. Employees are responsible for paying the cost above the hard cap rate as the premium they see deducted per paycheck.

With these changes to our BCBSM plans for active employee groups and retirees, we need to execute the attached plan change agreements.

FISCAL EFFECT:

The increased out of pocket maximum on our high deductible BCBSM plan potentially increases the City's exposure; however, our insurance plan underwriters develop our employees' premiums based on the City paying the hard cap rate set by law. The annual cost for dental coverage for the City is projected at a decrease of roughly $5,000.

RECOMMENDATION:

Approve the attached BCBSM plan change agreements and authorize the City Manager or her designee to sign the agreements.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Active Employee Agreement
- Mgmt Retirees Over 65 Agreement
- Mgmt Retirees Under 65 Agreement
- Union Retirees Over 65 Agreement
- Union Retirees Under 65 Agreement

Blue Cross
Blue Shield
Blue Care Network
of Michigan

Nonprofit corporations and independent licensees
of the Blue Cross and Blue Shield Association

CITY OF MARQUETTE

Blue Cross Blue Shield Blue Care Network of Michigan

Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

RATE/AGREEMENT FOR CITY OF MARQUETTE

The following rates are effective: 07/01/2022

Control #:
Group Suffix Name: CITY OF MARQUETTE
Mos Group/Section(s) : 007003465/0021, 0022, 0023
Rating Type: ASC
Renewal Month: 07/01
Plan Name: P002

Certificates	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	779E	**SIMPLY BLUE HRA GROUP BENEFITS CERTIFICATE LG**
	4943	**DENTAL OPTIONS GROUP BENEFIT CERTIFICATE**
Medical/Surgical Riders	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	664L	RIDER SB-HRA-OPM-IN-$8150 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR IN-NETWORK SERVICES
	665L	RIDER SB-HRA-OPM-ON-$16300 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR OUT-OF-NETWORK SERVICES
	740L	RIDER SB-HRA-BH-OV LG - SIMPLY BLUE HRA BEHAVIORAL HEALTH OFFICE VISITS
	758H	RIDER SB-HRA-EA-1 LG - SIMPLY BLUE HRA ELECTIVE ABORTIONS 1
	769E	RIDER SB-HRA MTC $40 LG - SIMPLY BLUE HRA MANIPULATIVE THERAPY
	841F	RIDER SB-HRA-CSR LG - SIMPLY BLUE HRA COST-SHARING REQUIREMENT
	874E	RIDER SB-HRA-TCP $40/$60/$60/$250 LG - SIMPLY BLUE HRA TIERED COPAYMENT PLAN
	997H	RIDER SB-HRA-D-IN $5000/$10000 LG - SIMPLY BLUE HRA IN-NETWORK DEDUCTIBLE
	998H	RIDER SB-HRA-D-ON $10000/$20000 LG - SIMPLY BLUE HRA OUT-OF-NETWORK DEDUCTIBLE
Dental Riders	5339	RIDER DO-PPO - DENTAL OPTIONS PPO
	PK76	RIDER - TRADITIONAL PLUS - SCHEDULE OF BENEFITS OPTION PK76
Comp/Supplemental	0738	**BLUE SHIELD 65, G-I BENEFIT CERTIFICATE (OPTION 1)**
	2017	**GROUP MEDICARE PART A COMPLEMENTARY BENEFIT CERTIFICATE**
	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**

- Proposed rates do not include any fees associated with pharmacy benefit management carve out, nor do they include fees for additional wellness buy-up programs.If pharmacy benefits are carved out,a fee of $5 per contract per month will be applied to the monthly invoice.
- BCBSM reserves the right to adjust rates if any of the assumptions used to quote the rates are incorrect or change.
- The rates quoted above may vary when computer-generated for your monthly bill.
- Certificates, riders, and rates are subject to regulatory approval.

	4943	**DENTAL OPTIONS GROUP BENEFIT CERTIFICATE**
	2014	RIDER GCP-D
	312D	RIDER HCR-MS-PCB - HEALTH CARE REFORM MEDICARE SUPPLEMENTAL PREVENTIVE CARE BENEFITS
	4087	RIDER GPC- SAT-2 - SUBSTANCE ABUSE TREATMENT PROGRAM BENEFITS
	472B	RIDER GPC-SAT-MHP-2 - GROUP COMPLEMENTARY SUBSTANCE ABUSE TREATMENT MENTAL HEALTH PARITY
	509E	RIDER HCR-MS-WCB - HEALTH CARE REFORM MEDICARE SUPPLEMENTAL WOMENS CONTRACEPTIVE BENEFITS
	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	A902	ADMINISTRATIVE RIDER COMP BENEFITS - MEDICAL
	5339	RIDER DO-PPO - DENTAL OPTIONS PPO
	A900	ADMINISTRATIVE RIDER COMP BENEFITS - DENTAL
	PK76	RIDER - TRADITIONAL PLUS - SCHEDULE OF BENEFITS OPTION PK76

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Blue Cross Blue Shield Blue Care Network of Michigan

Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

Tier	Blue Cross	Blue Shield	Dental	Total Premium
1Person	$ 237.42	$ 160.15	$ 33.16	$ 430.73
2Person	$ 569.82	$ 384.36	$ 66.32	$ 1,020.50
Family + DC	$ 712.27	$ 480.45	$ 116.07	$ 1,308.79
Comp	$ 321.40	$ 162.56	$ 32.02	$ 515.98

Factors	Blue Cross	Blue Shield	Dental
RRL	3.4859	4.3086	1.3302

Coordination of Benefits: COB1- Pursue and Pay Aggressive Coordination of Benefits Form must be attached

HRA(Health Reimbursement Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

HSA(Health Savings Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

Signature of Group Executive on behalf of the Group and the Group Health Plan: _____ Date: _____

Signature of BCBSM Rep: _____ Mail Code: Date: _____

Signature of Agent: _____ Date: _____

Signature of Underwriter/Group Administration: _____ Date: _____

Commission Percent Medical/Drugs:3%

Ref- 17254016

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RATE/AGREEMENT FOR CITY OF MARQUETTE

The following rates are effective: 07/01/2022

Control #:
Group Suffix Name: CITY OF MARQUETTE
Mos Group/Section(s) : 007003465/0024
Rating Type: ASC
Renewal Month: 07/01
Plan Name: P002

Certificates	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	779E	**SIMPLY BLUE HRA GROUP BENEFITS CERTIFICATE LG**
	4943	**DENTAL OPTIONS GROUP BENEFIT CERTIFICATE**
Medical/Surgical Riders	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	769E	RIDER SB-HRA MTC $40 LG - SIMPLY BLUE HRA MANIPULATIVE THERAPY
	804H	RIDER SB-HRA-OPM-IN $6600 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR IN-NETWORK SERVICES
	810H	RIDER SB-HRA-OPM-ON $13200 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR OUT-OF-NETWORK SERVICES
	831F	ADMINISTRATIVE FORM A-XEA LG
	835F	RIDER SD-LG SPONSORED DEPENDENT
	841F	RIDER SB-HRA-CSR LG - SIMPLY BLUE HRA COST-SHARING REQUIREMENT
	874E	RIDER SB-HRA-TCP $40/$60/$60/$250 LG - SIMPLY BLUE HRA TIERED COPAYMENT PLAN
	997H	RIDER SB-HRA-D-IN $5000/$10000 LG - SIMPLY BLUE HRA IN-NETWORK DEDUCTIBLE
	998H	RIDER SB-HRA-D-ON $10000/$20000 LG - SIMPLY BLUE HRA OUT-OF-NETWORK DEDUCTIBLE
Dental Riders	4684	RIDER MBL-1000 - MAXIMUM BENEFIT LIMIT
	4795	RIDER CR-20 - COPAYMENT REQUIREMENTS
Comp/Supplemental	0738	**BLUE SHIELD 65, G-I BENEFIT CERTIFICATE (OPTION 1)**
	2017	**GROUP MEDICARE PART A COMPLEMENTARY BENEFIT CERTIFICATE**
	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	4943	**DENTAL OPTIONS GROUP BENEFIT CERTIFICATE**
	2014	RIDER GCP-D

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	312D	RIDER HCR-MS-PCB - HEALTH CARE REFORM MEDICARE SUPPLEMENTAL PREVENTIVE CARE BENEFITS
	4087	RIDER GPC- SAT-2 - SUBSTANCE ABUSE TREATMENT PROGRAM BENEFITS
	472B	RIDER GPC-SAT-MHP-2 - GROUP COMPLEMENTARY SUBSTANCE ABUSE TREATMENT MENTAL HEALTH PARITY
	509E	RIDER HCR-MS-WCB - HEALTH CARE REFORM MEDICARE SUPPLEMENTAL WOMENS CONTRACEPTIVE BENEFITS
	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	A902	ADMINISTRATIVE RIDER COMP BENEFITS - MEDICAL
	4684	RIDER MBL-1000 - MAXIMUM BENEFIT LIMIT
	4795	RIDER CR-20 - COPAYMENT REQUIREMENTS
	A900	ADMINISTRATIVE RIDER COMP BENEFITS - DENTAL

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Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

Tier	Blue Cross	Blue Shield	Dental	Total Premium
1Person	$ 246.52	$ 166.14	$ 28.36	$ 441.02
2Person	$ 591.65	$ 398.74	$ 56.72	$ 1,047.11
Family + DC	$ 739.57	$ 498.42	$ 99.26	$ 1,337.25
Comp	$ 321.40	$ 162.56	$ 28.36	$ 512.32

Factors	Blue Cross	Blue Shield	Dental
RRL	3.4859	4.3086	1.3302

Coordination of Benefits: COB1- Pursue and Pay Aggressive Coordination of Benefits Form must be attached

HRA(Health Reimbursement Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

HSA(Health Savings Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

Signature of Group Executive on behalf of the Group and the Group Health Plan: _____ Date: _____

Signature of BCBSM Rep: _____ Mail Code: Date: _____

Signature of Agent: _____ Date: _____

Signature of Underwriter/Group Administration: _____ Date: _____

Commission Percent Medical/Drugs:3%

Ref- 17254812

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Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

RATE/AGREEMENT FOR CITY OF MARQUETTE

The following rates are effective: 07/01/2022

Control #:
Group Suffix Name: CITY OF MARQUETTE
Mos Group/Section(s) : 007003465/0018
Rating Type: ASC
Renewal Month: 07/01
Plan Name: P002

Certificates	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	779E	**SIMPLY BLUE HRA GROUP BENEFITS CERTIFICATE LG**
	4943	**DENTAL OPTIONS GROUP BENEFIT CERTIFICATE**
Medical/Surgical Riders	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	769E	RIDER SB-HRA MTC $40 LG - SIMPLY BLUE HRA MANIPULATIVE THERAPY
	804H	RIDER SB-HRA-OPM-IN $6600 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR IN-NETWORK SERVICES
	810H	RIDER SB-HRA-OPM-ON $13200 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR OUT-OF-NETWORK SERVICES
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	835F	RIDER SD-LG SPONSORED DEPENDENT
	841F	RIDER SB-HRA-CSR LG - SIMPLY BLUE HRA COST-SHARING REQUIREMENT
	874E	RIDER SB-HRA-TCP $40/$60/$60/$250 LG - SIMPLY BLUE HRA TIERED COPAYMENT PLAN
	997H	RIDER SB-HRA-D-IN $5000/$10000 LG - SIMPLY BLUE HRA IN-NETWORK DEDUCTIBLE
	998H	RIDER SB-HRA-D-ON $10000/$20000 LG - SIMPLY BLUE HRA OUT-OF-NETWORK DEDUCTIBLE
Dental Riders	4684	RIDER MBL-1000 - MAXIMUM BENEFIT LIMIT
	4795	RIDER CR-20 - COPAYMENT REQUIREMENTS
Comp/Supplemental	213E	**ADMINISTRATIVE CERTIFICATE - MEDICAL SERVICES (placeholder)**
	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	4943	**DENTAL OPTIONS GROUP BENEFIT CERTIFICATE**
	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	4684	RIDER MBL-1000 - MAXIMUM BENEFIT LIMIT

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	4795	RIDER CR-20 - COPAYMENT REQUIREMENTS
	A900	ADMINISTRATIVE RIDER COMP BENEFITS - DENTAL

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Blue Cross Blue Shield Blue Care Network of Michigan

Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

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1Person	$ 246.52	$ 166.14	$ 28.36	$ 441.02
2Person	$ 591.65	$ 398.74	$ 56.72	$ 1,047.11
Family + DC	$ 739.57	$ 498.42	$ 99.26	$ 1,337.25
Comp	$ 0.00	$ 0.00	$ 28.36	$ 28.36
SD	$ 345.13	$ 232.60	$ 0.00	$ 577.73

Factors	Blue Cross	Blue Shield	Dental
RRL	3.4859	4.3086	1.3302

Coordination of Benefits: COB1- Pursue and Pay Aggressive Coordination of Benefits Form must be attached

HRA(Health Reimbursement Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

HSA(Health Savings Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

Signature of Group Executive on behalf of the Group and the Group Health Plan: _____ Date: _____

Signature of BCBSM Rep: _____ Mail Code: Date: _____

Signature of Agent: _____ Date: _____

Signature of Underwriter/Group Administration: _____ Date: _____

Commission Percent Medical/Drugs:3%

Ref- 17254912

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Blue Cross Blue Shield Blue Care Network of Michigan

Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

RATE/AGREEMENT FOR CITY OF MARQUETTE

The following rates are effective: 07/01/2022

Control #:
Group Suffix Name: CITY OF MARQUETTE
Mos Group/Section(s) : 007003465/0025
Rating Type: ASC
Renewal Month: 07/01
Plan Name: P001

Certificates	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	779E	**SIMPLY BLUE HRA GROUP BENEFITS CERTIFICATE LG**
Medical/Surgical Riders	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	769E	RIDER SB-HRA MTC $40 LG - SIMPLY BLUE HRA MANIPULATIVE THERAPY
	804H	RIDER SB-HRA-OPM-IN $6600 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR IN-NETWORK SERVICES
	810H	RIDER SB-HRA-OPM-ON $13200 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR OUT-OF-NETWORK SERVICES
	831F	ADMINISTRATIVE FORM A-XEA LG
	841F	RIDER SB-HRA-CSR LG - SIMPLY BLUE HRA COST-SHARING REQUIREMENT
	874E	RIDER SB-HRA-TCP $40/$60/$60/$250 LG - SIMPLY BLUE HRA TIERED COPAYMENT PLAN
	997H	RIDER SB-HRA-D-IN $5000/$10000 LG - SIMPLY BLUE HRA IN-NETWORK DEDUCTIBLE
	998H	RIDER SB-HRA-D-ON $10000/$20000 LG - SIMPLY BLUE HRA OUT-OF-NETWORK DEDUCTIBLE
Comp/Supplemental	0738	**BLUE SHIELD 65, G-I BENEFIT CERTIFICATE (OPTION 1)**
	2017	**GROUP MEDICARE PART A COMPLEMENTARY BENEFIT CERTIFICATE**
	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	2014	RIDER GCP-D
	312D	RIDER HCR-MS-PCB - HEALTH CARE REFORM MEDICARE SUPPLEMENTAL PREVENTIVE CARE BENEFITS
	4087	RIDER GPC- SAT-2 - SUBSTANCE ABUSE TREATMENT PROGRAM BENEFITS
	472B	RIDER GPC-SAT-MHP-2 - GROUP COMPLEMENTARY SUBSTANCE ABUSE TREATMENT MENTAL HEALTH PARITY

- Proposed rates do not include any fees associated with pharmacy benefit management carve out, nor do they include fees for additional wellness buy-up programs.If pharmacy benefits are carved out,a fee of $5 per contract per month will be applied to the monthly invoice.
- BCBSM reserves the right to adjust rates if any of the assumptions used to quote the rates are incorrect or change.
- The rates quoted above may vary when computer-generated for your monthly bill.
- Certificates, riders, and rates are subject to regulatory approval.

	509E	RIDER HCR-MS-WCB - HEALTH CARE REFORM MEDICARE SUPPLEMENTAL WOMENS CONTRACEPTIVE BENEFITS
	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	A902	ADMINISTRATIVE RIDER COMP BENEFITS - MEDICAL

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Blue Cross Blue Shield Blue Care Network of Michigan

Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

Tier	Blue Cross	Blue Shield	Total Premium
1Person	$ 246.52	$ 166.14	$ 412.66
2Person	$ 591.65	$ 398.74	$ 990.39
Family + DC	$ 739.57	$ 498.42	$ 1,237.99
Comp	$ 321.40	$ 162.56	$ 483.96

Factors	Blue Cross	Blue Shield
RRL	3.4859	4.3086

Coordination of Benefits: COB1- Pursue and Pay Aggressive Coordination of Benefits Form must be attached

HRA(Health Reimbursement Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

HSA(Health Savings Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

Signature of Group Executive on behalf of the Group and the Group Health Plan: _____ Date: _____

Signature of BCBSM Rep: _____ Mail Code: Date: _____

Signature of Agent: _____ Date: _____

Signature of Underwriter/Group Administration: _____ Date: _____

Commission Percent Medical/Drugs:3%

Ref- 17254813

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- The rates quoted above may vary when computer-generated for your monthly bill.
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Blue Cross Blue Shield Blue Care Network of Michigan

Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

RATE/AGREEMENT FOR CITY OF MARQUETTE

The following rates are effective: 07/01/2022

Control #:
Group Suffix Name: CITY OF MARQUETTE
Mos Group/Section(s) : 007003465/0019
Rating Type: ASC
Renewal Month: 07/01
Plan Name: P001

Certificates	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	779E	**SIMPLY BLUE HRA GROUP BENEFITS CERTIFICATE LG**
Medical/Surgical Riders	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY
	769E	RIDER SB-HRA MTC $40 LG - SIMPLY BLUE HRA MANIPULATIVE THERAPY
	804H	RIDER SB-HRA-OPM-IN $6600 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR IN-NETWORK SERVICES
	810H	RIDER SB-HRA-OPM-ON $13200 LG - SIMPLY BLUE HRA ANNUAL OUT-OF-POCKET MAXIMUM FOR OUT-OF-NETWORK SERVICES
	831F	ADMINISTRATIVE FORM A-XEA LG
	841F	RIDER SB-HRA-CSR LG - SIMPLY BLUE HRA COST-SHARING REQUIREMENT
	874E	RIDER SB-HRA-TCP $40/$60/$60/$250 LG - SIMPLY BLUE HRA TIERED COPAYMENT PLAN
	997H	RIDER SB-HRA-D-IN $5000/$10000 LG - SIMPLY BLUE HRA IN-NETWORK DEDUCTIBLE
	998H	RIDER SB-HRA-D-ON $10000/$20000 LG - SIMPLY BLUE HRA OUT-OF-NETWORK DEDUCTIBLE
Comp/Supplemental	213E	**ADMINISTRATIVE CERTIFICATE - MEDICAL SERVICES (placeholder)**
	618E	**ADMINISTRATIVE RIDER HCR-RXOC - HEALTH CARE REFORM - PRESCRIPTION DRUGS OTHER CARRIER**
	551E	ADMINISTRATIVE RIDER PLAN YEAR - JULY

- Proposed rates do not include any fees associated with pharmacy benefit management carve out, nor do they include fees for additional wellness buy-up programs.If pharmacy benefits are carved out,a fee of $5 per contract per month will be applied to the monthly invoice.
- BCBSM reserves the right to adjust rates if any of the assumptions used to quote the rates are incorrect or change.
- The rates quoted above may vary when computer-generated for your monthly bill.
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Blue Cross Blue Shield Blue Care Network of Michigan

Nonprofit corporations and independent licensees of the Blue Cross and Blue Shield Association

Tier	Blue Cross	Blue Shield	Total Premium
1Person	$ 246.52	$ 166.14	$ 412.66
2Person	$ 591.65	$ 398.74	$ 990.39
Family + DC	$ 739.57	$ 498.42	$ 1,237.99
Comp	$ 0.00	$ 0.00	$ 0.00

Factors	Blue Cross	Blue Shield
RRL	3.4859	4.3086

Coordination of Benefits: COB1- Pursue and Pay Aggressive Coordination of Benefits Form must be attached

HRA(Health Reimbursement Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

HSA(Health Savings Account): ☐ Add ☐ Maintain ☐ Cancel-attach group letter

Signature of Group Executive on behalf of the Group and the Group Health Plan: _____ Date: _____

Signature of BCBSM Rep: _____ Mail Code: Date: _____

Signature of Agent: _____ Date: _____

Signature of Underwriter/Group Administration: _____ Date: _____

Commission Percent Medical/Drugs:3%

Ref- 17254913

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- The rates quoted above may vary when computer-generated for your monthly bill.
- Certificates, riders, and rates are subject to regulatory approval.

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote

City of Marquette Water, Sewer, and Stormwater Utility Financial Plan Contract

BACKGROUND:

At the February 28, 2022 work session regarding utility rates, the City Commission expressed a desire to update the utility financial plan due to concerns with the rate increases proposed in the current plan.

City staff are recommending awarding a contract to Raftelis Financial Consultants, Inc. to update the financial plan and to determine the level of revenue necessary to support the utilities over the next 10 years. The update will also include an analysis of the affordability of water and sewer rates for City customers.

FISCAL EFFECT:

This will require a budget adjustment of $31,220.

RECOMMENDATION:

Award a Professional Service Agreement to conduct a water, sewer, and stormwater utility financial plan update to Raftelis Financial Consultants, Inc. for an amount not-to-exceed $31,220.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Raftelis Financial Plan Update

RAFTELIS

March 16, 2021

Mark O'Neill
Director of Municipal Utilities
City of Marquette
850 W. Baraga Ave.
Marquette, MI 49855

Subject: City of Marquette Utility Financial Plan Update and Affordability Analysis

Dear Mr. O'Neill:

We appreciate the opportunity to continue to be of service to the City of Marquette (City). In 2020, Raftelis completed a ten-year financial planning and rate design study for the City's water, sewer and stormwater utilities. It is our understanding that the City would like to update the financial plan to determine the level of revenue necessary to support ongoing operations and maintenance, capital reinvestment and financial sustainability over the next ten (10) years. The City would also like an analysis of the affordability of water and sewer rates for City customers. We are proposing to perform the scope of services outlined below for a total not to exceed price of **$31,220**.

Task 1 – Project Initiation and Kick-Off

Raftelis will facilitate a virtual kickoff meeting with City staff. This meeting will provide a solid foundation for the project and serve as a forum in which City staff can provide input on study expectations, study issues, project approach, scope, schedule, and priorities.

Raftelis will provide the City with a preliminary data request list prior to the kick-off meeting, the type of information necessary for this project includes historic financial and billing data, operating budgets, planned capital improvement expenditures, and debt service.

Task 2 – Demand Projection

The demand projection will be a critical aspect of the financial plan update. It is our understanding that the City's billed water and sewer usage continues to decline on a per capita basis. We will examine the trend since our last study and modify our forward-looking projections of demand to account for this worsening trend. For stormwater we will evaluate the trend in accounts by tier (for residential) and equivalent hydraulic units (for non-residential). Based on these demand projections we will forecast revenue under the City's existing rates over the forecast period, this will provide a baseline for proposed revenue adjustments for each utility.

Task 3 – Revenue Requirements

Raftelis will project the revenue requirements for each utility over the ten-year forecast period. These revenue requirements will include operating and maintenance expense, capital expenditures, debt service, contributions to other funds, contributions to reserves, and any other funding obligation of each utility over the forecast period. In addition to the more general aspects of the City's budget, we will evaluate the impact of specific cost drivers for each utility such as the ongoing impact of the City's performance management contract for water and sewer, as well as the potential for a large capital project at the Marquette Area Wastewater Treatment Plant, which will impact sewer costs.

3013 Main Street
Kansas City, MO 64108
www.raftelis.com

Task 4 – Utility Financial Plans
Based on the projections of demand developed in Task 2 and the revenue requirements for each utility developed in Task 3 we will develop a financial plan for each utility over the forecast period. The financial plan will examine various factors, including reserve balances, debt service coverage, and capital financing, to determine the revenue adjustments necessary to provide adequate funding for each utility over the forecast period.

Task 5 – Affordability Analysis
We will conduct a high level affordability analysis which examines the affordability of the City's rates using data available from the U.S. Census Bureau's American Communities Survey (ACS). We will examine the impact on typical City customers (in aggregate) based on City-wide metrics and metrics by ACS Census tract. We will use industry standard metrics such as median household income, lowest quintile income hours worked at minimum wage and AR20 to assess affordability.

Task 6 – Presentations
Raftelis will develop presentation materials and present the results of the study at up to two *onsite* meetings with the Marquette City Commission.

We are ready to begin this work for the City at any time, we proposed to complete Tasks 1 through 6 for a not-to-exceed price of **$31,220** as shown in the table below. We will bill the City monthly for time and expenses expended in the previous month.

Thank you for your time and consideration, we appreciate this opportunity to be of service to the City. If you have any questions about this proposal or any other issue, please feel free to contact me at (816) 285-9023 or cdrat@raftelis.com.

Sincerely,
RAFTELIS FINANCIAL CONSULTANTS, INC.

Collin Drat
Manager

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Juneteenth - Special Event Permit

BACKGROUND:

Social Justice For Us, a Michigan corporation, is requesting the City Commission enter into a Special Event Permit for City Parks, Streets, Buildings and Grounds to use Mattson Lower Harbor Park for the purposes of Juneteenth: A Cultural Celebration on June 19, 2022. Staff has worked with the City Attorney and Social Justice For Us to develop the permit.

FISCAL EFFECT:

The General Fund will receive $775 plus miscellaneous fees for exclusive use of the Park.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with Social Justice For Us, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Permit
- Insurance

SPECIAL EVENTS PERMIT FOR CITY PARKS,
STREETS, BUILDINGS AND GROUNDS

THIS AGREEMENT, made this _____ day of _____, 2022 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and SOCIAL JUSTICE FOR US, a Michigan corporation, of 521 High Street, Marquette, Michigan 49855, and a mailing address of P.O. Box 130, Marquette, Michigan 49855 hereinafter referred to as "PERMITTEE".

INSTRUCTIONS - PERMITTEE shall comply with all sections of this permit with a darkened box (■) .

WITNESSETH:

■ (1) Description. The CITY in consideration of the terms, conditions, covenants and agreements to be performed by PERMITTEE, does hereby grant to PERMITTEE permission to use and occupy the following ["premises"]:

MATTSON LOWER HARBOR PARK

■ (2) Term. The term of this Permit shall be for June 19, 2022 from 8:00a.m. until 11:00 p.m.

■ (3) Acceptance of Premises. PERMITTEE has examined and is satisfied with the physical condition of the premises, and accepts the premises in their "as is" condition.

■ (4) Use. PERMITTEE may use and occupy the premises for:

"JUNETEENTH: A CULTURAL CELEBRATION"

and for no other reason. The use and occupancy shall only be under PERMITTEE'S name or any assumed name of PERMITTEE. PERMITTEE shall not use or knowingly allow any part of the premises to be used for any unlawful purpose. In the event of any violation of this provision the CITY at its sole discretion may terminate this Permit and expel PERMITTEE from the premises. PERMITTEE waives, releases and relinquishes all claims of right or interest in the premises, other than as granted pursuant to this Permit.

■ (5) Fees. PERMITTEE shall be responsible for paying the following fees in connection with the use of the PREMISES:

Mattson Park	**$775**
Alcohol Permit	**$50 OMIT F.S.**
Trash drum liners (@ current cost)	**$** _____ **

Alternate Location Fees: If the event is moved to Lakeview Area as set forth in paragraph 31, the following fees shall be charged instead of the fees outlined above:

Lakeview Arena Olson Dry Floor	**$900/day**
Tables	**$5/each**
Trash drum liners (@ current cost)	**$_____****

**PERMITTEE may pickup 55-gallon trash drums from the CITY for use during the event and must return the drums to the City no later than 5:00 p.m. the Monday immediately after the event ends.

■ (6) Clean-up, Repairs, Maintenance and Damage. PERMITTEE shall be solely responsible for clean-up of the premises and the repair expense for any damage caused to the premises throughout the term of this Permit. PERMITTEE shall, at the direction of the CITY, provide a sufficient number of dumpsters and trash collection cans for the event. PERMITTEE will be responsible to reimburse the CITY for out-of-pocket costs (i.e. tipping fee) associated with trash removal and disposal. The CITY strongly encourages PERMITTEE to utilize volunteers for clean-up.

PERMITTEE shall take good care of and shall keep the premises, including its fixtures and furnishings, in a clean, safe, orderly and sanitary condition including, but not limited to, keeping all sidewalks, parking areas, alleys, roadways and facilities/areas which are a part of the premises, neat and clean; guarding all defects on the premises which may be a hazard to the general public and business invitees; and promptly removing all debris or any other material which may be a hazard to the general public and business invitees. PERMITTEE shall promptly make all repairs which are required to maintain the premises in the condition which existed upon the commencement of its actual use and occupancy. PERMITTEE shall not be required to repair plumbing and electrical components of the premises for damages which is not caused by the PERMITTEE, its guests or invitees. At the termination of this Permit, PERMITTEE shall yield and deliver up the premises in like condition, reasonable use and wear thereof and damage by the elements exempted.

■ (7) Clean-up and Damage Bond. PERMITTEE shall deposit with the Parks and Recreation Department a clean-up and damage bond in the form of cash or certified check payable to the CITY, in the amount of $250.00. This will correlate with the type of insurance required. The bond should be deposited with the Community Services Department - Parks and Recreation Division at the time the application is submitted, when possible, but is required prior to the permit being presented to the City Commission for approval. The bond shall be processed to be returned to PERMITTEE, without interest, within seven (7) days after all of the following have occurred:

(a) PERMITTEE has complied with all terms of this Permit, including completely vacating the premises by the required time period.

(b) the term of the Permit has expired;

(c) PERMITTEE has fully performed the restoration and clean-up of the premises to an "as-is" or better condition as prior to the event; and

(d) PERMITTEE has paid all fees set forth herein.

Should PERMITTEE fail to comply with any of these terms, the CITY may retain the clean-up and damage bond and if the amount thereof is insufficient, pursue all other remedies.

■ (8) Electrical Permits. For any event, carnival or fair connecting to or modifying an existing electrical source or service, PERMITTEE covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. An electrical permit shall be obtained two (2) weeks prior to the event and a copy shall be provided to the Community Services Department - Parks & Recreation Division office at least one (1) week prior to the event. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service.

■ (9) All Utilities. The CITY agrees to allow PERMITTEE to use existing electrical and water services for food and beverage concessions, lighting and audio equipment. However, the CITY shall not be responsible for any damages whatsoever due to any interruption in electrical, water or other services.

There shall be no modification or alteration of the CITY's electrical supply boxes or other equipment, unless prior approval has been obtained from the CITY and any work is approved by the CITY's electrical inspector. All such work must be done by a licensed electrical contractor at PERMITTEE'S sole expense.

■ (10) Reimbursement of Utility Costs. PERMITTEE shall reimburse the CITY the sum of $300.00 for the costs of electric, water and other utility services utilized by the PERMITTEE, its vendees and concessionaires.

■ (11) Signs. PERMITTEE shall be entitled, at PERMITTEE'S own expense, to install signs and banners along the premises. Signs shall comply with the Zoning Chapter of the Marquette Code of Ordinances.

■ (12) Insurances. CERTIFICATES OR OTHER EVIDENCE OF ALL REQUIRED COVERAGES AND ENDORSEMENTS MUST BE FILED WITH THE COMMUNITY SERVICES DEPARTMENT - PARKS & RECREATION DIVISION NO LATER THAN THE DATES LISTED WITH EACH TYPE OF INSUARNCE. FAILURE TO ABIDE BY THE REQUIRED DATES WILL RESULT IN THE EVENT BEING CANCELLED OR RESTRICT THE TYPE OF ACTIVITY THAT MAY OCCUR AT THE EVENT.

■ General Liability

PERMITTEE shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death, to persons and property which may arise out of, result from or be caused by PERMITTEE'S use or occupancy of the premises or its operations conducted thereon, with occurrence and aggregate limits of not less $1,000,000, per occurrence.

THE CITY, ITS OFFICERS AND EMPLOYEES SHALL BE NAMED AN ADDITIONAL INSURED AND THIS COVERAGE SHALL BE ENDORSED ON THE CERTIFICATE AND POLICY "AS BEING PRIMARY TO THE CITY, AND NOT IN EXCESS OF ANY OTHER INSURANCE, SIMILAR PROTECTION (E.G. RISK MANAGEMENT ASSOCIATION) OR ANY OTHER VALID, APPLICABLE, OR COLLECTABLE INSURANCE OR SELF-INSURANCE WHICH IS OR MAY BE AVAILABLE TO OR CARRIED BY THE CITY."

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in cancellation of the event.

□ Liquor Liability.

PERMITTEE or its designee (for example, a local service club) shall carry liquor liability insurance with combined limits of not less than $500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

PERMITTEE shall, no later than 7 days prior to the Event, provide the CITY with a certificate or other evidence of liquor liability insurance coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

■ Motor Vehicle Liability

PERMITTEE shall also obtain and maintain vehicle liability coverage for all owned, non-owned and hired motor vehicles which may be operated,

maintained or used on the premises. Minimum combined limits of $500,000 shall be maintained.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any motor vehicle at the event.

- Food

PERMITTEE or its designee shall carry products and completed operations coverage insurance with combined limits of not less than $500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of food on the premises.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of food at the event.

- Other insurance.

If PERMITTEE employs any independent contractor or others for any purpose whatsoever in relation to its use or occupancy of the premises, or for any operations or maintenance connected therewith, PERMITTEE shall obtain and maintain, or cause said independent contractor to obtain and maintain, policies of workers compensation insurance and such other liability insurance of the types and in the amounts outlined above which will provide coverage to the CITY, its officer and employees for all claims which may arise out of, result from or be caused by that work.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any independent contractor or other person or entity in connection with the event.

- (13) Indemnity. PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim,

action or suit for any loss, liability and damages that may be asserted or levied against the premises or the CITY, its officers or employees, in whole or in part by reason of PERMITTEE'S acts or omissions, or by its use or occupancy of or its operations on the premises or by reason of any other person on the premises by contract, invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death, to any person, PERMITTEE shall give notice to the CITY within twelve (12) hours after the occurrence thereof or after PERMITTEE learns of such occurrence.

The indemnity, defense and hold harmless requirements shall include and extend to bodily injury to any person or injury to any property of PERMITTEE, its employees and all persons on the premises by contract, invitation or consent.

All property kept, stored or maintained in the premises shall be so kept, stored or maintained at the risk of PERMITTEE only.

- (14) Right of Inspection and Access. The CITY may enter the premises at any time to examine, inspect and to do whatever the CITY may deem necessary or desirable to determine compliance with or to enforce the terms of the permit. Marquette police, fire and other enforcement personnel shall have unrestricted access to the premises at all times.

- (15) Compliance With Rules and Regulations. PERMITTEE shall abide by all laws, statutes, ordinances, governmental orders, rules and regulations which control or in any manner affect or relate to the use or occupancy of the premises, or operations conducted thereon.

- (16) Concessions. PERMITTEE or its designees shall be allowed to sell assorted food and beverage items and to run concession stands during the term of the Permit. PERMITTEE or its designee shall obtain all necessary licenses and/or permits from the appropriate state, county or city governmental authorities. All concessions will be closed by 11:00 p.m. each day. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 2 weeks prior to the event. PERMITTEE shall submit a list of all food concessionaires to the Fire Marshall's office one (1) week prior to the event. PERMITTEE shall notify and require the following of all food concessionaires:

    (a) A fire extinguisher shall be provided in all tents and in all areas and enclosures used for cooking.

        (i) The fire extinguisher shall be a 1A:20B: C type, a minimum of 5 pounds.

        (ii) Proof that the fire extinguisher has been serviced within the last year is required.

(iii) The extinguisher shall be tagged with the date and service provider.

(iv) If the fire extinguisher was purchased within the last year, a sales slip must be provided.

(v) The unit shall be mounted on the center post of each tent, not more than five (5) feet of the ground and accessible for use in an emergency.

(b) All propane tanks used for cooking shall be secured so as to prevent tipping. The tanks shall be remote from congested areas.

(c) Only approved, heavy-duty extension cords shall be used and all electrical connections shall be protected.

If the vendor fails to comply with these requirements, they will not be permitted to participate in the event.

☐ (17) Alcoholic Beverages. PERMITTEE or its designee shall be allowed to sell and/or furnish beer and wine on the premises as follows:

from _____ until _____ on _____.

PERMITTEE is solely responsible for obtaining all necessary licenses and permits in order to sell and/or furnish alcohol products. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 7 days prior to the event. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

If an additional day is needed for the event due to inclement weather, the time for selling and/or furnishing beer and wine on the premises shall be from _____ a.m. / p.m. until _____ a.m. / p.m. on _____, 20__. The sale, furnishing and consumption of alcoholic beverages is specifically conditioned upon PERMITTEE or its designee obtaining and maintaining the appropriate license or permit from the Michigan liquor control commission at all relevant times and on PERMITTEE or its designee obtaining and maintaining liquor liability insurance as required in this Permit.

■ (18) Exclusive Use. PERMITTEE shall have the exclusive use of the premises during the term of this permit.

■ (19) Admission. PERMITTEE may charge admission to the general public to enter premises. Entry shall not be denied to any individual based upon race, sex, age, creed, or national origin.

■ (20) Police and Fire Protection. PERMITTEE shall fully reimburse the CITY at overtime and fringe benefit rates for all additional police and/or fire department officers who are assigned to the premises, or the vicinity thereof, because of the use or occupancy thereof by PERMITTEE.

■ (21) Parking and Traffic. PERMITTEE shall prohibit all motor vehicles in or on the premises and shall cause all streets and alleys to be properly barricaded and signed. All motor vehicles shall be operated only on established roads and parked in designated areas. All fire lanes and no parking zones shall be maintained during the event.

■ (22) Health and Sanitation Facilities. PERMITTEE shall furnish and maintain a sufficient number of portable bathrooms and washing facilities, at PERMITTEE'S expense. This number shall be determined by the Marquette County Health Department. Each bank or group of portable restrooms shall have a minimum of one (1) barrier free/ADA compliant restroom. A bank or group consists of ten (10) or less portable restrooms.

■ (23) Compliance with PERMITTEE'S Representations. PERMITTEE shall fully comply with all representations and promises set forth in its Application for Special Events Permit

□ (24) Equipment and Services. The CITY agrees to have the following equipment and services available during the term of this Permit:

_____

_____

_____.

■ (25) Security. It shall be PERMITTEE'S sole responsibility to provide security throughout the term of the event. The Chief of Police or designee shall establish the number of security personnel whom PERMITTEE shall be required to have on the premises. The security shall be provided by a licensed and certified security agency, whose members shall be in identifiable uniforms.

■ (26) Bleachers, Booths, Fencing and Tents. PERMITTEE shall be solely responsible for the construction and removal of any bleachers, booths, fencing, tents or structures used during the course of the event.

■ (27) Reimbursement of Other Costs. PERMITTEE shall reimburse the CITY for all cost relating to the use of barricades, fencing, bleachers and other facilities and equipment provided by the CITY. PERMITTEE, on behalf of the organization, agrees to reimburse the City of Marquette for its "out-of-pocket" expenses which includes but is not limited to overtime of City employees and trash disposal tipping

fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of Marquette invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days.

■ (28) Tents. All tents or air supported structures used during the term of the permit shall comply with Section 31 of the Michigan Building Code and Section 24 of the International Fire Code. Material of all tents shall be of non-combustible material or flame resistant material conforming to NFPA 701, treated in an approved manner to render the material flame resistant. Appropriate documentation must be presented to any Building Code Enforcement Officer, Fire Official or other Code Official upon request. A copy shall also be retained on the premises where the tent is located. The documentation must attest to the following information relative to the flame resistance of the fabric:

(a) Name and address of the owners of the tent or air supported structure.

(b) Date the fabric was last treated with flame resistant solution.

(c) Trade name of kind of chemical used in treatment.

(d) Name of person or firm treating the material.

(e) Name of testing agency and test standard by which the fabric was treated.

If more than one tent or air supported structure is located on the premises a copy of all required documentation for each tent or structure shall be kept at a central location on the premises. The use of gasoline, gas, charcoal or any other cooking devices or any unapproved flame inside or within 20 feet of a tent or other air supported structure is strictly prohibited.

■ (29) Fire.

(a) No open flames or explosives shall be permitted for decoration, display or use without permission from the Fire Department.

(b) The use of paper or fabric for coverings or decoration shall not be permitted unless proof is submitted to the Fire Department that such materials are flame proof.

(c) All seating capacity and room arrangements shall be approved by the Fire Department.

(d) An access lane, a minimum of eighteen (18) feet wide, shall be maintained leading into and out of the event so that emergency vehicles can

enter in case of an emergency.

(e) Barricades or any type of obstruction which could impede or interfere with fire suppression forces shall not be erected.

■ (30) Music. PERMITTEE shall be solely responsible for obtaining the appropriate license to present any music covered by copyright, whether by live performance, recorded music or retransmission of radio and/or television broadcast. The PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, it officers and employees harmless from any claim, action or suit or for any loss, liability and damages that may be asserted or levied against the CITY, its officers or employees, based in whole or in part upon a claim of copyright infringement.

■ (31) Conditions/Requirements. Additional conditions and requirements of this permit are as follows:

PERMITTEE has permission to begin setting up on June 18, 2022 at 8:00 a.m. and must have all items removed from the park by 10:00 p.m. on June 20, 2022.

If CITY determines and notifies the other party, on or before 9:00 a.m. on June 16, 2022 that MATTSON LOWER HARBOR PARK conditions are not suitable for the event due to weather, CITY will require PERMITTEE to move the event to Lakeview Arena. If CITY moves the event location, all other terms and conditions of this permit will remain in place, except that the alternate fees specified in paragraph 5 shall be charged.

■ (32) Cancellation or Modification. It is understood and agreed that ten (10) days advance written notice of any cancellation, reduction and/or material changes in the proposed agenda will be provided to the Community Services Director, City of Marquette, 401 East Fair Avenue, Marquette, Michigan, 49855.

■ (33) Duplicate Original Copies. This Permit is executed in triplicate original copies, two of which shall be retained by the CITY and one by PERMITTEE, each of which shall be deemed to be an original, but all of which shall be construed as one and the same document.

■ (34) Governing Law. This Permit and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Michigan.

■ (35) Paragraph Headings. The paragraph headings appearing in the Permit have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope or intent of the paragraphs to which they appertain.

■ (36) Entire Agreement. This Permit represents the entire agreement of the parties and shall be deemed to be an integrated agreement containing all prior and

contemporaneous oral and written agreement between the parties, and shall not be modified in any part, except in a writing signed by all parties.

IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT PERMITTEE CONCERING ALL ACTIVITIES CONDUCTED UNDER THE TERMS OF THE PERMIT. FAILURE TO COMPLY WITH THIS SECTION OR ANY OTHER TERM OF THE PERMIT SHALL BE CAUSE FOR THE CITY MANAGER, CHIEF OF POLICE, FIRE CHIEF, OR DESIGNEE TO IMMEDIATELY REVOKE THIS SPECIAL EVENTS PERMIT AND TO REQUIRE PERMITTEE TO VACATE THE PREMISES.

The parties hereto have hereunto set their hands and seals the day and year first above written.

CITY OF MARQUETTE

_____
Jennifer A. Smith, Mayor

_____
Kyle Whitney, City Clerk

SOCIAL JUSTICE FOR US

Freddy Sims Jr.
_____
By:
Its:

_____
By:
Its:

Approved as to Substance:

_____
Karen M. Kovacs, City Manager

Approved as to Form:

_____
Suzanne C. Larsen, City Attorney

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/13/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
	E-MAIL ADDRESS:	

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A :	15350
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

COVERAGES **CERTIFICATE NUMBER:** 2022 **REVISION NUMBER:**

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY				06/19/2022	06/20/2022	
	AUTOMOBILE LIABILITY						
	UMBRELLA LIAB / EXCESS LIAB						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY (Mandatory in NH)						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Marquette is listed as an additional insured

CERTIFICATE HOLDER

City of Marquette
300 Baraga Ave
Marquette MI 49855

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Marquette County Community Resource Fair - Special Event Permit

BACKGROUND:

Upper Peninsula Managed Care, L.L.C. of Marquette, is requesting the City Commission enter into a Special Event Permit for City Parks, Streets, Buildings and Grounds to use Lakeview Arena - Russell Arena for the Marquette County Community Resource Fair on June 14, 2022. Staff worked with the City Attorney and Upper Peninsula Managed Care, L.L.C. to develop the permit.

FISCAL EFFECT:

Lakeview Arena will realize $1,400 in revenue plus miscellaneous fees.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with Upper Peninsula Managed Care, L.L.C., and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Permit
- Insurance

SPECIAL EVENTS PERMIT FOR CITY PARKS,
STREETS, BUILDINGS AND GROUNDS

THIS AGREEMENT, made this 26 day of May, 2022 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and UPPER PENINSULA MANAGED CARE, L.L.C., a Michigan limited liability company of 853 W. Washington St., Marquette, Michigan 49855, hereinafter referred to as "PERMITTEE".

INSTRUCTIONS - PERMITTEE shall comply with all sections of this permit with a darkened box (■) .

WITNESSETH:

■ (1) Description. The CITY in consideration of the terms, conditions, covenants and agreements to be performed by PERMITTEE, does hereby grant to PERMITTEE permission to use and occupy the following ["premises"]:

RUSSELL ARENA in LAKEVIEW ARENA

■ (2) Term. The term of this Permit shall be for June 14, 2022 from 8:00 a.m. until June 15, 2022 at 11:00 p.m.

■ (3) Acceptance of Premises. PERMITTEE has examined and is satisfied with the physical condition of the premises, and accepts the premises in their "as is" condition.

■ (4) Use. PERMITTEE may use and occupy the premises for:

"MARQUETTE COUNTY COMMUNITY RESOURCE FAIR"

and for no other reason. The use and occupancy shall only be under PERMITTEE'S name or any assumed name of PERMITTEE. PERMITTEE shall not use or knowingly allow any part of the premises to be used for any unlawful purpose. In the event of any violation of this provision the CITY at its sole discretion may terminate this Permit and expel PERMITTEE from the premises. PERMITTEE waives, releases and relinquishes all claims of right or interest in the premises, other than as granted pursuant to this Permit.

■ (5) Fees. PERMITTEE shall be responsible for paying the following fees in connection with the use of the PREMISES:

Russell Arena: 1 day	**$1,400**
Tables:	**$8 staff set up**
	$4 user set up

Chairs:	**$4 staff set up**
	$1.50 user set up
Pipes and Drape	**$10/8 foot section**
Citizens Forum	**$27/hour**

■ (6) Clean-up, Repairs, Maintenance and Damage. PERMITTEE shall be solely responsible for clean-up of the premises and the repair expense for any damage caused to the premises throughout the term of this Permit. PERMITTEE shall, at the direction of the CITY, provide a sufficient number of dumpsters and trash collection cans for the event. PERMITTEE will be responsible to reimburse the CITY for out-of-pocket costs (i.e. tipping fee) associated with trash removal and disposal. The CITY strongly encourages PERMITTEE to utilize volunteers for clean-up.

PERMITTEE shall take good care of and shall keep the premises, including its fixtures and furnishings, in a clean, safe, orderly and sanitary condition including, but not limited to, keeping all sidewalks, parking areas, alleys, roadways and facilities/areas which are a part of the premises, neat and clean; guarding all defects on the premises which may be a hazard to the general public and business invitees; and promptly removing all debris or any other material which may be a hazard to the general public and business invitees. PERMITTEE shall promptly make all repairs which are required to maintain the premises in the condition which existed upon the commencement of its actual use and occupancy. PERMITTEE shall not be required to repair plumbing and electrical components of the premises for damages which is not caused by the PERMITTEE, its guests or invitees. At the termination of this Permit, PERMITTEE shall yield and deliver up the premises in like condition, reasonable use and wear thereof and damage by the elements exempted.

■ (7) Clean-up and Damage Bond. PERMITTEE shall deposit with the Parks and Recreation Department a clean-up and damage bond in the form of cash or certified check payable to the CITY, in the amount of $250.00. This will correlate with the type of insurance required. The bond should be deposited with the Community Services Department - Parks and Recreation Division at the time the application is submitted, when possible, but is required prior to the permit being presented to the City Commission for approval. The bond shall be processed to be returned to PERMITTEE, without interest, within seven (7) days after all of the following have occurred:

(a) PERMITTEE has complied with all terms of this Permit, including completely vacating the premises by the required time period.

(b) the term of the Permit has expired;

(c) PERMITTEE has fully performed the restoration and clean-up of the premises to an "as-is" or better condition as prior to the event; and

(d) PERMITTEE has paid all fees set forth herein.

Should PERMITTEE fail to comply with any of these terms, the CITY may retain the clean-up and damage bond and if the amount thereof is insufficient, pursue all other remedies.

☐ (8) Electrical Permits. For any event, carnival or fair connecting to or modifying an existing electrical source or service, PERMITTEE covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. An electrical permit shall be obtained two (2) weeks prior to the event and a copy shall be provided to the Community Services Department - Parks & Recreation Division office at least one (1) week prior to the event. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service.

■ (9) All Utilities. The CITY agrees to allow PERMITTEE to use existing electrical and water services for food and beverage concessions, lighting and audio equipment. However, the CITY shall not be responsible for any damages whatsoever due to any interruption in electrical, water or other services.

There shall be no modification or alteration of the CITY's electrical supply boxes or other equipment, unless prior approval has been obtained from the CITY and any work is approved by the CITY's electrical inspector. All such work must be done by a licensed electrical contractor at PERMITTEE'S sole expense.

■ (10) Reimbursement of Utility Costs. PERMITTEE shall reimburse the CITY the sum of $300.00 for the costs of electric, water and other utility services utilized by the PERMITTEE, its vendees and concessionaires.

■ (11) Signs. PERMITTEE shall be entitled, at PERMITTEE'S own expense, to install signs and banners along the premises. Signs shall comply with the Zoning Chapter of the Marquette Code of Ordinances.

■ (12) Insurances. CERTIFICATES OR OTHER EVIDENCE OF ALL REQUIRED COVERAGES AND ENDORSEMENTS MUST BE FILED WITH THE COMMUNITY SERVICES DEPARTMENT - PARKS & RECREATION DIVISION NO LATER THAN THE DATES LISTED WITH EACH TYPE OF INSUARNCE. FAILURE TO ABIDE BY THE REQUIRED DATES WILL RESULT IN THE EVENT BEING CANCELLED OR RESTRICT THE TYPE OF ACTIVITY THAT MAY OCCUR AT THE EVENT.

■ General Liability

PERMITTEE shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death, to persons and property

which may arise out of, result from or be caused by PERMITTEE'S use or occupancy of the premises or its operations conducted thereon, with occurrence and aggregate limits of not less $1,000,000, per occurrence.

THE CITY, ITS OFFICERS AND EMPLOYEES SHALL BE NAMED AN ADDITIONAL INSURED AND THIS COVERAGE SHALL BE ENDORSED ON THE CERTIFICATE AND POLICY "AS BEING PRIMARY TO THE CITY, AND NOT IN EXCESS OF ANY OTHER INSURANCE, SIMILAR PROTECTION (E.G. RISK MANAGEMENT ASSOCIATION) OR ANY OTHER VALID, APPLICABLE, OR COLLECTABLE INSURANCE OR SELF-INSURANCE WHICH IS OR MAY BE AVAILABLE TO OR CARRIED BY THE CITY."

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in cancellation of the event.

☐ Liquor Liability.

PERMITTEE or its designee (for example, a local service club) shall carry liquor liability insurance with combined limits of not less than $500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

PERMITTEE shall, no later than 7 days prior to the Event, provide the CITY with a certificate or other evidence of liquor liability insurance coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

☐ Motor Vehicle Liability

PERMITTEE shall also obtain and maintain vehicle liability coverage for all owned, non-owned and hired motor vehicles which may be operated, maintained or used on the premises. Minimum combined limits of $500,000 shall be maintained.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes

in the coverage. Failure to abide by this provision will result in the prohibition of use of any motor vehicle at the event.

- Food

  PERMITTEE or its designee shall carry products and completed operations coverage insurance with combined limits of not less than $500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of food on the premises.

  PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of food at the event.

- Other insurance.

  If PERMITTEE employs any independent contractor or others for any purpose whatsoever in relation to its use or occupancy of the premises, or for any operations or maintenance connected therewith, PERMITTEE shall obtain and maintain, or cause said independent contractor to obtain and maintain, policies of workers compensation insurance and such other liability insurance of the types and in the amounts outlined above which will provide coverage to the CITY, its officer and employees for all claims which may arise out of, result from or be caused by that work.

  PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any independent contractor or other person or entity in connection with the event.

- (13) Indemnity. PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the CITY, its officers or employees, in whole or in part by reason of PERMITTEE'S acts or omissions, or by its use or occupancy of or its operations on the premises or by reason of any other person on the premises by contract, invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death,

to any person, PERMITTEE shall give notice to the CITY within twelve (12) hours after the occurrence thereof or after PERMITTEE learns of such occurrence.

The indemnity, defense and hold harmless requirements shall include and extend to bodily injury to any person or injury to any property of PERMITTEE, its employees and all persons on the premises by contract, invitation or consent.

All property kept, stored or maintained in the premises shall be so kept, stored or maintained at the risk of PERMITTEE only.

■ (14) Right of Inspection and Access. The CITY may enter the premises at any time to examine, inspect and to do whatever the CITY may deem necessary or desirable to determine compliance with or to enforce the terms of the permit. Marquette police, fire and other enforcement personnel shall have unrestricted access to the premises at all times.

■ (15) Compliance With Rules and Regulations. PERMITTEE shall abide by all laws, statutes, ordinances, governmental orders, rules and regulations which control or in any manner affect or relate to the use or occupancy of the premises, or operations conducted thereon.

■ (16) Concessions. PERMITTEE or its designees shall be allowed to sell assorted food and beverage items and to run concession stands during the term of the Permit. PERMITTEE or its designee shall obtain all necessary licenses and/or permits from the appropriate state, county or city governmental authorities. All concessions will be closed by 10:00 p.m. each day. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 2 weeks prior to the event. PERMITTEE shall submit a list of all food concessionaires to the Fire Marshall's office one (1) week prior to the event. PERMITTEE shall notify and require the following of all food concessionaires:

(a) A fire extinguisher shall be provided in all tents and in all areas and enclosures used for cooking.

(i) The fire extinguisher shall be a 1A:20B: C type, a minimum of 5 pounds.

(ii) Proof that the fire extinguisher has been serviced within the last year is required.

(iii) The extinguisher shall be tagged with the date and service provider.

(iv) If the fire extinguisher was purchased within the last year, a sales slip must be provided.

(v) The unit shall be mounted on the center post of each tent, not more than five (5) feet of the ground and accessible for use in an emergency.

(b) All propane tanks used for cooking shall be secured so as to prevent tipping. The tanks shall be remote from congested areas.

(c) Only approved, heavy-duty extension cords shall be used and all electrical connections shall be protected.

If the vendor fails to comply with these requirements, they will not be permitted to participate in the event.

☐ (17) Alcoholic Beverages. PERMITTEE or its designee shall be allowed to sell and/or furnish beer and wine on the premises as follows:

_____

PERMITTEE is solely responsible for obtaining all necessary licenses and permits in order to sell and/or furnish alcohol products. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 7 days prior to the event. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

If an additional day is needed for the event due to inclement weather, the time for selling and/or furnishing beer and wine on the premises shall be from _____ a.m. / p.m. until _____ a.m. / p.m. on _____, 20__. The sale, furnishing and consumption of alcoholic beverages is specifically conditioned upon PERMITTEE or its designee obtaining and maintaining the appropriate license or permit from the Michigan liquor control commission at all relevant times and on PERMITTEE or its designee obtaining and maintaining liquor liability insurance as required in this Permit.

■ (18) Exclusive Use. PERMITTEE shall have the exclusive use of the premises during the term of this permit.

☐ (19) Admission. PERMITTEE may charge admission to the general public to enter premises. Entry shall not be denied to any individual based upon race, sex, age, creed, or national origin.

■ (20) Police and Fire Protection. PERMITTEE shall fully reimburse the CITY at overtime and fringe benefit rates for all additional police and/or fire department officers who are assigned to the premises, or the vicinity thereof, because of the use or occupancy thereof by PERMITTEE.

■ (21) Parking and Traffic. PERMITTEE shall prohibit all motor vehicles in or on the premises and shall cause all streets and alleys to be properly barricaded and

signed. All motor vehicles shall be operated only on established roads and parked in designated areas. All fire lanes and no parking zones shall be maintained during the event.

☐ (22) Health and Sanitation Facilities. PERMITTEE shall furnish and maintain a sufficient number of portable bathrooms and washing facilities, at PERMITTEE'S expense. This number shall be determined by the Marquette County Health Department. Each bank or group of portable restrooms shall have a minimum of one (1) barrier free/ADA compliant restroom. A bank or group consists of ten (10) or less portable restrooms.

■ (23) Compliance with PERMITTEE'S Representations. PERMITTEE shall fully comply with all representations and promises set forth in its Application for Special Events Permit

■ (24) Equipment and Services. The CITY agrees to have the following equipment and services available during the term of this Permit:

The Genie Boom will be available if prearranged by PERMITTEE at least 48 hours prior to the event.

■ (25) Security. It shall be PERMITTEE'S sole responsibility to provide security throughout the term of the event. The Chief of Police or designee shall establish the number of security personnel whom PERMITTEE shall be required to have on the premises. The security shall be provided by a licensed and certified security agency, whose members shall be in identifiable uniforms.

■ (26) Bleachers, Booths, Fencing and Tents. PERMITTEE shall be solely responsible for the construction and removal of any bleachers, booths, fencing, tents or structures used during the course of the event, except that CITY shall be responsible for booths located within the Arena.

■ (27) Reimbursement of Other Costs. PERMITTEE shall reimburse the CITY for all cost relating to the use of barricades, fencing, bleachers and other facilities and equipment provided by the CITY. PERMITTEE, on behalf of the organization, agrees to reimburse the City of Marquette for its "out-of-pocket" expenses which includes but is not limited to overtime of City employees and trash disposal tipping fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of Marquette invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days.

■ (28) Tents. All tents or air supported structures used during the term of the permit shall comply with Section 31 of the Michigan Building Code and Section 24 of the International Fire Code. Material of all tents shall be of non-combustible material or flame resistant material conforming to NFPA 701, treated in an approved manner to render the material flame resistant. Appropriate

documentation must be presented to any Building Code Enforcement Officer, Fire Official or other Code Official upon request. A copy shall also be retained on the premises where the tent is located. The documentation must attest to the following information relative to the flame resistance of the fabric:

(a) Name and address of the owners of the tent or air supported structure.

(b) Date the fabric was last treated with flame resistant solution.

(c) Trade name of kind of chemical used in treatment.

(d) Name of person or firm treating the material.

(e) Name of testing agency and test standard by which the fabric was treated.

If more than one tent or air supported structure is located on the premises a copy of all required documentation for each tent or structure shall be kept at a central location on the premises. The use of gasoline, gas, charcoal or any other cooking devices or any unapproved flame inside or within 20 feet of a tent or other air supported structure is strictly prohibited.

■ (29) Fire.

(a) No open flames or explosives shall be permitted for decoration, display or use without permission from the Fire Department.

(b) The use of paper or fabric for coverings or decoration shall not be permitted unless proof is submitted to the Fire Department that such materials are flame proof.

(c) All seating capacity and room arrangements shall be approved by the Fire Department.

(d) An access lane, a minimum of eighteen (18) feet wide, shall be maintained leading into and out of the event so that emergency vehicles can enter in case of an emergency.

(e) Barricades or any type of obstruction which could impede or interfere with fire suppression forces shall not be erected.

■ (30) Music. PERMITTEE shall be solely responsible for obtaining the appropriate license to present any music covered by copyright, whether by live performance, recorded music or retransmission of radio and/or television broadcast. The PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, it officers and employees harmless from any claim, action or suit or for any

loss, liability and damages that may be asserted or levied against the CITY, its officers or employees, based in whole or in part upon a claim of copyright infringement.

■ (31) Conditions/Requirements. Additional conditions and requirements of this permit are as follows:

PERMITTEE and its vendors, if any, may be in the arena beginning at 8:00 a.m. on June 13, 2022 for set up. Additionally, PERMITTEE has until 11:00 p.m. on June 16, 2022 to remove all items and restore the condition of the arena.

■ (32) Cancellation or Modification. It is understood and agreed that ten (10) days advance written notice of any cancellation, reduction and/or material changes in the proposed agenda will be provided to the Community Services Director, City of Marquette, 401 East Fair Avenue, Marquette, Michigan, 49855.

■ (33) Duplicate Original Copies. This Permit is executed in triplicate original copies, two of which shall be retained by the CITY and one by PERMITTEE, each of which shall be deemed to be an original, but all of which shall be construed as one and the same document.

■ (34) Governing Law. This Permit and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Michigan.

■ (35) Paragraph Headings. The paragraph headings appearing in the Permit have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope or intent of the paragraphs to which they appertain.

■ (36) Entire Agreement. This Permit represents the entire agreement of the parties and shall be deemed to be an integrated agreement containing all prior and contemporaneous oral and written agreement between the parties, and shall not be modified in any part, except in a writing signed by all parties.

IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT PERMITTEE CONCERING ALL ACTIVITIES CONDUCTED UNDER THE TERMS OF THE PERMIT. FAILURE TO COMPLY WITH THIS SECTION OR ANY OTHER TERM OF THE PERMIT SHALL BE CAUSE FOR THE CITY MANAGER, CHIEF OF POLICE, FIRE CHIEF, OR DESIGNEE TO IMMEDIATELY REVOKE THIS SPECIAL EVENTS PERMIT AND TO REQUIRE PERMITTEE TO VACATE THE PREMISES.

The parties hereto have hereunto set their hands and seals the day and year first above written.

CITY OF MARQUETTE

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Approved as to Substance:

Karen M. Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney

UPPER PENINSULA MANAGED CARE, L.L.C.

By:
Its:

By:
Its:

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/30/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:	
□A□□ 300 □o□□□ □on□□□ee□ Ma□□e□e M□ 49855	PHONE (A/C, No, Ext): □906□228-7500	FAX (A/C, No): □906□228-5385
	E-MAIL ADDRESS: □yle□s□ □as□sol□ion□o□	

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : □o□e□□ne□s □ns□an□e □o□ □any	26638
INSURER B : A□□o □□ne□s □ns□an□e □o□ □any	18988
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COVERAGES **CERTIFICATE NUMBER:** 22-23 **REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
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A	☒ UMBRELLA LIAB ☐ □□□□□ EXCESS LIAB ☐ □A□M□-MA□□ □□□ ☒ □□□□□□□□ □ 10□000			4808616400	04/01/2022	04/01/2023	□A□□ □□□□□□□□□□ A□□□□□A□□	□ 10□000□000 □ 10□000□000 □
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N A□□ P□□P□□□□□/PA□□□□□/□□□□□□□□ □□□□□□□/M□MB□□ □□□□□□□□ (Mandatory in NH) If yes□des□i□e □nde□ □□□□□P□□□ □□ □P□□A□□□ □elo□	N / A		33081003	04/01/2022	04/01/2023	☐ P□□ □□A□□□ ☐ □□□-□□ □□□□A□□ A□□□□□□ □□□□□□□□A□□ - □A □MP□□□□ □□□□□□□□A□□ - P□□□□ □M□	□ 500□000 □ 500□000 □ 500□000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

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CERTIFICATE HOLDER

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CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Long-Line Traffic Markings Contract

BACKGROUND:

City traffic markings require annual repainting when using waterborne paint. The harsh winters and winter maintenance operations remove most of the paint by spring. The Department of Public Works has contracted out these services for several years. The long-line (centerlines and lane lines) work has been successful and will continue to be outsourced. In recent years the City has only received one bid for this type of service and has been unable to locate other potential bidders for this type of work. Staff is therefore recommending that the competitive bidding process be waived. Work will be completed this spring.

FISCAL EFFECT:

The Major Street Fund for FY 21/22 contains $45,000 for contracted long-line traffic markings.

RECOMMENDATION:

Waive the competitive bidding process and approve a contract for long-line traffic marking painting with P.K Contracting, Inc. of Lake City, Michigan in an amount not-to-exceed $40,000 at the unit prices quoted, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Contract

CITY OF MARQUETTE
CONSTRUCTION CONTRACT

PROJECT NAME: Long-Line Traffic Marking Contract

THIS AGREEMENT, made this 31 day of May, **2022**, between the City of Marquette, a Michigan Municipal Corporation, hereinafter called the "City" of 300 W. Baraga Avenue, Marquette, MI 49855, and **P.K. Contracting, Inc.** of **6344 Blue Road M-55, Lake City, Michigan 49651**, a **Corporation**, holding license number **38-231-3864**, (Corporation, Partnership or Sole Proprietorship) hereinafter called "Contractor".

WITNESSETH: That for and in consideration of the payments and Agreements hereinafter mentioned, the parties hereby agree as follows:

ARTICLE 1

CONTRACT DOCUMENTS

The "Contract Documents" consist of, but are not necessarily limited to, this Agreement, the invitation to Bid, Information for Bidders, Bidders Proposal, Addenda, Specifications, Supplemental Specifications, Special Provisions, Construction Drawings, Notice to Proceed, Allowances, Finish Schedules and any additional documentation issued prior to execution of this Agreement and all Change Orders as approved by the City. These Contract Documents represent the entire Agreement and understanding between the parties hereto.

ARTICLE 2

SCOPE OF THE WORK

Contractor will furnish all the materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the project described in the Contract Documents.

ARTICLE 3

MATERIALS, APPLIANCES, and EMPLOYEES

Except as otherwise noted, the Contractor shall provide and pay for all materials, labor, tools and other items necessary to complete the work. Unless otherwise specified, all materials shall be new, and both workmanship and materials shall be of good quality. All workmen shall be skilled in their trades.

ARTICLE 4

TIME OF COMPLETION

The commencement date of this project is _____**June 1**_____, **2022**, and the completion date of this project is ___**July 1**_____, **2022**. The Contractor shall be penalized in the amount of $_____**0**_____ per day if the project is not completed by the contract completion date unless the period for completion is extended by change order.

ARTICLE 5

CONTRACT SUM

The Contractor agrees to perform all of the work described in the Contract Documents and comply with the terms therein for the sum of **$ 24,940.00** at the unit prices quoted ($0.12/LFT for 4" White or Yellow and $0.17/LFT for 6" White), subject to additions and

deductions pursuant to authorized change orders and allowances not to exceed $40,000.00.

ARTICLE 6

PAYMENTS

The City will pay to the Contractor in the manner and at such times as set forth in the Specifications such amounts as required by the Contract documents.

ARTICLE 7

CONTRACTOR'S OBLIGATIONS

7.1 All work shall be in accordance to the provisions of the Contract Documents. All systems shall be in good working order.

7.2 All work shall be completed in a workmanlike manner and shall comply with all applicable laws.

7.3 Contractor shall obtain all necessary permits for the work to be completed.

7.4 Contractor shall remove all construction debris and leave the project in a "broom clean" condition.

7.5 Upon satisfactory payment being made for the work performed by Contractor, Contractor shall furnish a full and unconditional Release of Lien for the work for which payment has been made.

Safety and Fire Protection: The Contractor shall be responsible for safety at the construction site. The Contractor will further comply with all applicable laws, rules and regulations of the Michigan Department of State Police, Fire Marshall Division, the State Fire Safety Board, Michigan Occupational Safety and Health Administration, and Local Agencies. Precaution shall be exercised at all times for the protection of persons and of

property. The safety provisions of applicable laws, rules, regulations, building and construction codes shall be followed. Safety Hazards shall be guarded in accordance with safety provisions of the Manual of Accident Prevention in Construction published by The Associated General Contractors of America to the extent that such provisions are not in conflict with applicable laws.

ARTICLE 8

CONTRACTOR'S STATUS AS INDEPENDENT ENTITY

The City shall not assume any liability for the Contractor in the performance of the construction project, methods, techniques, sequences or programs in connection with the project since these are solely the Contractor's responsibility.

ARTICLE 9

CHANGE ORDERS AND PAYMENT

A change order is any change to the original plans and/or specifications. All change orders need to be agreed upon between the parties hereto, and address additional costs, time, consideration and dates when the work will begin and be completed. Change orders are not effective unless signed by both parties who shall not unreasonably withhold approval of the same. However, should the Contractor unreasonably refuse to approve a change order reasonably and in good faith submitted by the City, the Director of Public Works shall be empowered to make a final and fair determination as to the necessity for the change order and the fair and equitable cost to the Contractor and shall further be empowered to issue a final payment to the Contractor. Should the Contractor refuse to accept said final payment, the funds may be deposited in an Escrow Account by the City for the benefit of the Contractor.

ARTICLE 10

INSURANCE

The Contractor shall purchase and maintain Workman's Compensation and Liability Insurance coverage as required by law and deemed necessary for its own protection. Said insurance shall be written by an insurance carrier having at least an "A, VII" rating. The Contractor shall further name the City as an additional named insured on all certificates of insurances covering the project. Said insurance shall be in minimum limits of at least $1,000,000.00 for both general liability and automobile liability. The Contractor shall further maintain such insurance as will protect it from claims under worker's compensation acts and other employee benefits acts, from claims for damages because of bodily injury, including death, and from claims for damages to property which may arise both out of and from claims for damages to property which may arise both out of and during operations under this contract, whether such operations are by Contractor or by anyone directly or indirectly employed by the Contractor. This insurance shall be written for not less than any limits of liability specified as part of the Contract Documents. Certificates of such insurance shall be filed with the City.

ARTICLE 11

INDEMNIFICATION

To the extent allowed by MCL 691.991, the Contractor hereby agrees to save and indemnify and keep harmless the City against all liability claims and judgments or demands for damages arising from accidents to persons or property occasioned by the Contractor, its agents or employees, and against all claims or demands for damages arising from accidents to the Contractor, its agents or employees, whether occasioned

by said Contractor or its employees or by City or its employees or any other person or persons, and the said Contractor will defend any and all suits that may be brought against the City on account of any such accidents and will make good to, and reimburse, the City for any expenditures that said City may make by reason of such accidents; provided, however, that the Contractor shall not be responsible to the City on indemnity for damages caused by or resulting from the City's sole negligence.

ARTICLE 12

CITY'S RIGHT TO TERMINATE THE CONTRACT

Should the Contractor neglect to perform the work properly or fail to perform any provision of the Contract, the City, after seven (7) days' written notice to the Contractor, and its surety, if any, may, without prejudice to any other remedy the City may have, make good the deficiencies and may deduct the cost thereof from the payment then or thereafter due the Contractor or, at its option, may terminate the Contract and take possession of all materials, tools and appliances and finish the work by such means as it sees fit, and if the unpaid balance of the contract price exceeds the expense of finishing the work, such excess shall be paid to the Contractor, but if such expense exceeds such unpaid balance, the Contractor shall pay the difference to the City.

ARTICLE 13

CONTRACTOR'S RIGHT TO TERMINATE CONTRACT

Should the work be stopped by any public authority for a period of ninety (90) days or more, through no fault of the Contractor, or should the work be stopped through act or neglect of the City for a period of ninety (90) days, then the Contractor, upon seven (7) days' written notice to the City, may stop work or terminate the Contract and recover

from the City payment for all work executed and any loss sustained and reasonable profit and damages.

ARTICLE 14

ACCESS TO WORK

The Contractor shall permit and facilitate observation of the work by the City and its agents and public authorities at all times.

ARTICLE 15

ARBITRATION OF DISPUTES

Any disagreement arising out of this contract or from the breach thereof shall be submitted to arbitration, and judgment upon the award rendered may be entered in the court of the forum, state or federal, having jurisdiction. It is mutually agreed that the decision of the arbitrators shall be a condition precedent to any right of legal action that either party may have against the other. The arbitration shall be held under the Rules of the American Arbitration Association.

ARTICLE 16

WARRANTY

At the completion of this project, Contractor shall execute an instrument to City warranting the project for one (1) year against defects in workmanship or materials utilized. The manufacturer's warranty shall prevail.

At the time of completion, the Contractor shall furnish to the City material containing complete operation and maintenance instructions for all equipment in the project. The Contractor shall also furnish to the City at the time of completion all documents, warranties and guarantees on all equipment and services provided.

The Contractor shall re-execute any work that fails to conform to the requirements of the Contract and that appears during the progress of the work and shall remedy any defects due to faulty workmanship, which appear within a period of one (1) year from the date of completion of the Contract or such longer period of time as may be prescribed by laws or regulations or by the terms of any applicable special guarantee required by the Contract Documents or by any specific provision of the Contract Documents. All equipment and materials will be warranted and guaranteed under the original equipment manufacturer's warranties and guarantees.

The Contractor shall restore any work damaged in fulfilling the terms and conditions of this Article. After such repair or replacement has been satisfactorily completed, the Contractor's warranty with respect to such work repaired or replaced will be extended for an additional period of one (1) year beyond the warranty period described above. Contractor's obligations under this paragraph are in addition to any other obligation or warranty.

ARTICLE 17

FEDERAL-AID CONTRACTS

During the performance of every contract subject to Title VI of the Civil Rights Act of 1964 and Title 49, Code of Federal Regulations, Department of Federally-assisted programs of the Department of Transportation issued pursuant to the Act, the Contractor, for itself, its assignees and successors in interest agrees as follows:

1. **Compliance with Regulations**: The Contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be

amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection, retention and treatment of Subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the Contractor covers a program set forth in Appendix B of the Regulations.

3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential Subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

4. **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the State Highway Department or

the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event the Contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   a. Withholding payments to the Contractor under the contract until the Contractor complies; and/or

   b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The Contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event a Contractor becomes involved in, or is threatened with, litigation with a Subcontractor or supplier as a result of such direction, the Contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 18

INTEGRATION

This Agreement represents the entire understanding between the parties hereto and may not be amended, except in writing that is signed by both parties hereto.

ARTICLE 19

BINDING AGREEMENT

This Agreement will bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties.

ARTICLE 20

PURCHASING AGENT DESIGNATION AND AUTHORITY

The Director of Public Works is designated as Purchasing Agent of City and is authorized to order minor changes in the work not involving adjustment in the Contract Sum or Time of Completion and not inconsistent with the intent of the Contract Documents. Such changes will be effected by written order signed by the Purchasing Agent and shall be binding on the City and Contractor.

IN WITNESS WHEREOF, the parties have made and executed this Agreement, the day and year first above written.

Signed this _____ day of _____, 2022.

THE CITY OF MARQUETTE

_____	_____
Witness	Jennifer A. Smith, Mayor City of Marquette
_____	_____
Witness	Kyle Whitney, City Clerk City of Marquette
_____	_____
Witness	Contractor Name
By: _____	By: _____
Its: _____	Its: _____
Address: _____	Address: _____
Telephone#: _____	Telephone#: _____
APPROVED AS TO FORM:	APPROVED AS TO SUBSTANCE:
_____	_____
Suzanne C. Larsen City Attorney	Karen M. Kovacs City Manager

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Marquette Mountain Resort, LLC - Paddle Sports Concessionaire Permit

BACKGROUND:

The Presque Isle Park Advisory Committee voted at their November 9, 2016 meeting to recommend a sole concessionaire for paddle sport tours and rentals at Presque Isle Park. The Commission granted a lease to Superior Kayaking for the park from 2016 through last year. The Parks and Recreation Advisory Board (PRAB) voted on August 16, 2021 to manage paddle sport tour opportunities, along the entire City waterfront, through one sole concessionaire request for proposals (RFP). The Harbor Advisory Committee supported PRAB's recommendation for a sole concessionaire at their September 21, 2021 meeting with suggestions for safety requirements to be included in the RFP. Staff advertised an RFP on March 14, 2022 and received one - Marquette Mountain Resort, LLC. Staff determined the proposal met the criteria outlined in the RFP.

Marquette Mountain Resort, LLC has requested a permit for non-exclusive use of launch and takeout sites for paddle sport tours. The term of the permit is from May 15, 2022 through October 31, 2022. Marquette Mountain Resort, LLC will pay the City five percent of total kayak tours and rentals through monthly payments.

Allowable launch/take-out sites include Presque Isle Middle Beach by the Superior Watershed Partnership Building, McCarty's Cove, and Founders Landing Pier Kayak launch (once open to the public).

FISCAL EFFECT:

The general fund will receive five percent of total tour and rental revenues.

RECOMMENDATION:

Approve the permit with Marquette Mountain Resort, LLC, and authorize the Mayor and City Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Permit, Proposal and Exhibit A
- Insurance

PADDLE SPORTS CONCESSIONAIRE PERMIT

The City of Marquette (City), a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, MI 49855, grants Marquette Mountain Resort, LLC (Marquette Mountain), a Michigan limited liability company, of 4501 M-553, Marquette, MI 49855 permission to utilize certain real property as more specifically identified in Exhibit A (Premises) for launch and take-out sites for paddle sport tours, subject to the following terms and conditions:

1. Permission is granted for non-exclusive access to the Premises for launch and take-out sites for paddle sport tours only.

2. The City makes no warranty as to the condition of the Premises upon which access is granted pursuant to this Permit, and Marquette Mountain accepts the Premises "as is".

3. Marquette Mountain agrees to indemnify and hold harmless the City, its officials, officers, employees, agents and assigns from any and all liens, claims, charges, liabilities, and/or damages for acts of commission, omission, or negligence on the part of Marquette Mountain, or its guests, agents and employees, arising out of the use of the Premises.

4. Marquette Mountain specifically agrees to assume all risks associated with its use of the Premises.

5. Non-exclusive access is granted to the Premises noted on the attached Exhibit A.

6. Permission is granted for intermittent short-term, non-exclusive use of the Premises. No vehicles, equipment or structures may be stored on the Premises overnight. Marquette Mountain may not alter the Premises in any way and shall repair any damage, or promptly reimburse the City for repairs performed by the City for damage created by Marquette Mountain, or its agents, employees or guests.

7. Marquette Mountain shall leave the Premises in the same or better condition as it was before using the Premises as allowed herein.

8. Marquette Mountain and/or its agents, employees or guests shall not interfere with any of the City's operations on the Premises or the use of others, including the general public, of the Premises. It is further agreed that access by the City to the Premises shall be maintained at all times.

9. The permission granted herein shall be from May 15, 2022 through October 31, 2022. The City and Marquette Mountain each have the right to terminate this agreement at any time and for any reason by providing at least 30 days written notice to the other; at which time all rights and obligations of the parties shall terminate.

10. As consideration for the rights detailed herein, Marquette Mountain shall pay the City 0.5% of their gross monthly kayak tour/rental revenues. Payment shall be made by the 15th of each month for the preceding month's tours/rentals. Marquette Mountain shall provide City sufficient information with each payment to verify the accuracy of the payment.

11. Marquette Mountain shall, in the use and occupancy of the Premises, comply with all laws, as well as all ordinances, rules and regulations of the City.

12. Marquette Mountain shall submit for review any publication referencing the City and the Premises. Marquette Mountain shall make all reasonable efforts to give favorable publicity to the City.

13. Marquette Mountain shall provide the City with certificates of insurance showing insurance coverage as noted below, stating that coverage afforded on their policies will not be canceled, limited, or allowed to expire until after thirty (30) days written notice has been given to the City. Marquette Mountain shall maintain this coverage at all times during the performance of this agreement.

a. Workers Compensation coverage according to any applicable statute, including employer's liability coverage with $1,000,000 limit per accident.

b. Comprehensive General Liability including contractual coverage with limits of at least $1,000,000 per occurrence, $1,000,000 aggregate bodily injury and $1,000,000 aggregate property damage or $1,000,000 Combined Single Limit.

c. Comprehensive Automobile Liability coverage, including owned, hired and non-owned vehicles with limits of $1,000,000 per person, $1,000,000 per accident bodily injury and $1,000,000 property damage or $1,000,000 Combined Single Limit.

The City shall be named as additional insured and loss payees on all Marquette Mountain's insurance policies named herein except workmen's compensation insurance, and Marquette Mountain's insurance policies will be on an "occurrence" and not on a "claims made" basis. Marquette Mountain will file with the City, on or before the commencement of this agreement and at least ten (10) days before the expiration date of expiring policies, such copies of either current policies or certificates or other proofs, as may reasonably be required to establish Marquette Mountain's insurance coverage in effect from time to time.

THE CITY OF MARQUETTE

Dated: _____

_____
By: Jennifer A. Smith
Its: Mayor

Dated: _____

_____
By: Kyle Whitney
Its: City Clerk

APPROVED AS TO CONTENT:

Karen M. Kovacs, City Manager

APPROVED AS TO FORM:

Suzanne C. Larsen, City Attorney

MARQUETTE MOUNTAIN RESORT, LLC

Dated: May 9, 2022

By: Eric K. Jorgensen
Its: President & CEO

Proposal for Paddle Sports Concessionaire Operations in the City of Marquette

Marquette Mountain Resort Proposal for Paddle Sports Concessionaire Operations

Company Profile

Marquette Mountain Resort, LLC
Established February 13, 2020

Physical Address:
4501 M-553
Marquette, Michigan

Main Phone Number:
906-225-1125

Owner:
Eric Jorgensen
906-360-3339
ekj@marquettemountain.com

General Manager:
Kaet Johnson
906-767-0261
kjohnson@marquettemountain.com

Kayak Operations Manager:
Drew Stackhouse
231-492-3932
dstackhouse@marquettemountain.com

Employees:
20 Full-time Year-Round staff
10 Part-Time Year-Round staff
72 Winter Seasonal staff

Operations:
Year Round: Restaurant and Bar, Catering, Special Events

Winter Operations: Alpine Ski and Ride operations with lift access

Summer: Lift Access Downhill Mountain Bike Park & Hiking, Guided Kayak Tours, Volleyball

Fall: Lift Access Downhill Mountain Bike Park, Hiking and Color Tours

Kayak Operations Mission Statement
To share the history, beauty, and wonder of Marquette by kayak.

Kayak Operations Experience
Drew Stackhouse, our Kayak Operations Manager, has extensive experience guiding for Uncle Ducky's Outdoor Adventures at the Pictured Rocks National Lakeshore in Munising. Drew also has extensive experience in managing staff and providing excellent customer service as the Lift Operations Manager at Marquette Mountain Resort.

Marquette Mountain Resort has extensive experience in providing recreational services to guests where service, safety, inclusivity, low environmental impact, and fun are a few of our foundational values.

Standards and Requirements for a Paddle Sport Concessionaire in the City of Marquette
Marquette Mountain Resort, LLC, has the ability and will to meet and exceed the standards and requirements set forth in RFP#22-02. Our leadership team has spent a year researching and preparing to operate a paddle sports business in the City of Marquette. We currently meet all of the insurance levels specified in RFP #22-02. Any other requirements regarding liability and insurance will be met upon granting of the Paddle Sport Concessionaire permit.

References
Eric Engelbarts II
Executive Director - Meijer State Games of Michigan
616.608.1837

Susan Estler
Executive Director - Travel Marquette
906.228.7749

Nicholas Dobbs
Associate Sales - Midwest Region, Outdoor Research
Race Director - Marquette Trails Fest
715.401.9186

Investment
The approximate investment for kayak operations is $80,000. The funds are derived from the operations of Marquette Mountain Resort.

Equipment On-site:

- ¾ ton, 15 passenger van purchased in January 2022

Equipment ordered and waiting for delivery:

- 10, tandem sea kayaks (for guests)
- 3, single sea kayaks (for guides)

Equipment to be ordered:

- Kayak Trailer
- All other items outlined in RFP 22-02 in the appropriate amounts for our planned operation. Sources have been identified for the complete list in RFP #22-02

Equipment in addition to items specified in RFP #22-02:

- 2, VHF w/ weather radio base stations to communicate with MMR and our drivers. This is in addition to the handheld radio the guide will carry
- Kayak trailer
- Passenger van/shuttle service

Cleaning and Maintenance

Daily

All equipment will go through

- Pre and post tour inspections for safe operation and aesthetics
- Post tour sanitation
- Any piece of equipment that does not pass inspection will be removed from service

Weekly

All equipment will be deeply inspected on a weekly basis and repaired, if needed, to meet safety guidelines and company policies.

Seasonally

- Pre-Season: All equipment will be functionally tested to ensure proper operation prior to service.
- Post Season: All equipment will be functionally tested and repairs made to mechanics and aesthetics prior to storage.

Kayak Operations Impact

Launch and Takeout Site Operations:

Marquette Mountain Resort's Kayak operations van and kayak trailer shuttles guests and kayaks between Marquette Mountain Resort and tour launch/takeout sites. Our operations would need one spot to park our kayak trailer while tours are operating. The shuttle van will either be in route or parked at Marquette Mountain Resort or other private property. Every evening, the van, trailer and kayaks will be parked at Marquette Mountain Resort.

Tours will turn over/transition quickly with guests arriving and going out on a tour or being shuttled from takeout sites to Marquette Mountain Resort.

Tour Hours:

Tours are proposed to run from 9am-noon and noon-3pm with a possible evening paddle if there is a demand. The evening paddle tour hours are 6-9pm. Tours would arrive and leave launch/takeout sites at the proposed times.

Early and late season operations would offer tours on weekends. Peak season operations could offer tours every day of the week.

Tour Season:
Seasonal operation is from May 1 to October 1. Our proposed 2022 season open date is May 28th.

Kayak Operations Permit Compensation
Marquette Mountain Resort proposes a 0.5% compensation rate on kayak operations revenue to be paid monthly during the permitted season.

Proposed Tour Pricing:
Tour pricing varies depending on the tour and the age of the guest. Tour pricing ranges from $80 - $180

Kayak Operations Structure
Tours
Three tours are proposed:

- Presque Isle Paddle
  - Launch and takeout at Middle Beach Shiras Pool Drain Basin
  - Approximate length: 3.58 miles
  - Approximate duration: 3-3.5 hours
  - Guest skill level: inexperienced paddler and/or family group
- Historic Waterfront Paddle
  - Launch: Founder's Landing Pier Kayak Launch
  - Takeout: McCarty's Cove
  - Approximate length: 3-4 miles
  - Approximate duration: 3-3.5 hours
  - Guest skill level: inexperienced paddler and/or family group
- Island Hopper
  - Launch and takeout at Middle Beach Shiras Pool Drain Basin
  - Approximate length: 6-7 miles
  - Approximate duration: 5-6 hours
  - Guest skill level: paddlers seeking a more challenging adventure, intermediate paddlers
  - Proposed lunch break at Middle Island

Tour Guide to Guest Ratio:

- Tours are composed of 1 guide per 5 kayaks with a maximum of 10 guest kayaks per tour.

Kayaks:

- Guest: Tandem Sea Kayaks
- Guide: Single Sea Kayaks

Other Equipment:

- All other equipment will meet RFP #22-02 specifications and applicable marine guidelines.

Guides:

- All our guides will have the following certifications
    - CPR
    - First Aid
    - AED
    - L2/L3 ACA Coastal Kayaking/Trip Lead
    - EMILY (provided by the Marquette Fire Department)
- Other desired certifications
    - Wilderness First Responder or similar
- MMR Training Curriculum
    - Classroom (1-3 days)
        - Marquette geological and human history as it relates to tours
        - Watersport safety techniques including recognizing and responding to weather, wind and wave behavior
        - *Leave No Trace* ethics
    - Open Water (4-5 days)
        - Guides will spend extensive time on the water putting into practice what they learned in the classroom. This includes:
            - Open water rescue techniques
            - Advanced kayaking techniques
        - Refresher training on these techniques will take place throughout the season
    - Ride-Alongs
        - After guides have completed class room and open water training, they will spend significant time shadowing an experienced lead guide. The timeframe will vary for each guide before they are permitted to lead a tour.

Safety Protocols:

- Marquette Mountain Resort has implemented safety protocols for tour operations that demand tour cancellation during small craft advisories and tour modification or cancellation during certain other weather conditions. The modifications do not change launch and takeout points.
- Marquette Mountain Resorts will immediately end a tour and take all necessary actions if a guest is experiencing a medical emergency.
- Marquette Mountain Resorts will immediately end a tour and take all necessary actions if the weather conditions suddenly become unsafe.

PADDLE SPORTS CONCESSIONAIRE EXHIBIT A

NH380464

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/28/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Commercial Lines - 800-990-7465 (CA DOI # 0G13561)
Safehold Special Risk, Inc.
230 Commerce Way, Suite 230
Portsmouth, NH 03801

CONTACT NAME: Ryan Patrick
PHONE (A/C, No, Ext): 603.570.5218 **FAX (A/C, No):** 855-529-7684
E-MAIL ADDRESS: ryan.patrick@safehold.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: NOVA Casualty Company	42552
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Marquette Mountain Resort, LLC
4501 State Highway M553
Marquette, MI 49855

COVERAGES **CERTIFICATE NUMBER:** 15542487 **REVISION NUMBER:** See below

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			WFR-GL-10000180-02	02/13/2022	04/01/2023	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
	X $25,000 SIR Occurrence						MED EXP (Any one person)	$ EXCLUDED
	X $75,000 SIR Aggregate						PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ NONE
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Marquette, its agents, representatives, directors, officials, and employees, are included as additional insured, when required by written contract, agreement, lease or permit, solely as respects the liability arising out of the operations of the named insured in regards to Kayak Tours.

CERTIFICATE HOLDER
City of Marquette
300 W. Baraga Ave.
Marquette, MI 49855

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ACORD 25 (2016/03)

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

GENERAL LIABILITY EXTRA ENDORSEMENT - RESORTS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. SECTION I COVERAGES, COVERAGE A – BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Paragraph **2. Exclusions** is amended as follows:

1. **EXPECTED OR INTENDED INJURY EXTENSION**
   a. Paragraph **a. Expected Or Intended Injury** is deleted and replaced by the following:
   "Bodily injury" or "property damage" expected or intended from the standpoint of the insured. This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property.
2. **NON-OWNED WATERCRAFT EXTENSION**
   Subparagraph **(2)** of **g. Aircraft, Auto Or Watercraft** is deleted and replaced by the following:
   (2) A watercraft you do not own that is:
   (a) Less than 52 feet long; and
   (b) Not being used to carry persons or property for a charge.
   This provision applies to any person, who with your consent, either uses or is responsible for the use of a watercraft.
   This insurance is excess over any other valid and collectible insurance available to the insured, whether primary, excess or contingent.
3. The last paragraph of **2. Exclusions** is deleted and replaced by the following:
   Exclusions **c.** through **n.** do not apply to damage by fire to premises, including standing timber, while rented to you or temporarily occupied by you with permission of the owner. A separate Limit of Insurance applies to this coverage as described in **SECTION III – LIMITS OF INSURANCE**.

B. SECTION I – COVERAGES, COVERAGE B – PERSONAL AND ADVERTISING INJURY LIABILITY, is amended as follows:

1. Paragraph **1.b.** of **Insuring Agreement** is deleted and replaced by the following:
   b. With respect to Advertisers and Broadcasters, this insurance applies to "personal and advertising injury" caused by an offense arising out of your business.
2. Paragraph **2. Exclusions,** sub-paragraph **e. Contractual Liability** is deleted in its entirety.
3. Paragraph **2. Exclusions,** sub-paragraph **j. Insureds In Media And Internet Type Businesses** is deleted and replaced by the following:
   j. "Personal and advertising injury" committed by an insured whose business is:
   (1) Advertising, broadcasting, publishing or telecasting;
   (2) Designing or determining content of websites for others; or
   (3) An Internet search, access, content or service provider.

C. SUPPLEMENTARY PAYMENTS – COVERAGES A AND B, paragraphs **1.b.** and **1.d.** are deleted and replaced by the following:

b. Up to $2,500 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these bonds.

d. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to $300 a day because of time off from work.

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D. SECTION II – WHO IS AN INSURED is amended as follows:
BROADENED NAMED INSURED
Paragraph **3.** is deleted and replaced by the following:
Any business entity organized under the laws of the United States of America (including any state thereof, its territories or possessions), or Canada (including any province thereof) will qualify as a Named Insured if there is no similar insurance available to that business entity, provided that one or more Named Insureds shown in the Declarations have, at the inception of the policy period, an ownership interest in such business entity of more than 50%. However, if a Named Insured has an ownership interest in a business entity of more than 50%, the business entity will not be a Named Insured if such business entity is an insured under any other liability policy or would be an insured under such policy but for its termination or the exhaustion of its Limit of Insurance.

E. ADDITIONAL INSUREDS

1. **SECTION II – WHO IS AN INSURED** is amended to include, as an additional insured, any person(s) or organization(s) for whom a written contract or written agreement between you and such person(s) or organization(s) exists and requires such person(s) or organizations(s) to be added as an additional insured to your Policy. This additional insured status applies to liability because of "bodily injury", "property damage" or "personal and advertising injury", but shall not apply to any independent acts or omissions of such person or organization who qualifies as an additional insured.
   a. This endorsement applies only if the written contract or written agreement is:
      (1) Currently in effect or becomes effective during the term of this Policy; and
      (2) Executed prior to the "bodily injury", "property damage" or "personal and advertising injury".
   b. The insurance afforded to such additional insured only:
      (1) Applies to the extent permitted by law; and
      (2) Will not be broader than that which you are required by the written contract or written agreement to provide for such additional insured.
2. The insurance provided to the additional insured by this endorsement applies as follows:
   a. The person(s) or organization(s) is an additional insured but only for liability caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:
      (1) In connection with premises owned by or rented to you; or
      (2) In the performance of your ongoing operations.
   b. If the additional insured is an architect, engineer, or surveyor, this insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of or failure to render any professional services including:
      (1) The preparing, approving, or failing to prepare or approve maps, drawings, opinions, reports, surveys, change orders, designs or specifications; or
      (2) Supervisory, inspection, or engineering services.
      This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or the failure to render any professional services by or for you.
   c. If the additional insured is a lessor of equipment, this insurance only applies to liability caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such additional insured and does not apply to any "occurrence" which takes place after the equipment lease expires.
   d. If the additional insured is a state or governmental agency or political subdivision and has issued a permit in connection with premises you own, rent, or control, this insurance applies only with respect to the following hazards for which the state or political subdivision has issued such permit:
      (1) The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners, or decoration and similar exposures;
      (2) The construction, erection, or removal of elevators; or
      (3) The ownership, maintenance, or use of any elevators covered by this insurance.

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e. If the additional insured is a state or governmental agency or political subdivision that has issued a permit or authorization with respect to operations performed by you or on your behalf, then this insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or "bodily injury", or "property damage" included within the "products-completed operations hazard".

f. If the additional insured is a manager or lessor of insured premises, that person or organization is an additional insured but only with respect to liability caused, in whole or in part by the ownership, maintenance or use of that part of the premises leased to you.
This insurance does not apply to:
(1) Any "occurrence" that takes place after you cease to be a tenant in that premises.
(2) Structural alterations, new construction or demolition operations performed by or on behalf of the manager or lessor of insured premises.

g. If the additional insured is a grantor of a franchise, that person(s) or organization(s) is only an additional insured with respect to liability as grantor of a franchise to you.

h. If the additional insured is an owner or has some other interest in land that has been leased to you, that person(s) or organization(s) is only an additional insured with respect to liability caused, in whole or in part by the ownership, maintenance or use of that part of the land leased to you.
This insurance does not apply to:
(1) Any "occurrence" that takes place after you cease to lease that land;
(2) Structural alterations, new construction or demolition operations performed by or on behalf of the owner or other interest from whom land has been leased.

i. If the additional insured is a mortgagee, assignee, or receiver, that person(s) or organization(s) is only an additional insured with respect to liability caused, in whole or in part, by the ownership, maintenance or use of the premises by you.
This insurance does not apply to structural alterations, new construction or demolition operations performed by or for that mortgagee, assignee, or receiver.

j. If the additional insured has a controlling interest, that person(s) or organization(s) is an additional insured but only for liability caused, in whole or in part, by:
(1) Their financial control of you; or
(2) Premises they own, maintain or control while you lease or occupy those premises.
This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that controlling interest.

k. If the additional insured is a vendor, that person(s) or organization(s) is only an additional insured with respect to "bodily injury" or "property damage" caused, in whole or in part, by "your products" which are distributed or sold in the regular course of the vendor's business, but only if this Policy provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".
(1) This insurance afforded to the vendor does not apply to:
(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
(b) Any express warranty unauthorized by you;
(c) Any physical or chemical change in the product made intentionally by the vendor;
(d) Repackaging, except when unpacked under the instructions of the manufacturer for the sole purpose of inspection, demonstration, testing or the substitution of parts and then repackaged in the original container;
(e) Any failure by the vendor to make inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of "your products";
(f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of "your products";
(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

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(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in subparagraphs **(d)** or **(f)**; or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of "your products".

(2) This insurance does not apply to any insured person or organization, from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

3. With respect to the insurance afforded to an additional insured as provided in Paragraphs **E.1.** and **E.2.** above, the most we will pay on behalf of the additional insured is the amount of insurance:

a. Required by the contract or agreement; or

b. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

With respect to the insurance afforded to an additional insured as provided in paragraphs **E.1.** and **E.2.** above, this insurance shall not increase the applicable Limits of Insurance shown in the Declarations.

4. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

a. This insurance does not apply to:

(1) "Bodily injury" or "property damage" occurring after:

(a) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or

(b) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

(2) "Bodily injury", "property damage" or "personal and advertising injury" caused by the rendering or failure to render any professional services.

5. **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**, Paragraph **4. Other Insurance** is amended to include:

For the purposes of this endorsement, this insurance shall be either primary, or primary and non-contributory if the written contract or written agreement between you and the additional insured requires primary, or primary and non-contributory status for the additional insured. This insurance shall be excess to any other policy providing additional insured coverage to the additional insured person or organization for the same claim or "suit".

F. **SECTION IV – CONDITIONS** is amended as follows:

1. **KNOWLEDGE AND NOTICE OF OCCURRENCE, OFFENSE, CLAIM OR SUIT**

Paragraph **2. Duties In The Event Of Occurrence, Offense, Claim Or Suit** is amended to add the following:

Your obligation to notify us as soon as practicable of an "occurrence", offense, claim or "suit" is satisfied if you send us written notice as soon as practicable after any of your "executive officers", directors, partners, insurance managers or legal representatives becomes aware of or should have become aware of such "occurrence", offense, claim or "suit".

2. **WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US**

The following is added to Paragraph **8. Transfer Of Rights Of Recovery Against Others To Us**:

We agree to waive any right of recovery we may have against any person or organization when such waiver is required by a written contract that you have agreed to prior to any "occurrence" "suit" or the offense which caused the "bodily injury", "property damage" or "personal and advertising injury", provided that the "occurrence", "suit" or the offense which caused the "bodily injury", "property damage" or "personal and advertising injury" arises out of your ongoing operations or "your work" done under a written contract with that person or organization and included in the "products-completed operations hazard".

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3. **FAILURE TO DISCLOSE HAZARDS**
The following is added to Paragraph **6. Representations**:
If you unintentionally failed to disclose all hazards or prior "occurrences" or offenses existing at the inception of this Policy but reported such error or omission to us as soon as practicable after discovery, then we will not deny coverage under this Coverage Part because of such failure.
This provision does not affect our right to collect any additional premium or exercise our right of cancellation or non-renewal.

G. **SECTION V – DEFINITIONS** is amended as follows:
1. **BODILY INJURY**
The definition of "bodily injury" in Paragraph **3.** is deleted and replaced by the following:
3. "Bodily injury" means:
(a) Bodily injury, sickness or disease sustained by a person, and also includes mental anguish or emotional distress provided such mental anguish or emotional distress results from any of these; and
(b) Death resulting from bodily injury, sickness or disease.
2. **EMPLOYEE**
The definition of "employee" in Paragraph **5.** is deleted and replaced by the following:
5. "Employee" includes a "leased worker" or a "temporary worker".
However, this definition does not apply to **COVERAGE A – BODILY INJURY AND PROPERTY DAMAGE LIABILITY** Paragraph **2. Exclusions**, sub-paragraph **e. Employers Liability**.
3. **INSURED CONTRACT**
The definition of "insured contract" in Paragraph **9.** sub-paragraph **f.** is deleted and replaced by the following:
f. That part of any other contract or agreement pertaining to your business (including an indemnification of a municipality in connection with work performed for a municipality) under which you assume the tort liability of another party to pay for "bodily injury" or "property damage" to a third person or organization. Tort Liability means a liability that would be imposed by law in the absence of any contract or agreement.
Paragraph **f.** does not include that part of any contract or agreement:
(1) That indemnifies an architect, engineer or surveyor for injury or damage arising out of:
(a) Preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
(b) Giving directions or instruction, or failing to give them, if that is the primary cause of the injury or damage; or
(2) Under which the insured, if an architect, engineer or surveyor, assumes liability for an injury or damage arising out of the insured's rendering or failure to render professional services, including those listed in **(1)** above and supervisory, inspection, architectural or engineering activities.
4. **EXTENDED DEFINITION OF "PERSONAL AND ADVERTISING INJURY"**
The definition of "personal and advertising injury" in Paragraph **14.b.** is deleted and replaced by the following:
Abuse of process; and malicious prosecution.

All other terms and conditions of the policy remain unchanged.

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Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
MDOT Bridge Rehabilitation Grant Application - Roll Call Vote

BACKGROUND:

MDOT is accepting Bridge Rehabilitation Grant applications for Fiscal Year 2025. The City-owned Dead River Bridge along County Road 550 is in need of repair work and is being recommended as a candidate for this grant. MDOT is requiring a resolution from the City Commission as part of the grant application.

FISCAL EFFECT:

The City would need to provide a 5% match ($22,500) to the $450,000 MDOT grant as a part of the Fiscal Year 2025 budget.

RECOMMENDATION:

Approve the resolution to apply for an MDOT grant for rehabilitation work on the Dead River Bridge along County Road 550, and authorize the Mayor and City Clerk to sign the resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Resolution Approving Grant Application
- Grant Information

Resolution
to Approve a Grant application for the Dead River Bridge Rehabilitation Work

WHEREAS, the City of Marquette is applying for an MDOT grant for the rehabilitation of the City owned bridge crossing the Dead River on County Road 550 (Wright Street) and funding is for fiscal year 2025 (FY25) and the estimated construction cost is $450,000 and the City would be responsible for a 5% grant match; and

THEREFORE, BE IT RESOLVED, that the Marquette City Commission hereby approves the submission of this grant application.

Adopted this 31st day of May 2022.

_____
Jennifer A. Mitchell Mayor

_____
Kyle Whitney, City Clerk

City of Marquette

Local Bridge Program

Call for Applications Funding Year 2025

County Road 550 Bridge over the Dead River Narrative

Local Agency Contact: Mikael Kilpela P.E.
Marquette City Engineer
mkilpela@marquettemi.gov
300 W. Baraga Marquette, MI 49855
(906) 225-8995

Type of Work: Rehabilitation of County Road 550 Bridge over the Dead River

All four abutment wingwalls are showing substantial surface deterioration from alkali reaction. The alkali reaction is being fed water from road and bridge runoff sheet-flowing over the top of all the wingwalls. Investigation has shown this deterioration to be within the first few inches of the surface. Proposed project would hand chip away surface deterioration to just behind first layer of reinforcing bar and replace with new concrete material. To address the runoff water causing the alkali deterioration, drain tile bedded in stone will be placed at the top and inside of wingwall to capture and direct road runoff away from the top of the walls.

The ends of the pier caps that stick out from under the deck and beam structure are also experiencing the same deterioration as the wingwalls. These too will be repaired as described above.

Economic Importance:

The County Road 550 Bridge over the Dead River provides access to Big Bay and vast areas of public access forest land north of Marquette. The detour route when this bridge is closed is 55 miles (see map). Economically this bridge supports primarily the industries of logging and recreation, logging being one of the leading industries in Marquette County. County Road 550 is the route logging trucks use to take material from north of the city to saw mills south and east of Marquette.

Recreation is another major industry in Marquette County. The Big Bay area and the twenty four miles of forest land between Big Bay and Marquette support excellent hunting and fishing. Countless streams and rivers here are pristine trout fisheries. Hunters hunt for deer, bear, grouse, rabbit and more. Other recreation opportunities include: hiking, canoeing, skiing, sight seeing, mountain biking and more.

Detours:

Currently the bridge is open with no closure or detour.

Closure:

The work of this project would not require a bridge closure.

Past Maintenance:

In 2012 due to suspected delamination of the deck, a deck patching project was initiated. When the worst two locations were chipped away, the reinforcement bars were in perfect condition. No delamination was found. During the same project, silane sealer was applied to the entire deck.

08.14.2012 14:02

2022

BRIDGE COST ESTIMATE WORKSHEET

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RELATED ROAD/TRAFFIC CONSTRUCTION BUDGET $□

CONTINGENCY	(10% - 20%) (□se □ig□e□ □on□ingen□y fo□s□all □o□e□s)	10	%	□332,000.00	□33,000
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INFLATION	(ass□□e 4% □e□yea□□eginning in 2023)	12	%	□402,000.00	□48,000

(Does not include PE or CE)

(Refer to programming guidelines in Bridge Cost Estimating Worksheet-Key for CE,PE & PE-S)

TOTAL CONSTRUCTION BUDGET		$450,000
17 % CE	CON BUDGET	$527,000
18 % PE	PE BUDGET	$0
18 % PE	PE-S BUDGET	$79,000

STR 6557 BRIDGE SAFETY INSPECTION REPORT

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition
COUNTY ROAD 550	46.572 / -87.4099	524422600033B01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
DEAD RIVER	193.9 / 40.4 / 3	City: MARQUETTE(4226)	
Location	**Built / Recon. / Paint / Ovly.**	**TSC**	**Operational Status**
IN MARQUETTE	1995 / / /	Ishpeming(14)	A Open, no restriction(A)
Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

NBI INSPECTION L3N3

Inspector Name	Agency / Company Name	Insp. Freq.	Insp. Date
Rich Kathrens, P.E.	Spicer Group, Inc.	24	07/28/2021

GENERAL NOTES

2021 Inspection performed early to adjust routine schedule to be in alignment with remaining inventory. Camelback Structure 110' to the north, used as multiuse path. Dam and Powerhouse south of structure.

DECK

	07/18	07/20	07/21	
1. Surface (SIA-58A)	7	7	6	Reflective cracks, 1/32" in width, in deck over all box beam joints, approximately 130 lft of cracking. Deck was sounded, and there is 65sft of delamination. Deck has two repair patches remain in good shape. (07/21) Reflective cracks in deck over all box beam joints do not appear to be getting wider. Still hairline. Two repair patches remain in good shape. (07/20) Reflective cracks in deck over box beam joints in almost all instances. Overall surface is in good shape. Previous deck repairs in very good conditions. (07/18)
2. Expansion Joints	7	7	6	Compression seals over piers. Minor Leaking evident on tops of piers. Areas of delamination noted adjacent to joint. (07/21) In good shape. No evidence of leaking. Concrete next to expansion joints in good shape with no spalling. (07/20) Rubber like new. Joint not leaking. Cracks exist approximately every 3 feet or so, but no spalling or concrete loss. (07/18)
3. Other Joints	5	5	4	HMA up to Concrete Deck. Joint between HMA and concrete is HPR. Sealant missing along joint and HMA is beginning to ravel. Settlement of asphalt where road meets bridge deck with about 1/4" inch gap. (07/21) Settlement of asphalt where road meets bridge deck with about 1/4" inch gap. (07/20) Settlement of asphalt at start of bridge deck. Gap is about 1/4 " wide. (07/18)
4. Railings	7	7	7	Steel beam guardrails on steel posts bolted to outside beam on each side of bridge. The N. rail has minor damage and is bent between posts 5w and 6w in Span 1w. (07/21) Guardrails bolted to outside beam on each side of bridge are in good shape with no repairs needed. (07/20) Guardrails are bolted to outside of box beam and deck on both sides of the bridge serving as railing also. No corrosion or collision damage to be seen. (07/18)
5. Sidewalks or Curbs	N	N	N	(07/21) (07/20) (07/18)
6. Deck Bottom Surface (SIA-58B)	N	N	N	Can not be seen because box beams block view. (07/21) Can not be seen because box beams block view. (07/20) Can not see because of box beams. (07/18)
7. Deck (SIA-58)	7	7	7	Concrete deck with 65sft of delamination and 130 lft of tight cracking. Hairline cracks over all box beam joints appear stable and are not deteriorating. (07/21) Deck is good condition. Hairline cracks over all box beam joints appear stable and are not deteriorating. (07/20) Overall deck is in good condition. Hairline cracks exist over almost all box beam joints. Previous deck repairs in excellent condition. (07/18)
8. Drainage				Surface drains to edge of deck. (07/21) (07/20) (07/18)

STR 6557 **BRIDGE SAFETY INSPECTION REPORT**

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition
COUNTY ROAD 550	46.572 / -87.4099	524422600033B01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
DEAD RIVER	193.9 / 40.4 / 3	City: MARQUETTE(4226)	
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Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

SUPERSTRUCTURE

	07/18	07/20	07/21	
9. Stringer (SIA-59)	7	7	7	13 P/S Concrete Boxbeams. Underside of box beams are like new. Shear cracks on ends of outside beams appear slightly more noticeable. Several grouted post tensioning pockets are breaking up on outside beams are in need of repair. (07/21) Underside of box beams are like new. Shear cracks on ends of outside beams appear slightly more noticeable. Several grouted post tensioning spots on outside beams are in need of repair. (07/20) Shear cracks on ends of outside box beams are the same as last inspection. The grout has fallen out of the pockets on outside beams used for post tensioning. Threaded anchors imbedded every 12.5 feet in side of outside box beams are not used but have rusted and stained side of beams. (07/18)
10. Paint (SIA-59A)	N	N	N	(07/21) (07/20) (07/18)
11. Section Loss	N	N	N	(07/21) (07/20) (07/18)
12. Bearings	8	8	8	Elastomeric pads, no problems noted. (07/21) These remain in excellent shape. (07/20) Elastomeric pads like new. (07/18)

SUBSTRUCTURE

	07/18	07/20	07/21	
13. Abutments (SIA-60)	5	5	5	Concrete abutments with surface coating. Top return walls in all 4 quadrants are map cracking from apparent alkali reaction and continues to worsen. These areas were sounded and was not delaminated. This deterioration is only in areas where abutment wall and top are exposed to the weather. Under the bridge the abutments are in good shape. Previous comment: Using a hammer drill showed that deeper than three inches the concrete is hard. (07/21) Map cracking from alkali reaction continues to get worse. This deterioration is only in areas where abutment wall and top are exposed to the weather. Under the bridge the abutments are in good shape. Using a hammer drill showed that deeper than three inches the concrete is hard. (07/20) Map cracking from alkali reaction on outside of all four abutment corners is more pronounced. These need to be fixed soon. Otherwise, the abutments under the bridge and out of the weather are in good shape. (07/18)
14. Piers (SIA-60)	7	7	7	Conc. pier with columns and cap. Lower portion of columns have surface sealer. Ends of the pier caps are experiencing map cracking and need to be repaired. P2w, west face has horizontal cracking at N. end, fine map cracking between C1 and C2s, and a Spall to steel at South end. (07/21) Just like the abutments the exposed nose ends of the pier caps are experiencing map cracking and need to be repaired. The piers are in excellent shape. (07/20) Piers are in good shape with no visible deterioration. The nose caps however are map cracked from alkali reaction where exposed to weather. The southeast pier cap nose is especially bad with some exposed rebar. This needs to be fixed soon. (07/18)
15. Slope Protection	7	7	N	Bridge over water, see channel and scour for comments. (07/21) Covered in vegetation and stable. (07/20) Covered with grass and in very stable condition. (07/18)
16. Channel (SIA-61)	8	8	8	Bedrock covered with rocks and boulders. Banks vegetated up and downstream. Very stable. (07/21) Bedrock covered with rocks and boulders. Very stable. (07/20) Rocks and boulders over bedrock. (07/18)

STR 6557 **BRIDGE SAFETY INSPECTION REPORT**

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition
COUNTY ROAD 550	46.572 / -87.4099	524422600033B01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
DEAD RIVER	193.9 / 40.4 / 3	City: MARQUETTE(4226)	
Location	**Built / Recon. / Paint / Ovly.**	**TSC**	**Operational Status**
IN MARQUETTE	1995 / / /	Ishpeming(14)	A Open, no restriction(A)
Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

17. Scour Inspection	8	8	8	Piers are anchored to bedrock and show no signs of deterioration. Rip rap along channel side of piers. Some displacement of rip rap exposing filter fabric below. (07/21) Piers are anchored to bedrock and show no signs of deterioration. (07/20) Piers are anchored to bedrock. Rip rap near aprons quite stable. (07/18)

APPROACH

	07/18	07/20	07/21	
18. Approach Pavement	5	5	5	Very little cracking and no spalling or pot holes. HMA surface is still about 1/2" below the concrete. (07/21) Very little cracking and no spalling or pot holes. Asphalt is still about 1/2" below the concrete. (07/20) Settlement of the asphalt of about 1/2" below concrete deck. Otherwise pavement is crack sealed and in good condition. (07/18)
19. Approach Shoulders Sidewalks	6	6	6	HMA shoulder in good condition. Steel beam on wood post approach railing. SW has 3 sections of rail that is damaged. (07/21) Asphalt shoulder in good condition. (07/20) Asphalt shoulder in good condition. (07/18)
20. Approach Slopes				(07/21) (07/20) (07/18)
21. Utilities				Overhead lines along south side of structure. (07/21) (07/20) (07/18)
22. Drainage Culverts				(07/21) (07/20) (07/18)

MISCELLANEOUS

Guard Rail

Item	Rating
36A. Bridge Railings	1
36B. Transitions	1
36C. Approach Guardrail	1
36D. Approach Guardrail Ends	1

Other Items

Item	Rating
71. Water Adequacy	9
72. Approach Alignment	9
Temporary Support	0 No Temporary Supports
High Load Hit (M)	No
Special Insp. Equipment	
Underwater Insp. Method	1

False Decking (Timber) Removed to Complete Inspection N/A - No False Decking

Critical Feature Inspections (SIA-92)

	Freq	Date
92A. Fracture Critical		
92B. Underwater		
92C. Other Special		
92D. Fatigue Sensitive		

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Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

SUPPORTING IMAGES L3N3 07/28/2021

Document Name: IMG_0097.JPEG
Category: Elevation
Span Number:
Comments: South elevation

Document Name: IMG_0075.JPEG
Category: Approach
Span Number:
Comments: Looking west

Document Name: IMG_0088.JPEG
Category: Approach
Span Number:
Comments: Looking east

Document Name: IMG_0087.JPEG
Category: Railing
Span Number:
Comments: Southwest approach rail damaged

STR 6557 BRIDGE SAFETY INSPECTION REPORT

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COUNTY ROAD 550	46.572 / -87.4099	524422600033B01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
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Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

Document Name: IMG_0089.JPEG
Category: Railing
Span Number:
Comments: North bridge rail, span 1W, damage to steel beam only

Document Name: IMG_0077.JPEG
Category: Deck
Span Number:
Comments: East end joint

Document Name: IMG_0079.JPEG
Category: Deck
Span Number:
Comments: Deck surface, looking west

Document Name: IMG_0083.JPEG
Category: Deck
Span Number: 2
Comments: Span 2, deck surface

STR 6557 **BRIDGE SAFETY INSPECTION REPORT**

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Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

Document Name: IMG_0081.JPEG
Category: Joints
Span Number:
Comments: Joint 2W, looking south

Document Name: IMG_0082.JPEG
Category: Joints
Span Number:
Comments: Joint 2W

Document Name: IMG_0084.JPEG
Category: Joints
Span Number:
Comments: 30' x 3' overlay, sounds debonded, near Joint 1W

Document Name: IMG_0085.JPEG
Category: Joints
Span Number:
Comments: Overlay sounds debonded along joint 1W

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Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

Document Name: IMG_0086.JPEG
Category: Joints
Span Number:
Comments: West end joint

Document Name: IMG_0090.JPEG
Category: Superstructure
Span Number:
Comments: Looking east along north side of structure

Document Name: IMG_0092.JPEG
Category: Superstructure
Span Number:
Comments: Beam 13S - post tensioning pockets missing some grout.

Document Name: IMG_0096.JPEG
Category: Superstructure
Span Number:
Comments: Beam 1S at north abutment

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Document Name: IMG_0099.JPEG
Category: Superstructure
Span Number: 2
Comments: Span 2S, few areas of water leaching through

Document Name: IMG_0109.JPEG
Category: Superstructure
Span Number: 3
Comments: Span 3W, looking south

Document Name: IMG_0111.JPEG
Category: Superstructure
Span Number: 3
Comments: Span 3W, beam 13S, corroded bar in east pocket

Document Name: IMG_0114.JPEG
Category: Superstructure
Span Number:
Comments: Beam 1S at Pier 2W

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Region / County	**Material / Design**	**Last NBI Inspection**	**Scour Evaluation**
Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

Document Name: IMG_0116.JPEG
Category: Superstructure
Span Number:
Comments: Beam 1S at east abutment, wet diag. cracks

Document Name: IMG_0091.JPEG
Category: Substructure
Span Number:
Comments: NW return wall and beam 13S, map cracking sounded solid

Document Name: IMG_0093.JPEG
Category: Substructure
Span Number:
Comments: Pier 1W, west side

Document Name: IMG_0094.JPEG
Category: Substructure
Span Number:
Comments: North abutment

STR 6557 **BRIDGE SAFETY INSPECTION REPORT**

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Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

Document Name: IMG_0095.JPEG
Category: Substructure
Span Number:
Comments: SW return wall, west map cracking throughout

Document Name: IMG_0098.JPEG
Category: Substructure
Span Number:
Comments: Pier 1W, south end

Document Name: IMG_0103.JPEG
Category: Substructure
Span Number:
Comments: Pier 2W, west face

Document Name: IMG_0104.JPEG
Category: Substructure
Span Number:
Comments: Pier 1W, north end of cap

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Superior(1) / Marquette(52)	1 Concrete / 05 Box Bm/Gird-Multiple	07/28/2021 / L3N3	8 Stable Above Footing

Document Name: IMG_0108.JPEG
Category: Substructure
Span Number:
Comments: Pier 2N, north end

Document Name: IMG_0110.JPEG
Category: Substructure
Span Number:
Comments: NE return wall

Document Name: IMG_0112.JPEG
Category: Substructure
Span Number:
Comments: East abutment

Document Name: IMG_0113.JPEG
Category: Substructure
Span Number:
Comments: Pier 2W, east face

STR 6557 **BRIDGE SAFETY INSPECTION REPORT**

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Document Name: IMG_0115.JPEG
Category: Substructure
Span Number:
Comments: SE return wall

Document Name: IMG_0117.JPEG
Category: Substructure
Span Number:
Comments: Pier 1W, east face

Document Name: IMG_0102.JPEG
Category: Slope Protection
Span Number:
Comments: East slope paving and channel protection

Document Name: IMG_0105.JPEG
Category: Slope Protection
Span Number:
Comments: West slope paving

STR 6557 **BRIDGE SAFETY INSPECTION REPORT**

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COUNTY ROAD 550	46.572 / -87.4099	524422600033B01	Fair Condition(5)
Feature	**Length / Width / Spans**	**Owner**	
DEAD RIVER	193.9 / 40.4 / 3	City: MARQUETTE(4226)	
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Document Name: IMG_0100.JPEG
Category: Channel
Span Number:
Comments: Looking north, downstream

Document Name: IMG_0101.JPEG
Category: Channel
Span Number:
Comments: Looking south, upstream

Document Name: IMG_0106.JPEG
Category: Channel
Span Number:
Comments: Terrain south of bridge

Document Name: IMG_0118.JPEG
Category: Channel
Span Number:
Comments: Channel protection at pier 2W

STR 6557 **BRIDGE SAFETY INSPECTION REPORT**

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Document Name: IMG_0076.JPEG
Category: Other
Span Number:
Comments: Camel back structure north of bridge

Document Name: IMG_0078.JPEG
Category: Other
Span Number:
Comments: Dam/Powerhouse south of structure

Document Name: IMG_0080.JPEG
Category: Other
Span Number:
Comments: North shoulder, looking west

Document Name: IMG_0107.JPEG
Category: Other
Span Number:
Comments: Dam/Powerhouse south of bridge

STR 6557 STRUCTURE INVENTORY AND APPRAISAL

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition
COUNTY ROAD 550	46.572 / -87.4099	524422600033B01	Fair Condition(5)
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Bridge History, Type, Materials

27 - Year Built	1995	
106 - Year Reconstructed		
202 - Year Painted		
203 - Year Overlay		
43 - Main Span Bridge Type	1	05
44 - Appr Span Bridge Type		
77 - Steel Type	0	
78 - Paint Type	0	
79 - Rail Type	1	
80 - Post Type	1	
107 - Deck Type	2	
108A - Wearing Surface	1	
108B - Membrane	0	
108C - Deck Protection	1	

Structure Dimensions

34 - Skew	0
35 - Struct Flared	0
45 - Num Main Spans	3
46 - Num Apprs Spans	0
48 - Max Span Length	99.7
49 - Structure Length	193.9
50A - Width Left Curb/SW	0
50B - Width Right Curb/SW	0
33 - Median	0
51 - Width Curb to Curb	40.4
52 - Width Out to Out	40.4
112 - NBIS Length	Y

Inspection Data

90 - Inspection Date	07/28/2021	
91 - Inspection Freq	24	
92A - Frac Crit Req/Freq	N	
93A - Frac Crit Insp Date		
92B - Und Water Req/Freq	N	
93B - Und Water Insp Date		
92C - Oth Spec Insp Req/Freq	N	
93C - Oth Spec Insp Date		
92D - Fatigue Req/Freq	N	
93D - Fatigue Insp Date		
176A - Und Water Insp Method	1	
58 - Deck Rating	7	
58A/B - Deck Surface/Bottom	6	N
59 - Superstructure Rating	7	
59A - Paint Rating	N	
60 - Substructure Rating	5	
61 - Channel Rating	8	
62 - Culvert Rating	N	

Navigation Data

38 - Navigation Control	0
39 - Vertical Clearance	0
40 - Horizontal Clearance	0
111 - Pier Protection	
116 - Lift Brdg Vert Clear	

Route Carried By Structure(ON Record)

5A - Record Type	1	
5B - Route Signing	5	
5C - Level of Service	1	
5D - Route Number	02018	
5E - Direction Suffix	0	
10L - Best 3m Unclr-Lt	0	0
10R - Best 3m Unclr-Rt	99	99
PR Number		
Control Section		
11 - Mile Point		
12 - Base Highway Network	0	
13 - LRS Route-Subroute	0000015661 06	
19 - Detour Length	8	
20 - Toll Facility	3	
26 - Functional Class	17	
28A - Lanes On	2	
29 - ADT	2812	
30 - Year of ADT	1994	
32 - Appr Roadway Width	40	
32A/B - Ap Pvt Type/Width	4	40.03
42A - Service Type On	1	
47L - Left Horizontal Clear	0.0	
47R - Right Horizontal Clear	40.4	
53 - Min Vert Clr Ov Deck	99	99
100 - STRAHNET	0	
102 - Traffic Direct	2	
109 - Truck %	4	
110 - Truck Network	0	
114 - Future ADT	3450	
115 - Year Future ADT	2014	
Freeway	0	

Structure Appraisal

36A - Bridge Railing	1
36B - Rail Transition	1
36C - Approach Rail	1
36D - Rail Termination	1
67 - Structure Evaluation	5
68 - Deck Geometry	6
69 - Underclearance	N
71 - Waterway Adequacy	9
72 - Approach Alignment	9
103 - Temporary Structure	
113 - Scour Criticality	8

Miscellaneous

37 - Historical Significance	4
98A - Border Bridge State	
98B - Border Bridge %	
101 - Parallel Structure	N
EPA ID	
Stay in Place Forms	
143 - Pin & Hanger Code	
148 - No. of Pin & Hangers	

Route Under Structure (UNDER Record)

5A - Record Type		
5B - Route Signing		
5C - Level of Service		
5D - Route Number		
5E - Direction Suffix		
10L - Best 3m Unclr-Lt		
10R - Best 3m Unclr-Rt		
PR Number		
Control Section		
11 - Mile Point		
12 - Base Highway Network		
13 - LRS Route-Subroute		
19 - Detour Length		
20 - Toll Facility		
26 - Functional Class		
28B - Lanes Under		
29 - ADT		
30 - Year of ADT		
42B - Service Type Under	5	
47L - Left Horizontal Clear		
47R - Right Horizontal Clear		
54A - Left Feature		
54B - Left Underclearance	99	99
54C - Right Feature		
54D - Right Clearance	99	99
Under Clearance Year		
55A - Reference Feature	N	
55B - Right Horiz Clearance	99.9	
56 - Left Horiz Clearance	0	
100 - STRAHNET		
102 - Traffic Direct		
109 - Truck %		
110 - Truck Network		
114 - Future ADT		
115 - Year Future ADT		
Freeway		

Proposed Improvements

75 - Type of Work		
76 - Length of Improvement		
94 - Bridge Cost		
95 - Roadway Cost		
96 - Total Cost		
97 - Year of Cost Estimate		

Load Rating and Posting

31 - Design Load	5		
41 - Open, Posted, Closed	A		
63 - Fed Oper Rtg Method	6		
64F - Fed Oper Rtg Load	2.16		
64MA - Mich Oper Rtg Method	6		
64MB - Mich Oper Rtg	1.15		
64MC - Mich Oper Truck	18		
65 - Inv Rtg Method	6		
66 - Inventory Load	1.08		
70 - Posting	5		
141 - Posted Loading			
193 - Overload Class			N

Printed on 05/06/2022

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Pride Festival - Special Event Permit

BACKGROUND:

Upper Peninsula Rainbow Pride is requesting a Special Event Permit for City Parks, Streets, Buildings and Grounds to use Mattson Lower Harbor Park for the purposes of Pride Fest 2022 on June 11, 2022. Staff has worked with the City Attorney and Upper Peninsula Rainbow Pride to develop the permit.

FISCAL EFFECT:

The General Fund will receive $775 plus miscellaneous fees for exclusive use of the Park.

RECOMMENDATION:

Approve the Special Event Permit for City Parks, Streets, Buildings and Grounds with Upper Peninsula Rainbow Pride, and authorize the Mayor and Clerk to sign the agreement.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Insurance
- Permit

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/27/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Shelly Malay
Elder Agency Shelly Malay 500 S. Third St. Marquette MI 49855	PHONE (A/C, No, Ext): (906) 228-9292 FAX (A/C, No): E-MAIL ADDRESS: smalay@elderagency.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Lloyds Syndicate 2623	AA-1128623
INSURER B : Lloyds Syndicate 623	AA-1126623
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

Upper Peninsula Rainbow Pride
Michael Bradford
PO Box 954
Marquette MI 49855

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [X] CLAIMS-MADE [ ] OCCUR Host Liquor Liability [X] Retail Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:	Y		EH-771322-L2768061	06/10/2022 12:01 AM	06/13/2022 12:01 AM	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (other than fire) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Deductible	$ 1,000,000 $ 1,000,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $ 1,000
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder listed below is named as additional insured per attached CG 20 26 07 04.
Attendance: 3000, Event Type: Festival & Cultural Event - Outdoor.

All premiums are paid to date

CERTIFICATE HOLDER

City of Marquette
300 W. Baraga Ave
Marquette MI 49855

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Shelly Malay

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
City of Marquette 300 W. Baraga Ave Marquette, MI 49855
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or

B. In connection with your premises owned by or rented to you.

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SPECIAL EVENTS PERMIT FOR CITY PARKS,
STREETS, BUILDINGS AND GROUNDS

THIS AGREEMENT, made this _____ day of _____, 2022 between CITY OF MARQUETTE, a Municipal Corporation, of 300 W. Baraga Avenue, Marquette, Michigan, 49855, hereinafter referred to as the "CITY", and UPPER PENINSULA RAINBOW PRIDE, a Michigan corporation with a mailing address of P.O. Box 954, Marquette, Michigan 49855, hereinafter referred to as "PERMITTEE".

INSTRUCTIONS - PERMITTEE shall comply with all sections of this permit with a darkened box (■) .

WITNESSETH:

■ (1) Description. The CITY in consideration of the terms, conditions, covenants and agreements to be performed by PERMITTEE, does hereby grant to PERMITTEE permission to use and occupy the following ["premises"]:

MATTSON LOWER HARBOR PARK

■ (2) Term. The term of this Permit shall be for June 11, 2022 from 1:00 p.m. until 11:00 p.m.

■ (3) Acceptance of Premises. PERMITTEE has examined and is satisfied with the physical condition of the premises, and accepts the premises in their "as is" condition.

■ (4) Use. PERMITTEE may use and occupy the premises for:

"PRIDE FEST"

and for no other reason. The use and occupancy shall only be under PERMITTEE'S name or any assumed name of PERMITTEE. PERMITTEE shall not use or knowingly allow any part of the premises to be used for any unlawful purpose. In the event of any violation of this provision the CITY at its sole discretion may terminate this Permit and expel PERMITTEE from the premises. PERMITTEE waives, releases and relinquishes all claims of right or interest in the premises, other than as granted pursuant to this Permit.

■ (5) Fees. PERMITTEE shall be responsible for paying the following fees in connection with the use of the PREMISES:

Mattson Park	**$775 1st day**
Staging/stairs	**$20/section**
Trash drum liners (@ current cost)	**$_____** **

**PERMITTEE may pickup 55-gallon trash drums from the CITY for use during the event and must return the drums to the City no later than 5:00 p.m. the Monday immediately after the event ends.

■ (6) Clean-up, Repairs, Maintenance and Damage. PERMITTEE shall be solely responsible for clean-up of the premises and the repair expense for any damage caused to the premises throughout the term of this Permit. PERMITTEE shall, at the direction of the CITY, provide a sufficient number of dumpsters and trash collection cans for the event. PERMITTEE will be responsible to reimburse the CITY for out-of-pocket costs (i.e. tipping fee) associated with trash removal and disposal. The CITY strongly encourages PERMITTEE to utilize volunteers for clean-up.

PERMITTEE shall take good care of and shall keep the premises, including its fixtures and furnishings, in a clean, safe, orderly and sanitary condition including, but not limited to, keeping all sidewalks, parking areas, alleys, roadways and facilities/areas which are a part of the premises, neat and clean; guarding all defects on the premises which may be a hazard to the general public and business invitees; and promptly removing all debris or any other material which may be a hazard to the general public and business invitees. PERMITTEE shall promptly make all repairs which are required to maintain the premises in the condition which existed upon the commencement of its actual use and occupancy. PERMITTEE shall not be required to repair plumbing and electrical components of the premises for damages which is not caused by the PERMITTEE, its guests or invitees. At the termination of this Permit, PERMITTEE shall yield and deliver up the premises in like condition, reasonable use and wear thereof and damage by the elements exempted.

■ (7) Clean-up and Damage Bond. PERMITTEE shall deposit with the Parks and Recreation Department a clean-up and damage bond in the form of cash or certified check payable to the CITY, in the amount of $250.00. This will correlate with the type of insurance required. The bond should be deposited with the Community Services Department - Parks and Recreation Division at the time the application is submitted, when possible, but is required prior to the permit being presented to the City Commission for approval. The bond shall be processed to be returned to PERMITTEE, without interest, within seven (7) days after all of the following have occurred:

(a) PERMITTEE has complied with all terms of this Permit, including completely vacating the premises by the required time period.

(b) the term of the Permit has expired;

(c) PERMITTEE has fully performed the restoration and clean-up of the premises to an "as-is" or better condition as prior to the event; and

(d) PERMITTEE has paid all fees set forth herein.

Should PERMITTEE fail to comply with any of these terms, the CITY may retain the clean-up and damage bond and if the amount thereof is insufficient, pursue all other remedies.

■ (8) Electrical Permits. For any event, carnival or fair connecting to or modifying an existing electrical source or service, PERMITTEE covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. An electrical permit shall be obtained two (2) weeks prior to the event and a copy shall be provided to the Community Services Department - Parks & Recreation Division office at least one (1) week prior to the event. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service.

■ (9) All Utilities. The CITY agrees to allow PERMITTEE to use existing electrical and water services for food and beverage concessions, lighting and audio equipment. However, the CITY shall not be responsible for any damages whatsoever due to any interruption in electrical, water or other services.

There shall be no modification or alteration of the CITY's electrical supply boxes or other equipment, unless prior approval has been obtained from the CITY and any work is approved by the CITY's electrical inspector. All such work must be done by a licensed electrical contractor at PERMITTEE'S sole expense.

■ (10) Reimbursement of Utility Costs. PERMITTEE shall reimburse the CITY the sum of $300.00 for the costs of electric, water and other utility services utilized by the PERMITTEE, its vendees and concessionaires.

■ (11) Signs. PERMITTEE shall be entitled, at PERMITTEE'S own expense, to install signs and banners along the premises. Signs shall comply with the Zoning Chapter of the Marquette Code of Ordinances.

■ (12) Insurances. CERTIFICATES OR OTHER EVIDENCE OF ALL REQUIRED COVERAGES AND ENDORSEMENTS MUST BE FILED WITH THE COMMUNITY SERVICES DEPARTMENT - PARKS & RECREATION DIVISION NO LATER THAN THE DATES LISTED WITH EACH TYPE OF INSUARNCE. FAILURE TO ABIDE BY THE REQUIRED DATES WILL RESULT IN THE EVENT BEING CANCELLED OR RESTRICT THE TYPE OF ACTIVITY THAT MAY OCCUR AT THE EVENT.

■ General Liability

PERMITTEE shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death, to persons and property which may arise out of, result from or be caused by PERMITTEE'S use or

occupancy of the premises or its operations conducted thereon, with occurrence and aggregate limits of not less $1,000,000, per occurrence.

THE CITY, ITS OFFICERS AND EMPLOYEES SHALL BE NAMED AN ADDITIONAL INSURED AND THIS COVERAGE SHALL BE ENDORSED ON THE CERTIFICATE AND POLICY "AS BEING PRIMARY TO THE CITY, AND NOT IN EXCESS OF ANY OTHER INSURANCE, SIMILAR PROTECTION (E.G. RISK MANAGEMENT ASSOCIATION) OR ANY OTHER VALID, APPLICABLE, OR COLLECTABLE INSURANCE OR SELF-INSURANCE WHICH IS OR MAY BE AVAILABLE TO OR CARRIED BY THE CITY."

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in cancellation of the event.

- Liquor Liability.

PERMITTEE or its designee (for example, a local service club) shall carry liquor liability insurance with combined limits of not less than $500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

PERMITTEE shall, no later than 7 days prior to the Event, provide the CITY with a certificate or other evidence of liquor liability insurance coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

- Motor Vehicle Liability

PERMITTEE shall also obtain and maintain vehicle liability coverage for all owned, non-owned and hired motor vehicles which may be operated, maintained or used on the premises. Minimum combined limits of $500,000 shall be maintained.

PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes

in the coverage. Failure to abide by this provision will result in the prohibition of use of any motor vehicle at the event.

- Food

  PERMITTEE or its designee shall carry products and completed operations coverage insurance with combined limits of not less than $500,000 insuring for any and all damage and liability which may be caused by, related to or arise out of the sale, furnishing, giving, distribution or consumption of food on the premises.

  PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of food at the event.

- Other insurance.

  If PERMITTEE employs any independent contractor or others for any purpose whatsoever in relation to its use or occupancy of the premises, or for any operations or maintenance connected therewith, PERMITTEE shall obtain and maintain, or cause said independent contractor to obtain and maintain, policies of workers compensation insurance and such other liability insurance of the types and in the amounts outlined above which will provide coverage to the CITY, its officer and employees for all claims which may arise out of, result from or be caused by that work.

  PERMITTEE shall, no later than 30 days prior to the Event, provide the CITY with a certificate or other evidence of the required coverage. The certificate or other evidence of coverage shall provide a thirty (30) day written notice to the CITY in the event of cancellation or material changes in the coverage. Failure to abide by this provision will result in the prohibition of use of any independent contractor or other person or entity in connection with the event.

- (13) Indemnity. PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the CITY, its officers or employees, in whole or in part by reason of PERMITTEE'S acts or omissions, or by its use or occupancy of or its operations on the premises or by reason of any other person on the premises by contract, invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death,

to any person, PERMITTEE shall give notice to the CITY within twelve (12) hours after the occurrence thereof or after PERMITTEE learns of such occurrence.

The indemnity, defense and hold harmless requirements shall include and extend to bodily injury to any person or injury to any property of PERMITTEE, its employees and all persons on the premises by contract, invitation or consent.

All property kept, stored or maintained in the premises shall be so kept, stored or maintained at the risk of PERMITTEE only.

■ (14) Right of Inspection and Access. The CITY may enter the premises at any time to examine, inspect and to do whatever the CITY may deem necessary or desirable to determine compliance with or to enforce the terms of the permit. Marquette police, fire and other enforcement personnel shall have unrestricted access to the premises at all times.

■ (15) Compliance With Rules and Regulations. PERMITTEE shall abide by all laws, statutes, ordinances, governmental orders, rules and regulations which control or in any manner affect or relate to the use or occupancy of the premises, or operations conducted thereon.

■ (16) Concessions. PERMITTEE or its designees shall be allowed to sell assorted food and beverage items and to run concession stands during the term of the Permit. PERMITTEE or its designee shall obtain all necessary licenses and/or permits from the appropriate state, county or city governmental authorities. All concessions will be closed by 11:00 p.m. each day. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 2 weeks prior to the event. PERMITTEE shall submit a list of all food concessionaires to the Fire Marshall's office one (1) week prior to the event. PERMITTEE shall notify and require the following of all food concessionaires:

(a) A fire extinguisher shall be provided in all tents and in all areas and enclosures used for cooking.

(i) The fire extinguisher shall be a 1A:20B: C type, a minimum of 5 pounds.

(ii) Proof that the fire extinguisher has been serviced within the last year is required.

(iii) The extinguisher shall be tagged with the date and service provider.

(iv) If the fire extinguisher was purchased within the last year, a sales slip must be provided.

(v) The unit shall be mounted on the center post of each tent, not more than five (5) feet of the ground and accessible for use in an emergency.

(b) All propane tanks used for cooking shall be secured so as to prevent tipping. The tanks shall be remote from congested areas.

(c) Only approved, heavy-duty extension cords shall be used and all electrical connections shall be protected.

If the vendor fails to comply with these requirements, they will not be permitted to participate in the event.

■ (17) Alcoholic Beverages. PERMITTEE or its designee shall be allowed to sell and/or furnish beer and wine on the premises as follows:

June 11, 2022 from 1:00 p.m. until 10:00 p.m.

PERMITTEE is solely responsible for obtaining all necessary licenses and permits in order to sell and/or furnish alcohol products. A copy of each license and/or permit obtained by PERMITTEE must be provided to the Parks & Recreation Department no later than 7 days prior to the event. Failure to abide by this provision will result in the prohibition of the sale, furnishing, giving, distribution or consumption of alcohol beverages at the event.

If an additional day is needed for the event due to inclement weather, the time for selling and/or furnishing beer and wine on the premises shall be from _____ a.m. / p.m. until _____ a.m. / p.m. on _____, 20__. The sale, furnishing and consumption of alcoholic beverages is specifically conditioned upon PERMITTEE or its designee obtaining and maintaining the appropriate license or permit from the Michigan liquor control commission at all relevant times and on PERMITTEE or its designee obtaining and maintaining liquor liability insurance as required in this Permit.

■ (18) Exclusive Use. PERMITTEE shall have the exclusive use of the premises during the term of this permit.

■ (19) Admission. PERMITTEE may charge admission to the general public to enter premises. Entry shall not be denied to any individual based upon race, sex, age, creed, or national origin.

■ (20) Police and Fire Protection. PERMITTEE shall fully reimburse the CITY at overtime and fringe benefit rates for all additional police and/or fire department officers who are assigned to the premises, or the vicinity thereof, because of the use or occupancy thereof by PERMITTEE.

■ (21) Parking and Traffic. PERMITTEE shall prohibit all motor vehicles in or on the premises and shall cause all streets and alleys to be properly barricaded and signed. All motor vehicles shall be operated only on established roads and parked in designated areas. All fire lanes and no parking zones shall be maintained during the event.

■ (22) Health and Sanitation Facilities. PERMITTEE shall furnish and maintain a sufficient number of portable bathrooms and washing facilities, at PERMITTEE'S expense. This number shall be determined by the Marquette County Health Department. Each bank or group of portable restrooms shall have a minimum of one (1) barrier free/ADA compliant restroom. A bank or group consists of ten (10) or less portable restrooms.

■ (23) Compliance with PERMITTEE'S Representations. PERMITTEE shall fully comply with all representations and promises set forth in its Application for Special Events Permit

□ (24) Equipment and Services. The CITY agrees to have the following equipment and services available during the term of this Permit:

_____

_____

_____.

■ (25) Security. It shall be PERMITTEE'S sole responsibility to provide security throughout the term of the event. The Chief of Police or designee shall establish the number of security personnel whom PERMITTEE shall be required to have on the premises. The security shall be provided by a licensed and certified security agency, whose members shall be in identifiable uniforms.

■ (26) Bleachers, Booths, Fencing and Tents. PERMITTEE shall be solely responsible for the construction and removal of any bleachers, booths, fencing, tents or structures used during the course of the event.

■ (27) Reimbursement of Other Costs. PERMITTEE shall reimburse the CITY for all cost relating to the use of barricades, fencing, bleachers and other facilities and equipment provided by the CITY. PERMITTEE, on behalf of the organization, agrees to reimburse the City of Marquette for its "out-of-pocket" expenses which includes but is not limited to overtime of City employees and trash disposal tipping fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of Marquette invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days.

■ (28) Tents. All tents or air supported structures used during the term of the permit shall comply with Section 31 of the Michigan Building Code and Section 24 of the International Fire Code. Material of all tents shall be of non-combustible material or flame resistant material conforming to NFPA 701, treated in an approved manner to render the material flame resistant. Appropriate documentation must be presented to any Building Code Enforcement Officer, Fire Official or other Code Official upon request. A copy shall also be retained on the premises where the tent is located. The documentation must attest to the following information relative to the flame resistance of the fabric:

(a) Name and address of the owners of the tent or air supported structure.

(b) Date the fabric was last treated with flame resistant solution.

(c) Trade name of kind of chemical used in treatment.

(d) Name of person or firm treating the material.

(e) Name of testing agency and test standard by which the fabric was treated.

If more than one tent or air supported structure is located on the premises a copy of all required documentation for each tent or structure shall be kept at a central location on the premises. The use of gasoline, gas, charcoal or any other cooking devices or any unapproved flame inside or within 20 feet of a tent or other air supported structure is strictly prohibited.

■ (29) Fire.

(a) No open flames or explosives shall be permitted for decoration, display or use without permission from the Fire Department.

(b) The use of paper or fabric for coverings or decoration shall not be permitted unless proof is submitted to the Fire Department that such materials are flame proof.

(c) All seating capacity and room arrangements shall be approved by the Fire Department.

(d) An access lane, a minimum of eighteen (18) feet wide, shall be maintained leading into and out of the event so that emergency vehicles can enter in case of an emergency.

(e) Barricades or any type of obstruction which could impede or interfere with fire suppression forces shall not be erected.

■ (30) Music. PERMITTEE shall be solely responsible for obtaining the appropriate license to present any music covered by copyright, whether by live performance, recorded music or retransmission of radio and/or television broadcast. The PERMITTEE covenants and agrees to indemnify, protect, defend and save the CITY, it officers and employees harmless from any claim, action or suit or for any loss, liability and damages that may be asserted or levied against the CITY, its officers or employees, based in whole or in part upon a claim of copyright infringement.

■ (31) Conditions/Requirements. Additional conditions and requirements of this permit are as follows:

PERMITTEE has permission to begin setting up on June 10, 2022 at 8:00 a.m. and must have all items removed from the premises by 12:00 p.m. (noon) on Jun 12, 2022. PERMITTE will be charged $265.00 for each day after 12:00 p.m. (noon) on June 12, 2022 that any equipment, trailer, vehicle, tent or other item remains on the premises. Temporary Food Permit(s) through the Marquette County Health Department and Alcohol license(s) and permit(s) must be obtained by PERMITTEE and provided to the Parks and Recreation Department no later than 2 weeks prior to the event.

■ (32) Cancellation or Modification. It is understood and agreed that ten (10) days advance written notice of any cancellation, reduction and/or material changes in the proposed agenda will be provided to the Community Services Director, City of Marquette, 401 East Fair Avenue, Marquette, Michigan, 49855.

■ (33) Duplicate Original Copies. This Permit is executed in triplicate original copies, two of which shall be retained by the CITY and one by PERMITTEE, each of which shall be deemed to be an original, but all of which shall be construed as one and the same document.

■ (34) Governing Law. This Permit and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Michigan.

■ (35) Paragraph Headings. The paragraph headings appearing in the Permit have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope or intent of the paragraphs to which they appertain.

■ (36) Entire Agreement. This Permit represents the entire agreement of the parties and shall be deemed to be an integrated agreement containing all prior and contemporaneous oral and written agreement between the parties, and shall not be modified in any part, except in a writing signed by all parties.

IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO DESIGNATE A SPECIFIC LOCATION ON THE PREMISES AS ITS HEADQUARTERS AND TO HAVE AVAILABLE AT THAT LOCATION, AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC AND DURING SET UP OR CONSTRUCTION, AT LEAST ONE PERSON WHO HAS THE KNOWLEDGE AND AUTHORITY TO REPRESENT PERMITTEE CONCERING ALL ACTIVITIES CONDUCTED UNDER THE TERMS OF THE PERMIT. FAILURE TO COMPLY WITH THIS SECTION OR ANY OTHER TERM OF THE PERMIT SHALL BE CAUSE FOR THE CITY MANAGER, CHIEF OF POLICE, FIRE CHIEF, OR DESIGNEE TO IMMEDIATELY REVOKE THIS SPECIAL EVENTS PERMIT AND TO REQUIRE PERMITTEE TO VACATE THE PREMISES.

The parties hereto have hereunto set their hands and seals the day and year first above written.

CITY OF MARQUETTE

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

Approved as to Substance:

Karen M. Kovacs, City Manager

Approved as to Form:

Suzanne C. Larsen, City Attorney

UPPER PEINSULA RAINBOW PRIDE

By: Michael Bradford
Its: Festival Director

By: Dale R. Weingartner
Its: Member at large

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote

Resolutions for Unpaid Stormwater and Unpaid Water and Wastewater - Roll Call Vote

BACKGROUND:

Chapter 48-194 of the City Code states, "Unpaid stormwater service charges shall constitute a lien against the property affected from the date the charges were incurred. Charges which have remained unpaid for a period of three (3) months prior to April 1 of any year may, after notice to the owner, by resolution of the City Commission, be certified to the City Assessor who shall place the charges on the City Tax Roll."

Chapter 48-123 of the City Code states, "Charges for water and wastewater services shall constitute a lien against the property served, and if not paid within three (3) months after the same is due, the official in charge of the collection thereof shall, prior to April 1 and October 1, certify to the City Assessor the facts of such delinquency, whereupon the City Assessor shall enter such delinquent charges upon the next general City Tax Roll as a charge against such premises, and the lien thereof shall be enforced in the same manner as provided by law for delinquent and unpaid taxes."

FISCAL EFFECT:

$1,214.35 plus accruing interest and penalty for delinquent stormwater, and $47,061.72 plus accruing interest and penalties for delinquent water/sewer accounts.

RECOMMENDATION:

Adopt the Resolutions to place unpaid stormwater, water and wastewater utility charges on the next City Tax Roll for collection, and authorize the City Clerk to sign the Resolutions.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Resolution for Unpaid Stormwater
- Resolution for Unpaid Water and Wastewater
- Delinquent Stormwater
- Delinquent Water and Wastewater

□ES□LU□I□N □□ □ UNPAID S□□ □□ □ A□E□

WHEREAS, the City of Marquette has adopted a Stormwater Utility Ordinance, Chapter 48 of the City Code□and,

WHEREAS, each parcel in the City of Marquette is assessed a proportionate share of the cost of the utility□and,

WHEREAS, the attached list of property owners have not paid their stormwater utility charges, which were delinquent three months prior to April 1, 2022, and have been so notified.

NOW, THEREFORE, IT IS RESOLVED, that the attached list of unpaid stormwater utility charges shall be certified to the Marquette City Assessor to be placed on the next city tax roll for collection.

The foregoing resolution offered by Commissioner □□□□□□□□□□□□□□□□□□□□□□□□□□□and supported by Commissioner □□□□□□□□□□□□□□□□□□□□□□□□□□□.

AYES:

NAYS:

ABSENT:

ABSTENTION:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of the resolution adopted by the City Commission of the City of Marquette, County of Marquette, Michigan, at a regular meeting held on May 31, 2022.

□□□□□□□□□□□□□□□□□□□

□ES□LU□I□N FOR UNPAID W A T E R & □ AS□E□ A□E□

WHEREAS, the City of Marquette has adopted a Water and Sewage Rates Ordinance, Chapter 48 of the City Code; and,

WHEREAS, each parcel in the City of Marquette is assessed a proportionate share of the cost of the utility; and,

WHEREAS, the attached list of property owners have not paid their water and wastewater charges, which were delinquent three months prior to April 1, 2022, and have been so notified.

NOW, THEREFORE, IT IS RESOLVED, that the attached list of unpaid water and wastewater charges shall be certified to the Marquette City Assessor to be placed on the next city tax roll for collection.

The foregoing resolution offered by Commissioner _____ and supported by Commissioner _____

AYES:

NAYS:

ABSENT:

ABSTENTION:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of the resolution adopted by the City Commission of the City of Marquette, County of Marquette, Michigan, at a regular meeting held on May 31, 2022.

_____

□yle Whitney, Clerk

Parcel	Amount	Account	Incurred by address	Incurred by city state zip	Service address	Owner
0090751	74.68	5561022002	234 BLEMHUBER AVE	Marquette, MI 49855-4914	231 NEWBERRY ST	GORSALITZ, JOSHUA / HEIDI
0110340	98.63	4008089103	525 HIGH STREET	MARQUETTE, MI 49855-3816	421 S THIRD ST	MAJORS RENTALS LLC
0110880	75.39	4006037001	11185 LOST ARROW	LITTLETON, CO 80125-9282	234 FISHER ST	DOBRZENSKI, MARY JO / ET AL
0150830	427.3	680076104	424 N 3RD ST	Marquette, MI 49855-3555	130 W MAIN ST	PHOENIX LANE LLC
0220441	128.3	5560162001	110 AIRPORT RD	Negaunee, MI 49866-9526	701 W WASHINGTON ST	O'DOVERO, PETER E
0240290	46.78	4008173702	PO BOX 537	Marquette, MI 49855-0537	528 W BARAGA AVE	NORTHERN GREEN PROPERTIES LLC
0261493	126.2	6496036701	4538 BUNKER HILL DR	BETTENDORF, IA 52722-1761	W RIDGE ST	BEAUCHAMP, AMY P / SAMUEL
0271110	74.68	5561054001	65 MISTIC AVE	ROCKPORT, ME 04856-5732	1101 LOGAN ST	VENETJOKI, ARI
0470470	162.39	8046135603	1727 WILKINSON AVE	Marquette, MI 49855-2126	1903 PRESQUE ISLE AVE	MCQUAID, DANIEL J

Total **1214.35**

Parcel	Amount	Account	Incurred by	Incurred by address	Incurred by city state zip	Service address	Owner	Owner address	Owner city state zip
0010500	$ 3,108.61	202164002	WARREN CATHERINE	1096 S LAKE ST	MARQUETTE, MI 49855-5227	1096 S LAKE ST	WARREN, CATHERINE	1096 S LAKE ST	MARQUETTE, MI 49855
0070041	$ 1.74	5500106401	AFFORDABLE NEON ENTERPRISES	112 VISTA HILLS TRAILS	MARQUETTE, MI 49855-9077	1157 TIERNEY ST	AHOLA, AMY	515 W BLUFF ST	MARQUETTE, MI 49855
0071231	$ 298.84	2049023109	VERHAGEN CHRISTINA	1402 ALTAMONT ST	MARQUETTE, MI 49855-5015	1402 ALTAMONT ST	SCHRAMM'S SUPERIOR PROPERTIES LLC	PO BOX 751	MARQUETTE, MI 49855
0081150	$ 454.37	2003113701	DUPRAS CAROLYN	318 JACKSON ST	Marquette, MI 49855-4938	318 JACKSON ST	DUPRAS, ERIC / CAROLYN	318 JACKSON ST	MARQUETTE, MI 49855
0090730	$ 576.64	204089004	JAAKOLA BRIDGETTE	214 NEWBERRY ST	MARQUETTE, MI 49855-4942	214 NEWBERRY ST	JAAKOLA, BRIDGETTE M	214 NEWBERRY ST	MARQUETTE, MI 49855
0110330	$ 45.33	4008090404	MORLEY SHELLEY	525 HIGH STREET	MARQUETTE, MI 49855-3816	425 S THIRD ST	MAJORS RENTALS LLC	425 S THIRD ST	MARQUETTE, MI 49855
0120050	$ 1,890.02	4008122108	FUSE MARK	423 W BARAGA AVE	MARQUETTE, MI 49855-4515	423 W BARAGA AVE	FUSE, MARK L	423 W BARAGA AVE	MARQUETTE, MI 49855
0120740	$ 377.64	4006101004	CELESKEY MARK	428 FISHER ST	MARQUETTE, MI 49855	428 FISHER ST	TAKASH, MICHAEL J / LISA S	428 FISHER ST	MARQUETTE, MI 49855
0130092	$ 829.62	4006148103	MELDRUM PETER	414 S SEVENTH ST	MARQUETTE, MI 49855-4508	414 S SEVENTH ST	MELDRUM, PETER R	414 S SEVENTH ST	MARQUETTE, MI 49855
0172870	$ 520.77	4818083302	LACKEY TONY/ DAWN	526 E HEWITT AVE	Marquette, MI 49855-3716	526 E HEWITT AVE	LACKEY, ANTHONY N / DAWN M	526 E HEWITT AVE	MARQUETTE, MI 49855
0180070	$ 288.23	5232037302	HAMBLETON PATRICK	603 HIGH ST	MARQUETTE, MI 49855-3717	603 HIGH ST	HAMBLETON, PATRICK E - LIFE ESTATE	603 HIGH ST	MARQUETTE, MI 49855
0180300	$ 6,363.32	3429130002	HYDE & SWAJANEN	600 N THIRD ST #A	MARQUETTE, MI 49855-3520	600 N THIRD ST	MORE COWBELL LLC	600 N THIRD ST STE A	MARQUETTE, MI 49855
0181050	$ 473.80	5220080607	PRISK TIM	120 E MICHIGAN ST	MARQUETTE, MI 49855-3822	120 E MICHIGAN ST	PRISK, TIMOTHY L	120 E MICHIGAN ST	MARQUETTE, MI 49855
0190740	$ 479.59	5614165731	STITZ-BERRY KATELUND	539 W RIDGE ST	MARQUETTE, MI 49855-4117	539 W RIDGE ST	MELDRUM, JOSEPH E II	3005 YOUNG LN	HOOD RIVER, OR 97031
0190760	$ 264.36	5614167910	JOHNSON ERIK	531 W RIDGE ST	Marquette, MI 49855-4117	531 W RIDGE ST	JOHNSON ERIK / LISA JACKSON-	531 W RIDGE ST	MARQUETTE, MI 49855
0230440	$ 196.19	1028144126	LAING HUNTER	626 N FOURTH ST	MARQUETTE, MI 49855-3405	626 N FOURTH ST	MICHELSEN, DANIEL E	334 IRON STREET UNIT C	NEGAUNEE, MI 49866
0230690	$ 511.80	5621142101	SELLE MARGUERITE	N7030 CONNORS RD	MUNISING, MI 49862-9202	316 W MICHIGAN ST	SELLE, MARGUERITE	N7030 CONNORS RD	MUNISING, MI 49862
0240170	$ 827.95	4010005120	JACOBY JENNIFER/ROBERT	441 W SPRING	MARQUETTE, MI 49855-4531	441 W SPRING ST	JACOBY, JENNIFER K / ROBERT	441 W SPRING ST	MARQUETTE, MI 49855
0240360	$ 10.67	4008228004	COPEMAN-SALO JAMIE	222 S 5TH ST APT 807	MARQUETTE, MI 49855-4535	529 W SPRING ST	ROOT, CARLIE R / ELIZABETH A	9044 WARNER RD	HASLETT, MI 48840
0250182	$ 217.82	5614199003	MCQUATER BRET	900 LANDON LN	TRAVERSE CITY, MI 49696-8846	434 W RIDGE ST	VERBRIGGHE, MATTHEW J / MARIA H	434 W RIDGE ST	MARQUETTE, MI 49855
0281591	$ 523.72	6496074104	ROLLINS KYLE	931 SHERMAN ST	MARQUETTE, MI 49855-3203	931 SHERMAN ST	TENBRINK, BLU G	PO BOX 907	MARQUETTE, MI 49855
0281610	$ 311.02	6496069207	ALDRED AIYANA	921 SHERMAN ST	MARQUETTE, MI 49855-3203	921 SHERMAN ST	ALDRED, AYANA	9527 US HIGHWAY 41 S	SKANDIA, MI 49885
0290080	$ 741.08	7234073312	RADTKE ALEXIS	516 HARRISON ST	MARQUETTE, MI 49855	516 HARRISON ST	BIRCHFIELD III, JAMES D / LIHUA ZHA	853 SW 18TH TER	CAPE CORAL, FL 33991-3337
0290301	$ 891.30	7236014002	GALLOWAY BREE	714 N 7TH ST	Marquette, MI 49855-3308	714 N SEVENTH ST	TAYLOR, BREE M	714 N SEVENTH ST	MARQUETTE, MI 49855
0300290	$ 16.70	7234023002	HARING RONALD	351 HARRISON ST	MARQUETTE, MI 49855-3315	351 HARRISON ST	KM-UP PROPERTIES LLC	411 CENTER ST	MARQUETTE, MI 49855
0310010	$ 684.56	1023209703	JONES JEREMY	221 W CRESCENT ST	Marquette, MI 49855-3413	221 W CRESCENT ST	JONES, JEREMY L / BRANDY E	221 W CRESCENT ST	MARQUETTE, MI 49855
0310420	$ 2,608.10	1028081006	LIPP GREGORY	1001 N FOURTH ST	MARQUETTE, MI 49855-3412	1001 N FOURTH ST	LIPP, GREGORY M	1001 N FOURTH ST	MARQUETTE, MI 49855
0330070	$ 692.05	1030159115	ENRIGHT MINGUS	718 N FRONT ST	MARQUETTE, MI 49855-3530	718 N FRONT ST	906 PROPERTY MANAGEMENT LLC	633 WINDCREST DR	MARQUETTE, MI 49855
0350460	$ 295.26	5223231412	LAFATA JOHN	119 E CRESCENT ST	MARQUETTE, MI 49855-3614	119 E CRESCENT ST	SEAMAN, SCOTT K/ MARGARET J (TRUST)	2001 W FAIR AVE	MARQUETTE, MI 49855
0350850	$ 75.00	5232072105	LOSEE ALEXIS	2090 VAN EVERA	MARQUETTE, MI 49855	921 HIGH ST	JONES, STEPHANIE J	606 N SIXTH ST	MARQUETTE, MI 49855
0360551	$ 471.87	5232066203	MELDRUM EARING PATRICIA	266 MT VERNON	GROSS POINTE FARMS, MI 48236-3437	828 HIGH ST	MELDRUM, PATRICIA	266 MT VERNON AVE	GROSS POINTE FARMS, MI 48236
0361410	$ 410.26	5222044002	EMMENDORFER EMILY	221 E HEWITT AVE	MARQUETTE, MI 49855-3709	221 E HEWITT AVE	EMMENDORFER, DANIEL/ZENTI,CHRISTINE	221 E HEWITT AVE	MARQUETTE, MI 49855
0401130	$ 581.58	1030129008	TISEO ALEX	1104 N FRONT ST	MARQUETTE, MI 49855-3025	1104 N FRONT ST	TISEO, ALEX / LYDIA	1104 N FRONT ST	MARQUETTE, MI 49855
0420300	$ 107.82	7640161002	BERG ELISE	1206 EIGHTH ST	MARQUETTE, MI 49855-2724	1206 EIGHTH ST	WILSON, ANTHONY R	1206 EIGHTH ST	MARQUETTE, MI 49855
0430530	$ 252.09	3842019024	VOEGTLINE CONNOR	1515 PRESQUE ISLE AVE	MARQUETTE, MI 49855-2809	1515 PRESQUE ISLE AVE	FLAVIN, NEIL P / CLAUDETTE N	1515 PRESQUE ISLE AVE	MARQUETTE, MI 49855
0440430	$ 537.99	3846075002	BROWN RANDALL	1810 FITCH AVE	Marquette, MI 49855-2113	1810 FITCH AVE	BROWN, RANDALL M / WEISER, BRIGITTE	1810 FITCH AVE	MARQUETTE, MI 49855
0440480	$ 35.49	3846126001	BARRONS AUTO REPAIR LLC	1200 WRIGHT ST STE F	MARQUETTE, MI 49855-1837	1801 PRESQUE ISLE AVE	PLIS, STANLEY W	1751 PRESQUE ISLE AVE	MARQUETTE, MI 49855
0440480	$ 324.05	3846126002	PLIS, STANLEY W	154 GRIMES ROAD	NEGAUNEE, MI 49866-9552	1801 PRESQUE ISLE AVE	PLIS, STANLEY W	1751 PRESQUE ISLE AVE	MARQUETTE, MI 49855
0440630	$ 2,127.76	3846039011	THORLEY RONALD	1738 FITCH AVE	MARQUETTE, MI 49855	1738 FITCH AVE	THORLEY, RONALD / WAARA, FRIDA	309 LAKEWOOD LN	MARQUETTE, MI 49855
0450111	$ 654.38	3846055401	LARSEN SUE	514 NORWOOD ST	Marquette, MI 49855-2121	514 NORWOOD ST	LARSEN, SUSAN R	514 NORWOOD ST	MARQUETTE, MI 49855-3314
0450141	$ 453.02	3846053930	VANHOUSEN BRAHM	1812 LONGYEAR AVE	MARQUETTE, MI 49855-2117	1812 LONGYEAR AVE	GILMORE, SAMUEL LEE JR	856 W WASHINGTON ST	MARQUETTE, MI 49855
0450181	$ 454.55	3844030403	BIGHIA MARK	513 WRIGHT ST	Marquette, MI 49855-1916	513 WRIGHT ST	BIGHIA, MARK A	513 WRIGHT ST	MARQUETTE, MI 49855
0450241	$ 337.76	3844016109	DAHLSTROM ERIC	1826 WILKINSON AVE	MARQUETTE, MI 49855-2129	1826 WILKINSON AVE	DAHLSTROM, ERIK J	1826 WILKINSON AVE	MARQUETTE, MI 49855
0461660	$ 543.15	3842160003	MCQUAID DANIEL	1727 WILKINSON AVE	Marquette, MI 49855-2126	1727 WILKINSON AVE	MCQUAID, DANIEL J	1727 WILKINSON AVE	MARQUETTE, MI 49855
0470970	$ 302.56	8047000001	SWENOR JOHN	1900 LONGYEAR AVE	Marquette, MI 49855-1908	1900 LONGYEAR AVE	SWENOR, JOHN C / KATHRYN	1900 LONGYEAR AVE	MARQUETTE, MI 49855
0480200	$ 105.59	8048118004	RUPP NELSON	856 W WASHINGTON ST	Marquette, MI 49855-4140	2206 PRESQUE ISLE AVE	TUCKER, JENNIFER / DEWEY, JOSHUA	313 W PARK ST	MARQUETTE, MI 49855
0481460	$ 1,968.17	8047093706	REYNOLDS THOMAS	2318 WILKINSON AVE	MARQUETTE, MI 49855-1742	2318 WILKINSON AVE	REYNOLDS, THOMAS E	2318 WILKINSON AVE	MARQUETTE, MI 49855
0510180	$ 343.03	2657047102	MULLALY PATRICK	2016 GRANITE AVE	MARQUETTE, MI 49855	2016 GRANITE ST	MULLALY, PATRICK J / SALLY A	2016 GRANITE AVE	MARQUETTE, MI 49855
0512031	$ 823.51	2656148203	JINKERSON JODIE	1805 WRIGHT ST	Marquette, MI 49855-1529	1805 WRIGHT ST	JINKERSON, MATHEW L / JODIE S	1805 WRIGHT ST	MARQUETTE, MI 49855
0512040	$ 1,521.06	2656153103	KERN GARRETT	1806 EAST AVE	Marquette, MI 49855-1558	1806 EAST AVE	JEB MARQUETTE PROPERTIES	1039 ALLOUEZ RD	MARQUETTE, MI 49855
0514391	$ 476.69	2293121001	LABELLE BROOKE	817 GROVE ST	Marquette, MI 49855-9464	817 GROVE ST	LABELLE, KEVIN L / BROOK K	817 GROVE ST	MARQUETTE, MI 49855
0514770	$ 1,851.85	2293007003	GHIRINGHELLI LISA RAE	711 GROVE ST	Marquette, MI 49855-9438	711 GROVE ST	GHIRINGHELLI, ANTHONY W / LISA R	711 GROVE ST	MARQUETTE, MI 49855
0520180	$ 548.24	6051059303	LABONTE MICHAEL	418 RADISSON DR	MARQUETTE, MI 49855-5260	418 RADISSON DR	LABONTE, MICHAEL J	418 RADISSON DR	MARQUETTE, MI 49855
0520340	$ 738.59	6050066001	SCOTT DEBRA	800 LASALLE RD	Marquette, MI 49855-5231	800 LASALLE RD	SCOTT, DEBRA	800 LASALLE RD	MARQUETTE, MI 49855
0560060	$ 311.39	8044085423	HAILE JEFF	1904 VAN EVERA AVE	MARQUETTE, MI 49855-1825	1904 VAN EVERA AVE	HAILE, JEFFREY A	1904 VAN EVERA AVE	MARQUETTE, MI 49855
0560710	$ 107.14	8061190003	WARD JAYDA	2879 CEDARVILLE DRIVE UNIT 2	MARQUETTE, MI 49855-8671	708 WRIGHT ST	FLYNN, KERI	708 WRIGHT ST	MARQUETTE, MI 49855
0561050	$ 1,009.98	8044132605	ANDERSON PHILLIP	817 CLARK ST	MARQUETTE, MI 49855-1816	817 CLARK ST	ANDERSON, PHILLIP M / ET AL	817 CLARK ST	MARQUETTE, MI 49855
0561460	$ 242.75	8044160001	BEAUDRY THOMAS	2050 SUGAR LOAF AVE	Marquette, MI 49855-1804	2050 SUGARLOAF AVE	BEAUDRY, TOM	2050 SUGARLOAF AVE	MARQUETTE, MI 49855
0570040	$ 116.89	6493996705	NALVERT SARAH	1387 STATE HIGHWAY M28 E	MARQUETTE, MI 49855-9329	1911 BANCROFT ST	BLOMGREN, THOMAS	1911 BANCROFT ST	MARQUETTE, MI 49855
0570300	$ 810.33	6494129105	SCHETTER DON	1920 W RIDGE ST	MARQUETTE, MI 49855-3137	1920 W RIDGE ST	SCHETTER, DONALD/ SARA	1920 W RIDGE ST	MARQUETTE, MI 49855
0580400	$ 759.44	2656058002	CONNORS ROSS	1614 KIMBER AVE	MARQUETTE, MI 49855-1504	1614 KIMBER AVE	CONNORS, ROSS A	1614 KIMBER AVE	MARQUETTE, MI 49855
0580430	$ 939.61	2656056503	HELLMAN BARB	1608 KIMBER AVE	Marquette, MI 49855-1504	1608 KIMBER AVE	HELLMAN, BARBARA A	1608 KIMBER AVE	MARQUETTE, MI 49855
0730240	$ 383.99	2656025405	ENGLE RYAN	1807 GRAY ST	MARQUETTE, MI 49855-1545	1807 GRAY ST	ENGLE, RYAN L	1807 GRAY ST	MARQUETTE, MI 49855
0870130	$ 1,124.52	2049021405	BURINK SANDRA	501 HILLSIDE DR	MARQUETTE, MI 49855-5040	501 HILLSIDE DR	BURINK, MICHAEL S / SANDRA HANSHAW	501 HILLSIDE DR	MARQUETTE, MI 49855
0880160	$ 306.68	6854029004	ALCORTA JOHN	1714 WEST AVE	MARQUETTE, MI 49855-1556	1714 WEST AVE	ALCORTA, JOHN	1714 WEST AVE	MARQUETTE, MI 49855
1111090	$ 401.84	2271012011	ARNSPARGER BRADFORD	1051 MERLIN LN	MARQUETTE, MI 49855-8849	1051 MERLIN LN	ARNSPARGER, BRADFORD	1051 MERLIN LN	MARQUETTE, MI 49855

$ 47,061.72

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Schedule Public Hearing- Conditional Rezoning of Parcel 0510156 on Forestville Basin Trail

BACKGROUND:

The Planning Commission (PC) held a public hearing on May 10, 2022 for the consideration of rezoning parcel ID # 0510156, a 27+ acre parcel that would be added to the Blue Heron Bluffs 2 Condominium Project if approved for rezoning from *Conservation and Recreation* (CR) to be *Low Density Residential* (LDR). After conducting the hearing the following motion was made:

It was moved by N. Frischkorn, seconded by A. Andres and carried 5-0 that after conducting a public hearing and review of the application and Staff Report for 02-REZ-05-22, the Planning Commission finds that the proposed rezoning is not consistent with the Community Master Plan and does not meet the requirements of the Land Development Code, Section 54.1405, and hereby recommends that the City Commission deny 02-REZ-05-22 for the following reasons:

1. *It is inconsistent with the Community Master Plan and the Future Land Use map; and*
2. *The street system is inadequate; and*
3. *The utilities and services as provided are inadequate; and*
4. *The proposed rezoning could have negative impacts to surrounding land uses, specifically because of the density that could be allowed if this were to be rezoned.*

Pursuant to Article 54.1405(H) of the Land Development Code, the property owner may propose conditions for the development and use of their property in conjunction with an application for rezoning, and "conditions may be proposed at the time of the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning." The applicant's representative/attorney has informed staff that a Conditional Rezoning Agreement will be prepared to address the concerns of the PC related to their recommendation to deny the request and that said Agreement will be provided by the first week of June (to be added to the agenda materials at the next step in the process) and is therefore requesting that a hearing be scheduled despite the PC's recommendation.

The request of the City Commission for a Conditional Rezoning of the 0510156 parcel, changes the "receiving" zoning district to *Low Density Residential with Conditional Rezoning* (LDR-CR), and a motion to approve or deny the request should reference the LDR-CR zoning district.

FISCAL EFFECT:

None.

RECOMMENDATION:

Schedule a Public Hearing for the June 27, 2022 City Commission for this proposed rezoning with conditions.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Planning Commission case file for 02-REZ-05-22

CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT ST
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning □o□ □ission
FROM: And□ea □ande□s□□oning □ffi□ial
DATE: May 5□2022
SUBJECT: **02-REZ-05-22 – Forestville Basin Trail (PIN: 0510156)**

□□e Planning □o□ □ission is □eing as□ed □o □a□e a □e□o□ □enda□ion □o □□e □i□y □o□ □ission □ega□ding a □e□□es□o □e□one □□e □o□e□y lo□a□ed a□□o□es□ille Basin □ail - P□□: 0510156 □□i□□ is □oned **Conservation & Recreation (CR)** □o □e □oned **Low Density Residential (LDR)**□

Please see □□e a□a□□ed □aff □e□o□□ fo□ □o□e s□e□ifi□ info□□a□ion □ega□ding □□e a□□li□a□ion□

RECOMMENDED ACTION:

□□e Planning □o□ □ission s□o□ld □e□ie□ □□e a□□li□a□ion and s□□□o□□info□□a□ion □□o□ided in □□is □a□e□□□ond□□□a □□□li□ □ea□ing□and de□e□□□ine □□e□e□o□no□□□e □□o□osed □e□oning of □□e a□o□e □□o□e□y □o□ld □e in □a□□ony □i□□ □onside□a□ions □e□□i□ed □y □□e □o□ □ □ni□y Mas□e□Plan and □a□□e □e□□es□is in a□□o□dan□e □i□□ □e□ion 54□1405 of □□e □and □e□elo□□en□□ode - □oning □ □dinan□e A□end□en□P□o□ed□□es□and □a□e a □e□o□ □enda□ion □o □□e □i□y □o□ □ission□

□□is also □ig□ly □e□o□ □ended □□a□any □o□ion □ega□ding □□e □e□□es□in□□de □□e follo□ing o□si□ila□lang□age:

> *After conducting a public hearing and review of the application and Staff Report for 02-REZ-05-22, the Planning Commission finds that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission (approve / deny) 02-REZ-05-22 (as presented / for the following reasons / with the following conditions).*

STAFF FILE REPORT/ANALYSIS

Completed by Andrea M. Landers – Zoning Official
Reviewed by David Stensaas – City Planner and Zoning Administrator

Case #: 02-REZ-05-22

Date: May 5, 2022

Project/Application: Rezoning request from **Conservation & Recreation (CR)** to be zoned **Low Density Residential (LDR)**.

Location: Forestville Basin Trail

Parcel ID: 0510156

Available Utilities: There are no City utilities or services for this area, but there is electricity provided to the area by the Marquette Board of Light and Power.

Year Built: Vacant property (27.59 Acres)

Current Zoning: CR – Conservation and Recreation

Surrounding Zoning: North: CR – Conservation and Recreation & Marquette Township
South: BLP- Board of Light and Power
East: BLP- Board of Light and Power
West: CR – Conservation and Recreation & BLP- Board of Light and Power

Zoning Districts and Standards:

Current Zoning

Section 54.318 CR, Conservation and Recreation District

(A) Intent
The intent of the CR district is to preserve the character of land in the city which have outstanding scenic and/or recreational qualities by restricting development not suited to this goal; to prevent development of land which has great ecological value or where there are natural hazards to development; to preserve open areas for forestry, agriculture and recreation; and to control the construction of structures along the shoreline of Lake Superior. One of the purposes of the CR district is to have an appropriate zoning district for municipal parks that meet these objectives.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Open	• Accessory Use, Non-Single Family Residential Lots • Natural Resource Extraction Operations • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Port Facilities and Docks • Recreational Use, Land Intensive • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • 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***	
Min. Lot Area (sq. ft.)	None	*Front Yard (ft.)*	15
Min. Lot Width (ft.)	None	*Side Yard (one) (ft.)*	50
Max. Impervious Surface Coverage (%)	*(R)*	*Side Yard (total of 2) (ft.)*	100
Max. Building Height of Primary Building (ft.) (O)	36.5	*Rear Yard (ft.)*	20 *(P)*
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.			

54.403 Footnotes to Schedule of Regulations

(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.

(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.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
CR	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Proposed Zoning

Section 54.307 LDR, Low Density Residential

(A) Intent
The LDR district is intended to establish and preserve quiet, attractive neighborhoods of detached single-family dwellings with a low to medium density and compatible residential land uses. Some additional non-commercial, compatible uses may be allowed. It is also intended that developments in this district will be designed to preserve significant natural features, including woodlands, steep slopes, wetlands, and floodplains.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Child or Day Care, Family Home • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Residential Limited Animal Keeping	• Adult Foster Care, Small Group Home • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Public or Governmental Building • Recreational Use, Public • Religious Institution • School, Primary or Secondary
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.)	8,100	*Front Yard (ft.)*	20 *(B)*
Min. Lot Width (ft.)	60	*Side Yard (one) (ft.)*	10 *(K)*
Max. Impervious Surface Coverage (%)	*(Q)*	*Side Yard (total of 2) (ft.)*	20 *(K)*
Max. Building Height of Primary Building (ft.) (O)	31.5	*Rear Yard (ft.)*	30 *(K)*
Max. Building Height of Accessory Building	*(K)*		
Max. Building Height (stories)	-		
Where there is a discrepancy between *Article 4* and this table, *Article 4* shall prevail.			

54.403 Footnotes to Schedule of Regulations

(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.
(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*.
(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.
(Q) Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts: The maximum impervious surface coverage of a lot in the LDR and MDR 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

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
LDR and MDR	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Relationship to Applicable Land Development Code Standards (staff comments in bold text):

Section 54.1405 Zoning Ordinance Amendment Procedures

(A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.

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

Application accepted.

(C) Amendment Review Procedures.

(1) Public Hearing. The staff liaison to the Planning Commission shall set a

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

The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, May 10, 2022.

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

The Planning Commission is being asked to make a recommendation at their meeting on May 10, 2022.

(3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with *Section 54.1406*. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

To be determined.

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

(1) Master Plan**.** Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

This property is designated for *Conservation and Recreation* on the *Future Land Use Map* and the *Proposed Zoning Map* of the Community Master Plan (CMP). The designations were adopted with the 2015 amendments to the CMP after careful consideration, and they remained unchanged as of the December 2018 update to the CMP.

Please see p.3-31 and p.3-32 of the Community Master Plan (CMP), regarding Rezoning Requests. The Planning Commission must review all supporting information, this report in particular, and the attachment titled *Rezoning Considerations for Planning Commissions,* and hold a public hearing for community input prior to making a determination of whether to recommend approval or the request as presented or not.

(2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance.

Please see above - "Zoning District and Standards".

(3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

There is no City street system adjacent to this parcel. The road access to the property is and would remain privately owned (by the homeowners association) – via Blue Heron Bluffs Rd. – which Marquette Township officials considered "substandard" at present.

(4) Utilities and Services. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

There are no City utilities or services for this area, but there is electricity provided to the area by the Marquette Board of Light and Power.

(5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

No conditions have changed nor was there an error in the Zoning Ordinance.

(6) No Exclusionary Zoning**.** That the amendment will not be expected to result in exclusionary zoning.

The proposal will not result in exclusionary zoning.

(7) Environmental Features. If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The proposed zoning is itself not incompatible with the environmental features, as much of the City of Marquette was built in similarly situated terrain. The uses allowed by the proposed zoning may or may not be compatible with site's physical, geological, hydrological and other environmental features, considering the relative remoteness of the property, thus the specific uses of the property would determine compatibility. This is the subject of the next standard.

(8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The surrounding zoning districts in the City of Marquette are Conservation and Recreation and Board of Light and Power. In Marquette Township the zoning of the adjacent property is *Scenic Residential*, which allows residences on 5+ acres of land as a permitted use and may allow detached single-family residences on lots of as little as 40,000 sq. ft. (nearly one acre) by approval of a Special Land Use Permit. This parcel does not adjoin a public street, and Marquette Township officials consider Blue Heron Bluffs road "substandard" for the existing use level, therefore there may be negative traffic and road maintenance impacts with the addition of residential uses if this were to be rezoned. Residential use of the property are not necessarily more incompatible here than at other locations that are occupied by homes in the City, but homes would increase impacts on the land for septic waste treatment and potentially by energy production, glare and aesthetics, and nuisances like noise. As well, for detached residential use at the maximum or near-maximum density allowed in an LDR district for detached single-family homes, the homes could be at substantial risk for wildfire unless the homesites are carefully designed. How these potential impacts affect existing or future property values is indeterminate with certainty, as property values are influenced in multiple ways.

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

In Marquette Township the zoning of the adjacent property is *Scenic Residential*, which allows residences on 5+ acres of land as a permitted use and may allow detached single-family residences on lots of as little as 40,000 sq. ft. (nearly one acre) by approval of a Special Land Use Permit. The surrounding zoning districts in the City are Conservation and Recreation and Board of Light and Power.

This parcel is +27 Acres, so there is abundant space to meet the LDR dimensional regulations for construction.

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

To be determined the Planning Commission. Per the Future Land Use Map in the Community Master Plan, the intent was for this to be used

and zoned as a Conservation and Recreation district.

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

Yes, rezoning would be preferable, as adding residential to the Conservation and Recreation zoning district land use options would not comply with the intent of the Conservation and Recreation districts.

(12) Isolated or Incompatible Zone Prohibited**.** If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

To be determined by the Planning Commission.

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

The required notice of adoption shall include all of the following information:

(1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
(2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
(3) The effective date of the ordinance or amendment.

If the proposed zoning amendment is adopted by the City Commission the requirements of this section will be met.

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

This section is not applicable, as this is not a rezoning with conditions request.

Additional Comments:

The Planning Commission should consider the request, and the information provided in this analysis, hold a public hearing, and provide a recommendation to the City Commission.

Attachments:

1. Rezoning Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Future Land Use Map from the Master Plan
6. Proposed Zoning Map from the Master Plan
7. Photos of the site
8. Publication Notice
9. MQT Township Zoning Map
10. *Rezoning Information for Planning Commissions* document
11. *Spot Zoning Considerations*
12. Correspondence

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

CITY OF MARQUETTE
REZONING APPLICATION

FEE $550

CITY STAFF USE

Parcel ID#: 0510156 File #: 02-REZ-05-22 Date: 04-12-22

Hearing Date: 5-10-22 Application Deadline (including all support material): 4-12-22

Receipt #: 819544 Check #: 2083 Received by and date: 4-12-22 BC

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

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

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

Please review the attached excerpt from the Land Development Code.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Cedar Point Family Trust

Address: 10670 NE Hwy 314

City, State, Zip: Silver Springs, FL 34488

Phone #: 906-360-3030

Email: brucepesola@yahoo.com

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

APPLICANT/OWNERS REPRESENTATIVE

Name: Ironshore Development, LLC

Address: 137 W Michigan St

City, State, Zip: Marquette, MI 49855

Phone #: 231-420-1473

Email: jim.t.conlin@gmail.com

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

PRE-APPLICATION CONFERENCE

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

PHASING OF APPLICATION

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

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

PROPERTY INFORMATION

Property Address: TBD Forestville Basin Trl Property Identification Number: 0510156

Size of property (frontage / depth / sq. ft. or acres): 27.59 acres

Surrounding Zoning Districts: North Condo & RP (Twp) East BLP South BLP West BLP

Legal Description: That part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 8, and that part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW1/4) of Section 9, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan described as BEGINNING at the 1/4 corner common to said Sections 8 & 9; thense S89°56'00"E, 1314.85' along East-West 1/4 line of said Section 9 to a 1/16 corner; thence S49°09'13"W, 1146.45'; thence N89°49'45" W, 1749.91'; thence N00°10'15"E, 415.00'; thence N89*49'45"E, 1300.00' to a line common to said Secions 8&9; thence N00*10'59"E, 335 to the Point of Beginning.

PROPOSAL

Current Zoning District: CR Proposed Zoning District: LDR

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

SIGNATURE

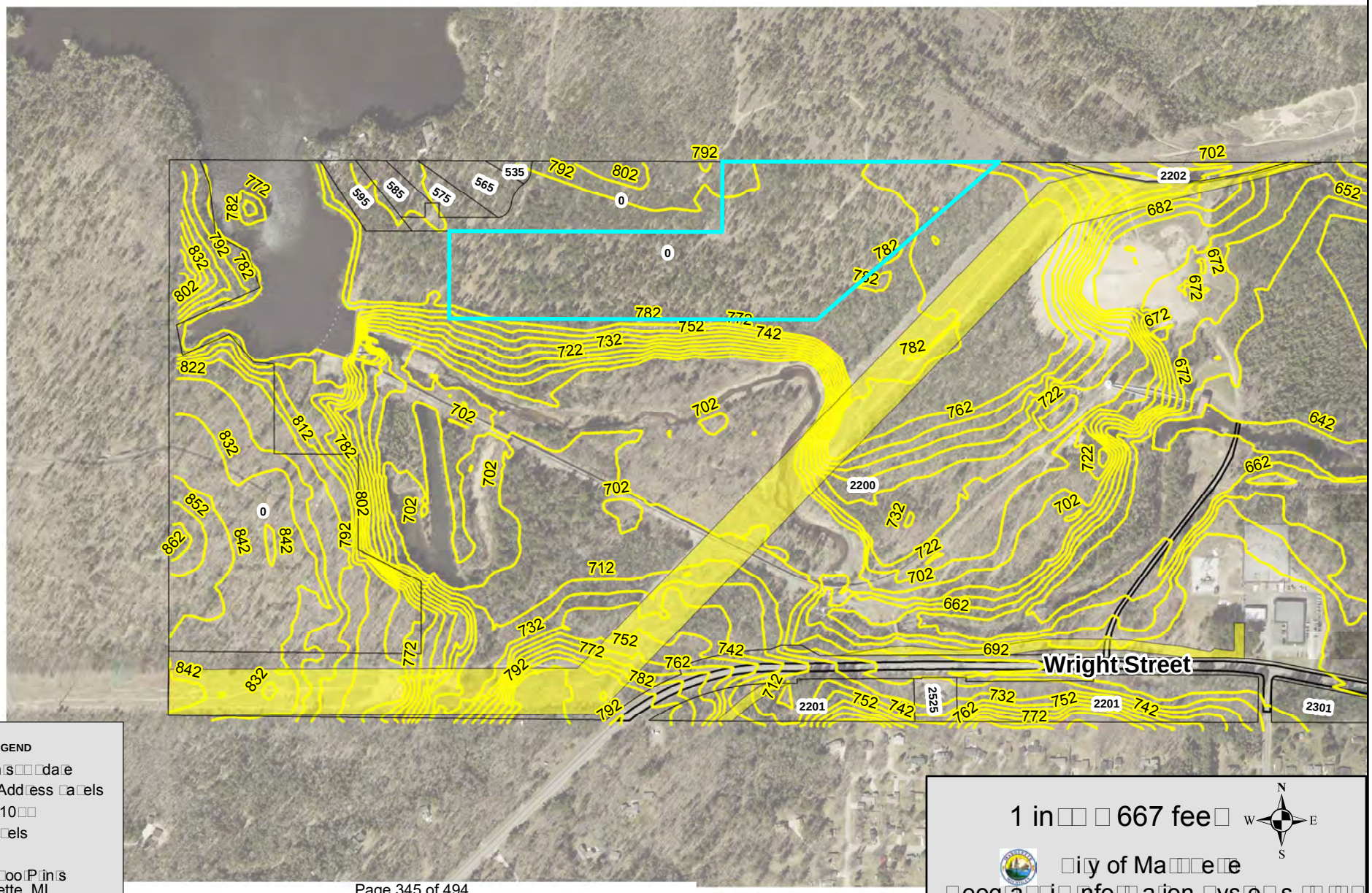
I hereby certify the following:

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

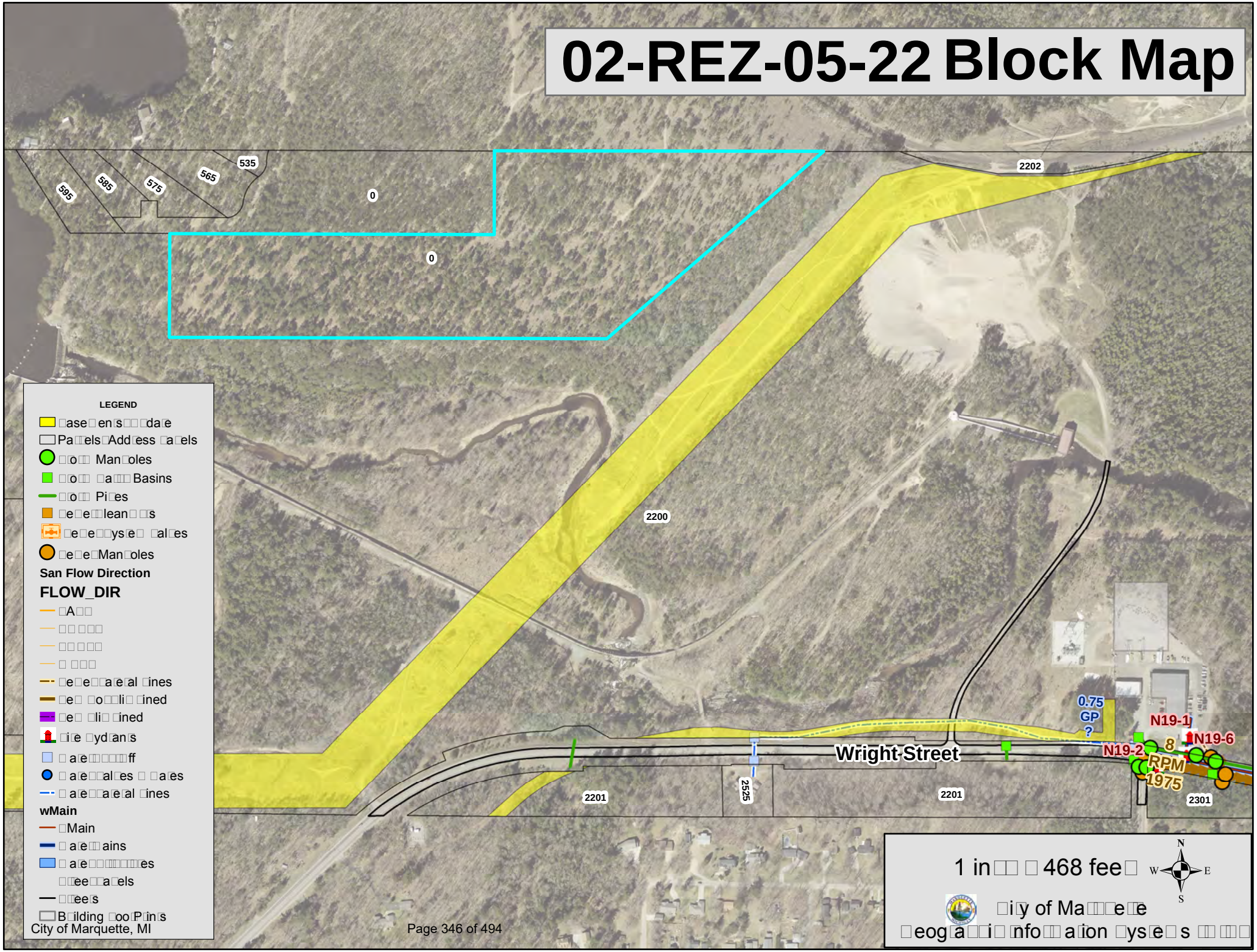
Property Owner Signature: Jim Conlin, IRONSHORE DEVELOPMENT Date: 3.23.22

Jim Conlin on behalf of Brule Pesola

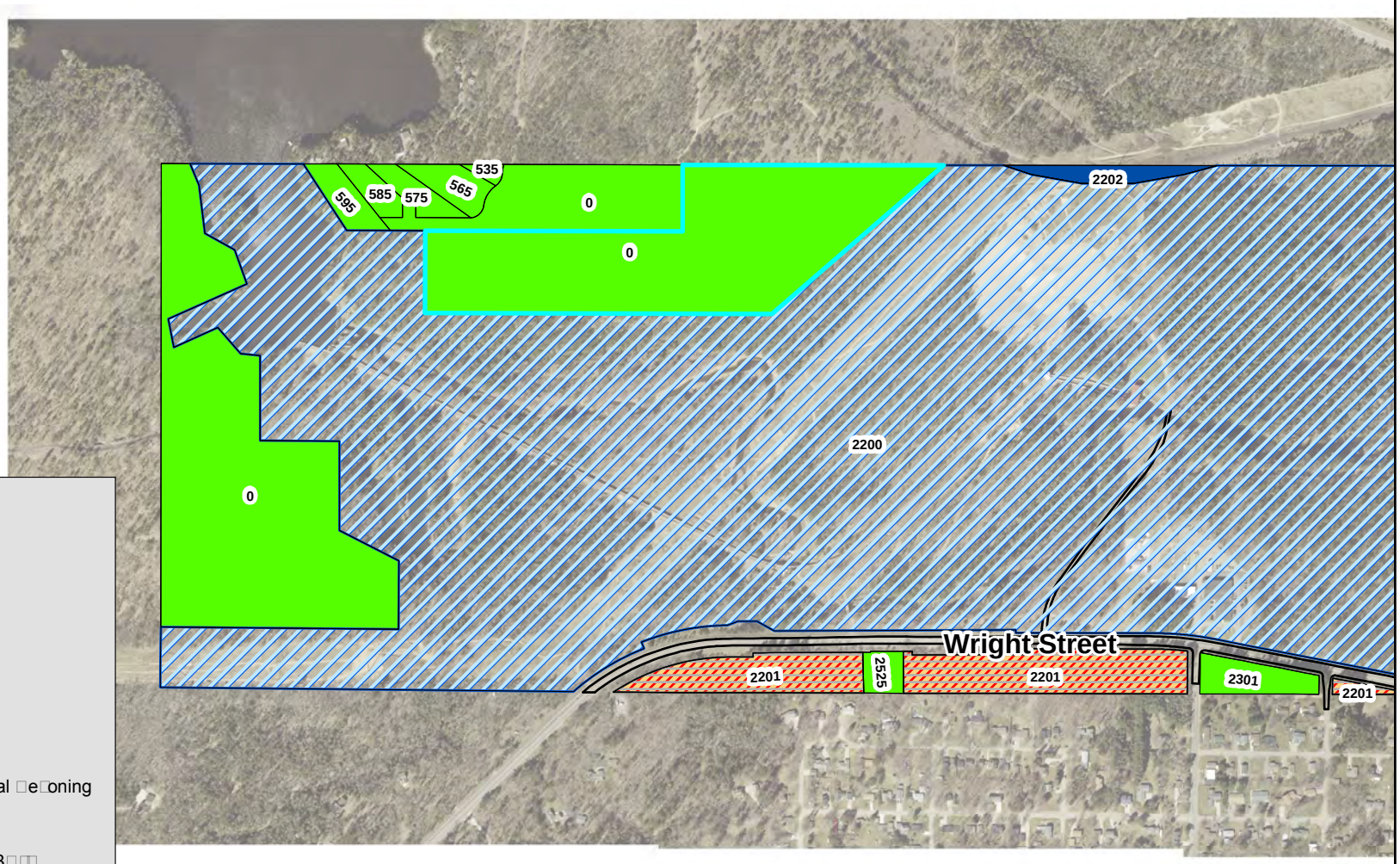
02-REZ-05-22 Area Map



02-REZ-05-22 Block Map



02-REZ-05-22 Zoning Map



LEGEND

- Parcels
- Address Parcels
- Street Parcels
- Streets

Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business District
- General Commercial
- General Commercial with Conditional Rezoning
- Regional Commercial
- Mixed Use Commercial Boulevard
- Downtown Marquette Waterfront Boulevard
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light Power

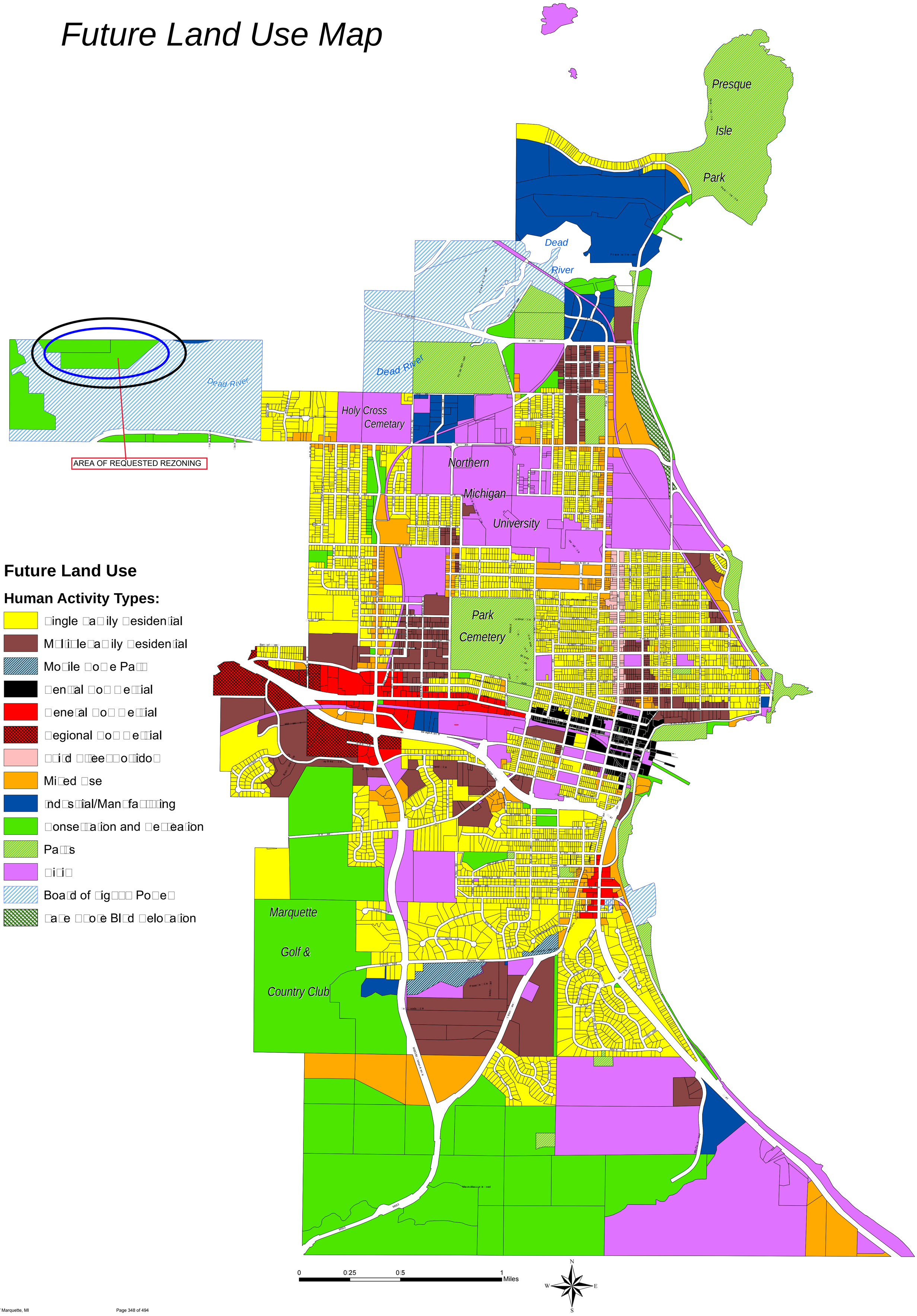
1 inch = 833 feet

N W E S

City of Marquette
Geographic Information Systems

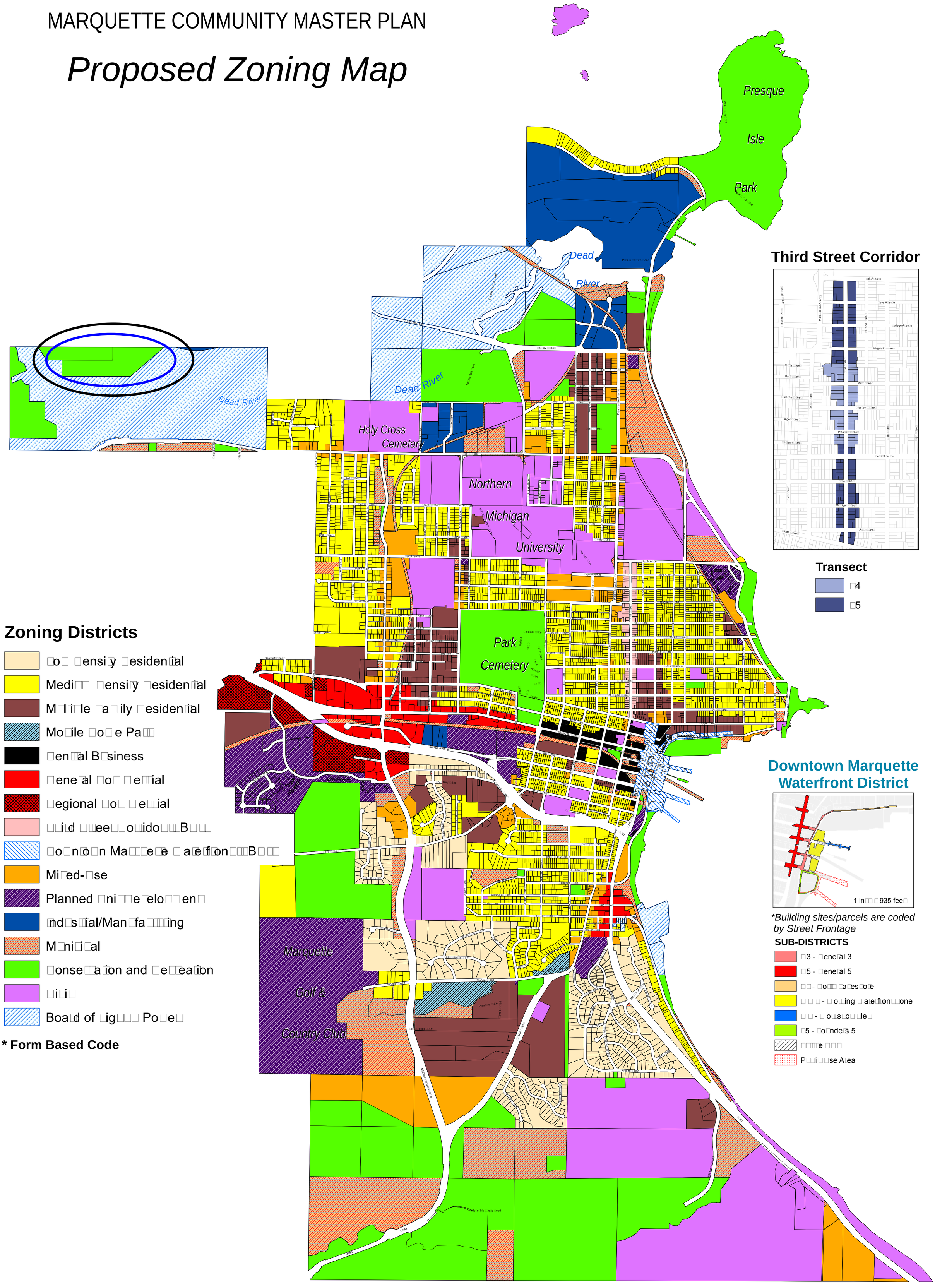
MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map



Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- Regional Commercial
- Mixed Use Neighborhood Business
- Downtown Marquette Waterfront Business
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Misc
- Board of Light and Power

*** Form Based Code**

0 0.25 0.5 1 Miles

N W E S

05/06/2022 09:04

05/06/2022 09:05

05/06/2022 09:06

05/06/2022 09:04

05/06/2022 09:06

05/06/2022 09:05

05/06/2022 09:06

Region

tional anthem.

The orchestra is a "college-community hybrid," Neves said: about half are Tech students, while the other half are Tech faculty, community members and music educators.

"It's the cream of the crop of the Keweenaw and the U.P. and so they're very talented musicians and artists," Neves said. "What's most satisfying is their spirit. They're just wonderful human beings, and collaborating with them every week is a true joy."

During Tuesday's rehearsals, Neves acknowledged returning alumni, who were greeted with the sound of stomping feet. One performer, Gene Purdum, was an original member of the orchestra. He graduated from Tech in 1975 with a degree in nuclear physics and later different sections as well."

The oldest orchestra in the Upper Peninsula, the KSO has toured and made numerous recordings. It's also won national acclaim, most recently winning second place for best orchestral performance by a small college last year in the American Prize in Orchestral Performance.

"We're very proud of that distinction, to be one of the best orchestras in the United States," Neves said. "Not bad for a place that's mostly engineers and STEM people, but we're able to combine our talents and create something special."

Tickets are $19 for adults, $6 for youth, and free for MTU students (and a guest) with Experience Tech Fee. They are available at events.mtu.edu or (906) 487-1906. The concert will also be livestreamed.

CITY OF NEGAUNEE
INVITATION TO BID
DIVISION ST LIFT STATING BLASTING AND PAINTING

The City of Negaunee is accepting bids for the blasting and painting of the Division Street lift station.
For bidding information and specs please see our website at: www.cityofnegaunee.com

PUBLIC HEARING NOTICE
MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing for the following:

01-STR-05-22 – Petition to vacate a portion of Center Street. The City of Marquette has received a petition to vacate a portion of the Center Street public right-of-way. The following is the legal description: Center Street located between lots 1through 3 of the Marquette Company's Addition No.2 and Lots 26 and 27 of Ayer's Addition

02-REZ-05-22 – Forestville Basin Trail (PIN: 0510156): Bruce Pesola and Cedar Point Family Trust are requesting to rezone the property located at Forestville Basin Trail - PIN: 0510156 which is zoned **Conservation & Recreation (CR)** to be zoned **Low Density Residential (LDR)**

03-REZ-05-22 – 595 Forestville Basin Trail (PIN: 1170101): Bruce Pesola and Cedar Point Family Trust are requesting to rezone the property located at 595 Forestville Basin Trail which is zoned **Conservation & Recreation (CR)** to be zoned **Low Density Residential (LDR)**.

The public hearing for these requests will be at 6:00 P.M. on Tuesday, **May 10, 2022**, in the Commission Chambers at City Hall, 300 W. Baraga Ave. If you wish to comment on these matters you may do so at that time. Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail **alanders@marquettemi.gov**. Written submissions will be accepted until 12:00 p.m. on May 10, 2022.

Materials pertaining to the requests are available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday. Otherwise, you can request to have the materials e-mailed to you by e-mailing **alanders@marquettemi.gov**. You can also view the Land Development Code on our website at **www.marquettemi.gov**.
If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers
Zoning Official
alanders@marquettemi.gov
225-8383

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Flood Hazard Determinations for Marquette County, Michigan (All Jurisdictions)

The Department of Homeland Security's Federal Emergency Management Agency has issued a preliminary Flood Insurance Rate Map (FIRM), and where applicable, Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within Marquette County, Michigan (All Jurisdictions). These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary FIRM and/or FIS report for Marquette County, Michigan (All Jurisdictions). These flood hazard determinations are the basis for the floodplain management measures that your community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. However, before these determinations are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed information. For information on the statutory 90-day period provided for appeals, as well as a complete listing of the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp, or call the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).

ADVERTISEMENT FOR BIDS

The City of Munising Downtown Development Authority is seeking bids for the construction of the "Downtown Resurfacing Project" that includes the following major items of work:

HMA surface milling, paving, ADA sidewalk upgrades, concrete crosswalks and pavement markings.

The Contract Documents may be examined at the following locations:

City of Munising
301 E. Superior Street
Munising, MI 49862

Coleman Engineering Company
635 Circle Drive
Iron Mountain, MI 49801

The contract documents may be viewed and downloaded at www.coleman-engineering.com by selecting "Bid Information". Interested parties may view the contract documents at no cost on the website prior to becoming a plan holder. Downloading and printing the contract documents will require registering with QuestCDN online (www.questcdn.com). A non-refundable fee of $15.00 will be charged to download the contract documents.
Sealed bids marked "Downtown Resurfacing Project" are to be submitted to the office of:

Mr. Devin Olson, City Manager
City of Munising, City Hall
301 E. Superior Street
Munising, MI 49862

Bids must be received by 2:00 p.m. (local time) on May 9, 2022 at the City of Munising, City Hall. Bids will be publicly opened and read out loud at this time.

The City of Munising Downtown Development Authority reserves the right to accept or reject any and all bids at its discretion

Volume 136, No. 93

THE MINING Journal
228-2500

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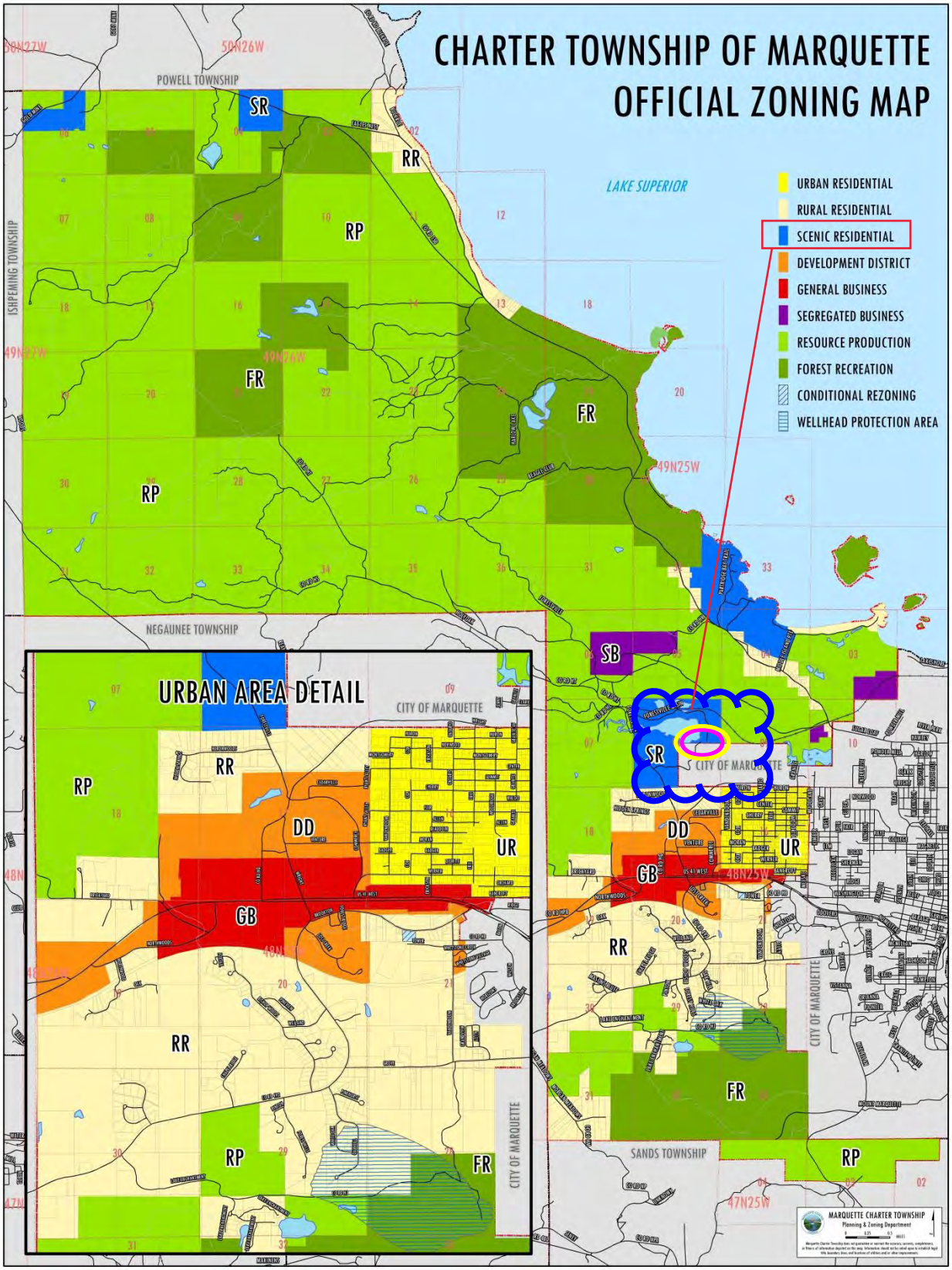
SECTION 3.08: OFFICIAL ZONING MAP



Rezoning

- The main question that must be answered when considering a rezoning is: *"Is that an appropriate location for that zone?"*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *"Are the uses permitted in the existing zone reasonable?"*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

20

Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?

21

Rezoning Factors to Consider

RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

22

SPOT ZONING

Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

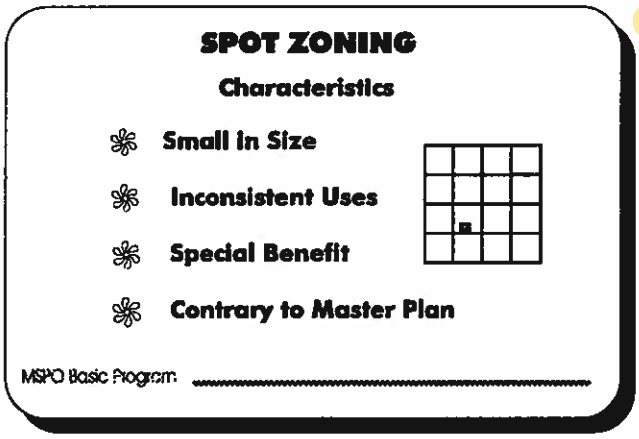
Result

- Typically ruled invalid if challenged in court.

23

SPOT ZONING CONSIDERATIONS

The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.



What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

Small in Size

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely is will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

Inconsistent Uses

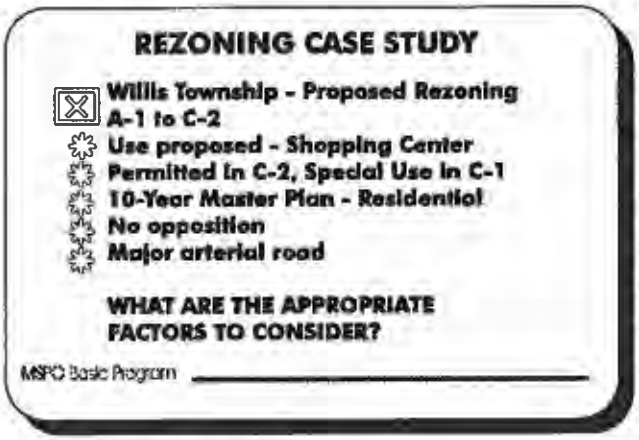
The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

Contrary to the Master Plan

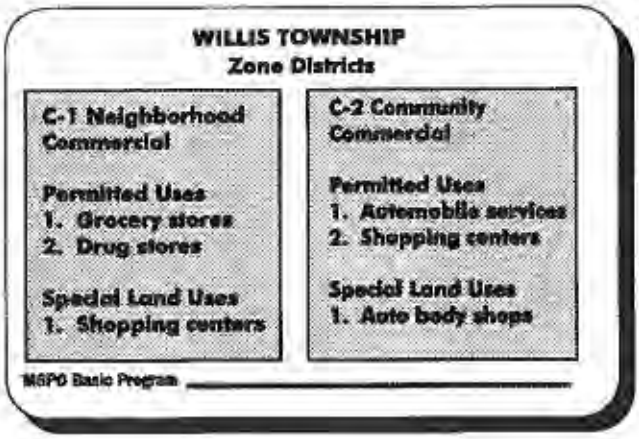
The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.



Rezoning Case Study

Willis Township - Proposed Rezoning A-1 to C-2

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the C-2 District. A variance may also be required for a side yard setback.



- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?

Correspondence Received prior to posting the Agenda

Blue Heron Bluffs II

Signatures of Support for Considerations of Re-zoning Blue Heron Bluffs

Printed Name	Signature	Date
Nathan Loewen (225)		4/10/22
Trevor Flynn (235)		4/10/22
John Orticelli 275		4/10/22
Kristina Orticelli -275		4/10/22
Suzan Spaulding	Suzan Spaulding	4-10-22
Todd Masuga		4-20-22
Katy Masuga		4/20/22

Blue Heron Bluffs Zoning

Blue Heron Bluffs I
Blue Heron Bluffs II
Forestville Basin Trail
Marquette, MI 49855

April 9, 2022

City of Marquette
Board of Zoning Appeals
1100 Wright St.
Marquette, MI 49855

Dear Marquette Zoning Appeals,

We are residents living on Forestville Basin Tr road in Marquette Township with an interest in the proposed zoning change by Bruce Pesola. This zoning change will effect access to that parcel by way of an easement through Forestville Basin Tr road which has shared use to all involved in this letter. We are, therefore, affected by any development at the end of our private road. We believe that the Commission should consider the following before recommending any change to zoning:

The access to the proposed development is from Forestville Rd through Forestville Basin Tr, which is a private road and maintained by residents along that road. The road is gravel and only part of the road is built to county standards. Development will add traffic for construction equipment, traffic for builders and traffic from families when lots are sold.

During the winter snowy months, sanding and plowing is at the discretion of the residents. It is often icy and slick. The road in the older development is very narrow with an average width of 18.8 feet in the summer. In the winter the average width reduces to 14 feet because of the snow banks and is reduced to 12 feet in some areas, which does not allow cars to pass in those areas.

.

During the spring the road has deep pot holes and cannot be graded until road restrictions are lifted. This will further be exacerbated with heavy equipment and added traffic on the road.

With summer the dust control on the road is a constant problem. More traffic will only deteriorate the road faster and Increase the residents dust control problem.

Blue Heron Bluffs Zoning (cont.)

Currently the school bus picks up children at the intersection of Forestville Rd and Forestville Basin Tr. Because the road is private children have to walk on the road from their homes to this intersection which can be very dangerous. This is especially problematic in the winter and early spring with snow and ice covered roads. With blind curves, narrow road and high snow banks a child could easily be killed. Children in the new development would need to walk 1.5 to 2 miles to the bus stop. While we do understand that the Township has grandfathered the existing older section of this road there is no reason to expand the risk to children by increasing the number of families at the end of this road.

Due to the road issues outlined above we are also concerned about services for fire, police, ambulance, and garbage being provided adequately and safely. These services are extremely valuable to our residents. However, the safety of the men and women who provide these services are also important to us.

We do understand the developer wishing to make money by developing residential lots However, when the new section of Forestville Basin Tr, was developed the developer was required to bring the road to a higher standard. We also understand that the older section of our trail road has been effectively grandfathered. It does not make sense to our community to add an additional development without the developer addressing the entire road. Therefore, we would propose that the zoning change not be approved or only be granted if the following takes place:

The first part of the road which includes the residents of Blue Heron Bluffs I & II Condominium Association should be paved by the developer in order to control dust, manage deterioriating conditions and handle the traffic for development. This would allow Marquette County to adopt that section and school buses to operate over that part of the road.

.

For the remaining part, the road should be improved by the developer to accommodate two way traffic in all seasons and handle the added construction and residential traffic. This would ensure access to emergency services and the safety of children.

Thank you for your consideration and addressing these concerns.

Sincerely,

Residence of Blue Heron Bluffs I&II
Nate Loewen, President BHBII

Rezoning 0510156 Easement concerns.

MaryandGary Bourdeau <[redacted]>
Wed 5/4/2022 11:15 AM
To: Andrea Landers <alanders@marquettemi.gov>
Cc: David Staples <[redacted]>

Please include this information for Planning Commission consideration for the rezoning of 0510156.

He had presented an option to the Board of Blue Heron Bluffs in August of 2021.. Actually it was an option for the easement. A proposal, a promise, and an alternative if we didn't accept his location for the easement. We understand as the servient estate, we are to select the location of the easement within reason.

The "sandpit road" or "green gated road". access that existed when we bought the land in the township. This road would access Bruce's township parcel and the midpoint of the Marquette city parcel. He was not open to this as access. Instead, he presented us with two options for the easement he would prefer.

Option one. He requested easement for 4 driveways off of our road through our wooded parcel O510155. Each of the 4 drive ways then splitting off to 2 development sites. I will reference this as the "4-to-8 driveway option" He will use 16.67 acres (27 on his application) to develop 8 residential lots within parcel 0510156. These eight parcels run parallel to the southern border of 0510155.

Option 1 has two considerations. We need to 1) accept this driveway option with a nature conservancy and 2) approve the split of Unit 1 parcel 1170101. If we don't accept both considerations, we would face option 2. Option 2 is Cedar Pointe Family Trust would put the entire parcel up for sale to an outside developer. There would no guarantees on the extent or type of development.

We understand our obligation. However we don't appreciate his requirement to approve the split of unit one. That is intimidation. We are not willing to split unit one.

Bruce has not withdrawn these options. We have information from his representation that the green gated road is not acceptable. Our board is developing a proposal for an easement. His 4-to-8 driveway from his point of view would be the most lucrative for him. It is not acceptable to us, nor would it be to the city. The "sandpit road" easement came with the land. It gives him access to the township parcel and to the city parcel at midpoint. It is in within reason but unacceptable.

The easement location doesn't change the fact that we, as the servient estate, carry the burden of providing a safe passage to their property. This development access is not located on a road that meets county requirements. Their access becomes our responsibility and not Bruce's as the developer.

A housing development with an average of 2 vehicles, twice a day would quadruples traffic. The expectations of a housing development is a road that meets county standards. Also their expectation of emergency services, police and fire protection, garbage collection would be from the city. Their services would be from the township.
Their access will be along Forestville Basin Trail. This road though Blue Heron Bluffs II meets county specifications. When the road reaches Blue Heron Bluffs, it narrows and is lined with trees. The new subdivision passes through Blue Heron Bluffs and their access would be near the end of Forestville Basin

Trail.

Our road is narrow, curvy, scenic and privately owned and maintained. We, as residents along the middle portion of Forestville Basin Trail, maintain the road west of us, our own section and, most likely will be expected to maintain the new subdivision.

Perhaps this information will elicit understanding of our situation. Perhaps even merit consideration in your rezoning decision. Whatever the outcome, we sincerely appreciate your time and the opportunity to present more of our concerns.

Thank you.
Mary Bourdeau
565 Forestville Basin Trail.

Please add this information for Planning Commission consideration for the rezoning of 0510156.

Once again your time is appreciated.
Mary B

Atten: Cendren Landers

Re: P/N: 1170101

Rezoning 03 - Req. 05/22

LDK

Lot 6

Lot 5

Lot 4

Lot 3

Lot 2

Lot 1

330'

415'

335'

S89°49'56"E (M) 1915.65'

S89°49'56"E (M) 1697.73'

Sandpit Rd

Green Gated road

Parcel 05 10155

This is a sketch.
The road really doesn't drive as smoothly at it appears in the sketch.

Thank you
Mark B

Parcel CR 05 10156

Rezoning 02 PEZ 05 22

April 13, 2022

Andrea Landers, Zoning Official
City of Marquette

Property Identification Number: 0510156

Dear Marquette City Planning Commission:

We are writing about Cedar Point Family Trust's (Bruce Pesola's) property where an application has been submitted for a Zoning Change. The property is zoned Conservation and Recreation. Mr. Pesola is requesting a zoning change as a necessity for his building 8 single family homes on his City of Marquette property.

We live on Forestville Basin Trail in Marquette Township. We have an interest in the proposed zoning change by Bruce Pesola since access to that parcel mentioned above is by way of an easement through Forestville Basin Trail. We are therefore affected by any development at the end of our private road. We believe that the Commission should consider the following before recommending any change to zoning:

Access to the proposed development is from Forestville Road through Forestville Basin Trail, which is a privately owned road maintained by the residents living along that road. Only part of the dirt and gravel road is built to county standards. Development will add traffic for construction equipment, traffic for builders, and traffic from families when lots are sold.

- During the winter the road is snow covered and sanding and plowing is at the discretion of the residents. It is often icy and slick. The road in the older development is very narrow with an average width of 18.8 feet in the summer. In the winter the average width reduces to 14 feet because of the snowbanks and is reduced to 12 feet in some areas, which does not allow cars to pass in those areas,

- During the spring the Forestville Basin Trail has deep potholes and cannot be graded until road restrictions are lifted. This problem is further exacerbated when heavy equipment uses our road and by added traffic in general.

- During the summer months, the dust control on the road is a constant problem. More traffic will only deteriorate the road faster and increase the dust control issue for residents.

Currently the school bus picks up children at the intersection of Forestville Road and Forestville Basin Trail. Because the road is private, children must walk on the roadway from their homes to

this intersection, which can be very dangerous. This is especially problematic in the winter and early spring with snow- and ice-covered roads. With blind curves, a narrow road, and high snowbanks, a child could easily be killed. Children in the new development would need to walk 1.5 to 2 miles to the bus stop. While we understand that the Township has grandfathered the existing older section of this road, there is no reason to expand the risk to children by increasing the number of families at the end of this road.

Due to the road issues outlined above we are also concerned about services for fire, police, ambulance, and garbage being provided adequately and safely. These services are extremely valuable to our residents. However, the safety of the men and women who provide these services are also important to us.

We realize the developer wants to make money by developing residential lots. However, when the new section of Forestville Basin Trail was developed, the developer was required to bring the road to a higher standard. We also understand that the older section of Forestville Basin Trail has been effectively grandfathered. It does not make sense to our community to add an additional development without the developer addressing the entire road. Therefore, we would propose that the zoning change **not be** approved or only be granted if the following takes place:

- The first part of Forestville Basin Trail, which includes the residents of Blue Heron Bluffs 2 Condominium Association, should be paved by the developer to deal with the severe pothole problem, to control dust, and to handle the traffic for development. This would allow Marquette County to adopt that section and school buses to operate over that part of the road.

- For the remaining older section of Forestville Basin Trail, owned by Blue Heron Bluffs Condominium Association, the road should be improved by the developer to accommodate two-way traffic in all seasons and to handle the added construction and residential traffic. This would ensure access to emergency services and the safety of children. A turnaround to accommodate fire and safety vehicles is also needed.

Thank you for your consideration and for addressing our concerns.

Sincerely,

Todd Carter
355 Forestville Basin Trail
Marquette, MI 49855

Stephen Embree

395 Forestville Basin Tr , Marquette, MI 49855 [redacted]

RECEIVED
MAY 04 2022
Marquette City
Community Development Office

May 4, 2022

Andrea Landers
City of Marquette Zoning Official
1100 Wright St.
Marquette, MI 49855

Property Identification [redacted] 0510156

I do believe that the land adjoining our association will be developed. It is only a matter of when and what is developed on that property. Low density residential will be the least impactful compared to other land uses. Single family residential is consistent with the adjoining neighborhood and will not impact the property values negatively. Adding single family residents would be in line with the nature of our community. If there is going to be development on the property I hope it is residential.

There is no doubt that our road is an issue and added residents will add pressure on the road and road maintenance. However, in my opinion it is not correct that 8 additional residential units will materially affect the road, safety or ingress or egress by residents. Any new residents will be contributing money to our road for maintenance and we would likely have more money for improvements which will negate any adverse impacts on the private road. Also, it is unlikely that the added 8 lots will be developed in one year so the impact would be over several years with contributions to the road made as the lots are developed.

The road will see extra traffic with any development and low density residential would have lower impact on the road and be better than other types of development. Also, Bruce Pesola and Cedar Family Trust has stated their intent to donate the remaining acreage (approximately 40 acres) that is adjacent to the condominium association so it cannot be developed. This commitment would also reduce the future traffic on our road.

I am in support of the rezoning plan as outline at this time.

Respectfully,

Steve Embree

Ms. Andrea Landers
Zoning Official
Marquette City Planning Commission

May 3, 2022

Ref: Property Identification Numbers: 0510156 and 1170101

Dear Ms. Landers,

My husband and I purchased a home on Forestville Basin Trail in Marquette County in October, 2021. We recently learned about proposed zoning changes related to the property IDs listed above that has the potential to negatively impact our neighborhood. Our concerns center on two issues: 1) the impact of the proposed development at the end of the private Forestville Basin Trail Road that as members of the Blue Heron Bluff Condominium Association (BHBCA) we contribute to maintaining; and, 2) a precedent that could be set with the request to subdivide one of the lots in the BHBCA.

With regards to the first concern, the road was not meant to take on the significant wear and tear that would be created by an increase in traffic from construction vehicles and later from occupants of the proposed new development. This wear and tear would end up being shouldered unfairly by the members of our community and potentially contribute to a decrease in the quality of life in our area due to increased noise and dust pollution, as well as potential safety issues due to deterioration of road conditions, e.g in difficulty of emergency service vehicle access. We therefore respectfully ask that the Planning Commission please consider these impacts and only grant approval of the development if they can be resolved in such a way that the developer takes responsibility for the additional costs that may be associated with improving and maintaining the road to handle the increase in traffic, also taking into account community concerns and environmental considerations.

With regards to the second concern, according to our BHBCA Master Deed, members are not allowed to split their lots or build a second house on them. We entered into this condominium association with the understanding that its regulations indicated there would only be 19 parcels in our community (18 lots allowing one home on each lot and an additional lot that is our legally protected green space). This configuration permits plenty of forest and wilderness around our homes which was the draw of this neighborhood for our family. If this subdivision were allowed, it would set a precedent for others to ignore the Master Deed and do the same, violating the character of our neighborhood.

Thank you very much for your consideration of this request.

Sincerely,

Holly Ferrette, Ricardo Roca Steverlynck
415 Forestville Basin Trail
Marquette, MI 49855
[redacted]

Property identification #: 0510156

Patrick St. Germain <[redacted]>

Mon 4/25/2022 7:43 AM

To: Andrea Landers <alanders@marquettemi.gov>

Reference: Property identification #: 0510156

Dear Ms. Landers and Planning Commission -

Please reference the attached map. As you can see from the map, parcel PIN 0510156 is a terrible place to put a house but a wonderful place for recreation trails.

PIN 0510156 sits in the middle of a plot of land that is uniquely important to recreation trails that connect the City of Marquette to the wild lands and popular hiking/biking trails that are just north of the Marquette City limits.

Hikers, runners, dog walkers, snowshoers, skiers and more recently, lots and lots of mountain bikers use the unnamed trails and well marked and maintained NTN trails to walk or peddle out of the City and into the wilderness north of the Dead River. They are heading for the spectacular wild forests and historic sites to be found in this area. There are also many races and running /walking fundraisers that utilize the land. The older unnamed trails (black dash lines on the provided map)have been used by Marquette residents for many years for recreation because of easy access from the Marquette Board of Light and Power's protected wild lands in the City of Marquette. These areas have recently had a dramatic increase in non motorized traffic from Marquette with addition of mountain bike trails. Blue Heron Bluffs Condominium Association has encouraged and helped to maintain these trails. In the 20 years that I have lived here we have always allowed non-motorized traffic across our land. The Noquemanon Ski and bike race, the Ore to Shore bike race and Marquette General Hospital fundraisers have all crossed our property and with our enthusiastic approval. If the zoning on PIN 0510156 is changed from CR to LDR the city of Marquette will lose this valuable asset.

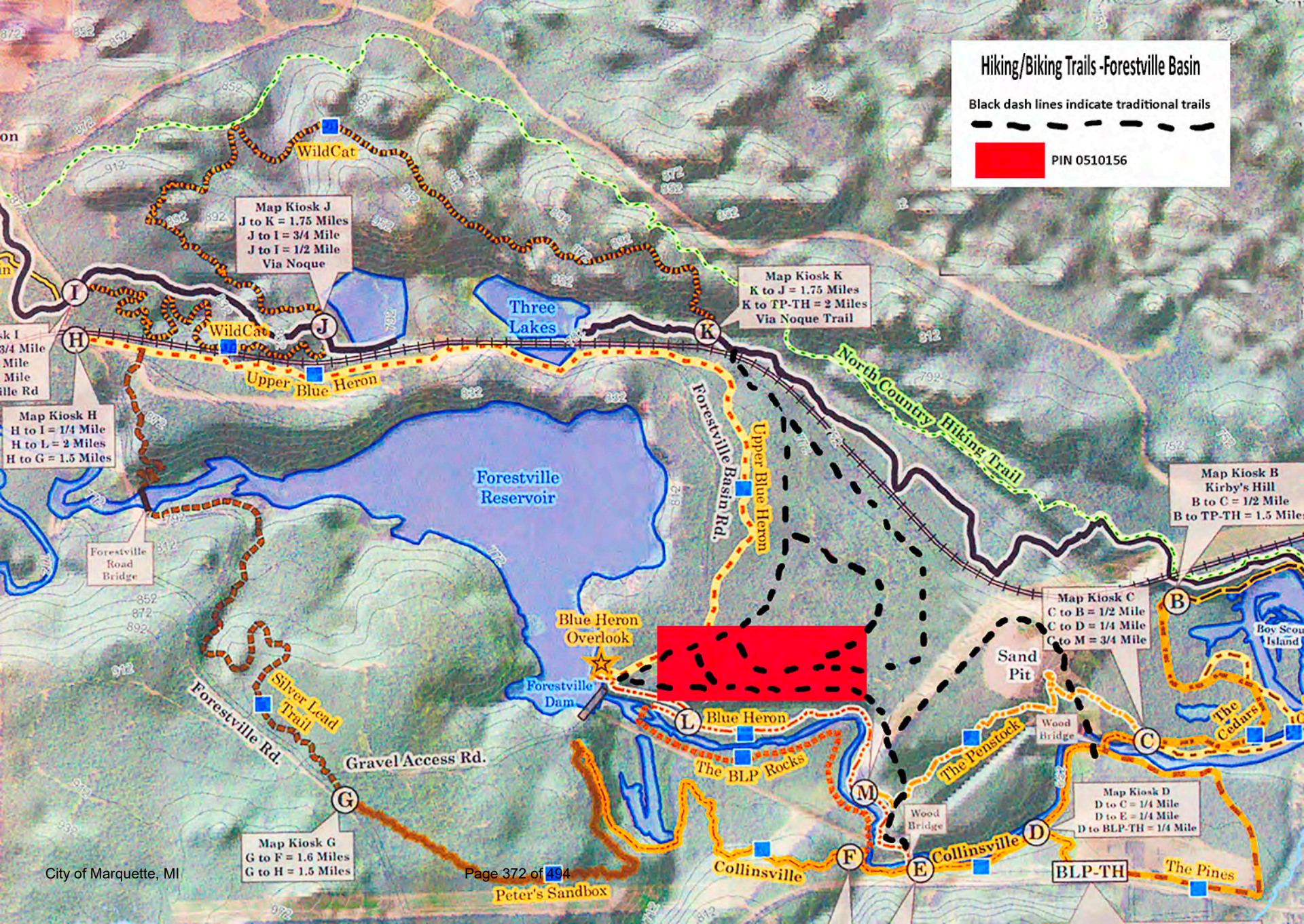
Northern Michigan University's Longyear Forest (land north of the railroad track on the map) is one of Michigan's most unique and little known forests. The Forest is crossed by the North County Trail, The Noquemanon Trail and two NTN mountain bike trails. One of the main jump off points for these trails is marked on the map as Kiosk K. This is also the point where people hiking or biking the Noquemanon trail from Tourist Park can turn on to a different trail system to return to Marquette. The importance of keeping a southern access route to and from Kiosk K is easy to understand.

The Upper Blue Heron biking /hiking trail comes north from the Forestville Dam and then turns west through the narrow isthmus between the Forestville Basin and the ponds. After passing the ponds the trail breaks north to join up with other biking/hiking trails and south to the historic site of the Bancroft Furnace Location. The trail than connects up to trails that return the biker/ hikers back to the City of Marquette .

Not interfering with these recreational trail systems that have naturally developed over the years or have been designed by NTN would be the best long term strategy for the land in Northwest Marquette. Linking the protected lands of the Marquette Board of Light and Power to the protected lands of Northern Michigan University and a variety of trail systems is an obvious advantage for the people of Marquette and those who visit our area looking for a wilderness experience. The long turn best zoning for PIN 0510156 is CR.

Thank you.

Patrick St. Germain
505 Forestville Basin Trail


Hiking/Biking Trails -Forestville Basin
Black dash lines indicate traditional trails
PIN 0510156
Map Kiosk J
J to K = 1.75 Miles
J to I = 3/4 Mile
J to I = 1/2 Mile
Via Noque
Map Kiosk K
K to J = 1.75 Miles
K to TP-TH = 2 Miles
Via Noque Trail
Map Kiosk H
H to I = 1/4 Mile
H to L = 2 Miles
H to G = 1.5 Miles
Map Kiosk B
Kirby's Hill
B to C = 1/2 Mile
B to TP-TH = 1.5 Miles
Map Kiosk C
C to B = 1/2 Mile
C to D = 1/4 Mile
C to M = 3/4 Mile
Map Kiosk D
D to C = 1/4 Mile
D to E = 1/4 Mile
D to BLP-TH = 1/4 Mile
Map Kiosk G
G to F = 1.6 Miles
G to H = 1.5 Miles
WildCat
WildCat
Three Lakes
Upper Blue Heron
North Country Hiking Trail
Forestville Basin Rd.
Upper Blue Heron
Forestville Reservoir
Forestville Road Bridge
Blue Heron Overlook
Forestville Dam
Silver Lead Trail
Forestville Rd.
Gravel Access Rd.
Blue Heron
The BLP Rocks
Sand Pit
Wood Bridge
The Penstock
Wood Bridge
The Cedars
Collinsville
Collinsville
BLP-TH
The Pines
Peter's Sandbox
I
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J
K
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B

RECEIVED
APR 14 2022
Marquette City
Community Development Office

Andrea Landers
Zoning Official
City of Marquette
alanders@marquettemi.gov

Reference: Property Identification Number: 0510156 Dear Marquette City Planning Commission –

We are writing in regards to Cedar Point Family Trust's (Bruce Pesola's) property where an application has been submitted for a Zoning Change. The property is zoned Conservation and Recreation. Mr. Pesola is requesting a zoning change as a necessity for his building 8 single family homes on his City of Marquette property.

We are in the process of building on Forestville Basin Trail in Marquette Township. We have an interest in the proposed zoning change by Bruce Pesola since access to that parcel mentioned above is by way of an easement through Forestville Basin Trail. We are therefore affected by any development at the end of our private road. We believe that the Commission should consider the following before recommending any change to zoning:

Access to the proposed development is from Forestville Road through Forestville Basin Trail, which is a privately owned road maintained by the residents living along that road. Only part of the dirt and gravel road is built to county standards. Development will add traffic for construction equipment, traffic for builders, and traffic from families when lots are sold.

- During the winter the road is snow covered and sanding and plowing is at the discretion of the residents. It is often icy and slick. The road in the older development is very narrow with an average width of 18.8 feet in the summer. In the winter the average width reduces to 14 feet because of the snow banks and is reduced to 12 feet in some areas, which does not allow cars to pass in those areas.

- During the spring the Forestville Basin Trail has deep pot holes and cannot be graded until road restrictions are lifted. This problem is further exacerbated when heavy equipment uses our road and by added traffic in general.
- During the summer months, the dust control on the road is a constant problem. More traffic will only deteriorate the road faster and increase the dust control issue for residents.

Currently the school bus picks up children at the intersection of Forestville Road and Forestville Basin Trail. Because the road is private, children have to walk on the roadway from their homes to this intersection, which can be very dangerous. This is especially problematic in the winter and early spring with snow and ice covered roads. With blind curves, a narrow road, and high snow banks, a child could easily be killed. Children in the new development would need to walk 1.5 to 2 miles to the bus stop. While we understand that the Township has grandfathered the existing older section of this road, there is no reason to expand the risk to children by increasing the number of families at the end of this road.

Due to the road issues outlined above we are also concerned about services for fire, police, ambulance, and garbage being provided adequately and safely. These services are extremely valuable to our residents. However, the safety of the men and women who provide these services are also important to us.

We realize the developer wants to make money by developing residential lots. However, when the new section of Forestville Basin Trail was developed the developer was required to bring the road to a higher standard. We also understand that the older section of Forestville Basin Trail has been effectively grandfathered. It does not make sense to our community to add an additional development without the developer addressing the entire road. Therefore, we would propose that the zoning change not be approved or only be granted if the following takes place:

- The first part of Forestville Basin Trail which includes the residents of Blue Heron Bluffs 2 Condominium Association should be paved by the developer to deal with the severe pothole problem, control dust, and handle the traffic for development. This would allow Marquette County to adopt that section and school buses to operate over that part of the road.

- For the remaining older section of Forestville Basin Trail, owned by Blue Heron Bluffs Condominium Association, the road should be improved by the developer to accommodate two way traffic in all seasons and handle the added construction and residential traffic. This would ensure access to emergency services and the safety of children. A turnaround to accommodate fire and safety vehicles is also need.

Thank you for your consideration and addressing these concerns.

Sincerely,

Jesse & Lottie Kohtala

305 Brookton Rd.
Marquette, MI 49855

zoning re: #0510156

bdmiller [redacted] <[redacted]>

Tue 4/19/2022 10:35 AM

To: Andrea Landers <alanders@marquettemi.gov>

We are writing to you in concern about requested re-zoning on property in our Blue Heron Bluff development, specifically #0510156 submitted by Bruce Pesola. Although we are required to give him easement to his property, easement should not cause harm to the persons granting it. We feel his plan to build 8 houses will cause us and other residents harm. The road to this property is a gravel, non-county conforming road, winding and narrow. It has blind corners and hills. In the winter this road is often wide enough for only one car in spots. We don't feel this road is safe to accomadate all the extra construction and resident traffic and is a danger. In addition these lots would be in the city and would need city garbage, fire, etc which would be difficult on current road. Also Mr. Pesola is requesting rezoning on his current lot to allow him to subdivide it and build another home there. This is in direct conflict with our Consolidated Master Deed, which allowed for only the properties as listed. Mr Pesola was involved in the creating of this Master Deed and knows fully well that this is not allowed. Thank you for your attention to this matter. Sincerely Bruce and Candy Miller 345 Forestville Basin Trail

Patricia Olson

435 Forestville Basin Trl , Marquette, MI 49855 ♦ [redacted]

May 4, 2022

Andrea Landers
City of Marquette Zoning Official
1100 Wright St.
Marquette, MI 49855

Property Identification: 0510156

I believe that development of the land adjoining our association is inevitable. It is only a matter of when and what is developed on that property. Low density residential will be the least impactful compared to other land uses. Single family residential is consistent with the adjoining neighborhood and will not impact the property values negatively. Adding single family residents would be in line with the nature of our community. If there is going to be development on the property, I prefer that it is residential.

There is no doubt that our road is an issue and added residents will add pressure on the road and road maintenance. However, in my opinion, it is not correct that 8 additional residential units will materially affect the road, safety or ingress or egress by residents. Any new residents will be contributing money to our road for maintenance so we will have more money for improvements which will negate any adverse impacts on the private road. Also, it is unlikely that the added 8 lots will be developed in one year so the impact would be over several years with contributions to the road made as the lots are developed.

The road will see extra traffic with any development and low density residential would have lower impact on the road and be better than other types of development – development that could result in heavier perpetual traffic. Bruce Pesola and Cedar Family Trust have stated their intent to donate the remaining acreage (approximately 40 acres) that is adjacent to the condominium association so it cannot be developed. This commitment would also reduce the future traffic on our road.

I am in support of the proposed rezoning plan.

Respectfully,

Patricia Olson

Andrea Landers
Zoning Official
City of Marquette
alanders@marquettemi.gov

Reference: Property Identification Number: 0510156

Dear Marquette City Planning Commission –

We are writing in regards to Cedar Point Family Trust's (Bruce Pesola's) property where an application has been submitted for a Zoning Change. The property is zoned Conservation and Recreation. Mr. Pesola is requesting a zoning change as a necessity for his building 8 single family homes on his City of Marquette property.

We live on Forestville Basin Trail in Marquette Township. We have an interest in the proposed zoning change by Bruce Pesola since access to that parcel mentioned above is by way of an easement through Forestville Basin Trail. We are therefore affected by any development at the end of our private road. We believe that the Commission should consider the following before recommending any change to zoning:

Access to the proposed development is from Forestville Road through Forestville Basin Trail, which is a privately owned road maintained by the residents living along that road. Only part of the dirt and gravel road is built to county standards. Development will add traffic for construction equipment, traffic for builders, and traffic from families when lots are sold.

- During the winter the road is snow covered and sanding and plowing is at the discretion of the residents. It is often icy and slick. The road in the older development is very narrow with an average width of 18.8 feet in the summer. In the winter the average width reduces to 14 feet because of the snow banks and is reduced to 12 feet in some areas, which does not allow cars to pass in those areas.

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- During the summer months, the dust control on the road is a constant problem. More traffic will only deteriorate the road faster and increase the dust control issue for residents.

Currently the school bus picks up children at the intersection of Forestville Road and Forestville Basin Trail. Because the road is private, children have to walk on the roadway from their homes to this intersection, which can be very dangerous. This is especially problematic in the winter and early spring with snow and ice covered roads. With blind curves, a narrow road, and high snow banks, a child could easily be killed. Children in the new development would need to walk

1.5 to 2 miles to the bus stop. While we understand that the Township has grandfathered the existing older section of this road, there is no reason to expand the risk to children by increasing the number of families at the end of this road.

Due to the road issues outlined above we are also concerned about services for fire, police, ambulance, and garbage being provided adequately and safely. These services are extremely valuable to our residents. However, the safety of the men and women who provide these services are also important to us.

We realize the developer wants to make money by developing residential lots. However, when the new section of Forestville Basin Trail was developed the developer was required to bring the road to a higher standard. We also understand that the older section of Forestville Basin Trail has been effectively grandfathered. It does not make sense to our community to add an additional development without the developer addressing the entire road. Therefore, we would propose that the zoning change not be approved or only be granted if the following takes place:

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Thank you for your consideration and addressing these concerns.

Sincerely,

Kristina Orticelli

□□is□ina □ □□□elli
275 □o□es□□ille Basin □□ail
Ma□□□e□□e□M□9855

John Orticelli

□o□n □ □□□elli
275 □o□es□□ille Basin □□ail
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Community Development
Office received 4-13-22

April 13, 2022

Andrea Landers, Zoning Official
City of Marquette

Property Identification Number: 0510156

Dear Marquette City Planning Commission:

We are writing about Cedar Point Family Trust's (Bruce Pesola's) property where an application has been submitted for a Zoning Change. The property is zoned Conservation and Recreation. Mr. Pesola is requesting a zoning change as a necessity for his building 8 single family homes on his City of Marquette property.

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- The first part of Forestville Basin Trail, which includes the residents of Blue Heron Bluffs 2 Condominium Association, should be paved by the developer to deal with the severe pothole problem, to control dust, and to handle the traffic for development. This would allow Marquette County to adopt that section and school buses to operate over that part of the road.

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Thank you for your consideration and for addressing our concerns.

Sincerely,

Michaeleen OSullivan
355 Forestville Basin Trail
Marquette, MI 49855

Patrick MacDevitt
63 Colwill Road
Auckland, New Zealand
[redacted]

April 21, 2022

Andrea Landers
Zoning Official
City of Marquette
alanders@marquettemi.gov
Reference: Property ID #: 0510156

Dear Ms. Landers,

My name is Patrick MacDevitt. I am the son of Maggie MacDevitt and stepson of Patrick St. Germain, the residents of 505 Forestville Basin Trail in Marquette Township. My family stays with them one to three months a year.

I'm writing in regard to the proposed zoning change to a property (T 48 N, R 25 W sections 8 and 9) near Forestville Dam in the City of Marquette, which will be brought before the Zoning Board by Cedar Point Family Trust and Bruce Pesola. This proposal would allow a development which fails to take into account concerns about safety and service accessibility.

Forestville Basin Trail is a narrow dirt road. During the summer, some portions of the road are likely impossible for US Mail vehicles and school busses to use. In winter, most parts of the road will be completely impassable. Furthermore, building new units on the road will require children to walk miles on a narrow, curvy, often icy road with limited visibility, a serious safety risk. I'd like to know how the City of Marquette intends to deal with these challenges.

On a more self-centered note, My parents live on a dirt road can be difficult to access by even normal vehicles. As I understand the situation, there is a proposal to build a large number of dwellings near the end of the road. As there are very few people living on the road at present, this would represent a large percentage increase in the amount of traffic on the road, thereby be degrading the road much more quickly, both in summer and winter months.

I ask that you not approve the zoning change, which could negatively impact the ability of my daughter, wife, and me to visit our family.

Thank you for your time,

Patrick MacDevitt, PhD

Development on Forestville Basin Trail

Matthew Pear <[redacted]>
Tue 4/19/2022 8:25 AM

To: Andrea Landers <alanders@marquettemi.gov>

Matthew MacDevitt Pear
1335 1st St.
Northbrook, IL
60062

Andrea Landers
Zoning Official
City of Marquette
alanders@marquettemi.gov

Reference: Property ID#: 0510156

Dear Ms. Landers,

My name is Matthew MacDevitt Pear. I am the son of Maggie MacDevitt and stepson of Patrick St. Germain, the residents of 505 Forestville Basin Trail in Marquette Township. I visit them nearly every month and stay at their house, often with my three children.

My parents live on a dirt road that is often nearly impassable. As I understand the situation, there is a proposal to rezone and build a development with 8 new homes near the end of the road. As there are very few people living on the road at present, this would represent a large percentage increase in the amount of traffic on the road, thereby degrading the road much more quickly, both in summer and winter months. The road is also narrow and increased traffic will make the road less safe for walking and driving.

I ask that you not approve rezoning which will result in this development, as it will increase the road dangers for all who use Forestville Basin Trail.

Respectfully,
Matthew MacDevitt Pear

P.I.N. 0510156

PHOTOGROPHS OF FORESTVILLE BASIN TRAIL
2021 - 2022

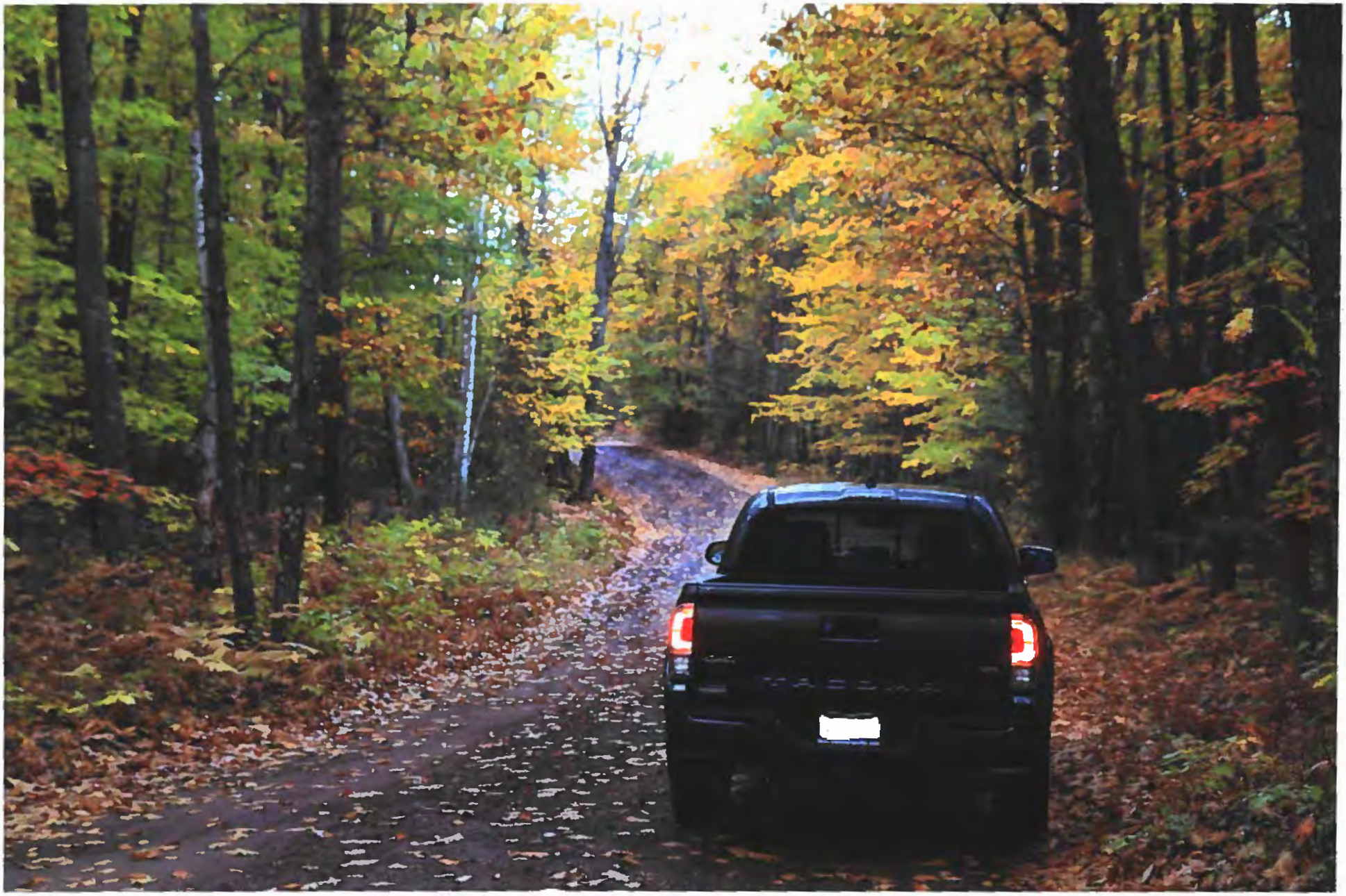
FROM

PROBABLY RABBITS
Patrick St Germain
505 Forestville Basin Trail
Marquette MI 49855
[redacted]

[redacted]

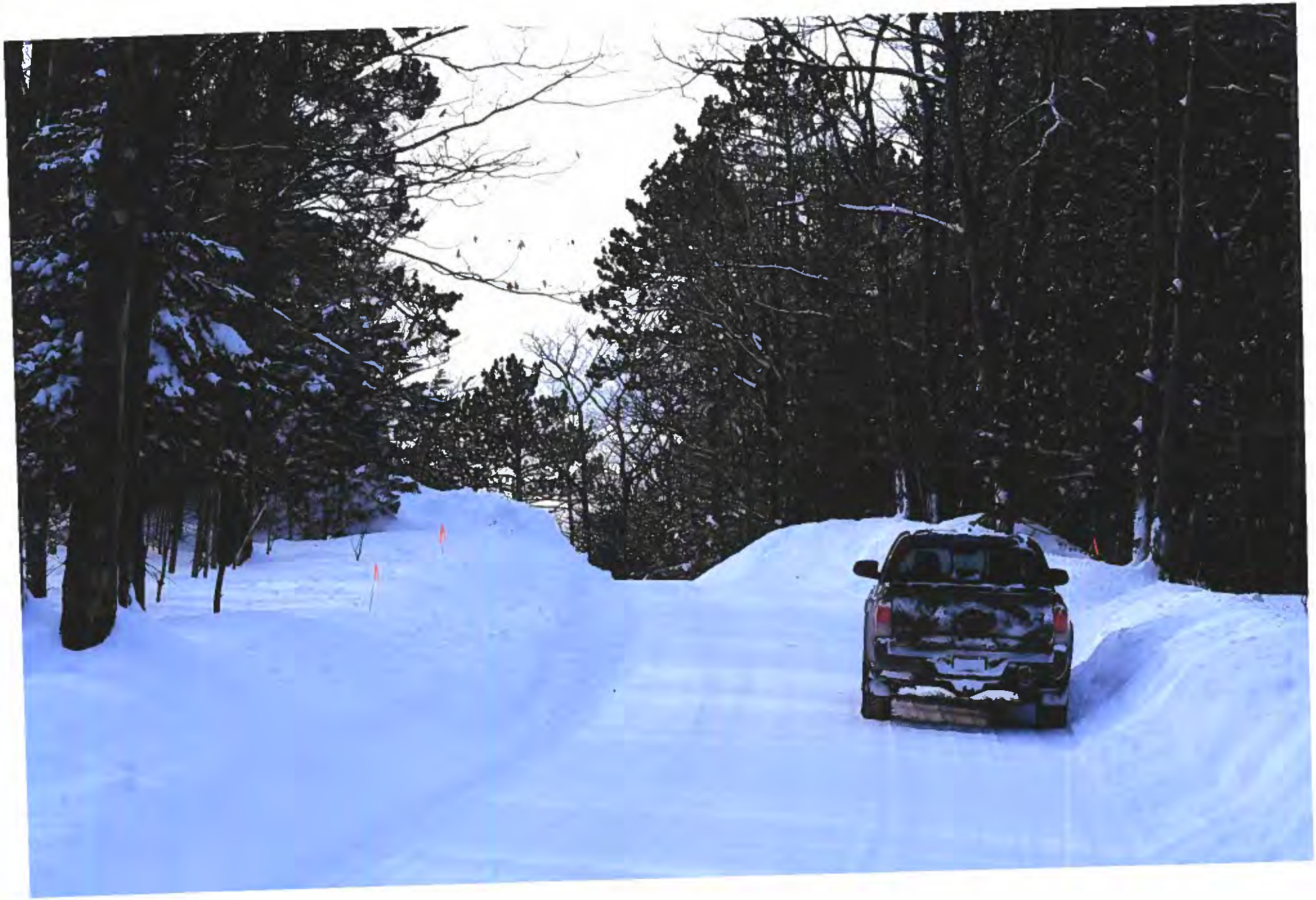
RECEIVED
APR 20 2022
Community Development Office

Forestville Basin Trail - Fall 2021



Forestville Basin Trail - Fall 2021

Forestville Basin Trail - Winter 2022



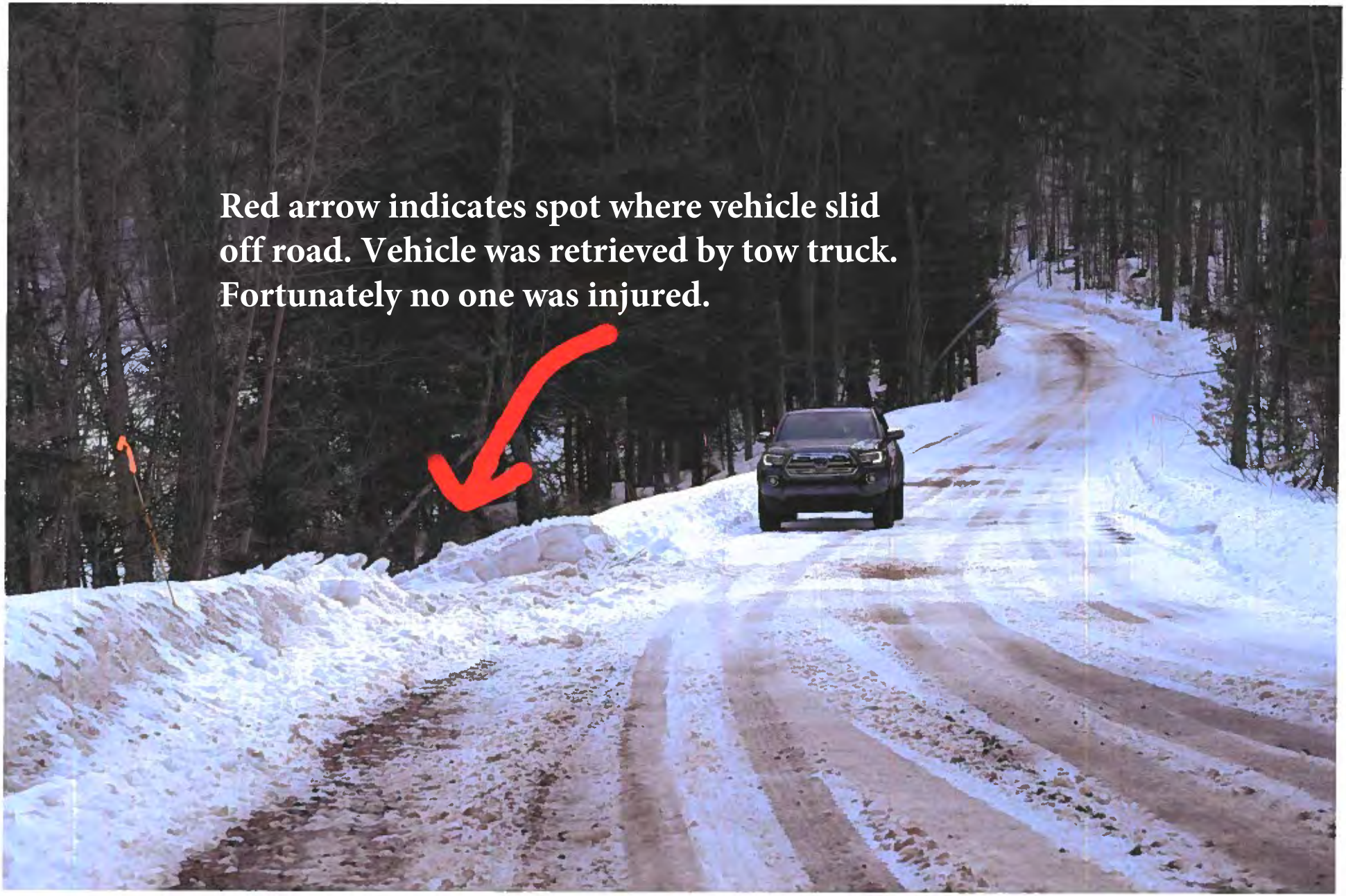
Forestville Basin Trail - Winter 2022

Forestville Basin Trail - Spring 2022

Forestville Basin Trail - Spring 2022

Forestville Basin Trail - Spring 2022

Forestville Basin Trail - April 2022



Patrick St. Germain & Maggie MacDevitt
505 Forestville Basin Trail
Marquette, MI 49855
[redacted]

March 1, 2022

Suzanne Curry Larsen
City Attorney
City of Marquette
300 W. Baraga Ave.
Marquette, MI 49855-4712

Dear Ms. Larsen,

We are writing as residents of Blue Heron Bluffs Condominium Association on Forestville Basin Trail in Marquette Township. We have concerns about the ramifications of a proposed zoning change to a property in our neighborhood. We believe that a zoning modification for the intended development does not take into account safety issues and access for service limitations. The property we're referring to (T 48 N, R 25 W sections 8 and 9) is near Forestville Dam in the City of Marquette. The request for a zoning change will be brought before the Zoning Board by Cedar Point Family Trust and Bruce Pesola. We have included a map for clarification.

Forestville Basin Trail (FBT) is a 1.5 mile long private dirt and gravel road, with year round houses and seasonal dwellings. The first half of the road, owned by Blue Heron Bluffs Two Condominium Association, is new and meets County Road Commission Standards. The second half of the road is owned by Blue Heron Bluffs Condominium Association. This section of road is much older and doesn't meet current Road Commission Standards. A zoning change would allow development of eight single family homes on the property in question. Although the property is within Marquettte city limits, to access it by car, one must drive out of the city and through Marquette Township for 3.75 miles.

Using the last .75 mile of Forestville Basin Trail for access to this proposed development presents issues that need to be addressed. This section of roadway is very hilly and winding with trees and cut banks close to the shoulders of the road. In the summertime, the road is usually 18.8 feet wide. On February 23, 2022 we measured the road, and found it to be 14 feet wide in most places but as little as 12 feet wide in several spots. 14 feet of width will allow cars to pass each other on the road if they are careful, but at twelve feet of width, one vehicle has to pull into a driveway to let another other vehicle pass by. This becomes a serious problem when a service vehicle or large

truck is involved. U.S. Mail vehicles and school buses will not drive down this part of the road even in the summer. In addition, with 8 new families living at the end of this road, the children residing there will need to walk 1.5 miles to catch their school bus on the narrow curvy road where winter snowbanks are 4 to 5 feet high. This is obviously a safety hazard that needs to be addressed. (Photo included)

If the zoning is changed as Cedar Family Trust and Bruce Pesola propose, we have the following questions as to how the City of Marquette will provide services to the tax payers residing in those 8 new lots.

1. Will these lots have to be serviced by Township Fire Departments and County Law Enforcement, even though the lots are in the city of Marquette?

2. How will the residents of these new lots have access to city garbage collection?

3. Marquette city taxpayers have their streets maintained and plowed using city tax dollars. How would that work on a private road?

4. How would the city handle the school bus problem?

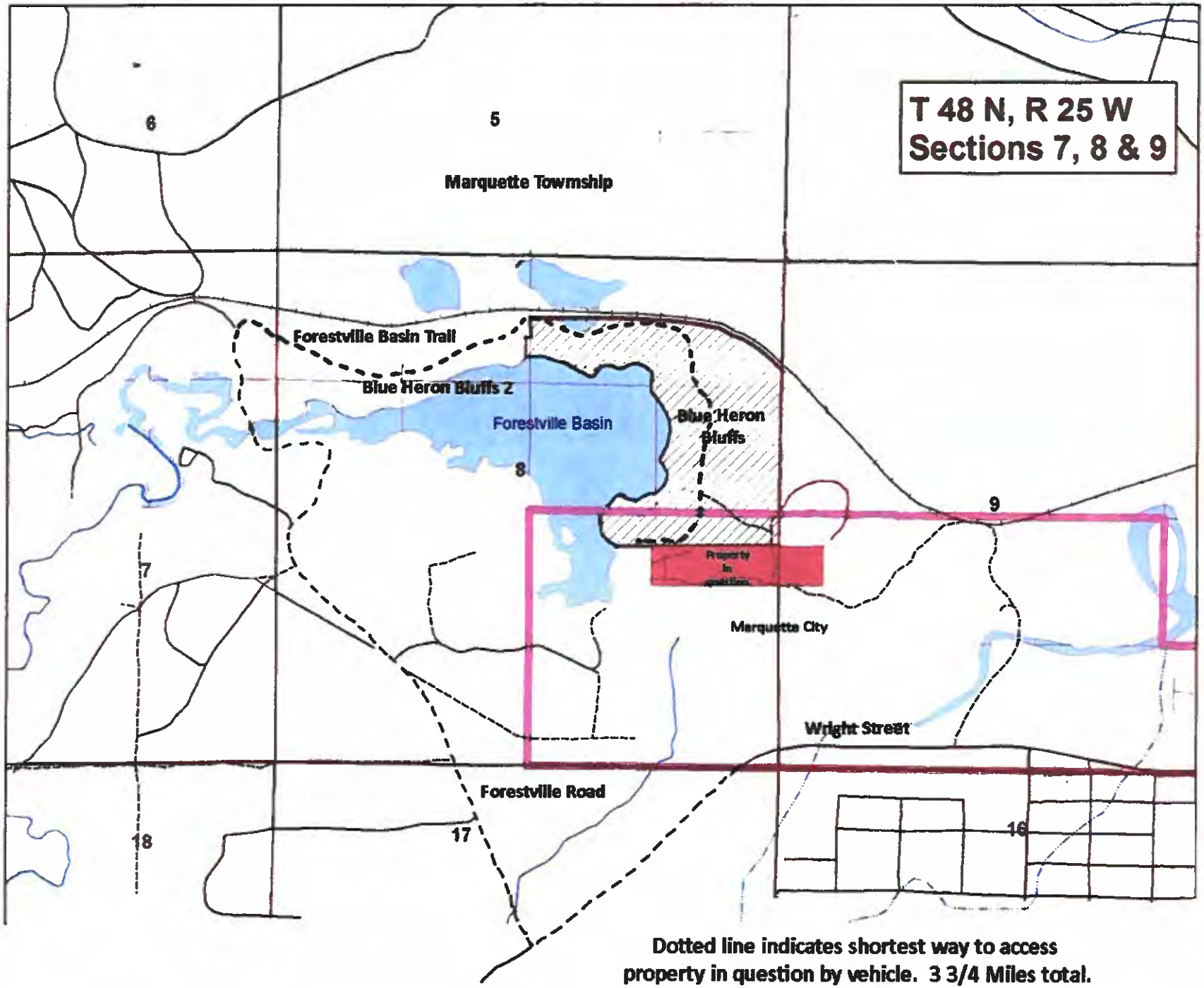
5. Would the arrangements made for servicing these lots via this private road have to be approved by the landowners of both associations that own the road? (It should be noted that the City of Marquette has been reluctant in the past to inspect Marquette City land in this area because they have been unsure about using a private road.)

We are asking the City of Marquette to resolve these problems before they allow eight families to build houses on the property in question. We would appreciate your letting us know if you have answers to our questions or if you know who we should address our concerns to.

Thank you for your time.

Sincerely,

Patrick St. Germain, Maggie MacDevitt



Dotted line indicates shortest way to access property in question by vehicle. 3 3/4 Miles total.
1 1/2 Miles on private road.
2 1/4 Miles on Marquette Township roads.

City of Marquette, MI

Rezoning parcels Cedar Point Family Trust-Forestville Basin

David Staples <[redacted]>

Thu 5/5/2022 11:29 AM

To: Andrea Landers <alanders@marquettemi.gov>

As owners of lots 3 & 5 (575 & 535) of Blue Heron Bluffs Condominium Association we do not support the current plan and sequence for the rezoning request.
We feel there are too many unanswered questions regarding documented assurances from Bruce of Cedar Point Family Trust (CPFT).
Additionally, we would like to see a response from the Zoning Department as to what requirements have to be met before approval is granted. We understand that neighborhood support is one factor in the process.
Therefore we recommend that rezoning approval be delayed until more information is provided by Bruce of CPFT and the Zoning Board of Appeals.
Signed
David Staples, Sharon Staples (575)
Ryan Staples, Stephanie Whiton (535)

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Schedule Public Hearing - Rezoning of Parcel #1170101

BACKGROUND:

The Planning Commission (PC) held a public hearing on May 10, 2022 for the consideration of a request for rezoning of property located at 595 Forestville Basin Trail, to be rezoned from Conservation and Recreation (CR) to Low Density Residential (LDR). After conducting a public hearing, the following motion was made:

> *It was moved by N. Frischkorn, seconded by M. Larson and carried 4-1 that after conducting a public hearing and review of the application and Staff Report for 03-REZ-05-22, the Planning Commission finds that the proposed rezoning is consistent with the Community Master Plan and meets the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission approve 03-REZ-05-22 as presented.*
>
> *Yes: Vice-Chair M. Larson, N. Williams, N. Frischkorn A. Andres, J. Cardillo*
> *No: W. Premeau*

Under procedures in accordance with section 54.1405(C)(2) of the Land Development Code, the Planning Commission is offering the recommendation of approval for rezoning to the City Commission.

FISCAL EFFECT:

None.

RECOMMENDATION:

Schedule a Public Hearing for this proposed rezoning for the June 27, 2022 City Commission meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Planning Case File for 03-REZ-05-2022 - 595 Forestville Basin-PID 1170101
- Late Correspondence - Received After Agenda Publication

CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT ST
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning □o□ □ission
FROM: And□ea □ande□s□□oning □ffi□ial
DATE: May 5□2022
SUBJECT: 03-REZ-05-22 – 595 Forestville Basin Trail (PIN: 1170101)

□□e Planning □o□ □ission is □eing as□ed □o □a□e a □e□o□ □enda□ion □o □e □i□y □o□ □ission □ega□ding a □e□□es□□o □e□one □e □o□e□y lo□a□ed a□595 □o□es□ille Basin □ail □□i□□ is □oned **Conservation & Recreation (CR)** □o □e □oned **Low Density Residential (LDR)**□

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RECOMMENDED ACTION:

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> *After conducting a public hearing and review of the application and Staff Report for 03-REZ-05-22, the Planning Commission finds that the proposed rezoning is (consistent / not consistent) with the Community Master Plan and (meets / does not meet) the requirements of the Land Development Code Section 54.1405 and hereby recommends that the City Commission (approve / deny) 03-REZ-05-22 (as presented / for the following reasons / with the following conditions).*

STAFF FILE REPORT/ANALYSIS

Completed by Andrea M. Landers – Zoning Official
Reviewed by David Stensaas – City Planner and Zoning Administrator

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Case #: 03-REZ-05-22

Date: May 5, 2022

Project/Application: Rezoning request from **Conservation & Recreation (CR)** to be zoned **Low Density Residential (LDR)**.

Location: 595 Forestville Basin Trail

Parcel ID: 1170101

Available Utilities: There are no City utilities or services for this area, but there is electricity provided to the area by the Marquette Board of Light and Power.

Year Built: Vacant property (1.5 Acres)

Current Zoning: CR – Conservation and Recreation

Surrounding Zoning:
North: Marquette Township
South: BLP- Board of Light and Power
East: CR – Conservation and Recreation
West: BLP- Board of Light and Power

Zoning Districts and Standards:

Current Zoning

Section 54.318 CR, Conservation and Recreation District

(A) Intent
The intent of the CR district is to preserve the character of land in the city which have outstanding scenic and/or recreational qualities by restricting development not suited to this goal; to prevent development of land which has great ecological value or where there are natural hazards to development; to preserve open areas for forestry, agriculture and recreation; and to control the construction of structures along the shoreline of Lake Superior. One of the purposes of the CR district is to have an appropriate zoning district for municipal parks that meet these objectives.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Agriculture-Like Operation, including Forestry • Food Production, Minor • Outdoor Recreation • Public or Governmental Building • Recreational Use, Public • Storage, Open	• Accessory Use, Non-Single Family Residential Lots • Natural Resource Extraction Operations • Outdoor Entertainment and Community Events (Principal or Accessory Use) • Port Facilities and Docks • Recreational Use, Land Intensive • Structures between the shoreline of Lake Superior and the pavement of the nearest public street or highway. • 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***	
Min. Lot Area (sq. ft.)	None	*Front Yard (ft.)*	15
Min. Lot Width (ft.)	None	*Side Yard (one) (ft.)*	50
Max. Impervious Surface Coverage (%)	*(R)*	*Side Yard (total of 2) (ft.)*	100
Max. Building Height of Primary Building (ft.) (O)	36.5	*Rear Yard (ft.)*	20 *(P)*
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.			

54.403 Footnotes to Schedule of Regulations

(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.

(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.

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
CR	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Proposed Zoning

Section 54.307 LDR, Low Density Residential

(A) Intent
The LDR district is intended to establish and preserve quiet, attractive neighborhoods of detached single-family dwellings with a low to medium density and compatible residential land uses. Some additional non-commercial, compatible uses may be allowed. It is also intended that developments in this district will be designed to preserve significant natural features, including woodlands, steep slopes, wetlands, and floodplains.

(B) Permitted Principal Uses	(C) Special Land Uses
• Accessory Building or Structure • Accessory Use, Non-Single Family Residential Lots • Accessory Use, Single-Family Residential Lots • Adult Foster Care, Family Home • Child or Day Care, Family Home • Dwelling, Single-Family Detached • Food Production, Minor • Foster Family Home • Home Occupation • Home Office • Homestays and Vacation Home • Residential Limited Animal Keeping	• Adult Foster Care, Small Group Home • Cemetery • Child Care Center or Day Care Center • Child or Day Care, Group Home • Dwelling, Accessory Unit • Dwelling, Intentional Community • Dwelling, Two-Family (Duplex) • Foster Family Group Home • Public or Governmental Building • Recreational Use, Public • Religious Institution • School, Primary or Secondary
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.)	8,100	*Front Yard (ft.)*	20 *(B)*
Min. Lot Width (ft.)	60	*Side Yard (one) (ft.)*	10 *(K)*
Max. Impervious Surface Coverage (%)	*(Q)*	*Side Yard (total of 2) (ft.)*	20 *(K)*
Max. Building Height of Primary Building (ft.) (O)	31.5	*Rear Yard (ft.)*	30 *(K)*
Max. Building Height of Accessory Building	*(K)*		
Max. Building Height (stories)	-		
Where there is a discrepancy between *Article 4* and this table, *Article 4* shall prevail.			

54.403 Footnotes to Schedule of Regulations

(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.
(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*.
(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.
(Q) Maximum Impervious Surface Coverage of a Lot in the LDR and MDR Districts: The maximum impervious surface coverage of a lot in the LDR and MDR 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

Section 54.1003 Landscaping Design Requirements

(D) Buffer and Greenbelt Requirements.

Intent. It is the intent of this section to provide suitable transitional yards for the purpose of reducing the impact of and conflicts between incompatible land uses abutting district boundaries.

Buffer and Greenbelt Schedule. On any lot abutting a zoning district boundary, no structure, building or part thereof shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified (in feet) in the following schedule (*Figure 50*). Where indicated, landscape planting is required.

Figure 50 - Required Buffer and Greenbelt Specifications:

DISTRICT IN WHICH BUFFER & GREENBELT IS REQUIRED	ABUTTING DISTRICT							
	LDR & MDR	MFR	MHP	M-U	CBD	GC & RC	C, M, & CR	I-M & BLP
LDR and MDR	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

Relationship to Applicable Land Development Code Standards (staff comments in bold text):

Section 54.1405 Zoning Ordinance Amendment Procedures

(A) Initiation of Amendments. The City Commission, the Planning Commission, or the property owner (including a designated agent of the property owner) may at any time originate a petition to amend or change the zoning district boundaries pursuant to the authority and procedure established by Act 110 of Public Acts of 2006 as amended. Changes in the text of this Ordinance may be proposed by the City Commission, Planning Commission, or any interested person or organization.

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

Application accepted.

(C) Amendment Review Procedures.

(1) Public Hearing. The staff liaison to the Planning Commission shall set a

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

The public hearing before the Planning Commission is scheduled for 6:00 p.m. on Tuesday, May 10, 2022.

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

The Planning Commission is being asked to make a recommendation at their meeting on May 10, 2022.

(3) City Commission Consideration of the Proposed Amendment. The City Commission, upon recommendation from the Planning Commission, shall either schedule a public hearing or deny the petition. This hearing shall be advertised in accordance with *Section 54.1406*. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the Official Zoning Map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

To be determined.

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

(1) Master Plan**.** Consistency with the recommendations, goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

This property is designated for *Conservation and Recreation* on the *Future Land Use Map* and the *Proposed Zoning Map* of the Community Master Plan (CMP). The designations were adopted with the 2015 amendments to the CMP after careful consideration, and they remained unchanged as of the December 2018 update to the CMP.

Please see p.3-31 and p.3-32 of the Community Master Plan (CMP), regarding Rezoning Requests. The Planning Commission must review all supporting information, this report in particular, and the attachment titled *Rezoning Considerations for Planning Commissions,* and hold a public hearing for community input prior to making a determination of whether to recommend approval or the request as presented or not.

(2) Intent and Purpose of the Zoning Ordinance. Consistency with the basic intent and purpose of this Zoning Ordinance.

Please see above - "Zoning District and Standards".

(3) Street System. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

There is no City street system adjacent to this parcel. The road access to the property is and would remain privately owned (by the homeowners association) – via Blue Heron Bluffs Rd. – which Marquette Township officials considered "substandard" at present.

(4) Utilities and Services. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

There are no City utilities or services for this area, but there is electricity provided to the area by the Marquette Board of Light and Power.

(5) Changed Conditions Since the Zoning Ordinance Was Adopted or Errors to the Zoning Ordinance. That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

No conditions have changed nor was there an error in the Zoning Ordinance.

(6) No Exclusionary Zoning**.** That the amendment will not be expected to result in exclusionary zoning.

The proposal will not result in exclusionary zoning.

(7) Environmental Features. If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The proposed zoning is itself not incompatible with the environmental features, as much of the City of Marquette was built in similarly situated terrain. The uses allowed by the proposed zoning may or may not be compatible with site's physical, geological, hydrological and other environmental features, considering the relative remoteness of the property, thus the specific uses of the property would determine compatibility. This is the subject of the next standard.

(8) Potential Land Uses and Impacts. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

The surrounding zoning districts in the City of Marquette are Conservation and Recreation and Board of Light and Power. In Marquette Township the zoning of the adjacent property is *Scenic Residential*, which allows residences on 5+ acres of land as a permitted use and may allow detached single-family residences on lots of as little as 40,000 sq. ft. (nearly one acre) by approval of a Special Land Use Permit. This parcel does not adjoin a public street, and Marquette Township officials consider Blue Heron Bluffs road "substandard" for the existing use level, therefore there may be negative traffic and road maintenance impacts with the addition of residential uses if this were to be rezoned. Residential use of the property are not necessarily more incompatible here than at other locations that are occupied by homes in the City, but homes would increase impacts on the land for septic waste treatment and potentially by energy production, glare and aesthetics, and nuisances like noise. As well, for detached residential use at the maximum or near-maximum density allowed in an LDR district for detached single-family homes, the homes could be at substantial risk for wildfire unless the homesites are carefully designed. How these potential impacts affect existing or future property values is indeterminate with certainty, as property values are influenced in multiple ways.

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

In Marquette Township the zoning of the adjacent property is *Scenic Residential*, which allows residences on 5+ acres of land as a permitted use and may allow detached single-family residences on lots of as little as 40,000 sq. ft. (nearly one acre) by approval of a Special Land Use Permit. The surrounding zoning districts in the City are Conservation and Recreation and Board of Light and Power.

This parcel is 1.5 Acres, so there is adequate space to meet the LDR dimensional regulations for construction.

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

To be determined the Planning Commission. Per the Future Land Use Map in the Community Master Plan, the intent was for this to be used

and zoned as a Conservation and Recreation district.

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

Yes, rezoning would be preferable, as adding residential to the Conservation and Recreation zoning district land use options would not comply with the intent of the Conservation and Recreation districts.

(12) Isolated or Incompatible Zone Prohibited**.** If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

To be determined by the Planning Commission.

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

The required notice of adoption shall include all of the following information:

(1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Marquette."
(2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).
(3) The effective date of the ordinance or amendment.

If the proposed zoning amendment is adopted by the City Commission the requirements of this section will be met.

(H) Rezoning (Zoning Map Amendment) with Conditions. Pursuant to MCL 125.3405, the City Commission, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

This section is not applicable, as this is not a rezoning with conditions request.

Additional Comments:

The Planning Commission should consider the request, and the information provided in this analysis, hold a public hearing, and provide a recommendation to the City Commission.

Attachments:

1. Rezoning Application
2. Area Map
3. Block Map
4. Area Zoning Map
5. Future Land Use Map from the Master Plan
6. Proposed Zoning Map from the Master Plan
7. Photos of the site
8. Publication Notice
9. MQT Township Zoning Map
10. *Rezoning Information for Planning Commissions* document
11. *Spot Zoning Considerations*
12. Correspondence

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

CITY OF MARQUETTE
REZONING APPLICATION

FEE $550

CITY STAFF USE

Parcel ID#: 1170101 File #: 03-REZ-05-22 Date: 4-12-22

Hearing Date: 5-10-22 Application Deadline (including all support material): 4-12-22

Receipt #: 819544 Check #: 2083 Received by and date: 4-12-22 AC

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

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

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

Please review the attached excerpt from the Land Development Code.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Cedar Point Family Trust

Address: 10670 NE Hwy 314

City, State, Zip: Silver Springs, FL 34488

Phone #: 906-360-3030

Email: brucepesola@yahoo.com

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

APPLICANT/OWNERS REPRESENTATIVE

Name: Ironshore Development, LLC

Address: 137 W Michigan St

City, State, Zip: Marquette, MI 49855

Phone #: 231-420-1473

Email: jim.t.conlin@gmail.com

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

PRE-APPLICATION CONFERENCE

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

PHASING OF APPLICATION

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

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

PROPERTY INFORMATION

Property Address: 595 Forestville Basin Trail Property Identification Number: 1170101

Size of property (frontage / depth / sq. ft. or acres): 1.5

Surrounding Zoning Districts: North Condo & RP (Twp) East Condo & RP (Twp) South BLP West BLP

Legal Description: Blue Heron Bluffs Condominium Unit 1 Portion in City of Marquette

PROPOSAL

Current Zoning District: CR (in condo) Proposed Zoning District: LDR

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

SIGNATURE

I hereby certify the following:

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

Property Owner Signature: Jim Conlin, IRONSHORE DEVELOPMENT Date: 3.23.22

JIM CONLIN ON BEHALF OF BRULE PESOLA

03-REZ-05-22 Area Map

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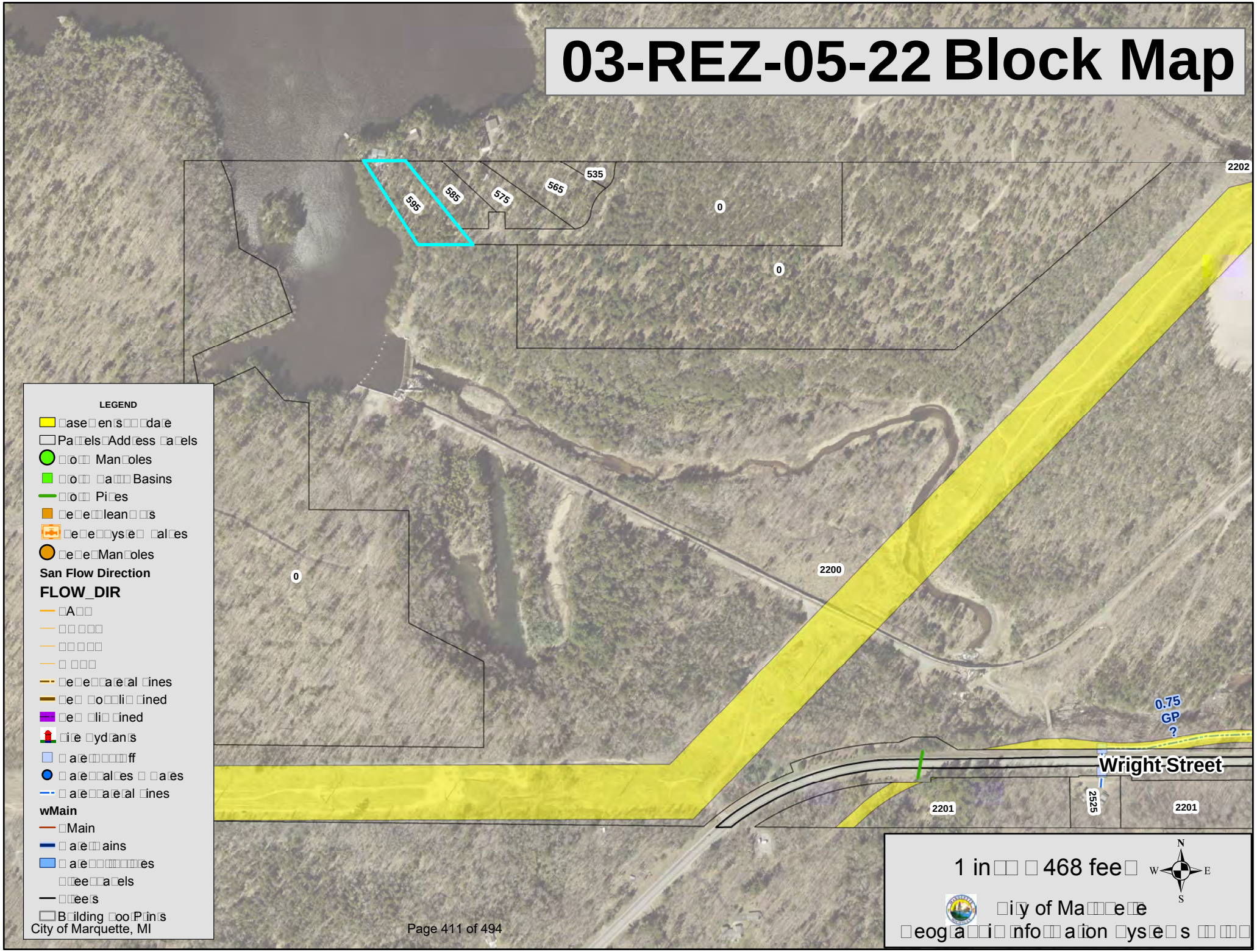
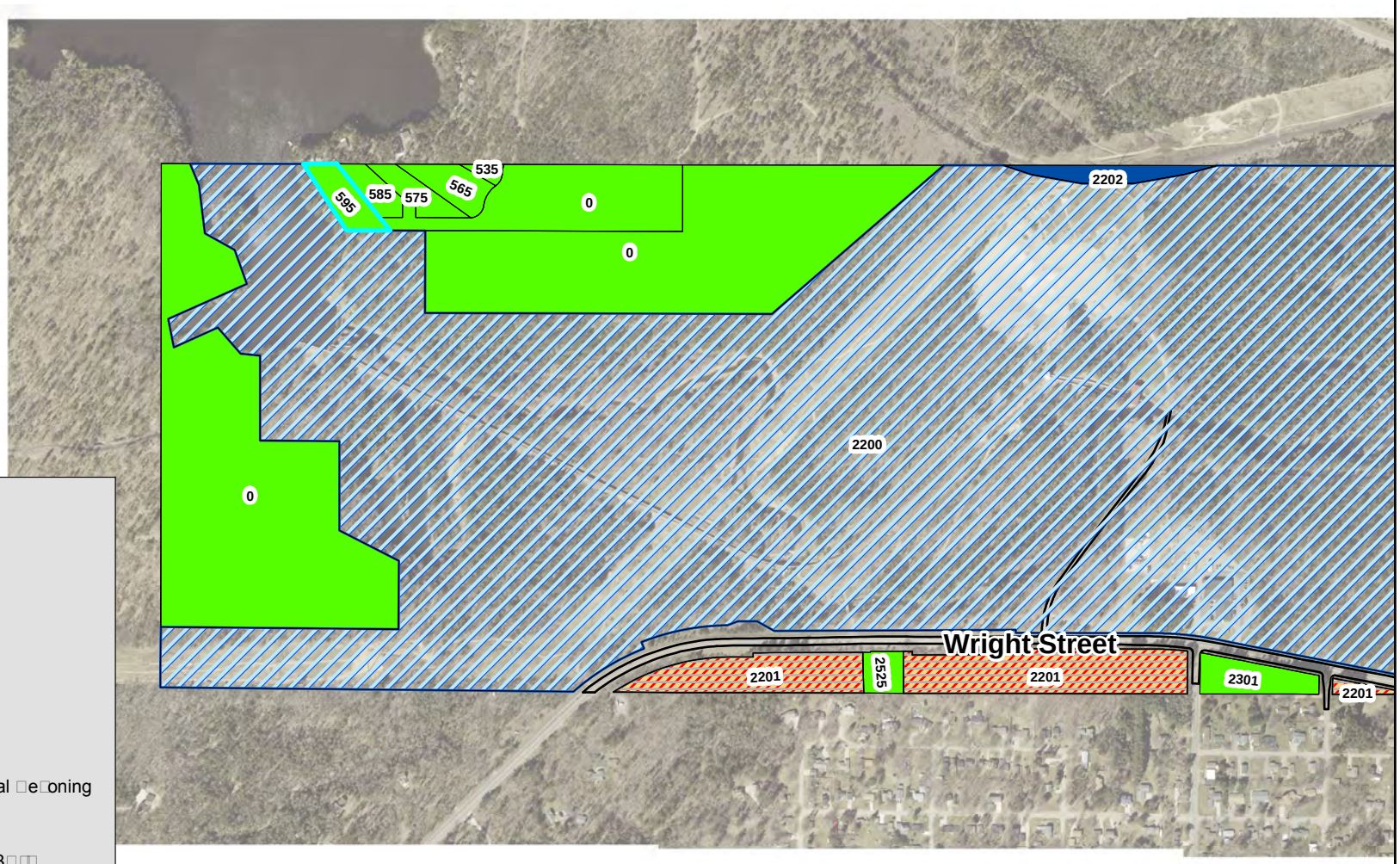
03-REZ-05-22 Block Map



City of Marquette, MI

03-REZ-05-22 Zoning Map



LEGEND

- Parcels
- Address Labels
- Street Labels
- Streets

Zoning Districts

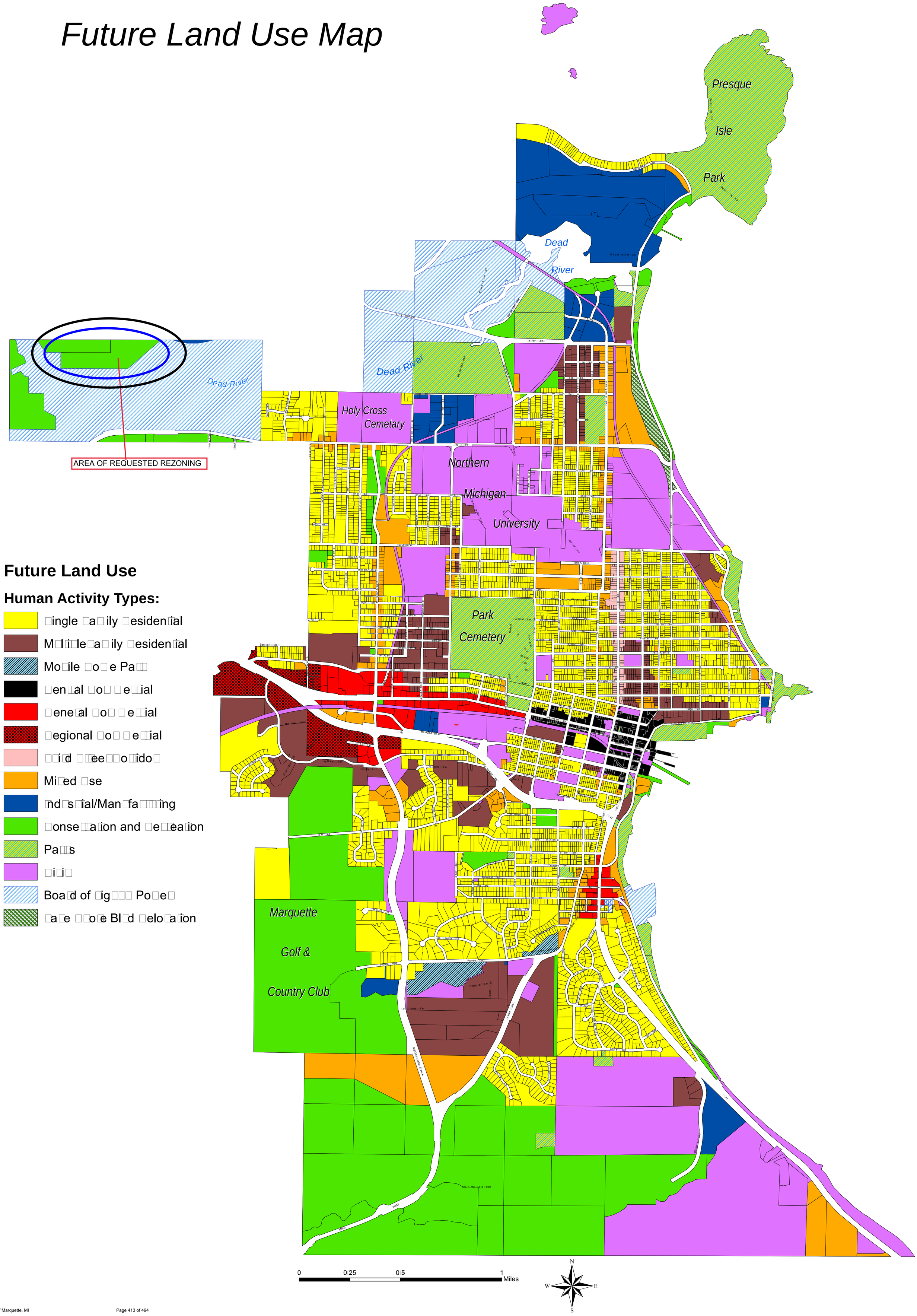
- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business District
- General Commercial
- General Commercial with Conditional Rezoning
- Regional Commercial
- Mixed Use Commercial Residential
- Downtown Marquette Waterfront Business
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Civic
- Board of Light Power

1 inch = 833 feet

City of Marquette
Geographic Information Systems

MARQUETTE COMMUNITY MASTER PLAN

Future Land Use Map



MARQUETTE COMMUNITY MASTER PLAN

Proposed Zoning Map

Presque Isle Park

Dead River

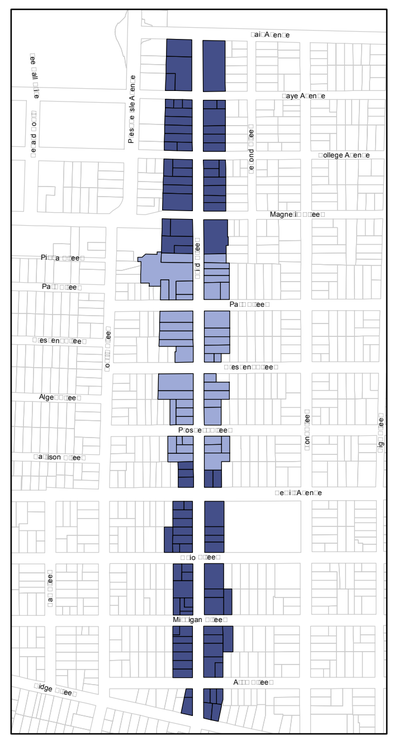
Holy Cross Cemetary

Northern Michigan University

Park Cemetery

Marquette Golf & Country Club

Third Street Corridor



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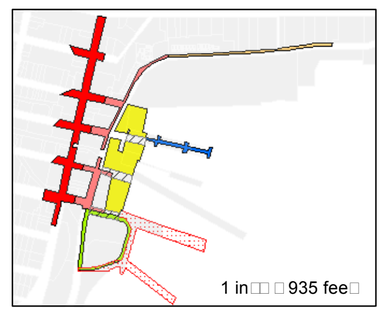
Zoning Districts

- Low Density Residential
- Medium Density Residential
- Multiple Family Residential
- Mobile Home Park
- Central Business
- General Commercial
- Regional Commercial
- Mixed Use Neighborhood Business
- Downtown Marquette Waterfront District
- Mixed-Use
- Planned Unit Development
- Industrial/Manufacturing
- Municipal
- Conservation and Recreation
- Misc
- Board of Light and Power

*** Form Based Code**

Downtown Marquette Waterfront District



**Building sites/parcels are coded by Street Frontage*

SUB-DISTRICTS

- 3 - General 3
- 5 - General 5
- - Corridor Transition
- - Core
- 5 - Downtown 5
- Overlay Area
- Public Use Area

0 0.25 0.5 1 Miles

N W E S

05/06/2022 09:00

05/06/2022 09:00

05/06/2022 09:01

05/06/2022 09:00

Region

tional anthem.

The orchestra is a "college-community hybrid," Neves said: about half are Tech students, while the other half are Tech faculty, community members and music educators.

"It's the cream of the crop of the Keweenaw and the U.P. and so they're very talented musicians and artists," Neves said. "What's most satisfying is their spirit. They're just wonderful human beings, and collaborating with them every week is a true joy."

During Tuesday's rehearsals, Neves acknowledged returning alumni, who were greeted with the sound of stomping feet. One performer, Gene Purdum, was an original member of the orchestra. He graduated from Tech in 1975 with a degree in nuclear physics and later different sections as well."

The oldest orchestra in the Upper Peninsula, the KSO has toured and made numerous recordings. It's also won national acclaim, most recently winning second place for best orchestral performance by a small college last year in the American Prize in Orchestral Performance.

"We're very proud of that distinction, to be one of the best orchestras in the United States," Neves said. "Not bad for a place that's mostly engineers and STEM people, but we're able to combine our talents and create something special."

Tickets are $19 for adults, $6 for youth, and free for MTU students (and a guest) with Experience Tech Fee. They are available at events.mtu.edu or (906) 487-1906. The concert will also be livestreamed.

CITY OF NEGAUNEE
INVITATION TO BID
DIVISION ST LIFT STATING BLASTING AND PAINTING

The City of Negaunee is accepting bids for the blasting and painting of the Division Street lift station.
For bidding information and specs please see our website at: www.cityofnegaunee.com

PUBLIC HEARING NOTICE
MARQUETTE CITY PLANNING COMMISSION

Notice is hereby given that the Marquette City Planning Commission will hold a public hearing for the following:

01-STR-05-22 – Petition to vacate a portion of Center Street. The City of Marquette has received a petition to vacate a portion of the Center Street public right-of-way. The following is the legal description: Center Street located between lots 1through 3 of the Marquette Company's Addition No.2 and Lots 26 and 27 of Ayer's Addition

02-REZ-05-22 – Forestville Basin Trail (PIN: 0510156): Bruce Pesola and Cedar Point Family Trust are requesting to rezone the property located at Forestville Basin Trail - PIN: 0510156 which is zoned **Conservation & Recreation (CR)** to be zoned **Low Density Residential (LDR)**

03-REZ-05-22 – 595 Forestville Basin Trail (PIN: 1170101): Bruce Pesola and Cedar Point Family Trust are requesting to rezone the property located at 595 Forestville Basin Trail which is zoned **Conservation & Recreation (CR)** to be zoned **Low Density Residential (LDR)**.

The public hearing for these requests will be at 6:00 P.M. on Tuesday, **May 10, 2022**, in the Commission Chambers at City Hall, 300 W. Baraga Ave. If you wish to comment on these matters you may do so at that time. Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail **alanders@marquettemi.gov**. Written submissions will be accepted until 12:00 p.m. on May 10, 2022.

Materials pertaining to the requests are available for review at the Community Development Department's office at the Municipal Service Center during 7:30 a.m. to 4:30 p.m., Monday through Friday. Otherwise, you can request to have the materials e-mailed to you by e-mailing **alanders@marquettemi.gov**. You can also view the Land Development Code on our website at **www.marquettemi.gov**.
If you have a disability and require assistance to participate, please provide advance notice.

Andrea M. Landers
Zoning Official
alanders@marquettemi.gov
225-8383

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Flood Hazard Determinations for Marquette County, Michigan (All Jurisdictions)

The Department of Homeland Security's Federal Emergency Management Agency has issued a preliminary Flood Insurance Rate Map (FIRM), and where applicable, Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within Marquette County, Michigan (All Jurisdictions). These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary FIRM and/or FIS report for Marquette County, Michigan (All Jurisdictions). These flood hazard determinations are the basis for the floodplain management measures that your community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. However, before these determinations are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed information. For information on the statutory 90-day period provided for appeals, as well as a complete listing of the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp, or call the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).

ADVERTISEMENT FOR BIDS

The City of Munising Downtown Development Authority is seeking bids for the construction of the "Downtown Resurfacing Project" that includes the following major items of work:

HMA surface milling, paving, ADA sidewalk upgrades, concrete crosswalks and pavement markings.

The Contract Documents may be examined at the following locations:

City of Munising
301 E. Superior Street
Munising, MI 49862

Coleman Engineering Company
635 Circle Drive
Iron Mountain, MI 49801

The contract documents may be viewed and downloaded at www.coleman-engineering.com by selecting "Bid Information". Interested parties may view the contract documents at no cost on the website prior to becoming a plan holder. Downloading and printing the contract documents will require registering with QuestCDN online (www.questcdn.com). A non-refundable fee of $15.00 will be charged to download the contract documents.
Sealed bids marked "Downtown Resurfacing Project" are to be submitted to the office of:

Mr. Devin Olson, City Manager
City of Munising, City Hall
301 E. Superior Street
Munising, MI 49862

Bids must be received by 2:00 p.m. (local time) on May 9, 2022 at the City of Munising, City Hall. Bids will be publicly opened and read out loud at this time.

The City of Munising Downtown Development Authority reserves the right to accept or reject any and all bids at its discretion

Volume 136, No. 93

THE MINING Journal
228-2500

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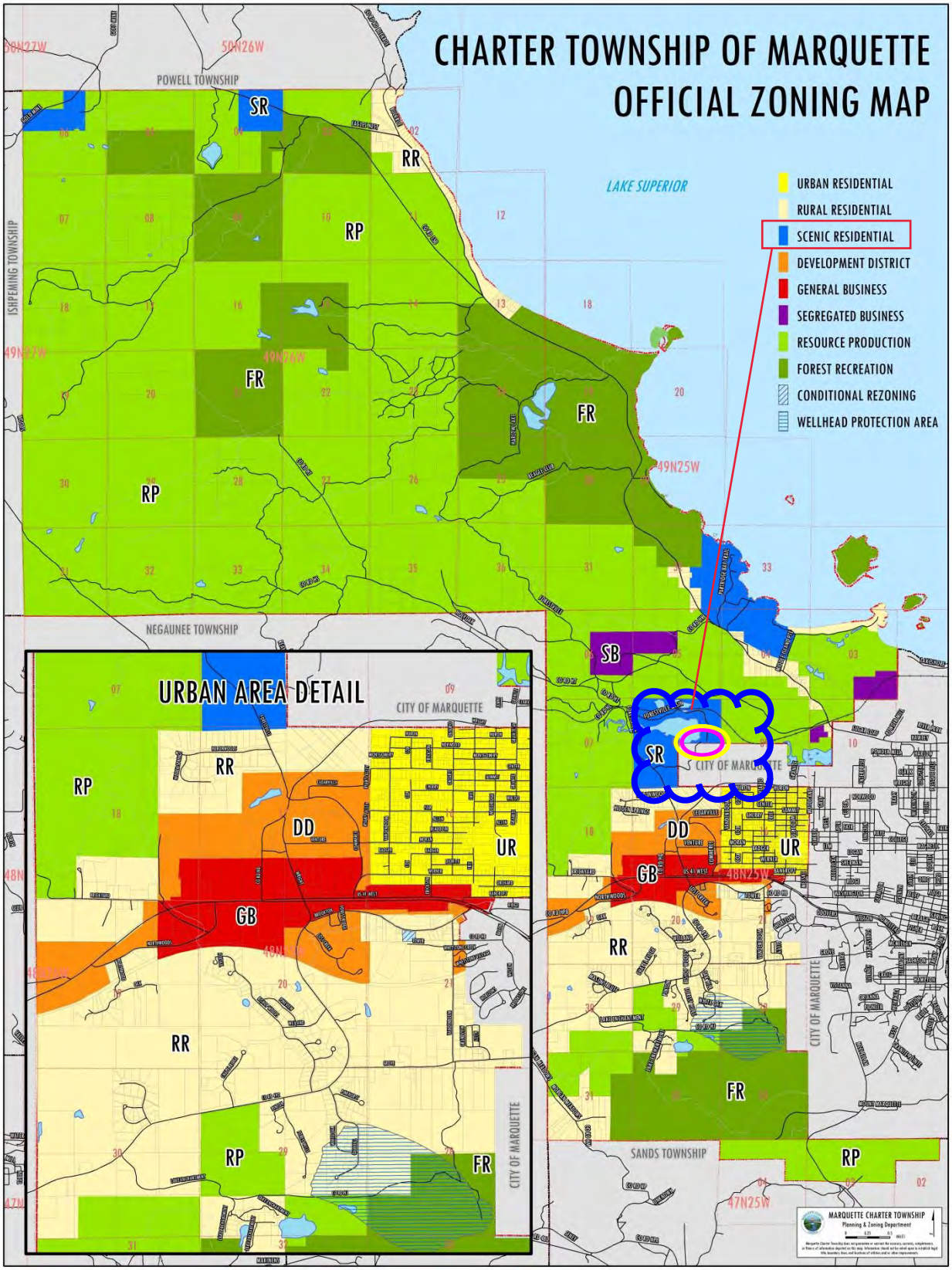
SECTION 3.08: OFFICIAL ZONING MAP



Rezoning

- The main question that must be answered when considering a rezoning is: *"Is that an appropriate location for that zone?"*
- The proposed use of land is not as important as is the fact that if the land is rezoned, any of the uses permitted in that zone may be established on that land.
- If a specific land use is proposed then an additional question must also be answered: *"Are the uses permitted in the existing zone reasonable?"*
- Failing to follow notice requirements may result in a Court invalidating the amendment.

20

Rezoning Factors to Consider

RE: Question One (previous page)

- Would rezoning be consistent with other zones and land uses in the area?
- Is the proposed rezoning consistent with the trend of development in that area?
- Are uses in the proposed zone equally or better suited to the area than the current uses?
- Is the proposed rezoning consistent with both the policies and uses proposed for that area in the master plan?

21

Rezoning Factors to Consider

RE: Question Two (previous page)

- Is the proposed use compatible with uses in the existing district? If so, would it be more appropriate to amend the text of the ordinance to add the proposed use to the existing district as a use permitted by right, or by special permit, or by planned unit development than to rezone?
- Is another district, different than the one requested, more appropriate in this location?

22

SPOT ZONING

Characteristics

- Typically a single parcel zoned for uses that are quite dissimilar from the zoning of lands around it.
- Typically small in area.
- Typically grants a right to use land that is not enjoyed by similarly situated adjacent parcels.
- Most important, it is typically inconsistent with the future land use plan and the policies of the master plan.

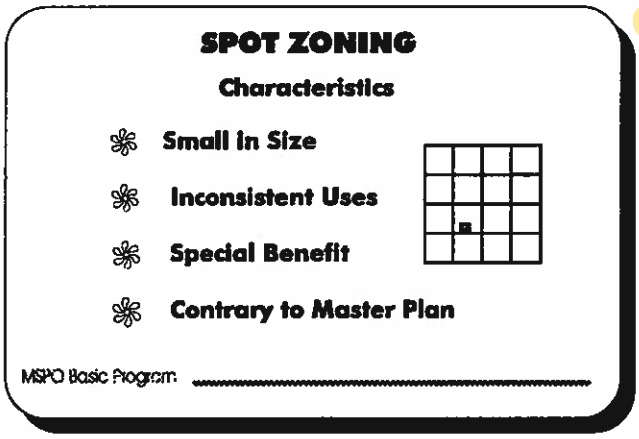
Result

- Typically ruled invalid if challenged in court.

23

SPOT ZONING CONSIDERATIONS

The following is an excerpt from a Planning Commissioner training/resource manual that summarizes the four characteristics of a "spot zone" - and explains that all four must be found in the subject rezoning request to constitute an "unjustified spot zone". The Planning Commission needs to address each of the four characteristics and determine if there is a spot zone.



What is a Spot Zone?

Public hearings for rezonings are often filled with comments about the creation of a "spot zone," and the dire results of such an approval. But spot zoning is a derogatory and often misused term.

Spot zoning has some specific characteristics. It is not simply the appearance of a "spot" on a zoning map. Many acceptable zone districts may be "islands," surrounded by other zone districts. But while some may disagree on whether or not a specific case is a spot zone, nearly everyone agrees that it is a poor zoning practice. A unjustified spot zone is, therefore, likely to be viewed by the courts as unlawful.

In order to qualify as a spot zone the property will meet each of four characteristics.

Small in Size

As the term "spot" implies, the location of a spot zone will be a relatively small parcel, particularly with respect to the sizes of the parcels in the vicinity. While there are no firm rules on what size a spot needs to be, the larger the area, the less likely is will be considered a "spot." If the property was large enough to accommodate buffers or transition areas, landscaping or open space could be used to soften the impact on surrounding properties or uses.

Inconsistent Uses

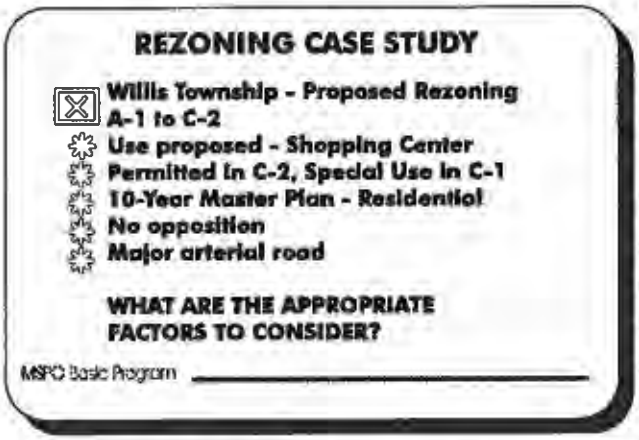
The second quality is that the spot zone will permit uses that are inconsistent with the uses already established or allowed in the vicinity. The inconsistent nature of the spot zone's uses should be clear, i.e. the uses should be very different. These uses, either by virtue of building design, traffic, or intensity will be incompatible with uses allowed in surrounding districts. For example, a proposed two-family district rezoning in a single family zoned area would not be an inconsistent use. A sporting goods store in the midst of a residential area, however, would be an entirely different use of land.

Special Benefit

Spot zoning also confers a "special benefit" on a single property owner which is not available to others in the area. Since the uses allowed by the spot zone are inconsistent with, and often more intense than, those allowed in surrounding districts, a special benefit is given to the holder of the spot zone, to the detriment of nearby properties.

Contrary to the Master Plan

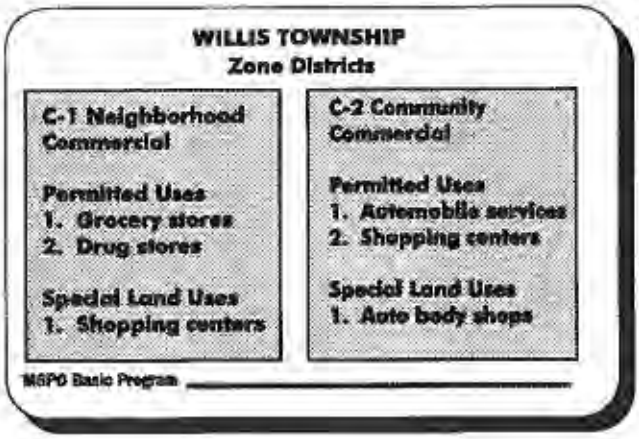
The final characteristic of a spot zone is the one that most distinguishes it as a poor zoning practice. If the Master Plan designates a small parcel in a rural or agricultural area for commercial use to serve residents in the general area, it may have the look of a classic spot zone. In fact, it may even meet the first three characteristics. But it is not a spot zone since the Master Plan planned for its creation. As a result, labeling a rezoning a "spot zone" simply because it is on a small parcel and the uses allowed are different from the other uses around it is not always correct.



Rezoning Case Study

Willis Township - Proposed Rezoning A-1 to C-2

The application states that two existing barns and an old farmhouse on a ten acre parcel are to be razed and a shopping center constructed on the property. The C-1 District requires that shopping centers be reviewed as a special land use; the C-2 District allows shopping centers as a Permitted Use. The applicant is requesting the C-2 District. A variance may also be required for a side yard setback.



- The 10-year old Master Plan designates the property and the surrounding area for Residential use.
- No neighborhood opposition is apparent.
- The road which serves the property is a major arterial, but no public sewer or water is available.

WHAT ARE THE APPROPRIATE FACTORS TO CONSIDER?

Correspondence Received prior to posting the Agenda

Blue Heron Bluffs II

Signatures of Support for Considerations of Re-zoning Blue Heron Bluffs

Printed Name	Signature	Date
Nathan Loewen (225)		4/10/22
Trevor Flynn (235)		4/10/22
John Orticelli 275		4/10/22
Kristina Orticelli -275		4/10/22
Suzan Spaulding	Suzan Spaulding	4-10-22
Todd Masuga		4-20-22
Katy Masuga		4/20/22

Blue Heron Bluffs Zoning

Blue Heron Bluffs I
Blue Heron Bluffs II
Forestville Basin Trail
Marquette, MI 49855

April 9, 2022

City of Marquette
Board of Zoning Appeals
1100 Wright St.
Marquette, MI 49855

Dear Marquette Zoning Appeals,

We are residents living on Forestville Basin Tr road in Marquette Township with an interest in the proposed zoning change by Bruce Pesola. This zoning change will effect access to that parcel by way of an easement through Forestville Basin Tr road which has shared use to all involved in this letter. We are, therefore, affected by any development at the end of our private road. We believe that the Commission should consider the following before recommending any change to zoning:

The access to the proposed development is from Forestville Rd through Forestville Basin Tr, which is a private road and maintained by residents along that road. The road is gravel and only part of the road is built to county standards. Development will add traffic for construction equipment, traffic for builders and traffic from families when lots are sold.

During the winter snowy months, sanding and plowing is at the discretion of the residents. It is often icy and slick. The road in the older development is very narrow with an average width of 18.8 feet in the summer. In the winter the average width reduces to 14 feet because of the snow banks and is reduced to 12 feet in some areas, which does not allow cars to pass in those areas.

.

During the spring the road has deep pot holes and cannot be graded until road restrictions are lifted. This will further be exacerbated with heavy equipment and added traffic on the road.

With summer the dust control on the road is a constant problem. More traffic will only deteriorate the road faster and Increase the residents dust control problem.

Blue Heron Bluffs Zoning (cont.)

Currently the school bus picks up children at the intersection of Forestville Rd and Forestville Basin Tr. Because the road is private children have to walk on the road from their homes to this intersection which can be very dangerous. This is especially problematic in the winter and early spring with snow and ice covered roads. With blind curves, narrow road and high snow banks a child could easily be killed. Children in the new development would need to walk 1.5 to 2 miles to the bus stop. While we do understand that the Township has grandfathered the existing older section of this road there is no reason to expand the risk to children by increasing the number of families at the end of this road.

Due to the road issues outlined above we are also concerned about services for fire, police, ambulance, and garbage being provided adequately and safely. These services are extremely valuable to our residents. However, the safety of the men and women who provide these services are also important to us.

We do understand the developer wishing to make money by developing residential lots However, when the new section of Forestville Basin Tr, was developed the developer was required to bring the road to a higher standard. We also understand that the older section of our trail road has been effectively grandfathered. It does not make sense to our community to add an additional development without the developer addressing the entire road. Therefore, we would propose that the zoning change not be approved or only be granted if the following takes place:

The first part of the road which includes the residents of Blue Heron Bluffs I & II Condominium Association should be paved by the developer in order to control dust, manage deterioriating conditions and handle the traffic for development. This would allow Marquette County to adopt that section and school buses to operate over that part of the road.

.

For the remaining part, the road should be improved by the developer to accommodate two way traffic in all seasons and handle the added construction and residential traffic. This would ensure access to emergency services and the safety of children.

Thank you for your consideration and addressing these concerns.

Sincerely,

Residence of Blue Heron Bluffs I&II
Nate Loewen, President BHBII

Bruce Pesola of Cedar Point Family Trust requests LDR. This property identified as 1170101.

MaryandGary Bourdeau <[redacted]>
Wed 4/13/2022 1:38 PM

To: Andrea Landers <alanders@marquettemi.gov>
Cc: David Staples <[redacted]>;Ryan Staples <[redacted]>;Tom Centko [redacted]>;John & Donna Fegan <[redacted]>;Steve Embree <[redacted]>;Maggie MacDevitt <[redacted]>

It has come to our attention that Bruce Pesola (Cedar Point Family Trust) has requested rezoning of Blue Heron Bluffs Condominium Unit 1. His portion in the city of Marquette split on 02/26/2008 from 0510154. There are five units in that split. Bruce Pesola, Unit 1; Don Seppanen (now John Fegan) Unit 2; Dave Staples, Unit 3; Gary Bourdeau, Unit 4; David Staples (now Ryan Staples), Unit 5. As well as a wooded area of common land.

Currently we were CR. Bruce Pesola of Cedar Point Family Trust requests LDR. This property identified as 1170101. As an owner of Unit 4, We have two concerns. First, there are deed restrictions and second, the possibility that the rezoning may be a blanket decision involving all five sites and the wooded area.

We acquired this property as a resolution to site depth and boundary issues. Upon receipt of our first summer tax bill of 2008, four of us involved in this boundary adjustment went into sticker shock. We appealed to the board of review and the S.E.V. was adjusted on all five sites. We were pleased with this outcome. We have been living with it since 2008. Bruce Pesola pleaded the most hardship or burden since his site involved the largest portion. Bruce was firm about devaluating the parcel because of the restrictions on expansion and development. We couldn't do anything with the property. That split was to adjust the depth of the sites Units 1 through 5 and providing room for a road.

Contrary to his arguments at the appeal in 2008, he soon began to build multiple auxiliary buildings. Ignoring the the zoning restriction and our by-laws. Now he is allowing mobile home residents as well as rent out his house as two apartments. Some time ago, years even, I called the zoning department of the city for advice. Unfortunately his property wasn't viewable from a city street. So no one could review the property regarding the zoning infractions. Even our board has been unsuccessful in stopping his activities.

Bruce Pesola continues to ignore our by laws and remains deaf to our concerns. Prior to this filing for rezoning, he requested the board of Blue Heron Bluffs Condominium Association to split Unit 1. Attorneys became involved. Our deed has restrictions on expansion, use of the property, and no additional residential units. We cannot split his unit into 2 sites. Regardless of receiving this information contained in our Master Deed, Mr. Pesola (Bruce) is adamant about splitting Unit 1. Thus his request for rezoning.

He may try to use this to force us to split his Unit. We will again deny his request because of our deed restrictions.

As the owner of Unit 4, I am concerned that it may be a blanket rezoning and include all within that portion in the city of Marquette split on 02/26/2008 from 0510154. After the rezone, Bruce still will not get his split of Unit 1 but if it is a blanket rezoning to LDR, our land valuation and taxes will still be affected. We want to remain as Conservation Recreation. Rezoning to LDR would be a hardship. We would have to appeal to rezone our sites back to CR. We don't want to go there. I am sure the Planning Board or zoning board wouldn't appreciate this either.

Since Bruce does what he pleases, if he were to get this rezoned, he just may build another residence regardless. He will disregard all of our efforts, objections, consolidated master deed, bylaws, MCL559.101 et sec. He will do what he wants.

We are appealing to the zoning board to take our concerns into consideration. We, as property owners and as condominium association members, hope you decide not to rezone property 1170101 to Low Density Residential.

On his application form, I noted two items that merit inclusion in my letter. Item 3. "The requested rezone does not violate any deed restriction etc. " On the contrary. Doesn't his request for Low Density Residential zoning indicate his total disregard of our consolidated master deed that clearly states no additional residences may be developed on any unit. Also Item 8. By application, he has given permission to inspect the site. Please do.

I look forward to appearing at the meeting when his zoning appeal is presented. If there are any questions on anything in my letter please call me at [redacted]

In the meantime, thank you for your attention.

It is sincerely appreciated,
Mary and Gary Bourdeau P/N 1170104
Unit 4 of Blue Heron Bluffs Condominium Associatiion.

565 Forestville Basin Trail, Marquette

Sent from my iPad

Bruce Pesola of Cedar Point Family Trust requests LDR. This property identified as 1170101.

MaryandGary Bourdeau <[redacted]>

Tue 5/3/2022 2:21 PM

To: Andrea Landers <alanders@marquettemi.gov>

Cc: Maggie MacDevitt <[redacted]>;Mary Bourdeau <[redacted]>

Survey sketch will be delivered tomorrow.

It has come to our attention that Bruce Pesola (Cedar Point Family Trust) has requested rezoning of the back lot portion of Blue Heron Bluffs Condominium Unit 1. His portion in the city of Marquette split on 02/26/2008 from 0510154.

We acquired parcel O510155 because of the boundary issues for sites 1, 2, 3, 4 and 5 shown on the aerial map. I have included a copy of the surveyor sketch for the area that shows the shallow depth of the campsites in the township.

On that survey in 2001, the shallow campsites at the property nearest the dam became shockingly evident. The boundary issue was compounded by Bruce cutting of large pines from Unit 1 on the property belonging to Marquette Board of Light and Power (BLP). Longyear and BLP opened negations, and Longyear acquired both parcels 0510155 and 0510156 from Mqt. BLP.

Longyear then offered parcel 0510155 as an expansion property to us to resolve the boundary of 5 campsites and a wooded parcel as common land. We were very pleased and relieved with their offer. The parcel added depth to our shallow sites. With the added parcel, our individual units had an acceptable width to depth ratio for land development. Longyear made a consideration for the amounts we already paid as our share of the acreage for the site condominium and sold this parcel 0510155 for less than $100 to the Blue Heron Bluffs Condominium Association.

Contrary how this property was acquired. Bruce Pesola's request for rezoning of parcel 1170101. If it is granted, he will request that we split unit 1. For Bruce it's a matter of personal gain regardless of our associations restrictions. This entire issue of splitting unit one is disrespectful, bordering on unethical. It would be a mockery to the city of Marquette and to Longyear for their resolution to our boundary issue.

We respect Longyear's reasons for placing these restrictions upon this parcel. Our consolidated master deed includes the Grantor's (Longyear's) and specifically states this added parcel was strictly to resolve the boundary issue. It cannot be used to create a new unit. No additional residence are to built on any of the parcels. **Consolidated Master Deed, 2097R-00309 Recorded 01/10/2007. Ref. Pg 12 Restrictions on Expansion.**

We want this unit to remain as one unit and zoned as CR as are the other portions in this parcel. The residences are all in the township and zoned Scenic Residential. We are appealing to the zoning board to review our concerns. We hope they merit value when making your decision. We hope you decide not to rezone property 1170101 to Low Density Residential.

On his application form, I noted with interest that Item 3. "The requested rezone does not violate any deed restriction etc." On the contrary. His request for Low Density Residential zoning indicates his total disregard of our consolidated master deed.
Also Item 8. By application, he has given permission to inspect the site. Please do. I look forward to appearing at the meeting when his rezoning appeal is presented. If there are any questions on anything in my letter please call me at [redacted].

In the meantime, thank you for your attention.

It is sincerely appreciated,
Mary and Gary Bourdeau
P/N 1170104 Unit 4 of Blue Heron Bluffs Condominium Associatiion
565 Forestville Basin Trail, Marquette

Atten: Cendren Landers

Re: P/N: 1170101

Rezoning 03 - Req. 05/22

LDK

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

Lot 6

330'

415'

335'

S89°49'56"E (M) 1915.65'

S89°49'56"E (M) 1697.73'

Sandpit Rd - aka Green Gated road

Parcel 05 10155

This is a sketch. The road really doesn't drive as smoothly at it appears in the sketch.

Thank you
Mary B

Parcel CR 05 10156

Rezoning 02 REZ 05 22

Stephen Embree

395 Forestville Basin Tr , Marquette, MI 49855 [redacted]

RECEIVED
MAY 04 2022
Marquette City
Community Development Office

May 4, 2022

Andrea Landers

City of Marquette Zoning Official
1100 Wright St.
Marquette, MI 49855

Property Identification 1170101

The zoning request for lot 1 in the Blue Heron Bluffs Condominium Association which would change the zoning to low density residential should be approved. Objections have been raised by individual noting issues with the condominium master deed. Zoning changes are not prohibited in the Master Deed and resolution of any future changes to unit 1 would have to be resolved with the condominium association. I do not believe that it is the work or responsibility of the Planning Commission or the City Council to negotiate, resolve or litigate the matter.

In addition, the zoning as low density residential is in line with the nature and activities of the surrounding area which is residential.

I am in support of the rezoning plan as outline at this time.

Respectfully,

Steve Embree

Ms. Andrea Landers
Zoning Official
Marquette City Planning Commission

May 3, 2022

Ref: Property Identification Numbers: 0510156 and 1170101

Dear Ms. Landers,

My husband and I purchased a home on Forestville Basin Trail in Marquette County in October, 2021. We recently learned about proposed zoning changes related to the property IDs listed above that has the potential to negatively impact our neighborhood. Our concerns center on two issues: 1) the impact of the proposed development at the end of the private Forestville Basin Trail Road that as members of the Blue Heron Bluff Condominium Association (BHBCA) we contribute to maintaining; and, 2) a precedent that could be set with the request to subdivide one of the lots in the BHBCA.

With regards to the first concern, the road was not meant to take on the significant wear and tear that would be created by an increase in traffic from construction vehicles and later from occupants of the proposed new development. This wear and tear would end up being shouldered unfairly by the members of our community and potentially contribute to a decrease in the quality of life in our area due to increased noise and dust pollution, as well as potential safety issues due to deterioration of road conditions, e.g in difficulty of emergency service vehicle access. We therefore respectfully ask that the Planning Commission please consider these impacts and only grant approval of the development if they can be resolved in such a way that the developer takes responsibility for the additional costs that may be associated with improving and maintaining the road to handle the increase in traffic, also taking into account community concerns and environmental considerations.

With regards to the second concern, according to our BHBCA Master Deed, members are not allowed to split their lots or build a second house on them. We entered into this condominium association with the understanding that its regulations indicated there would only be 19 parcels in our community (18 lots allowing one home on each lot and an additional lot that is our legally protected green space). This configuration permits plenty of forest and wilderness around our homes which was the draw of this neighborhood for our family. If this subdivision were allowed, it would set a precedent for others to ignore the Master Deed and do the same, violating the character of our neighborhood.

Thank you very much for your consideration of this request.

Sincerely,

Holly Ferrette, Ricardo Roca Steverlynck
415 Forestville Basin Trail
Marquette, MI 49855
[redacted]

May 2, 2022

To: Andrea Landers
Zoning Official
City of Marquette
alanders@marquettemi.gov

Reference: Property ID# 1170101

I understand that Bruce Pesola wants to change the zoning on his lot (595 Forestville Basin Trail) so he can build a second home on it. According to our Blue Heron Bluffs Condominium Association (BHBCA) Master Deeds, he is not allowed to split his lot or build a second house on it.

Bruce Pesola's efforts to build a second house on his lot violates our Master Deeds and also the common understanding that led to my building in this neighborhood. I entered into this Condominium Association with the idea that Association Regulations indicated there would only be 19 parcels in our community (18 lots allowing one home on each lot and an additional lot that is our legally protected Green Space). This configuration permits plenty of forest and wilderness around our homes which was the draw of this neighborhood.

When Longyear sold this land to BHBCA, they insisted that our Master Deed documented that we were only to divide the parcel we bought from them into 19 lots, to preserve the wild space in the neighborhood. The only purpose of Bruce Pesola rezoning his lot is to allow him to build and sell a second home. This sets a precedent for others to ignore the Master Deed and do the same, violating the character of our Association. Please help us maintain the history and beauty of this special area.

Sincerely,

Mary Hupfer
325 Forestville Basin Trail
Marquette, MI 49855

Property id #: 1170101

Maggie M <[redacted]>
Fri 4/15/2022 7:09 AM

To: Andrea Landers <alanders@marquettemi.gov>

Regarding Property Id #, 1170101

We all know Bruce Pesola wants to change the zoning on his lot (595 Forestville Basin Trail) so he can build a second home on it. He has been very upfront about that to several in our neighborhood. But according to our Blue Heron Bluffs Condominium Association (BHBCA) Master Deeds, he is not allowed to split his lot or build a second house on it.

Bruce Pesola's efforts to build a second house on his lot not only violates our Master Deeds, but also violates the common understanding that led to our building in this neighborhood. We entered into this Condominium Association with the appreciation that Association Regulations indicated there would only be 19 parcels in our community (18 lots allowing one home on each lot and an additional lot that is our legally protected Green Space). This configuration permits plenty of forest and wilderness around our homes which was the draw of this neighborhood.

When Longyear sold this land to BHBCA, they insisted that our Master Deed documented that we were only to divide the parcel we bought from them into 19 lots, to preserve the wild space in the neighborhood. The only purpose of Bruce Pesola rezoning his lot is to allow him to build and sell a second home. This sets a precedent for others to ignore the Master Deed and do the same, violating the character of our Association. Please help us maintain the history and beauty of this special area.

Sincerely,

Maggie MacDevitt
505 Forestville Basin Trail
Marquette, MI 49855

Patricia Olson

435 Forestville Basin Trl , Marquette, MI 49855 ♦ [redacted]

May 4, 2022

Andrea Landers
City of Marquette Zoning Official
1100 Wright St.
Marquette, MI 49855

Property Identification: 1170101

The zoning request for Lot 1 in the Blue Heron Bluffs Condominium Association which would change the zoning to low density residential should be approved. Objections have been raised by individual noting issues with the condominium master deed. Zoning changes are not prohibited in the Master Deed and resolution of any future changes to unit 1 would have to be resolved with the condominium association. I do not believe that it is the work or responsibility of the Planning Commission or the City Council to negotiate, resolve or litigate the matter.

In addition, the zoning as low density residential is in line with the nature and activities of the surrounding area which is residential.

I am in support of the proposed rezoning plan.

Respectfully,

Patricia Olson

A□il 22□2022

Ms□And□ea □ande□s
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Bruce Pesola request for rezoning, 1170101

Patrick St. Germain <[redacted]>
Wed 4/13/2022 1:30 PM

To: Andrea Landers <alanders@marquettemi.gov>

Andrea Landers
Zoning Official
City of Marquette
alanders@marquettemi.gov

Property Identification #: 1170101

As a member of Blue Heron Bluffs Condominium Association, I am opposed to a proposed change in zoning to the part of our Association that is in the City of Marquette. The proposal is being put forth by one of our members, Bruce Pesola. I believe that Bruce wants this zoning to split his lot and build on it which is in direct violation of our Condominium Master Deeds. (Refer to Master Deed quotes below.)

Bruce is already in violation of our Association Bylaws by renting out his house on Condominium property. This is a practice he promised to stop, but at the time of this writing Bruce has an advertisement for renting his condominium house on apartments.com.

It is very difficult for a small Association like ours to enforce our Bylaws and keep our Master Deeds from being violated. We think that a zoning change to our City of Marquette property will embolden Bruce Pesola to fly in the face of our Master Deed, knowing that we have very little power to stop him.

The Expansion Property referred to below is the property that Bruce Pesola wants to have rezoned.

2002 BHBCA Master Deed, Liber 448 page 506, Restrictions Upon Expansion B 4 and B 6 which states:

"No additional units may be created. The Expansion Property shall only be utilized to revise the boundaries of Units 1-5 and 18" and
"There shall be no additional residential units located on any portions of the Expansion Property ".

This exact wording is also in the Consolidating Master Deed of 2007 under Article X Expansion of Condominium B 4 and B 6.

Thank you for your consideration,

Patrick St. Germain
505 Forestville Basin Trail, Marquette, MI [redacted]

Patrick St. Germain & Maggie MacDevitt
505 Forestville Basin Trail
Marquette, MI 49855
[redacted]

March 1, 2022

Suzanne Curry Larsen
City Attorney
City of Marquette
300 W. Baraga Ave.
Marquette, MI 49855-4712

Dear Ms. Larsen,

We are writing as residents of Blue Heron Bluffs Condominium Association on Forestville Basin Trail in Marquette Township. We have concerns about the ramifications of a proposed zoning change to a property in our neighborhood. We believe that a zoning modification for the intended development does not take into account safety issues and access for service limitations. The property we're referring to (T 48 N, R 25 W sections 8 and 9) is near Forestville Dam in the City of Marquette. The request for a zoning change will be brought before the Zoning Board by Cedar Point Family Trust and Bruce Pesola. We have included a map for clarification.

Forestville Basin Trail (FBT) is a 1.5 mile long private dirt and gravel road, with year round houses and seasonal dwellings. The first half of the road, owned by Blue Heron Bluffs Two Condominium Association, is new and meets County Road Commission Standards. The second half of the road is owned by Blue Heron Bluffs Condominium Association. This section of road is much older and doesn't meet current Road Commission Standards. A zoning change would allow development of eight single family homes on the property in question. Although the property is within Marquettte city limits, to access it by car, one must drive out of the city and through Marquette Township for 3.75 miles.

Using the last .75 mile of Forestville Basin Trail for access to this proposed development presents issues that need to be addressed. This section of roadway is very hilly and winding with trees and cut banks close to the shoulders of the road. In the summertime, the road is usually 18.8 feet wide. On February 23, 2022 we measured the road, and found it to be 14 feet wide in most places but as little as 12 feet wide in several spots. 14 feet of width will allow cars to pass each other on the road if they are careful, but at twelve feet of width, one vehicle has to pull into a driveway to let another other vehicle pass by. This becomes a serious problem when a service vehicle or large

truck is involved. U.S. Mail vehicles and school buses will not drive down this part of the road even in the summer. In addition, with 8 new families living at the end of this road, the children residing there will need to walk 1.5 miles to catch their school bus on the narrow curvy road where winter snowbanks are 4 to 5 feet high. This is obviously a safety hazard that needs to be addressed. (Photo included)

If the zoning is changed as Cedar Family Trust and Bruce Pesola propose, we have the following questions as to how the City of Marquette will provide services to the tax payers residing in those 8 new lots.

1. Will these lots have to be serviced by Township Fire Departments and County Law Enforcement, even though the lots are in the city of Marquette?

2. How will the residents of these new lots have access to city garbage collection?

3. Marquette city taxpayers have their streets maintained and plowed using city tax dollars. How would that work on a private road?

4. How would the city handle the school bus problem?

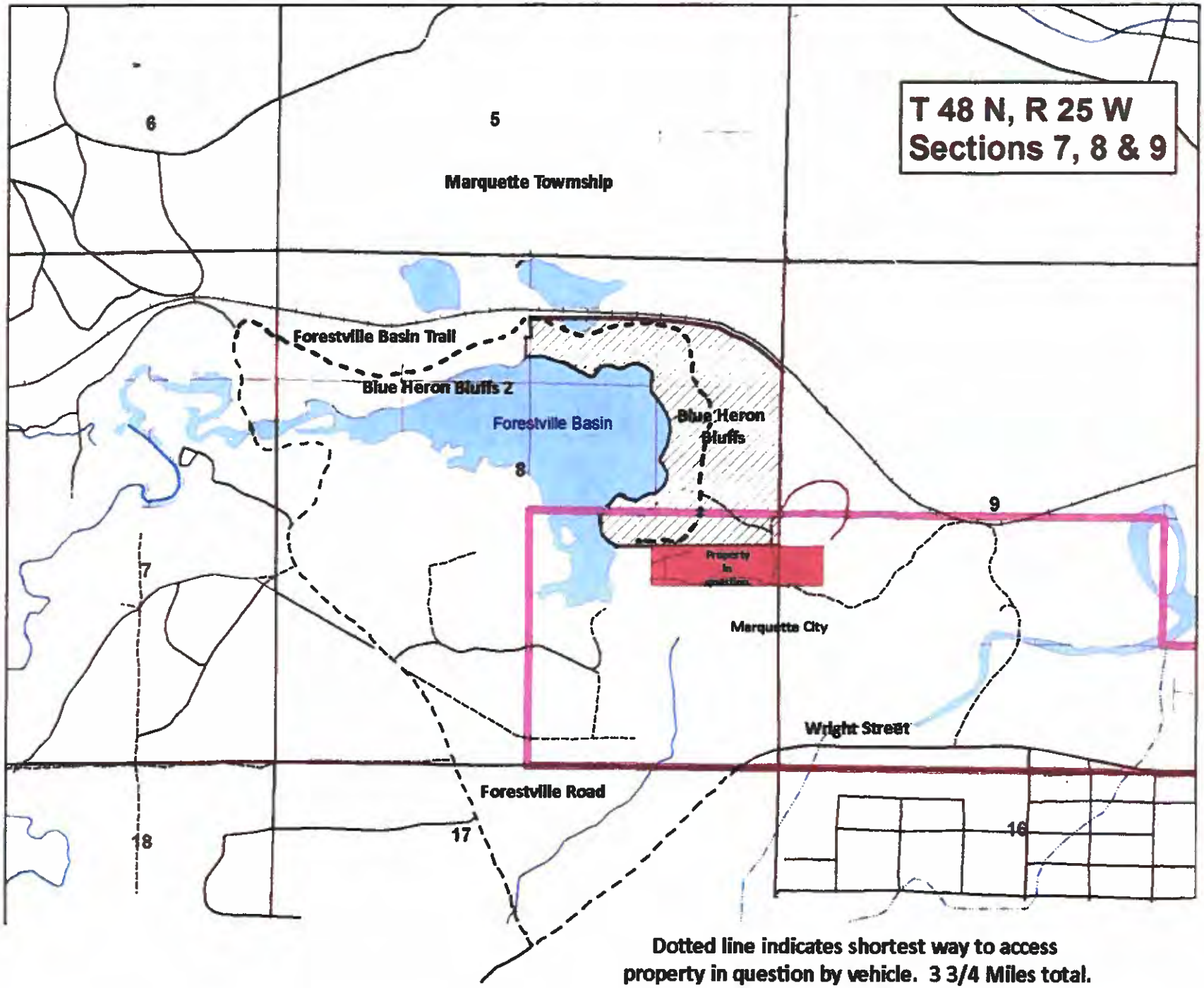
5. Would the arrangements made for servicing these lots via this private road have to be approved by the landowners of both associations that own the road? (It should be noted that the City of Marquette has been reluctant in the past to inspect Marquette City land in this area because they have been unsure about using a private road.)

We are asking the City of Marquette to resolve these problems before they allow eight families to build houses on the property in question. We would appreciate your letting us know if you have answers to our questions or if you know who we should address our concerns to.

Thank you for your time.

Sincerely,

Patrick St. Germain, Maggie MacDevitt



Dotted line indicates shortest way to access property in question by vehicle. 3 3/4 Miles total.
1 1/2 Miles on private road.
2 1/4 Miles on Marquette Township roads.

City of Marquette, MI

Rezoning parcels Cedar Point Family Trust-Forestville Basin

David Staples <[redacted]>

Thu 5/5/2022 11:29 AM

To: Andrea Landers <alanders@marquettemi.gov>

As owners of lots 3 & 5 (575 & 535) of Blue Heron Bluffs Condominium Association we do not support the current plan and sequence for the rezoning request.
We feel there are too many unanswered questions regarding documented assurances from Bruce of Cedar Point Family Trust (CPFT).
Additionally, we would like to see a response from the Zoning Department as to what requirements have to be met before approval is granted. We understand that neighborhood support is one factor in the process.
Therefore we recommend that rezoning approval be delayed until more information is provided by Bruce of CPFT and the Zoning Board of Appeals.
Signed
David Staples, Sharon Staples (575)
Ryan Staples, Stephanie Whiton (535)

MARQUETTE CHARTER TOWNSHIP
1000 Commerce Drive
Marquette, Michigan 49855
Ph | 906.228.6220
Fx | 906.228.7337
www.marquettetownship.org

City of Marquette Planning Commission
Attn: Andrea Landers, Zoning Official
1100 Wright St.
Marquette, MI 49855

May 9, 2022

Re: 02-REZ-05-22/PID 0515156 and 03-REZ-05-22/PID 1170101 rezoning requests

Ms. Landers and Planning Commissioners,

On behalf of the Marquette Charter Township Planning Commission, please let this letter serve as acknowledgement and concern over the rezoning requests for PID 0515156 and PID 1170101. Township staff were made aware of the request through the city's notification process, and subsequently presented it to the Township Planning Commission who directed staff to submit a letter to the City Planning Commission at their April 27, 2022 regular meeting.

The Planning Commission and staff have reservations regarding the requests due to foreseeable issues with the access, infrastructure, and allocation of emergency and regular services to these parcels proposed to be rezoned. At present, the only access consists of Forestville Basin Trail, a private road of which the residents are responsible for and is substandard by Marquette County Road Commission specifications. At present, the road is noncompliant with *Article 3, Section 3:04: Standards for Approval (J)* of the *Charter Township of Marquette Access Control and Land Development Ordinance,* which states:

> *"J. All private roads must be constructed according to the current requirements of the Marquette County Road Commission paved road specifications if any of the following conditions occur:*
>
> 1. *The road serves three (3) or more residential lots.*
> 2. *The road provides access to any multiple family development(s).*
> 3. *The road provides connection between any two (2) public roads.*
> 4. *The road provides access to industrial or commercial property."*

Understandably, many current zoning provisions were enacted after the initial phase of the Blue Herron Bluffs Site Condominium development. However, future access to additional properties, by way of the existing private road, would certainly require additional review and potential improvements to bring the road into compliance with Marquette County Road Commission standards.

We ask that serious consideration is given to the potential effects that rezoning these

MARQUETTE CHARTER TOWNSHIP
1000 Commerce Drive
Marquette, Michigan 49855
Ph | 906.228.6220
Fx | 906.228.7337
www.marquettetownship.org

parcels would bring.

Should you have any questions, please contact the Township.

Sincerely,

Erik Powers on behalf of the Marquette Charter Township Planning Commission
Staff Planner
Marquette Charter Township
1000 Commerce Drive
Marquette, MI 49855
Ph | 906.228.6220 x108
Fx | 906.228.7337
erikpowers@marquettetownship.org

Rescind the following email titled: Rezoning parcels Cedar Point Family Trust Forestville Basin

David Staples <[redacted]>
Mon 5/9/2022 12:27 PM

To: Andrea Landers <alanders@marquettemi.gov>
Cc: [redacted]

Upon receiving new information, we would like to rescind our vote of no support to one of supporting the rezoning of the two Cedar Point Family Trust parcels at Forestville.

Signed
David Staples
Ryan Staples

As owners of lots 3 & 5 (575 & 535) of Blue Heron Bluffs Condominium Association we do not support the current plan and sequence for the rezoning request.
We feel there are too many unanswered questions regarding documented assurances from Bruce of Cedar Point Family Trust (CPFT).
Additionally, we would like to see a response from the Zoning Department as to what requirements have to be met before approval is granted. We understand that neighborhood support is one factor in the process.
Therefore we recommend that rezoning approval be delayed until more information is provided by Bruce of CPFT and the Zoning Board of Appeals.
Signed
David Staples, Sharon Staples (575)
Ryan Staples, Stephanie Whiton (535)

Planning Commsion meeting

Stephen Embree <srembree@yahoo.com>

Tue 5/10/2022 9:51 AM

To: Andrea Landers alanders@marquettemi.gov

Cc: [redacted]

2 attachments (135 KB)

Planning commission zoning consent.docx; Letter of Intent 5-6-22.pdf;

Zoning proposal 0510156 and 1170101

Please see attached from Blue Heron Bluffs Condominium Assocation

The following was adopted by a majority vote of the members:

Blue Heron Bluffs Condominium Association consents to zoning applications 0510156 and 1170101, but only to the extent that the Marquette City Planning Commission: (1) incorporates all conditions set forth in the Letter of Intent dated May 6, 2022, from Adrianne Wolf, attorney on behalf of Cedar Point Family Trust and Bruce Pesola to Blue Heron Bluffs Condominium Association, into the zoning applications (2) and requires that the applicants failure to comply with the foregoing conditions shall constitute a violation of the City zoning ordinance and result in the revocation of the rezoning

□ cD□NALD □ □ □L□□PLLC
A Michigan Professional Limited Liability Company

ATTORNEYS AT LAW
115 S. LA□ESHORE BLVD., Suite A
MARQUETTE, MICHIGAN 49855-4615

Voice (906) 226-6537
Facsimile (906) 226-2823

WILLIAM I McDONALD
ADRIANNE N WOLF
MOLLY PHILLIPS OMBRELLO

May 6, 2022

Blue Heron Bluffs Condominium Association, Inc.
c/o □ohn Fagan, Stephen Embree, and Patrick Greeley
Sent via email

Blue Heron Bluffs II Condominium Association, Inc.
c/o Patrick Greeley and Nathan Loewen
Sent via email

Re: Bruce Pesola/Cedar Pointe Family Trust Rezoning Requests to City of Marquette – Letter of Intent

Dear Sirs:

I am writing to you on behalf of Bruce Pesola and the Cedar Pointe Family Trust to memorialize our discussions to date regarding the following property currently owned by Bruce Pesola and the Cedar Pointe Family Trust:

a. Unit 1 in Blue Heron Bluffs Condominium, the City portion of which Mr. Pesola has requested be rezoned to Low Density Residential, and which he intends to sub-divide□
b. A parcel of approximately 17 acres in the City of Marquette, which Mr. Pesola has requested be rezoned to Low Density Residential, and which he intends to develop into 8 single family residential lots□and
c. A parcel of approximately 40 acres in the Charter Township of Marquette.

Mr. Pesola has requested that the two condominium associations support his applications to the City of Marquette to rezone a portion of Unit 1 and the 17 acre parcel to Low Density Residential. In order to do so, the condominium associations have requested certain conditions and concessions from Mr. Pesola.

To date, the following requests have been made by the condominium associations and are acceptable to Mr. Pesola if he is able to rezone and otherwise develop the 17 acre parcel into 8 single family residential lots and construct a second residence on Unit 1 by sub-dividing it:

1. The approximately 40 acre parcel in the Charter Township of Marquette will be donated to a non-profit organization with the purpose of conserving and maintaining that parcel in its undeveloped state. Such non-profit organization may be one of your condominium associations or a different non-profit organization, such as the Superior Watershed Partnership.

2. Upon the sale of each lot in the 17 acre parcel, Mr. Pesola will put $5,000 into escrow for the purpose of maintaining or improving Forestville Basin Trail to be used as determined by a committee composed of members of Blue Heron Bluffs Condominium Association, Inc.

3. Neither unit that results from sub-dividing the current Unit 1 will be leased. Nor will any public access to the Forestville Basin be granted over the current Unit 1.

4. Covenants and building restrictions comparable to those in the Blue Heron Bluffs Condominium Master Deed will encumber any lots created out of the 17 acre parcel, including (without limitation) a requirement that the lot not be used for any purpose other than a single family residence.

5. Each lot created out of the 17 acre parcel will pay the same amount to Blue Heron Bluffs Condominium Association, Inc. that the members of such association pay in general or special assessments related to Forestville Basin Trail maintenance.

6. Mr. Pesola will continue to discuss and negotiate a monetary contribution to Blue Heron Bluffs II Condominium Association, Inc. to improve the drainage of Forestville Basin Trail.

To be clear, this letter of intent sets forth the parties' current understandings, but this letter is a not a binding agreement or commitment. It is Mr. Pesola's hope and intention that these terms can be refined over the coming weeks with the condominium associations and memorialized in a binding agreement.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

McDONALD & WOLF, PLLC

Adrianne N. Wolf

Adrianne N. Wolf

ANW/sn
Enc.

Re: Property Identification Number 0510156

Kristina Orticelli <[redacted]>
Tue 5/10/2022 9:39 AM

To: Andrea Landers alanders@marquettemi.gov

Hello,

We want to be clear that we are not in opposition to the development of land. However, we do want assurance that the road condition will not be made worse by construction equipment. The road will most likely require improvement prior to development of the land.

Thank you.

Kristina and John Orticelli
275 Forestville Basin Trail, Marquette, MI 49855

On Tue, Apr 19, 2022 at 9:24 AM Andrea Landers <alanders@marquettemi.gov> wrote:

> Hi,
>
> I have received your correspondence and it will be a part of the agenda packet.
>
> Sincerely,
> Andrea
>
> Andrea Landers
> Zoning Official
> City of Marquette
>
> ***Plea e note that we have a web portal for the Land Development Code and an interactive map located at http://online.encodeplus.com/regs/marquette-mi/index.aspx***
>
> Office Hours are 7:30 a.m. to 4:30 p.m.
> alander @marquettemi gov
> 906-225-8383
> www.marquettemi.gov
>
> ---
>
> **From:** Kristina Orticelli <[redacted]>
> **Sent:** Friday, April 15, 2022 8:18 AM
> **To:** Andrea Landers <alanders@marquettemi.gov>
> **Subject:** Property Identification Number 0510156
>
> Good morning, Ms. Landers. Please find attached our letter opposing the development of land at the end of Forestville Basin Trail. Our road needs further improvement for this development to take place.
>
> Thank you,
>
> Kris and John Orticelli

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Schedule Public Hearing- Vacation of a Portion of Center Street

BACKGROUND:

On May 10, 2022, the Planning Commission held a Public Hearing regarding a petition created by Northern Michigan University to vacate the portion of Center Street east of Presque Isle Avenue, and made the following motion:

> *It was moved by M. Larson, seconded by A. Andres and carried 5-0 that after review of the background information for 01-STR-05-22, the "Portion of Center Street East of Presque Isle Avenue Vacation Request", the Planning Commission finds that the proposed street vacation would not conflict with any intended municipal uses of the right-of-way, and hereby recommends the City Commission approves the street vacation as presented.*

FISCAL EFFECT:

None.

RECOMMENDATION:

Schedule a Public Hearing for the June 13, 2022 regular City Commission meeting for the vacation of a portion of Center Street.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Planning Case File for 01-STR-05-2022 Vacation of a Portion of Center St.

CITY OF MARQUETTE
PLANNING AND ZONING
1100 Wright Street
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: David Stensaas, City Planner and Zoning Administrator
DATE: March 3, 2022
SUBJECT: **01-STR-05-2022 - Portion of Center St., E. of Presque Isle Ave., Vacation Request**

Petitioners have requested the vacation of the 64-ft. wide (approximate) Center Street right-of-way located between lots 1-3 of the Marquette Land Company's Addition No.2 and lots 26 and 27 of Ayer's Addition (see included plat map and photo-maps). This portion of Center St. is the "dead end" that is almost perfectly aligned with the center of the Superior Dome on the NMU athletic campus, and Center St. thus provides a "terminal vista" of the Superior Dome, which is a classical design principal and may have been the reason for the exact build location of the Dome.

In accordance with the procedures developed by the Community Development Department for street vacations, the petition has been circulated to all City departments for review and comment. The petitioners own and manage property (own 1636 & 1700 Presque Isle, 251 Center St., and 201 W. Center Street) that is adjacent to the subject right-of-way. If vacated, adjoining property owners may take legal action to have the property included with their own property.

Please see attached for:
1. Petition documentation (petition, staff review/comments, plat map, untitled aerial photo-map)
2. Area map including water and sewer utilities
3. Site photos
4. Correspondence (if none has been received this will not apply)

The Planning Commission is being asked to determine if the City has or will have any need for this street right-of-way in the future.

Master Plan Compatibility
There is no reference to this property in the Community Master Plan (last updated in Dec. 2018) and there is no expressed need for it for municipal functions, aside from the transmission of fresh water via underground utilities (as shown on the included Area Map).

Staff Comments
Engineering and Public Works staff have recommended approval, with the condition that water meter pits must be located as near as possible to the east right-of-way of Presque Isle Ave., and that the transfer of ownership be at the last valve after the pit, on the NMU side of the pit.

RECOMMENDED ACTION:
The Planning Commission should review the information provided in this packet, receive public comment, and make a recommendation to the City Commission regarding the proposed street vacation. If recommended for approval, the staff comments on the request as noted in the ,

should be incorporated into conditions of approval

As always, it is highly recommended that any motion includes the following:

After review of the background information for 01-STR-05-22, the "Portion of Center Street East of Presque Isle Avenue Vacation Request", the Planning Commission [finds/does not find] that the proposed street vacation would not conflict with any intended municipal uses of the right-of-way, and hereby recommends the City Commission [approves the street vacation (as presented/with the following conditions)/does not approve the street vacation].

Conditions per Staff Comments:
Water meter pits must be located as near as possible to the east right-of-way of Presque Isle Avenue, and that the transfer of ownership be at the last valve after the pit, on the NMU side of the pit.

FILE #: 01-STR-05-22

PETITION TO VACATE A PUBLIC RIGHT-OF-WAY

TO: City Commission
Planning Commission

We, the undersigned, do hereby request the vacation of the following publicly owned right-of-way: (please describe the street by name, including cross streets, and if possible give a legal description)

Center Street east of Presque Isle. The property directly south, east and north of this section of road is owned by Northern Michigan University.

Property is bound on the:

West by Presque Isle right-of way

East by the NMU Superior Dome

North by Lots 1 through 3 of the Marquette Land Company's Addition No. 2

South by Lots 26 and 27 of Ayers Addition

NAME	ADDRESS
Jim Thams on behalf of Northern Michigan University	1401 Presque Isle

Filing fee $ 865 ck# 00390556 rec# 819525

Filing Deadline 4-12-22

Hearing Date PC 5-10-22 CC _____

NORTHERN MICHIGAN UNIVERSITY

FACILITIES
1401 Presque Isle Avenue
Marquette, MI 49855-5301
906-227-2292 | FAX: 906-227-2467
nmu.edu/facilities

3/17/2022

Dennis Stachewicz, Director of Community Development
City of Marquette
1100 Wright Street, Marquette, MI 49855

Re: Street Vacation Request

Mr. Stachewicz,

This past fall Northern Michigan University (NMU) purchased 1622 and 1634 Presque Isle and now owns all the properties surrounding the section of Center Street east of Presque Isle. NMU is requesting consideration for the vacation of the Center Street from Presque Isle east to the NMU Superior Dome property. If this request is granted NMU is willing to accept the maintenance responsibility of the existing roadway and underground utilities.

Enclosed is a completed petition, the application fee, and copies of the deeds for the surrounding property.

If there are any questions or additional information I can provide, please don't hesitate to ask.

Sincerely,

Jim Thams, CEFP
Director of Facilities / Campus Planning
Northern Michigan University
1401 Presque Isle Avenue
Marquette, MI 49855

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

PRINT

STREET VACATION PROCEDURE

The following is a brief explanation of the process which is followed to vacate a street. Some comments have been added in an attempt to make this explanation more useful. Please remember that the City's policy is to **only vacate streets which have no possible public use now or in the future.**

1. Obtain a petition for street vacation in the Community Development Office located at Municipal Service Center, 1100 Wright St., Marquette, MI 49855.

2. Take the petition to each of the property owners along the street you want vacated. Although this is not necessary, whether or not they support the vacation may determine if you want to continue the process.

3. File the petition in the Community Development Office. There is a non-refundable **$865** filing fee. You may not want to spend this much money if the other adjoining property owners object to the vacation. Also, the support of the other property owners does not guarantee approval of the petition.

4. Once the petition is submitted it will be routed to all departments for comment. Depending on when the petition was submitted will determine when the date for the public hearing will be set. Please refer to the Planning Commission webpage for application deadline dates (https://www.marquettemi.gov/commission/boards-and-committees/current-rosters/planning-commission/).

5. Staff will send notices to all property owners within 300 feet of the street to be vacated and will publish an ad in the newspaper.

6. The Planning Commission will hold a public hearing and receive oral and written comments supporting or objecting to the vacation. The Planning Commission's job is to determine if the City now has or will have any need for this street right of way in the future. If they can identify a need they may reject the petition even if all adjoining property owners support it.

7. If the Planning Commission approves the vacation, they will send a recommendation to the City Commission.

8. The City Commission will schedule a public hearing, but the only notice for this hearing is an ad in the newspaper.

9. After the public hearing the City Commission can approve or deny the vacation. The City Commission does not determine who will get parts of the right of way. That is done according to law.

10. If the City Commission approves the vacation, a certificate of vacation is filed in the County Register of Deeds Office. It is then the adjoining property owner's responsibility to take action to have the vacated property included with their property.

If you have any question about this process, please call the Community Development Department at 228-0425.

Revision date 10-1-21

File #: 01-STR-05-2022CE Street/Segment: Center St./east of P.I. Ave.

STREET VACATION PETITION - STAFF REVIEW

Please fill out the form within 48 hours of receiving it.

Reviewing Department	Recommend Approval	Comments
Planning & Zoning-Community Development Date Received: 03/22/2022	Yes	NMU now owns all properties bordering this street segment and if vacated can appeal to the court to take ownership of the land, which will remain City property unless that occurs.
Treasurer Date Received: N/A	N/A	N/A
Police Date Received: 03/25/2022	Yes	No comment
Engineering- Community Development Date Received: 03/22/2022	Yes	Would like to see the meter pit relocated into the Presque Isle Ave. right-of-way.
DPW Date Received: 03/22/2022	N/A	Meter pits must be located as near as possible to the r/w line (east r/w line of Presque Isle), and the transfer of ownership be at the last valve after the pit on the NMU side of the pit.
Fire Date Received: 3/22/2022	Yes	No comment
Parks and Recreation Date Received: N/A	N/A	N/A

Agenda Date: 5/31/2022

Consent Agenda - Roll Call Vote
Vango's, Inc. - Concession Lease Agreement

BACKGROUND:

Vango's, Inc. requests the City Commission consider renewing their lease to provide concession services at Presque Isle Park. Staff has worked with the City Attorney and Vango's, Inc. to draft a standard lease agreement which provides for the terms and conditions of their proposal. The agreement is a three year lease, five months per year, from May 1 through September 30. The rent during operations is $600.00/month, including utilities.

FISCAL EFFECT:

The General Fund will receive $3,000.00 in revenue for Fiscal Year 2022.

RECOMMENDATION:

Move the lease agreement with Vango's, Inc. for concession space at Presque Isle Park to the next regular City Commission meeting.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Lease Agreement & Exhibit A

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ 2022, by and between the **CITY OF MARQUETTE**, a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, Michigan 49855, hereinafter ("Lessor"), and **VANGO'S, INC.**, a Michigan corporation of 927 North Third Street, Marquette, Michigan 49855, hereinafter ("Lessee").

Recitals

A. Lessor is the owner and operator of the concession stands at Mattson Park and Presque Isle Park, Marquette, Michigan.

B. Lessee desires to lease and Lessor is willing to lease to Lessee both concession stands and all equipment currently located within each concession stand ("Premises") in accordance with the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual promises of the parties and other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed as follows:

1. Leased Premises

1.1 Lessor leases to Lessee the Premises, as shown on Exhibit A and Exhibit B.

1.2 Lessee agrees to develop architectural and engineering plans for renovations to the Premises required to meet the specific needs of Lessee for Lessee's intended uses, if needed. Lessee shall be responsible for constructing all renovations as developed by Lessee, and Lessee shall obtain Lessor's written approval of all such plans and specifications prior to beginning any construction activity.

1.3 Lessee agrees that only equipment located within the Premises on the date of this Agreement is part of the Premises, and that Lessee takes said Premises and equipment "as is". Any other equipment needed by Lessee to operate the concessions shall be the sole responsibility of Lessee.

2. Term of Lease

2.1 The term of this lease is variable, as agreed by the parties in writing, but shall run for three consecutive years as follows:

commencing no earlier than May 1, 2022 & terminating no later than September 30, 2022;
commencing no earlier than May 1, 2023 & terminating no later than September 30, 2023; &
commencing no earlier than May 1, 2024 & terminating no later than September 30, 2024.

3. Rent

3.1 Lessee shall be obligated to pay rent for the Premises, due in advance on the first of each month for the entire term of this lease as established in 2.1, as follows:

Presque Isle concession stand: $600 per month (utilities included)

Rent shall be prorated for any partial month during the term of this lease.

4. Use of Leasehold Premises

4.1 Lessee shall use the Premises only as a concession stand for food and beverages and not for any purpose that would:

a) be deemed hazardous to the public or adjoining premises, including but not necessarily limited to fire, and environmental type hazards;

b) constitute a violation of any public law or requirement;

c) cause damage or injury to the Premises or any part of it (ordinary wear and tear excepted);

d) interfere with normal operations of the Premises' heating, air conditioning, ventilating, plumbing, or other mechanical or electrical systems;

e) constitute a public or private nuisance;

f) alter the appearance of the Premises, except as provided herein, without prior written approval of the Lessor;

g) permit noise or odors to be unreasonably dispelled from the Premises;

h) place merchandise, materials, supplies, signs, or other things of any kind on the sidewalks or other common areas without Lessor approval;

i) permit refuse to accumulate in or around Premises; or

j) obstruct entryways.

4.1 Lessee is solely responsible for obtaining all necessary licenses and permits and otherwise complying with all laws while providing the concessions contemplated by this Agreement.

4.2 Lessee is solely responsible for development of menu items and pricing, for obtaining all supplies and products and for all costs related to its sale of food and beverages.

5. Use of Common Areas by Lessee

5.1 Lessee and its invitees shall have the right in common with Lessor, its invitees, and others to use the public restrooms, public parking, sidewalks, and surrounding area, subject, however, to all rules and regulations regarding the use of those areas.

5.2 Lessee's right to use to Presque Isle - Island Store Pavilion ("Pavilion") is not exclusive. Lessor shall have the right, at all times, to rent the Pavilion to third party users. Lessee shall contact Lessor on a weekly basis in order to determine the dates and times the Pavilion has been rented to a third party user.

6. Maintenance and Repair

6.1 Lessee shall be responsible for all ordinary janitorial and cleaning of the Premises as provided in Attachments 1 and 2. Lessor shall provide trash receptacles for Premises and shall maintain those receptacles once per day. Any necessary additional refuse collection shall be the responsibility of the Lessee. Any refuse generated from preparation of goods or services shall be the sole responsibility of Lessee.

6.2 Lessee shall be solely responsible for the maintenance and repair of all equipment located on the Premises.

6.3 Lessee shall be solely responsible for the maintenance and repair of all of Lessee's fixtures, furniture and equipment and keep them in a safe condition and good repair.

6.4 Lessee must obtain written consent of Lessor for all signage used by Lessee on the Premises and adjoining premises. All signage approved by Lessor shall be maintained in good condition and repair.

6.5 Lessor reserves the right to make any repairs or alterations that it deems necessary and desirable to the common areas. Lessee will be notified of any repairs or alterations to the Premises at least 7 days in advance except in emergency situations.

7. Insurance and Indemnity

7.1 Lessee shall not permit any activity on or immediately adjacent to the Premises which would invalidate or be in conflict with Lessor's fire, boiler, sprinkler, water damage, and extended coverage insurance policies covering the Premises and contents therein. Lessor will provide Lessee with a copy of any and all relevant insurance policies.

7.2 Lessee shall not permit any activity on or immediately adjacent to the Premises which would cause Lessor's rate for the insurance described herein to be increased. Lessor will provide Lessee with a list of any such activities.

7.3 Lessee at its sole expense shall be responsible for insuring its own tangible personal property, equipment, and fixtures from loss from fire and other casualty and shall at all times provide Lessor with a certificate evidencing such coverage.

7.4 Lessee at its sole expense shall maintain liability insurance protecting and insuring Lessee and Lessor from all claims for injury or damage to persons or property arising out of the use of the Premises and adjacent areas by Lessee, its employees, agents, invitees, and licensees. The amount of the insurance shall be not less than One Million Dollars ($1,000,000.00) per occurrence for accident, bodily injury, or death and not less than Five Hundred Thousand Dollars ($500,000.00) for property damage. Lessee shall provide Lessor with a copy of said policies with proof of payment of premium thereon. The insurance policies shall bear endorsements to the effect that the insurer agrees to notify Lessor not less than thirty (30) days in advance of any modification or cancellation thereof. Lessor shall be named as an additional insured on all insurance policies required by this lease.

7.5 Lessee will indemnify and hold Lessor harmless from and against all loss, cost, expense and liability whatsoever (including Lessor's cost of defending against the foregoing; such cost to include attorneys' fees) resulting or occurring by reason of Lessee's construction on, use of, or occupancy of the Premises.

8. Damage by Fire or Other Causes

8.1 If the Premises is partially damaged by fire or other peril without the fault or neglect of Lessee or of its servants, employees, agents, visitors, invitees or licenses, the damage shall be repaired by Lessor at Lessor's expense. If the Premises is substantially damaged (herein defined as fifty percent (50%) or more of the cost of replacement), Lessor may elect either to repair or rebuild the leasehold or the pool building, as the case may be, or to terminate this lease upon giving notice of such election in writing to Lessee within ninety (90) days after the event causing the damage. If Lessor elects to rebuild instead of terminating the lease, Lessor will rebuild something substantially similar to the current Premises, and Lessee shall in a timely manner repair or replace its fixtures, furniture, equipment and improvements to at least the condition of same prior to the damage.

9. Assignment/Subletting

9.1 Lessee shall not assign this Agreement.

9.1 Lessee shall not sublet the Premises or any part thereof without the express prior written consent of the Lessor.

9.3 In no event shall a sublease be allowed that would jeopardize the tax-exempt status of the City.

9.4 Lessor may freely assign its rights and obligations under this Lease Agreement to any third party pursuant to a Purchase and Sale Agreement, Land Contract or similar instrument.

10. Use of Premises by Lessor

10.1 Lessor reserves for itself and its contractors and agents the right to enter the Premises at reasonable times for the purpose of inspecting, maintaining, installation, operation and repair services. This paragraph does not change the parties' obligations with regarding to maintenance and repairs as otherwise set forth herein.

11. Covenant of Quiet Enjoyment

11.1 Lessor warrants and represents that it has full authority to execute this lease for the above term. Lessor covenants that upon Lessee paying the rents and performing its covenants and duties prescribed herein, Lessee may, except as otherwise described herein, have the exclusive and reasonable right to have, hold and enjoy the leasehold.

12. Lessor's Right to Perform Lessee's Obligation

12.1 If Lessee defaults in any term of this lease, Lessor may, without thereby waiving the default, remedy the default at Lessee's expense. If, in connection therewith, Lessor makes any expenditure or incurs any obligation for the payment of money or in instituting, prosecuting, or defending any action or proceeding commenced before or during the term of this lease, or after the expiration or termination of this lease including, but not necessarily limited to, legal expenses and attorneys' fees, Lessee shall pay to Lessor on demand the sums paid or obligations incurred together with legal fees and costs.

13. Default by Lessee

13.1 If the Lessee fails to perform any other obligations under this agreement within 30 days after receiving written notice of the default from the Lessor; if the Lessee makes any assignment for the benefit of creditors or a receiver is appointed for the Lessee or its property; or if any proceedings are instituted by or against the Lessee for bankruptcy (including reorganization) or under any insolvency laws, the Lessor may terminate this lease, reenter the Premises, and seek to relet the Premises on whatever terms the Lessor thinks advisable. Notwithstanding reentry by the Lessor, the Lessee shall continue to be liable to the Lessor for rent owed under this lease and for any rent deficiency that results from reletting the premises during the term of this lease. Notwithstanding any reletting without termination, the Lessor may at any time elect to terminate this lease for any default by the Lessee by giving the Lessee written notice of the termination.

13.2 In addition to the Lessor's other rights and remedies as stated in this lease, and without waiving any of those rights, if the Lessor deems necessary any repairs that the Lessee is required to make or if the Lessee defaults in the performance of any of its obligations under this lease, the Lessor may make repairs or cure defaults and shall not be responsible to the Lessee for any loss or damage that is caused by that action. The Lessee shall immediately pay to the Lessor, on demand, the Lessor's costs for curing any defaults, as additional rent under this lease.

13.3 The rights and remedies of Lessor shall be cumulative as more particularly provided at law or in equity pursuant to the laws of the State of Michigan.

14. Surrender of Leasehold Upon Termination of Lease

14.1 All renovations and improvements shall be at Lessee's expense and shall be considered fixtures and owned by Lessor upon termination of lease. Upon the expiration or termination of the lease, Lessee shall surrender the Premises in good order and condition, ordinary wear and tear excepted, and shall remove all of its property, fixtures, and equipment from the Premises. In removing its equipment, Lessee shall be solely liable for repairing any and all damages to the Premises. In the event that the Lessee fails to remove its equipment, and Lessor is required to do so, all costs and expenses incurred by Lessor in removing same and restoring the leasehold to useable condition shall be the financial responsibility of the Lessee.

14.2 If upon termination of the lease, Lessee has failed to remove its furniture, equipment, and fixtures, Lessor reserves the right to deem them abandoned and shall have the legal right to dispose of same, and costs incurred in disposing of same shall be the financial responsibility of Lessee.

15. Miscellaneous

15.1 Lessee, at its sole option, may continue with the current security system at the same cost currently charged to Lessor by contacting Range Corporation directly.

15.2 This agreement shall be binding on the parties and inure to the benefit of the Lessor and Lessee and their respective successors and assigns.

15.3 This agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

15.4 This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated herein.

15.5 Any modification of this agreement or additional obligations assumed by either party in connection with this agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.

15.6 Waiver by Lessor of any breach of any covenant of duty of Lessee under this lease is not a waiver of a breach of any other covenant of duty of Lessee or any subsequent breach of the same covenant or duty.

15.7 The invalidity of any portion of this agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

15.8 All notices to be given under this lease shall be in writing and mailed, postage prepaid, or by certified or registered mail, return receipt requested, or delivered personally or by courier delivery, or sent by telecopy (immediately followed by one of the preceding methods) to Lessor's address and Lessee's address as above stated or any other place that Lessor or Lessee may designate in a written notice given to the other parties. Notices shall be deemed served on the earlier of receipt or three (3) working days after the date of mailing.

The parties have set their hands on the day and year first above written.

LESSOR
CITY OF MARQUETTE

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

APPROVED AS TO SUBSTANCE:

Karen M. Kovacs, City Manager

LESSEE
VANGO'S, INC.

By: ROB CARON
Its: MANAGER

APPROVED AS TO FORM:

Suzanne C. Larsen, City Attorney

EXHIBIT A

Agenda Date: 5/31/2022

New Business

Lake Superior Shoreline Restoration Project - Conditional Contractor Selection

BACKGROUND:

Plans have been developed for the restoration of the Lake Superior shoreline adjacent to Lakeshore Boulevard between Hawley Street and Pine Street. This proposed project includes shoreline armoring and stabilization, habitat restoration and the creation of enhanced public recreation areas. Baird Engineering was the consulting design engineer utilized for this project.

The City publicly advertised a request for construction bids for this project and four bidders responded. A bid opening occurred on May 5, 2022 and results are summarized below.

- Smith Construction Inc.: $4,312,877.60
- Payne and Dolan Inc. - Milwaukee: $6,248,763.95
- A. Lindberg & Sons: $6,291,840.70
- Bacco Construction Company: $6,345,692.20

The Engineers estimate for this project was $7,360,000.

The City is currently awaiting final permits from EGLE and the US Army Corps of Engineers. Per the contract documents, the City can conditionally select a contractor and they will be required to honor their bid prices for 120 days after bid opening while the City awaits permit approvals. This time period can be mutually extended if the City does not receive permits during the 120-day time period.

Final Commission approval of a contractor will be required once final permits are received.

FISCAL EFFECT:

Sufficient funds are approved for this project in the FY 2022 budget. No fiscal effect will result from this conditional contractor selection.

RECOMMENDATION:

Conditionally select Smith Construction’s proposal for this project with the intent to enter into a contract with this contractor if the City receives the required permits within 120 days of the bid opening.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Bid Tabulation Report
- Project Overview Plan

City of Marquette
Bid Analysis - Item Deviation
MQ13-502

Description MQ13-502 Lake Superior Shoreline Restoration

Bid Summary

(1)	Smith Construction Inc.	$4,312,877.60	Displayed
(2)	Payne and Dolan	$6,248,763.95	Displayed
(3)	A. Lindberg & Sons	$6,291,840.70	Displayed
(4)	Bacco Construction Company	$6,345,692.20	Displayed

Bid Analysis

Compare to Smith Construction Inc.

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
Section: 1 - Schedule of Items							
	Item %						
0001	1	Mobilization					
		Smith Construction Inc.	$410,000.000	1.000	LS	$410,000.00	
	+40.695%	Payne and Dolan	$576,850.000	1.000	LS	$576,850.00	+$166,850.00
	-31.220%	A. Lindberg & Sons	$282,000.000	1.000	LS	$282,000.00	-$128,000.00
	+20.927%	Bacco Construction Company	$495,800.000	1.000	LS	$495,800.00	+$85,800.00

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0002	2	Demolition – Existing Bike Path					
		Smith Construction Inc.	$5.000	2,875.000	LF	$14,375.00	
	-30.000%	Payne and Dolan	$3.500	2,875.000	LF	$10,062.50	-$4,312.50
	-15.000%	A. Lindberg & Sons	$4.250	2,875.000	LF	$12,218.75	-$2,156.25
	-44.000%	Bacco Construction Company	$2.800	2,875.000	LF	$8,050.00	-$6,325.00
0003	3	Demolition – Existing Roadway					
		Smith Construction Inc.	$13.000	3,280.000	LF	$42,640.00	
	-36.538%	Payne and Dolan	$8.250	3,280.000	LF	$27,060.00	-$15,580.00
	-13.462%	A. Lindberg & Sons	$11.250	3,280.000	LF	$36,900.00	-$5,740.00
	-42.308%	Bacco Construction Company	$7.500	3,280.000	LF	$24,600.00	-$18,040.00
0004	5	Upland Excavation – Unsuitable Material (Non-Contaminated)					
		Smith Construction Inc.	$13.000	1,724.000	CY	$22,412.00	
	+76.923%	Payne and Dolan	$23.000	1,724.000	CY	$39,652.00	+$17,240.00
	-7.692%	A. Lindberg & Sons	$12.000	1,724.000	CY	$20,688.00	-$1,724.00
	+58.462%	Bacco Construction Company	$20.600	1,724.000	CY	$35,514.40	+$13,102.40
0005	6	Upland Excavation – Unsuitable Material (Contaminated)					
		Smith Construction Inc.	$8.000	912.000	CY	$7,296.00	
	+1,400.000%	Payne and Dolan	$120.000	912.000	CY	$109,440.00	+$102,144.00
	+2,025.000%	A. Lindberg & Sons	$170.000	912.000	CY	$155,040.00	+$147,744.00
	+1,600.000%	Bacco Construction Company	$136.000	912.000	CY	$124,032.00	+$116,736.00
0006	7	Removal of 73' existing 42" x 68" storm sewer					
		Smith Construction Inc.	$10,000.000	1.000	LS	$10,000.00	
	-75.000%	Payne and Dolan	$2,500.000	1.000	LS	$2,500.00	-$7,500.00
	+60.000%	A. Lindberg & Sons	$16,000.000	1.000	LS	$16,000.00	+$6,000.00
	-39.500%	Bacco Construction Company	$6,050.000	1.000	LS	$6,050.00	-$3,950.00
0007	8	Removal of Existing Abandoned Sanitary Force Main					
		Smith Construction Inc.	$2.000	970.000	LF	$1,940.00	
	+800.000%	Payne and Dolan	$18.000	970.000	LF	$17,460.00	+$15,520.00
	+75.000%	A. Lindberg & Sons	$3.500	970.000	LF	$3,395.00	+$1,455.00
	+545.000%	Bacco Construction Company	$12.900	970.000	LF	$12,513.00	+$10,573.00

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0008	9	Construction Fencing					
		Smith Construction Inc.	$4.000	10,233.000	LF	$40,932.00	
		Payne and Dolan	$4.000	10,233.000	LF	$40,932.00	$0.00
	-18.750%	A. Lindberg & Sons	$3.250	10,233.000	LF	$33,257.25	-$7,674.75
	-32.500%	Bacco Construction Company	$2.700	10,233.000	LF	$27,629.10	-$13,302.90
0009	10	Silt Fence					
		Smith Construction Inc.	$2.600	2,192.000	LF	$5,699.20	
	-7.692%	Payne and Dolan	$2.400	2,192.000	LF	$5,260.80	-$438.40
	+15.385%	A. Lindberg & Sons	$3.000	2,192.000	LF	$6,576.00	+$876.80
	-7.692%	Bacco Construction Company	$2.400	2,192.000	LF	$5,260.80	-$438.40
0010	11	Inlet Protection					
		Smith Construction Inc.	$110.000	2.000	EA	$220.00	
	-9.091%	Payne and Dolan	$100.000	2.000	EA	$200.00	-$20.00
	+27.273%	A. Lindberg & Sons	$140.000	2.000	EA	$280.00	+$60.00
	-9.091%	Bacco Construction Company	$100.000	2.000	EA	$200.00	-$20.00
0011	12	Erosion Blanket					
		Smith Construction Inc.	$3.000	49,442.000	SY	$148,326.00	
	-10.000%	Payne and Dolan	$2.700	49,442.000	SY	$133,493.40	-$14,832.60
	-16.667%	A. Lindberg & Sons	$2.500	49,442.000	SY	$123,605.00	-$24,721.00
	-10.000%	Bacco Construction Company	$2.700	49,442.000	SY	$133,493.40	-$14,832.60
0012	13	Gravel Access Approach					
		Smith Construction Inc.	$1,000.000	4.000	EA	$4,000.00	
		Payne and Dolan	$1,000.000	4.000	EA	$4,000.00	$0.00
	-20.000%	A. Lindberg & Sons	$800.000	4.000	EA	$3,200.00	-$800.00
	+35.000%	Bacco Construction Company	$1,350.000	4.000	EA	$5,400.00	+$1,400.00
0013	14	Dust Control					
		Smith Construction Inc.	$1,000.000	1.000	LS	$1,000.00	
	+1,400.000%	Payne and Dolan	$15,000.000	1.000	LS	$15,000.00	+$14,000.00
	+9,400.000%	A. Lindberg & Sons	$95,000.000	1.000	LS	$95,000.00	+$94,000.00
	+2,430.000%	Bacco Construction Company	$25,300.000	1.000	LS	$25,300.00	+$24,300.00

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0014	15	Upland Excavation (Suitable Material)					
		Smith Construction Inc.	$10.000	9,122.000	CY	$91,220.00	
	+50.000%	Payne and Dolan	$15.000	9,122.000	CY	$136,830.00	+$45,610.00
	-37.500%	A. Lindberg & Sons	$6.250	9,122.000	CY	$57,012.50	-$34,207.50
	-46.500%	Bacco Construction Company	$5.350	9,122.000	CY	$48,802.70	-$42,417.30
0015	16	Clean Fill (On-site soil)					
		Smith Construction Inc.	$8.000	12,345.000	CY	$98,760.00	
	-93.750%	Payne and Dolan	$0.500	12,345.000	CY	$6,172.50	-$92,587.50
	-50.000%	A. Lindberg & Sons	$4.000	12,345.000	CY	$49,380.00	-$49,380.00
	-69.375%	Bacco Construction Company	$2.450	12,345.000	CY	$30,245.25	-$68,514.75
0016	17	Imported Fill (In excess of available on-site soil)					
		Smith Construction Inc.	$12.000	4,135.000	CY	$49,620.00	
	+66.667%	Payne and Dolan	$20.000	4,135.000	CY	$82,700.00	+$33,080.00
	+16.667%	A. Lindberg & Sons	$14.000	4,135.000	CY	$57,890.00	+$8,270.00
	+45.000%	Bacco Construction Company	$17.400	4,135.000	CY	$71,949.00	+$22,329.00
0017	18	Fine Grading					
		Smith Construction Inc.	$3,200.000	10.190	ACRE	$32,608.00	
	-10.781%	Payne and Dolan	$2,855.000	10.190	ACRE	$29,092.45	-$3,515.55
	+79.688%	A. Lindberg & Sons	$5,750.000	10.190	ACRE	$58,592.50	+$25,984.50
	-10.781%	Bacco Construction Company	$2,855.000	10.190	ACRE	$29,092.45	-$3,515.55
0018	19	Upland Sand for Dune (6" depth)					
		Smith Construction Inc.	$25.000	1,198.000	CY	$29,950.00	
	+100.000%	Payne and Dolan	$50.000	1,198.000	CY	$59,900.00	+$29,950.00
	+128.000%	A. Lindberg & Sons	$57.000	1,198.000	CY	$68,286.00	+$38,336.00
	+118.800%	Bacco Construction Company	$54.700	1,198.000	CY	$65,530.60	+$35,580.60
0019	20	Upland Sand for Side Slopes (avg. 3" depth)					
		Smith Construction Inc.	$25.000	2,435.000	CY	$60,875.00	
	+100.000%	Payne and Dolan	$50.000	2,435.000	CY	$121,750.00	+$60,875.00
	+128.000%	A. Lindberg & Sons	$57.000	2,435.000	CY	$138,795.00	+$77,920.00
	+118.800%	Bacco Construction Company	$54.700	2,435.000	CY	$133,194.50	+$72,319.50

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0020	21	Topsoil for Side Slopes (avg. 3" depth)					
		Smith Construction Inc.	$42.000	2,435.000	CY	$102,270.00	
	+11.905%	Payne and Dolan	$47.000	2,435.000	CY	$114,445.00	+$12,175.00
	+19.048%	A. Lindberg & Sons	$50.000	2,435.000	CY	$121,750.00	+$19,480.00
	+66.429%	Bacco Construction Company	$69.900	2,435.000	CY	$170,206.50	+$67,936.50
0021	22	Topsoil for Fill Area Restoration (4” depth)					
		Smith Construction Inc.	$42.000	762.000	CY	$32,004.00	
	-26.190%	Payne and Dolan	$31.000	762.000	CY	$23,622.00	-$8,382.00
	+19.048%	A. Lindberg & Sons	$50.000	762.000	CY	$38,100.00	+$6,096.00
	+57.619%	Bacco Construction Company	$66.200	762.000	CY	$50,444.40	+$18,440.40
0022	23	Topsoil for Swales (6" depth)					
		Smith Construction Inc.	$42.000	1,730.000	CY	$72,660.00	
	-4.762%	Payne and Dolan	$40.000	1,730.000	CY	$69,200.00	-$3,460.00
	+19.048%	A. Lindberg & Sons	$50.000	1,730.000	CY	$86,500.00	+$13,840.00
	+49.048%	Bacco Construction Company	$62.600	1,730.000	CY	$108,298.00	+$35,638.00
0023	24	Soil Mix for Backwater Wetland Areas (6" depth)					
		Smith Construction Inc.	$45.000	177.000	CY	$7,965.00	
	+44.444%	Payne and Dolan	$65.000	177.000	CY	$11,505.00	+$3,540.00
	+11.111%	A. Lindberg & Sons	$50.000	177.000	CY	$8,850.00	+$885.00
	+131.111%	Bacco Construction Company	$104.000	177.000	CY	$18,408.00	+$10,443.00
0024	25	Shade Trees - 3" Cal.					
		Smith Construction Inc.	$800.000	66.000	EA	$52,800.00	
	-8.125%	Payne and Dolan	$735.000	66.000	EA	$48,510.00	-$4,290.00
	-16.250%	A. Lindberg & Sons	$670.000	66.000	EA	$44,220.00	-$8,580.00
	-8.125%	Bacco Construction Company	$735.000	66.000	EA	$48,510.00	-$4,290.00
0025	26	Evergreen Trees - 6' Ht.					
		Smith Construction Inc.	$650.000	27.000	EA	$17,550.00	
	-9.231%	Payne and Dolan	$590.000	27.000	EA	$15,930.00	-$1,620.00
	-18.462%	A. Lindberg & Sons	$530.000	27.000	EA	$14,310.00	-$3,240.00
	-9.231%	Bacco Construction Company	$590.000	27.000	EA	$15,930.00	-$1,620.00

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0026	27	Tree Guard					
		Smith Construction Inc.	$13.750	66.000	EA	$907.50	
	-9.091%	Payne and Dolan	$12.500	66.000	EA	$825.00	-$82.50
	-27.273%	A. Lindberg & Sons	$10.000	66.000	EA	$660.00	-$247.50
	-9.091%	Bacco Construction Company	$12.500	66.000	EA	$825.00	-$82.50
0027	28	Tree Staking					
		Smith Construction Inc.	$49.000	93.000	EA	$4,557.00	
	-8.163%	Payne and Dolan	$45.000	93.000	EA	$4,185.00	-$372.00
	-18.367%	A. Lindberg & Sons	$40.000	93.000	EA	$3,720.00	-$837.00
	-8.163%	Bacco Construction Company	$45.000	93.000	EA	$4,185.00	-$372.00
0028	29	Shrubs - 5 Gal.					
		Smith Construction Inc.	$67.000	192.000	EA	$12,864.00	
	-8.582%	Payne and Dolan	$61.250	192.000	EA	$11,760.00	-$1,104.00
	-10.448%	A. Lindberg & Sons	$60.000	192.000	EA	$11,520.00	-$1,344.00
	-8.582%	Bacco Construction Company	$61.250	192.000	EA	$11,760.00	-$1,104.00
0029	30	Shrubs - 3 Gal.					
		Smith Construction Inc.	$56.000	343.000	EA	$19,208.00	
	-7.589%	Payne and Dolan	$51.750	343.000	EA	$17,750.25	-$1,457.75
	-10.714%	A. Lindberg & Sons	$50.000	343.000	EA	$17,150.00	-$2,058.00
	-7.589%	Bacco Construction Company	$51.750	343.000	EA	$17,750.25	-$1,457.75
0030	31	Shrubs - 1 Gal.					
		Smith Construction Inc.	$35.000	75.000	EA	$2,625.00	
	-7.571%	Payne and Dolan	$32.350	75.000	EA	$2,426.25	-$198.75
	-14.286%	A. Lindberg & Sons	$30.000	75.000	EA	$2,250.00	-$375.00
	-7.571%	Bacco Construction Company	$32.350	75.000	EA	$2,426.25	-$198.75
0031	32	Perennials - Plugs					
		Smith Construction Inc.	$3.000	6,710.000	EA	$20,130.00	
	-8.333%	Payne and Dolan	$2.750	6,710.000	EA	$18,452.50	-$1,677.50
	-16.667%	A. Lindberg & Sons	$2.500	6,710.000	EA	$16,775.00	-$3,355.00
	-8.333%	Bacco Construction Company	$2.750	6,710.000	EA	$18,452.50	-$1,677.50

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0032	33	Emergent Plants - Plugs (4,543 SF @ 24" O.C.)					
		Smith Construction Inc.	$2.700	1,248.000	EA	$3,369.60	
	-9.259%	Payne and Dolan	$2.450	1,248.000	EA	$3,057.60	-$312.00
	-7.407%	A. Lindberg & Sons	$2.500	1,248.000	EA	$3,120.00	-$249.60
	-9.259%	Bacco Construction Company	$2.450	1,248.000	EA	$3,057.60	-$312.00
0033	34	Dune Grass - Stolons (93,446 SF @ 24" O.C.)					
		Smith Construction Inc.	$1.400	25,542.000	EA	$35,758.80	
	-7.143%	Payne and Dolan	$1.300	25,542.000	EA	$33,204.60	-$2,554.20
	-28.571%	A. Lindberg & Sons	$1.000	25,542.000	EA	$25,542.00	-$10,216.80
	-7.143%	Bacco Construction Company	$1.300	25,542.000	EA	$33,204.60	-$2,554.20
0034	35	Dune Seed Mix and Great Lakes Barrens Seed Mix A					
		Smith Construction Inc.	$2,222.000	4.750	ACRE	$10,554.50	
	-8.866%	Payne and Dolan	$2,025.000	4.750	ACRE	$9,618.75	-$935.75
	-17.192%	A. Lindberg & Sons	$1,840.000	4.750	ACRE	$8,740.00	-$1,814.50
	-8.866%	Bacco Construction Company	$2,025.000	4.750	ACRE	$9,618.75	-$935.75
0035	36	Great Lakes Barrens Seed Mix B					
		Smith Construction Inc.	$2,200.000	4.970	ACRE	$10,934.00	
	-9.773%	Payne and Dolan	$1,985.000	4.970	ACRE	$9,865.45	-$1,068.55
	-18.182%	A. Lindberg & Sons	$1,800.000	4.970	ACRE	$8,946.00	-$1,988.00
	-9.773%	Bacco Construction Company	$1,985.000	4.970	ACRE	$9,865.45	-$1,068.55
0036	37	Great Lakes Barrens Seed Mix C					
		Smith Construction Inc.	$2,500.000	1.620	ACRE	$4,050.00	
	-10.200%	Payne and Dolan	$2,245.000	1.620	ACRE	$3,636.90	-$413.10
	-18.400%	A. Lindberg & Sons	$2,040.000	1.620	ACRE	$3,304.80	-$745.20
	-10.200%	Bacco Construction Company	$2,245.000	1.620	ACRE	$3,636.90	-$413.10
0037	38	Great Lakes Marsh Seed Mix					
		Smith Construction Inc.	$2,700.000	0.630	ACRE	$1,701.00	
	-9.259%	Payne and Dolan	$2,450.000	0.630	ACRE	$1,543.50	-$157.50
	-17.407%	A. Lindberg & Sons	$2,230.000	0.630	ACRE	$1,404.90	-$296.10
	-9.259%	Bacco Construction Company	$2,450.000	0.630	ACRE	$1,543.50	-$157.50

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0038	39	Vegetation Management – All Areas (including preserved areas) 3 years					
		Smith Construction Inc.	$7,800.000	12.130	ACRE	$94,614.00	
	-8.333%	Payne and Dolan	$7,150.000	12.130	ACRE	$86,729.50	-$7,884.50
	-16.667%	A. Lindberg & Sons	$6,500.000	12.130	ACRE	$78,845.00	-$15,769.00
	-8.333%	Bacco Construction Company	$7,150.000	12.130	ACRE	$86,729.50	-$7,884.50
0039	40	Ramps and Deck Structures					
		Smith Construction Inc.	$367.000	980.000	SF	$359,660.00	
	+8.992%	Payne and Dolan	$400.000	980.000	SF	$392,000.00	+$32,340.00
	+9.537%	A. Lindberg & Sons	$402.000	980.000	SF	$393,960.00	+$34,300.00
	+13.896%	Bacco Construction Company	$418.000	980.000	SF	$409,640.00	+$49,980.00
0040	41	Stone Aggregate (Supply, Transport & Placement)					
		Smith Construction Inc.	$50.000	205.000	CY	$10,250.00	
	+40.000%	Payne and Dolan	$70.000	205.000	CY	$14,350.00	+$4,100.00
	+22.000%	A. Lindberg & Sons	$61.000	205.000	CY	$12,505.00	+$2,255.00
	+122.000%	Bacco Construction Company	$111.000	205.000	CY	$22,755.00	+$12,505.00
0041	42	LVSP Pavement					
		Smith Construction Inc.	$325.000	100.000	TON	$32,500.00	
	-30.769%	Payne and Dolan	$225.000	100.000	TON	$22,500.00	-$10,000.00
	-30.769%	A. Lindberg & Sons	$225.000	100.000	TON	$22,500.00	-$10,000.00
	-44.308%	Bacco Construction Company	$181.000	100.000	TON	$18,100.00	-$14,400.00
0042	43	Roll Out Beach Walk					
		Smith Construction Inc.	$190.000	55.000	LF	$10,450.00	
	-43.684%	Payne and Dolan	$107.000	55.000	LF	$5,885.00	-$4,565.00
	-57.895%	A. Lindberg & Sons	$80.000	55.000	LF	$4,400.00	-$6,050.00
	-29.474%	Bacco Construction Company	$134.000	55.000	LF	$7,370.00	-$3,080.00
0043	44	Signage					
		Smith Construction Inc.	$1,000.000	1.000	LS	$1,000.00	
	+450.000%	Payne and Dolan	$5,500.000	1.000	LS	$5,500.00	+$4,500.00
	+4,097.500%	A. Lindberg & Sons	$41,975.000	1.000	LS	$41,975.00	+$40,975.00
	+4,097.500%	Bacco Construction Company	$41,975.000	1.000	LS	$41,975.00	+$40,975.00

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0044	45	Installation of Monitoring Benchmarks					
		Smith Construction Inc.	$250.000	10.000	EA	$2,500.00	
	+448.000%	Payne and Dolan	$1,370.000	10.000	EA	$13,700.00	+$11,200.00
	+448.000%	A. Lindberg & Sons	$1,370.000	10.000	EA	$13,700.00	+$11,200.00
	+500.000%	Bacco Construction Company	$1,500.000	10.000	EA	$15,000.00	+$12,500.00
0045	46	Turbidity Curtain (3 each at 3400 feet)					
		Smith Construction Inc.	$0.500	10,200.000	LF	$5,100.00	
	+6,300.000%	Payne and Dolan	$32.000	10,200.000	LF	$326,400.00	+$321,300.00
	+7,500.000%	A. Lindberg & Sons	$38.000	10,200.000	LF	$387,600.00	+$382,500.00
	+5,992.000%	Bacco Construction Company	$30.460	10,200.000	LF	$310,692.00	+$305,592.00
0046	47	Living Revetment (Comprised of Stone) - Shoreline Excavation (Suitable Material)					
		Smith Construction Inc.	$12.000	10,059.000	CY	$120,708.00	
	+91.667%	Payne and Dolan	$23.000	10,059.000	CY	$231,357.00	+$110,649.00
	+50.000%	A. Lindberg & Sons	$18.000	10,059.000	CY	$181,062.00	+$60,354.00
	-45.833%	Bacco Construction Company	$6.500	10,059.000	CY	$65,383.50	-$55,324.50
0047	48	Living Revetment (Comprised of Stone) - Armor Stone - 1-2 Ton (A1 Stone)					
		Smith Construction Inc.	$10.000	365.000	TON	$3,650.00	
	+460.000%	Payne and Dolan	$56.000	365.000	TON	$20,440.00	+$16,790.00
	+400.000%	A. Lindberg & Sons	$50.000	365.000	TON	$18,250.00	+$14,600.00
	+450.000%	Bacco Construction Company	$55.000	365.000	TON	$20,075.00	+$16,425.00
0048	49	Living Revetment (Comprised of Stone) - Quarried Cobble Sized Stone 4-8 inches (R2 Stone)					
		Smith Construction Inc.	$19.000	81,760.000	TON	$1,553,440.00	
	+52.632%	Payne and Dolan	$29.000	81,760.000	TON	$2,371,040.00	+$817,600.00
	+57.895%	A. Lindberg & Sons	$30.000	81,760.000	TON	$2,452,800.00	+$899,360.00
	+62.105%	Bacco Construction Company	$30.800	81,760.000	TON	$2,518,208.00	+$964,768.00
0049	50	Living Revetment (Comprised of Stone) - Quarried Stone - 6-18 inches (R1 Stone)					
		Smith Construction Inc.	$34.000	6,340.000	TON	$215,560.00	
	-8.824%	Payne and Dolan	$31.000	6,340.000	TON	$196,540.00	-$19,020.00
	+11.765%	A. Lindberg & Sons	$38.000	6,340.000	TON	$240,920.00	+$25,360.00
	+1.471%	Bacco Construction Company	$34.500	6,340.000	TON	$218,730.00	+$3,170.00

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0050	51	Living Revetment (Comprised of Stone) - Blinding Stone (D Stone)					
		Smith Construction Inc.	$36.500	113.000	TON	$4,124.50	
	+23.288%	Payne and Dolan	$45.000	113.000	TON	$5,085.00	+$960.50
	+36.986%	A. Lindberg & Sons	$50.000	113.000	TON	$5,650.00	+$1,525.50
	+34.247%	Bacco Construction Company	$49.000	113.000	TON	$5,537.00	+$1,412.50
0051	53	Pocket Beach - Shoreline Excavation (Suitable Material)					
		Smith Construction Inc.	$12.000	6,370.000	CY	$76,440.00	
	-50.000%	Payne and Dolan	$6.000	6,370.000	CY	$38,220.00	-$38,220.00
	+50.000%	A. Lindberg & Sons	$18.000	6,370.000	CY	$114,660.00	+$38,220.00
	-51.250%	Bacco Construction Company	$5.850	6,370.000	CY	$37,264.50	-$39,175.50
0052	54	Pocket Beach - Quarried Stone - 6-18 inches (R1 Stone)					
		Smith Construction Inc.	$34.000	3,409.000	TON	$115,906.00	
	-8.824%	Payne and Dolan	$31.000	3,409.000	TON	$105,679.00	-$10,227.00
	+11.765%	A. Lindberg & Sons	$38.000	3,409.000	TON	$129,542.00	+$13,636.00
	+20.000%	Bacco Construction Company	$40.800	3,409.000	TON	$139,087.20	+$23,181.20
0053	55	Pocket Beach - Armor Stone - 1-2 Ton (A1 Stone)					
		Smith Construction Inc.	$10.000	2,276.000	TON	$22,760.00	
	+440.000%	Payne and Dolan	$54.000	2,276.000	TON	$122,904.00	+$100,144.00
	+400.000%	A. Lindberg & Sons	$50.000	2,276.000	TON	$113,800.00	+$91,040.00
	+432.000%	Bacco Construction Company	$53.200	2,276.000	TON	$121,083.20	+$98,323.20
0054	56	Pocket Beach - Armor Stone - 1-2 Ton (A2 Stone)					
		Smith Construction Inc.	$10.000	457.000	TON	$4,570.00	
	+1,120.000%	Payne and Dolan	$122.000	457.000	TON	$55,754.00	+$51,184.00
	+650.000%	A. Lindberg & Sons	$75.000	457.000	TON	$34,275.00	+$29,705.00
	+639.000%	Bacco Construction Company	$73.900	457.000	TON	$33,772.30	+$29,202.30
0055	57	Pocket Beach - Geotextile					
		Smith Construction Inc.	$4.000	728.000	SY	$2,912.00	
	+37.500%	Payne and Dolan	$5.500	728.000	SY	$4,004.00	+$1,092.00
	+50.000%	A. Lindberg & Sons	$6.000	728.000	SY	$4,368.00	+$1,456.00
	+43.750%	Bacco Construction Company	$5.750	728.000	SY	$4,186.00	+$1,274.00

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0056	58	Pocket Beach – Beach Sand					
		Smith Construction Inc.	$35.000	1,872.000	CY	$65,520.00	
	+54.286%	Payne and Dolan	$54.000	1,872.000	CY	$101,088.00	+$35,568.00
	+57.143%	A. Lindberg & Sons	$55.000	1,872.000	CY	$102,960.00	+$37,440.00
	+59.143%	Bacco Construction Company	$55.700	1,872.000	CY	$104,270.40	+$38,750.40
0057	59	Pocket Beach - Blinding Stone (D Stone)					
		Smith Construction Inc.	$36.500	381.000	TON	$13,906.50	
	+9.589%	Payne and Dolan	$40.000	381.000	TON	$15,240.00	+$1,333.50
	+36.986%	A. Lindberg & Sons	$50.000	381.000	TON	$19,050.00	+$5,143.50
	+10.685%	Bacco Construction Company	$40.400	381.000	TON	$15,392.40	+$1,485.90
0058	60	North Outfall - Shoreline Excavation (Suitable Material)					
		Smith Construction Inc.	$15.000	124.000	CY	$1,860.00	
	+26.667%	Payne and Dolan	$19.000	124.000	CY	$2,356.00	+$496.00
	+20.000%	A. Lindberg & Sons	$18.000	124.000	CY	$2,232.00	+$372.00
	-7.333%	Bacco Construction Company	$13.900	124.000	CY	$1,723.60	-$136.40
0059	61	North Outfall - Bedding Stone (D Stone)					
		Smith Construction Inc.	$36.500	53.000	TON	$1,934.50	
	+47.945%	Payne and Dolan	$54.000	53.000	TON	$2,862.00	+$927.50
	+36.986%	A. Lindberg & Sons	$50.000	53.000	TON	$2,650.00	+$715.50
	+42.740%	Bacco Construction Company	$52.100	53.000	TON	$2,761.30	+$826.80
0060	62	North Outfall - Armor Stone - 1-2 Ton (A1 Stone)					
		Smith Construction Inc.	$10.000	105.000	TON	$1,050.00	
	+540.000%	Payne and Dolan	$64.000	105.000	TON	$6,720.00	+$5,670.00
	+400.000%	A. Lindberg & Sons	$50.000	105.000	TON	$5,250.00	+$4,200.00
	+493.000%	Bacco Construction Company	$59.300	105.000	TON	$6,226.50	+$5,176.50
0061	63	South Outfall - Shoreline Excavation (Suitable Material)					
		Smith Construction Inc.	$15.000	518.000	CY	$7,770.00	
	+40.000%	Payne and Dolan	$21.000	518.000	CY	$10,878.00	+$3,108.00
	+6.667%	A. Lindberg & Sons	$16.000	518.000	CY	$8,288.00	+$518.00
	-57.667%	Bacco Construction Company	$6.350	518.000	CY	$3,289.30	-$4,480.70

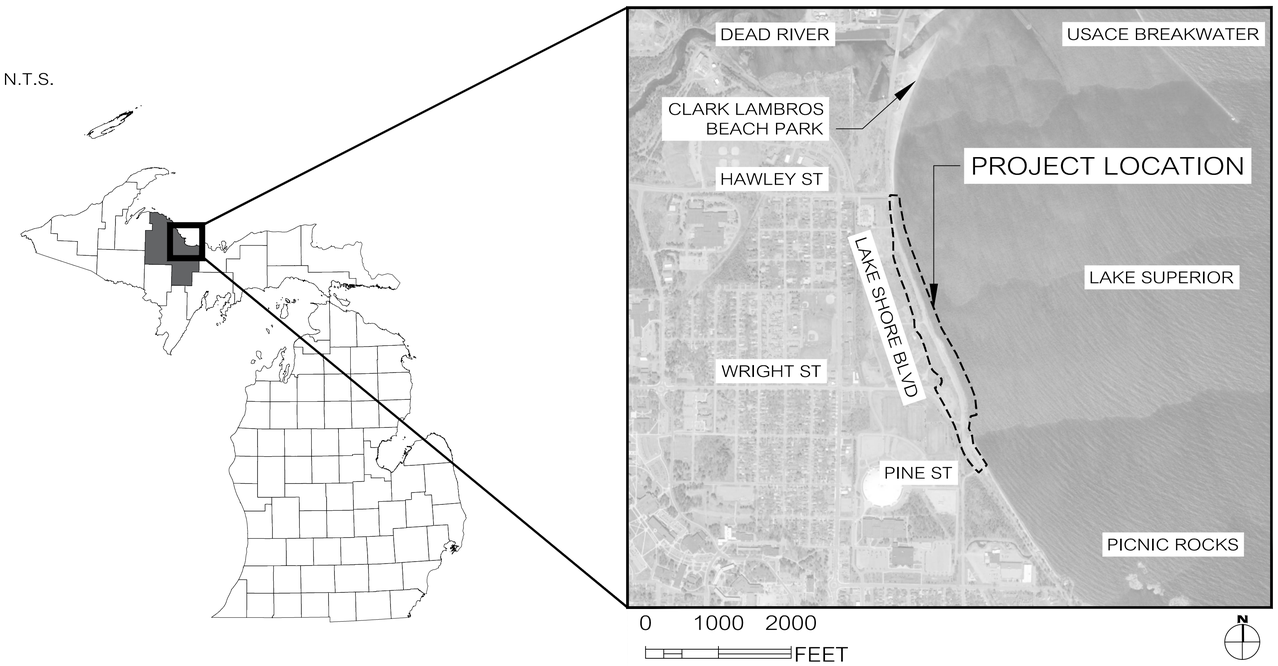
Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0062	64	South Outfall - Blinding Stone (D Stone)					
		Smith Construction Inc.	$36.500	105.000	TON	$3,832.50	
	+36.986%	Payne and Dolan	$50.000	105.000	TON	$5,250.00	+$1,417.50
	+36.986%	A. Lindberg & Sons	$50.000	105.000	TON	$5,250.00	+$1,417.50
	+40.822%	Bacco Construction Company	$51.400	105.000	TON	$5,397.00	+$1,564.50
0063	65	South Outfall - Quarried Stone - 6-18 inches (R1 Stone)					
		Smith Construction Inc.	$34.000	1,241.000	TON	$42,194.00	
	-8.824%	Payne and Dolan	$31.000	1,241.000	TON	$38,471.00	-$3,723.00
	+11.765%	A. Lindberg & Sons	$38.000	1,241.000	TON	$47,158.00	+$4,964.00
	+17.059%	Bacco Construction Company	$39.800	1,241.000	TON	$49,391.80	+$7,197.80
0064	66	South Outfall - Armor Stone - 1-2 Ton (A1 Stone)					
		Smith Construction Inc.	$10.000	1,766.000	TON	$17,660.00	
	+440.000%	Payne and Dolan	$54.000	1,766.000	TON	$95,364.00	+$77,704.00
	+400.000%	A. Lindberg & Sons	$50.000	1,766.000	TON	$88,300.00	+$70,640.00
	+423.000%	Bacco Construction Company	$52.300	1,766.000	TON	$92,361.80	+$74,701.80
0065	67	South Outfall - Storm Sewer Headwall					
		Smith Construction Inc.	$15,000.000	1.000	LS	$15,000.00	
	-20.000%	Payne and Dolan	$12,000.000	1.000	LS	$12,000.00	-$3,000.00
	-60.000%	A. Lindberg & Sons	$6,000.000	1.000	LS	$6,000.00	-$9,000.00
	+51.333%	Bacco Construction Company	$22,700.000	1.000	LS	$22,700.00	+$7,700.00
0066	68	Foredune Reinforcement – Beach Sand					
		Smith Construction Inc.	$35.000	2,392.000	CY	$83,720.00	
	+48.571%	Payne and Dolan	$52.000	2,392.000	CY	$124,384.00	+$40,664.00
	+57.143%	A. Lindberg & Sons	$55.000	2,392.000	CY	$131,560.00	+$47,840.00
	+59.714%	Bacco Construction Company	$55.900	2,392.000	CY	$133,712.80	+$49,992.80
0067	69	Armor Stone Shoreline Stabilization - Quarried Stone - 6-18 inches (R1 Stone)					
		Smith Construction Inc.	$34.000	408.000	TON	$13,872.00	
		Payne and Dolan	$34.000	408.000	TON	$13,872.00	$0.00
	+11.765%	A. Lindberg & Sons	$38.000	408.000	TON	$15,504.00	+$1,632.00
	+65.588%	Bacco Construction Company	$56.300	408.000	TON	$22,970.40	+$9,098.40

Line Number	Item ID	Description	Unit Price	Quantity	Unit	Extension	Deviation
0068	70	Armor Stone Shoreline Stabilization - Armor Stone - 1-2 Ton (A1 Stone)					
		Smith Construction Inc.	$25.000	432.000	TON	$10,800.00	
	+156.000%	Payne and Dolan	$64.000	432.000	TON	$27,648.00	+$16,848.00
	+100.000%	A. Lindberg & Sons	$50.000	432.000	TON	$21,600.00	+$10,800.00
	+171.200%	Bacco Construction Company	$67.800	432.000	TON	$29,289.60	+$18,489.60
0069	71	Existing Armor Stone Re-Use					
		Smith Construction Inc.	$10.000	1,000.000	TON	$10,000.00	
	+190.000%	Payne and Dolan	$29.000	1,000.000	TON	$29,000.00	+$19,000.00
	+240.000%	A. Lindberg & Sons	$34.000	1,000.000	TON	$34,000.00	+$24,000.00
	+296.000%	Bacco Construction Company	$39.600	1,000.000	TON	$39,600.00	+$29,600.00
0070	72	Sand (Supplied by City)					
		Smith Construction Inc.	-$9.000	11,000.000	CY	-$99,000.00	
	-22.222%	Payne and Dolan	-$7.000	11,000.000	CY	-$77,000.00	+$22,000.00
	-11.111%	A. Lindberg & Sons	-$8.000	11,000.000	CY	-$88,000.00	+$11,000.00
	-25.556%	Bacco Construction Company	-$6.700	11,000.000	CY	-$73,700.00	+$25,300.00
0071	73	South Outfall – Geotextile					
		Smith Construction Inc.	$4.000	456.000	SY	$1,824.00	
	+37.500%	Payne and Dolan	$5.500	456.000	SY	$2,508.00	+$684.00
	+50.000%	A. Lindberg & Sons	$6.000	456.000	SY	$2,736.00	+$912.00
	+15.000%	Bacco Construction Company	$4.600	456.000	SY	$2,097.60	+$273.60
0072	74	Armor Stone Shoreline Stabilization – Geotextile					
		Smith Construction Inc.	$4.000	252.000	SY	$1,008.00	
	+112.500%	Payne and Dolan	$8.500	252.000	SY	$2,142.00	+$1,134.00
	+50.000%	A. Lindberg & Sons	$6.000	252.000	SY	$1,512.00	+$504.00
	+82.500%	Bacco Construction Company	$7.300	252.000	SY	$1,839.60	+$831.60
Section: Section ID - Section Description							
	Item %						
72 items							

MARQUETTE, MI
LAKE SUPERIOR SHORELINE RESTORATION

BID DOCUMENTS

N.T.S.



SHEET LIST	
SHEET NO.	SHEET TITLE
G-001	TITLE SHEET
V-101	EXISTING CONDITIONS - TOPOGRAPHY & BATHYMETRY
V-102	EXISTING CONDITIONS - MAJOR FEATURES
V-103	PROJECT OVERVIEW PLAN
V-104	SURVEY CONTROL PLAN
V-105	MONITORING BENCHMARK PLAN
C-101	SITE STAGING AND ACCESS PLAN
C-102	SITE PREPARATION PLAN STA 0+00 TO 13+00
C-103	SITE PREPARATION PLAN STA 13+00 TO 29+00
C-104	SITE PREPARATION PLAN STA 29+00 TO 41+64
C-105	EXCAVATION FILL AREA 1 & 2 LAYOUT PLAN & SECTION
C-106	EXCAVATION FILL AREA 3 LAYOUT PLAN & SECTION
C-107	WATERFRONT LAYOUT PLAN STA 0+00 to 13+00
C-108	WATERFRONT LAYOUT PLAN STA 13+00 to 29+00
C-109	WATERFRONT LAYOUT PLAN STA 29+00 TO 41+64
C-110	POCKET BEACH LAYOUT PLAN
C-111	RECESS AT STA 28+21 LAYOUT PLAN & PROFILE
C-112	RECESS AT STA 33+69 LAYOUT PLAN & PROFILE
C-113	NORTH OUTFALL PROTECTION PLAN & PROFILE
C-114	SOUTH OUTFALL PROTECTION PLAN & PROFILE
C-301	TYPICAL SECTIONS - LIVING REVETMENT
C-302	TYPICAL SECTIONS - POCKET BEACH & CONTROL STRUCTURES
C-303	TYPICAL SECTIONS - SOUTH CONTROL STRUCTURE
C-304	DESIGN SECTIONS - DUNE REINFORCEMENT
C-501	WATERFRONT DETAILS (SHEET 1 OF 2)
C-502	WATERFRONT DETAILS (SHEET 2 OF 2)
L-101	EROSION CONTROL PLAN
L-102	GRADING PLAN (SHEET 1 OF 5)
L-103	GRADING PLAN (SHEET 2 OF 5)
L-104	GRADING PLAN (SHEET 3 OF 5)
L-105	GRADING PLAN (SHEET 4 OF 5)
L-106	GRADING PLAN (SHEET 5 OF 5)
L-107	SOILS PLAN
L-108	LAYOUT PLAN - SOUTH
L-109	LANDSCAPE PLAN (SHEET 1 OF 5)
L-110	LANDSCAPE PLAN (SHEET 2 OF 5)
L-111	LANDSCAPE PLAN (SHEET 3 OF 5)
L-112	LANDSCAPE PLAN (SHEET 4 OF 5)
L-113	LANDSCAPE PLAN (SHEET 5 OF 5)
L-501	EROSION CONTROL DETAILS
L-502	SITE DETAILS
L-503	LANDSCAPE DETAILS
L-504	SEED SCHEDULES
L-505	PLANT SCHEDULES
S-101	PATH AND OVERLOOK SITE PLAN
S-102	PATH LAYOUT (SHEET 1 OF 2)
S-103	PATH LAYOUT (SHEET 2 OF 2)
S-301	TYPICAL PAVEMENT SECTIONS
S-401	PILE, PILE CAP AND CONCRETE FOUNDATION PLAN
S-402	FRAMING AND DECK PLAN VIEWS
S-403	BOARDWALK PLAN AND PROFILE (SHEET 1 OF 2)
S-404	BOARDWALK PLAN AND PROFILE (SHEET 2 OF 2)
S-405	PLATFORM PLAN AND ELEVATION
S-501	COMPOSITE BOARDWALK DETAILS (SHEET 1 OF 2)
S-502	COMPOSITE BOARDWALK DETAILS (SHEET 2 OF 2)
S-503	COMPOSITE STAIRS DETAILS
S-504	CONCRETE ABUTMENT DETAILS
S-505	FRAME CONNECTION DETAILS

STATE OF MICHIGAN
MATTHEW CLARK
ENGINEER
No. 44709
LICENSED PROFESSIONAL ENGINEER

MATTHEW CLARK, PE #44709
REFER TO SHEETS V-101 - V-105, C-101 - C-502, S-102-S-103

STATE OF MICHIGAN
RICHARD NATHANIEL REINEKE
LANDSCAPE ARCHITECT
No. 3901001625
REGISTERED LANDSCAPE ARCHITECT

RICHARD N. REINEKE, PLA #3901001625
REFER TO SHEETS L-101 - L-505

STATE OF MICHIGAN
ALEX I. MORA
ENGINEER
No. 6201068427
LICENSED PROFESSIONAL ENGINEER

ALEX I. MORA, PE #6201068427
REFER TO SHEETS S-101, S-301 - S-505

PREPARED BY:

W.F. BAIRD & ASSOCIATES LTD.
2924 MARKETPLACE DR
SUITE 200
MADISON, WI 53719

IN ASSOCIATION WITH:

RESOURCE ENVIRONMENTAL SOLUTIONS, INC.
17921 W SMITH ROAD
BRODHEAD, WI 53520

FOTH INFRASTRUCTURE & ENVIRONMENT, LLC
2121 INNOVATION COURT
P.O. BOX 5095
DE PERE, WI 54115-5095

PREPARED FOR:

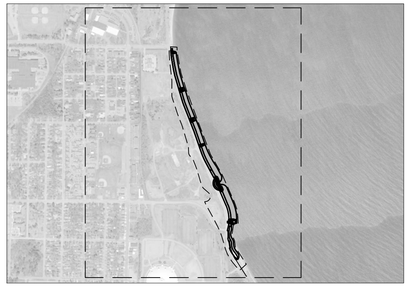
CITY OF MARQUETTE, MI
300 W BARAGA AVE
MARQUETTE, MI 49855

SUPERIOR WATERSHED PARTNERSHIP
2 PETER WHITE DRIVE
MARQUETTE, MI 49855

BID DOCUMENTS

SHEET NUMBER: G-001
ISSUE NUMBER: 01
ISSUE DATE: 2022-02-21

KEY MAP



COORDINATE TABLE/NOTES

1. UTILITIES LINEWORK BASED ON PHASE 1 AS-BUILT DRAWINGS PROVIDED BY THE CITY OF MARQUETTE. REFER TO SHEETS C-102, C-103, AND C-104 FOR DETAILED UTILITY INFORMATION.
2. GROUNDWATER PLUME DEFINITION: AN APPROXIMATE PLAN AREA WHERE ONE OR MORE CONTAMINANTS SOMEWHERE IN THE GROUNDWATER COLUMN LIKELY EXCEED ONE OR MORE PART 201 CRITERIA.
3. HORIZONTAL DATUM IS IN FEET RELATIVE TO THE MARQUETTE CITY DATUM.
4. VERTICAL DATUM IS IN FEET RELATIVE TO THE INTERNATIONAL GREAT LAKES DATUM OF 1985 (IGLD85). IGLD85 ELEVATIONS CONVERSION TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) IS ELEVATION IGLD85 + 0.002 FEET = ELEVATION NAVD88. CONVERSION SOURCED FROM NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) ONLINE VERTICAL DATUM TRANSFORMATION TOOL.

LAKE SUPERIOR
SOUTH OUTFALL BERM
REINFORCED DUNE EXTENSION
LIVING REVETMENT
SOUTH CONTROL STRUCTURE
CONSTRUCTION LIMITS
WETLAND SHORELINE RECESS
BEACH CONTROL STRUCTURES
3+22
5+00
6+00
PINE ST
15+00
EXISTING WETLAND
SURVEY CONTROL LINE
20+00
10+00
EXISTING MULTI-USE TRAIL
EXISTING STORMWATER DETENTION POND
25+00
30+00
EMERGENT HABITAT - EDGE OF POND
CONSTRUCTION LIMITS
35+00
41+64
40+00
POCKET BEACH
PEDESTRIAN TRAIL
EXISTING GROUNDWATER PLUME
SHORELINE OVERLOOK
GREAT LAKES MARSH
EXISTING PARKING LOTS
NORTH OUTFALL PROTECTION
EXISTING HERBACEOUS GROUNDCOVER MANAGEMENT
GREAT LAKES BARRENS - ZONE C
GREAT LAKES BARRENS - ZONE A & B
DUNE
EXISTING LAKE SHORE BOULEVARD
EXISTING MULTI-USE TRAIL
PRESQUE ISLE AVE
HAWLEY ST
WRIGHT ST

LEGEND

GROUNDWATER PLUME		DUNE - RIDGES, OPEN DUNE	
EXISTING WETLAND		GREAT LAKES BARRENS - ZONES A & B	
EXISTING WATER MAIN	W	GREAT LAKES BARRENS - ZONES C	
EXISTING SANITARY SEWER	SAN	GREAT LAKES MARSH	
EXISTING STORM SEWER	STM	EMERGENT HABITAT	
EXISTING PROPERTY LINE		EXISTING HERBACEOUS GROUNDCOVER MANAGEMENT	

0 200 400
SCALE = 1:200 FEET

BID DOCUMENTS

REVISIONS

(PH) PHASE OF ISSUE:		(A) PRELIMINARY		(B) DESIGN		(C) PERMIT		(D) TENDER		(E) CONSTRUCTION		(F) RECORD					
PH	REV	DESCRIPTION	DRN	DSN	APR	QCM	YYYY-MM-DD	PH	REV	DESCRIPTION	DRN	DSN	APR	QCM	YYYY-MM-DD
D	1	BID DOCUMENTS	PST	JID	MJC	--	2022-02-21								

PREPARED FOR: MARQUETTE MICHIGAN FOUNDED 1849

SUPERIOR WATERSHED PARTNERSHIP and LAND CONSERVANCY

PREPARED BY: Baird.

IN ASSOCIATION WITH: res Foth

MARQUETTE LS SHORELINE RESTORATION

PROJECT OVERVIEW PLAN

ISSUE NUMBER:
ISSUE DATE: 2022-02-21
PROJECT NUMBER: 13290.101
SHEET NUMBER: V-103

P:\13290.101 MARQUETTE LAKE SUPERIOR SHORELINE RESTORATION\08_CADD\WORKING\B-DESIGN\02_PRELIMINARY DESIGN\V-103.DWG

PLOT PAPER SIZE: ANSI D - 22.00 X 34.00 INCHES

Agenda Date: 5/31/2022

New Business

Notice of Intent Resolution - Fiscal Year 2022 Capital Improvement Bonds - Roll Call Vote

BACKGROUND:

In order to start the process of issuing Capital Improvement Bonds for Fiscal Year 2022 projects, a resolution must be approved that will authorize a “Notice of Intent” to be published. The “Notice of Intent” serves as a 45-day referendum notice in accordance with Public Act 34. This Public Act states that if ten percent of the registered electors of the City file a referendum petition within 45 days of publication of the notice, then the bonds cannot be issued without voter approval. The Resolution also authorizes that the City may reimburse itself for expenditures made prior to the actual issuance of the bonds. This language is needed in order to comply with Federal tax laws for tax-exempt bonds.

Projects proposed to be financed with this bond issue are attached. These are projects that have been included in the budget process. A final amount tally will be presented before the bonds are issued.

FISCAL EFFECT:

A debt-service schedule will be produced when the bonds are issued.

RECOMMENDATION:

Approve a Notice of Intent Resolution to issue and sell General Obligation Bonds in an amount not-to-exceed $6,000,000 for Capital Improvements, and authorized the City Clerk to sign the Resolution.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Notice of Intent Resolution-FY'22 Capital Imp. Bonds
- Project to Bond - FY'22

Notice of Intent Resolution
2022 General Obligation Capital Improvement Bonds

City of Marquette
County of Marquette, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Marquette, County of Marquette, State of Michigan (the "City"), held on the 31st day of May, 2022, at 6:00 o'clock p.m. prevailing Eastern Time.

PRESENT: Commissioners: _____

_____

ABSENT: Commissioners: _____

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____:

WHEREAS, the City intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Six Million Dollars ($6,000,000) in one or more series for the purpose of paying all or part of the cost of capital improvement items in the City including but not limited to constructing a living revetment along the Lake Superior waterfront; constructing habitat restoration in the uplands area; installation of outlet improvements for existing stormwater outfalls; making major and/or local street improvements, including related water, sewer and storm water infrastructure improvements; construction and installation of sanitary sewer lateral replacements and sewer pipe; infrastructure improvements for the Hemlock Park development; together with all appurtenances and attachments thereto (collectively, the "Projects"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended; and

WHEREAS, in order to be reimbursed from proceeds of the bonds, the City must state its intention to do so in advance.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in ***The Mining Journal,*** a newspaper of general circulation in the City.

2. Said notice of intent shall be published as a one-quarter (¼) page display advertisement in substantially the following form:

NOTICE TO ELECTORS
OF THE CITY OF MARQUETTE
OF INTENT TO ISSUE BONDS SECURED BY THE TAXING
POWER OF THE CITY AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Commission of the City of Marquette, Michigan, intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Six Million Dollars ($6,000,000) in one or more series for the purpose of paying all or part of the cost of capital improvement items in the City including but not limited to constructing a living revetment along the Lake Superior waterfront; constructing habitat restoration in the uplands area; installation of outlet improvements for existing stormwater outfalls; making major and/or local street improvements, including related water, sewer and storm water infrastructure improvements; construction and installation of sanitary sewer lateral replacements and sewer pipe; infrastructure improvements for the Hemlock Park development; together with all appurtenances and attachments thereto.

Said bonds will be issued in one or more series and each series shall mature in annual installments not to exceed fifteen (15) in number, with interest rates to be determined at public or negotiated sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL AND INTEREST OF THE BONDS shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter limitations. The City expects to pay principal of and interest on the bonds from various sources including its general fund, its major and local street funds and water and wastewater utility funds.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Kyle Whitney
Clerk, City of Marquette

3. The City Commission does hereby determine that the foregoing form of notice of intent to issue bonds and the manner of publication directed is the method best calculated to give notice to the City taxpayers and electors of this Commission's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring the Projects which were paid or will be paid subsequent to sixty (60) days prior to the date hereof from the general fund, major and local street funds, water and wastewater utility funds, and storm water utility fund of the City.

(c) The maximum principal amount of debt expected to be issued for the Projects, including issuance costs, is $6,000,000.

5. The City hereby retains Miller, Canfield, Paddock and Stone, P.L.C. as bond counsel in connection with the proposed bond issue.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

AYES: Commissioners: _____

_____

NAYS: Commissioners: _____

RESOLUTION DECLARED ADOPTED.

_____
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Marquette, County of Marquette, State of Michigan, at a regular meeting held on May 31, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____

City Clerk

39124371.1/056371.00068

2022 Community Development Capital Outlay

			Total	Street	Street	Sanitary	Water	Storm	Sidewalk	Other Funding
				202-458-972 Major	203-459-972 Local	592-598-974	591-598-974	555-459-972	203-444-972	
bonding	Lakeshore Boulevar Relocation - Phase 2	20-33	$10,307,000	$1,912,631				$4,682,649		$3,711,720 *
	Utility Replacments - MDOT Project US41 (Jackson to Furnace)	22-35	$250,000				$125,000	$125,000		
	Sidewalk Repair, Replacement, and Extension	22-13	$150,000						$150,000	
bonding	SIMP and Sanitary Sewer Lateral Replacements 22101, 22301, 22303	22-10	$900,000	$350,000	$440,000	$330,000	$20,000	$90,000		
	Curbing Repair, Replacement, and Extension	22-35	$100,000					$100,000		
	~~College Avenue Reconstruction (Presque Isle. to 7th)~~ Hemlock	~~18-2~~	~~$1,841,640~~		~~$76,130~~	~~$484,100~~	~~$537,660~~	~~$399,180~~	~~$19,570~~	~~$325,000~~
	Unanticipated Water Construction	Annual	$75,000				$75,000			
	Unanticipated Drainage Improvements & Rehab-City Wide	Annual	$75,000					$75,000		
xxx-xxx-972	Lidar, Orthophotography and Elevation Contours Aerial Map	19-8	$50,000	$5,000	$5,000	$10,000	$10,000	$10,000	$10,000	
	***Presque Isle Harbor Dredging Project (PIPD Grant)	22-98	$2,367,750					$1,617,750		$750,000 **
bonding	Hemlock Park Development	22-99	$2,000,000		$400,000	$600,000	$600,000	$400,000		
				$2,267,631	$845,000	$610,000	$830,000	$7,100,399	$160,000	

555-459-801 Annual Wetland Mitigation Costs $25,000, Annual Maintenance by USGS $7,000 (reimbursed by Brownfield)
555-459-985 Storm Water Piping Televising $31,000
555-561-801 Professional and Contractural for Bridge Load Analysis $25,000

592-598-985 Unanticipated Citywide Sanitary Sewer Construction $75,000
592-598-985-301 Sanitary Sewer Televising $53,000
592-598-985-303 Sanitary Sewer Lateral $330,000 (Ref#22-10) - SIMP

*Lakeshore "Other funding" includes grant funds and previously bonded funds
**Presque Isle Dredging Grant Includes $750,000 of funding from Clevland Cliffs Inc.. Remainder of funds are reimbursed after expenses are incurred. Project is 100% "Storm Fund" related

Postponed Project	
New Project	

```
2022 Bonding Request per budget:
Lakeshore Streets -              1,912,631
Lakeshore Storm -                4,682,649

SIMP Streets -                     350,000
SIMP Streets -                     440,000
SIMP Sewer -                       330,000
SIMP Water -                        20,000
SIMP Storm -                        90,000

Hemlock Streets -                  400,000
Hemlock Sewer -                    600,000
Hemlock Water -                    600,000
Hemlock Storm -                    400,000
-----------------------------------------
2022 Bonding Budgeted TOTAL      9,825,280
=========================================
```

```
2022 Bonding per Bid Returns:
Lakeshore CZM package -            226,388
Lakeshore Phase 2 -              4,312,678

SIMP -                           1,257,993
SIMP 10% -                         125,799

Hemlock (TBD) -                  2,000,000
-----------------------------------------
2022 Potential Bond Need -       7,923,058

apply unspent proceeds py's     <2,567,550>
-----------------------------------------
2022 Bonding Request TOTAL       5,355,508
=========================================
```

$5,355,508 potential bond needs

City of Marquette, MI
300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 4/11/2022

Consent Agenda

Lakeshore Boulevard Michigan Coastal Zone Management Program Area Restoration Project Contract

BACKGROUND:

Plans have been developed for a construction bid package which includes coastal restoration along a section of Lakeshore Boulevard near the Pine Street intersection. This project is partially grant funded by the Michigan Coastal Zone Management Program and will improve coastal habitat by restoring it to its natural condition along with enhancing public access. The Engineer's estimate for this project was $201,034.02. Four contractors responded to a request for bids. Bids for the project were opened on February 8, 2022. The results are summarized below:

Vendor	Bids as Written	Bids as Checked
Smith Construction, Inc.	$205,807.40	$205,807.40
Ultra Construction Services	$218,339.43	$218,339.43
Oberstar, Inc.	$231,049.00	$231,113.00
MJ VanDamme, Inc.	$236,876.00	$236,876.00

Tabulation and checking of the bids found one error on a contractor's bid. The error was mathematical and had no bearing on the final outcome.

FISCAL EFFECT:

A grant through the EGLE Michigan Coastal Zone Management Program will cover $167,469 of the project total. The remaining funds for this project are approved under the FY 2022 budget and will be part of the FY 2022 bond package.

RECOMMENDATION:

Approve a contract for the Lakeshore Boulevard Michigan Coastal Zone Management Program Area Restoration Project with Smith Construction in the amount of $205,807.40 based on the quantities and unit prices bid, allow the City Manager to use a 10 percent contingency for any unknown circumstances, and authorize the Mayor and Clerk to sign the contract.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Smith Construction Contract and Insurance
- MCMP Project Map

555-459-972.000-13-503 : $ 226,388.14

From: Mik Kilpela
To: Mary Schlicht
Cc: Dennis Stachewicz
Subject: Lakeshore Bids
Date: Thursday, May 5, 2022 12:53:28 PM

Hi Mary,

As mentioned below is a summary of the bids for the Lakeshore Project. We still need to evaluate the bids for irregularities.

Bid Summary

(1)	Smith Construction Inc.	$4,312,877.60	Displayed
(2)	Payne and Dolan	$6,248,763.95	Displayed
(3)	A. Lindberg & Sons	$6,291,840.70	Displayed
(4)	Bacco Construction Company	$6,345,692.20	Displayed

The amount listed in this year's CIP was $10.3M which includes the MCMP project of $200K. The engineers estimate range was $7.36M to $9.41M.

In short, this is tentative good news. However, we are still waiting on a permit prior to any award.

Best,

Mik

Mikael Kilpela, P.E.
City Engineer

City of Marquette
Engineering Department
1100 Wright St.
Marquette, MI 49855
t:(906) 225-8995

City of Marquette, MI
300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 5/9/2022

Consent Agenda
Street Improvements, Paving & Sanitary Sewer Service Line Replacements Project

BACKGROUND:

Plans have been developed for this project which includes the resurfacing and crack sealing of various City streets, sanitary sewer service line replacements and minor storm sewer work. These preventative maintenance and rehabilitation measures are intended to extend the useful service life of these existing roads. The Engineer's estimate for this project was $1,273,183.00. The project was advertised for bids and two contractors responded. The results are summarized below:

Contractor	Bid
Oberstar Inc.	$1,257,992.50
Smith Construction Inc.	$1,283,432.75

FISCAL EFFECT:

Sufficient funds are approved in the FY 2022 budget and will be part of the FY 2022 bond package.

RECOMMENDATION:

Approve a contract with Oberstar Inc. for the Street Improvements, Paving & Sanitary Sewer Service Line Replacements Project at a cost of $1,257,992.50 based on the quantities and unit prices bid, and allow the City Manager to use a 10 percent contingency for any unknown circumstances, and authorize the Mayor and Clerk to sign the Contract.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Oberstar Construction Contract
- Oberstar Bid, Bond & Insurance
- Project Overview and Location Map

City of Marquette, MI
300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 12/20/2021

New Business
Local Development Agreement - MDM Hemlock, L.L.C.

BACKGROUND:

The City Commission sold Parcel 12 of the Heartwood Forestland in late 2018 to Veridea Group as part of a land sale process intended to sell surplus property and foster economic development.

In the interest of developing middle income housing in Marquette, Veridea has consulted with InnovaLaB Development Group and created a venture (MDM Hemlock, L.L.C.) to develop such housing on the site.

In order to facilitate the cost structure needed to provide a middle income project, they initially had discussed the option of utilizing an Act 381 Brownfield Plan to provide reimbursement for the eligible costs. The Community Development Director presented the idea of a Local Development Agreement, similar to the previous one done for the Harbor Vista development, as a means to direct the tax capture to the City to cover what would be eligible costs in a Brownfield Plan, thus reducing the loss of tax capture.

The result is the draft Local Development Agreement being presented here, wherein the City would be responsible for the up-front costs of the mutually agreeable infrastructure items found in Exhibit B of the Agreement, at a cost to the City of an estimated $1.8 million. In return, MDM Hemlock, L.L.C. agrees to a three-phase development of middle income housing with an initial investment of $5 million. The City return on investment for supporting the infrastructure up front is approximately 10 years.

In addition, the completion of this project will permit the City to complete the infrastructure preparation needed to facilitate the future extension of utilities needed at the Marquette Ski Hill.

FISCAL EFFECT:

This project was not included in the FY 2022 Budget however, with the pending removal of the College Avenue reconstruction from the 2022 Capital Improvement Plan due to the potential construction at the former hospital site, there will be an equivalent amount of funds available. This will require a budget adjustment.

RECOMMENDATION:

Approve the Local Development Agreement as presented, direct the Mayor and City Clerk to sign the Agreement, and amend the budget and Capital Improvement Plan to reflect the inclusion of this project in FY 2022.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- Draft Local Development Agreement

GL NUMBER	DESCRIPTION	BEG. BALANCE 10/01/2021 NORMAL (ABNORMAL)	END BALANCE 03/31/2022 NORMAL (ABNORMAL)	NOTES: *- interest posted thru 01/31/22*
Assets				
17 CIBonds				
243-000-001.000-17000	Cash-Checking-'17 Baraga Ext Bonds	439,211.67	439,250.75	*- these can be applied to Pier Bond project*
591-000-001.000-17000	Cash-2017 Bond Proceeds (Unspent)	913,618.18	914,035.04	*- to be used for JCI/AMI projects in the 591 fund*
'17 CIBonds		1,352,829.85	1,353,285.79	
17 MBRA Bonds [DLP Streets]				
237-000-001.000-17237	Cash-Checking: Bond Proceeds	1,295,822.50	1,296,259.23	*- these can now be used for DLP debt service payments*
'17 MBRA Bonds [DLP Streets]		1,295,822.50	1,296,259.23	
18 CIBonds [includes McClellan]				
237-000-001.000-18003	Cash-2018 Cap Imp Bonds	388,389.68	388,477.47	*- per 9/16/19 email T Colis - bal can be applied to Pier Bond project*
101-000-001.000-18003	Cash-2018 Cap Imp Bonds	458,993.64	388,477.47	*Projects include: #18018 sidewalk replace/extension city-wide; #18021 - fifth st recon; #18022 - homestead st recon; #18023 - presque isle ave recon; #18101 - simp; #18303 - ss lat replace; #50173 - eagle drive paving*
591-000-001.000-18003	Cash-2018 Cap Imp Bonds	472,508.73	472,655.51	
592-000-001.000-18003	Cash-2018 Cap Imp Bonds	172,040.86	172,217.11	
'18 CIBonds [includes McClellan]		1,491,932.91	1,492,435.74	
			(388,477.47)	*<---already applied to the reduction of the Pier Bond issue in 2021*
			1,103,958.27	*<--- POTENTIAL AVAILABLE UNSPENT PROCEEDS*
18 Building Authority Bonds				
510-000-001.000-18002	Cash-2018 Bldg Auth Bonds	279,156.28	232,021.20	*- for Lighthouse property projects only*
'18 Building Authority Bonds		279,156.28	232,021.22	
19 CIBonds				*All projects included in this issue have been funded. This is the balance that remains unspent. Transferred to fund 591 in FY'20 for holding. May be used.*
591-000-001.000-19001	Cash-2019 Cap Imp Bonds	526,566.26	526,743.72	
'19 CIBonds		526,566.26	526,743.72	*<--- POTENTIAL AVAILABLE UNSPENT PROCEEDS*
20 CIBonds				
101-000-001.000-20000	Cash-2020 CIP [Bridge Rehab & Union St]	140,206.00	140,235.07	*Projects include: #13501 - lakeshore phase 1; #19026 - marquette drive upgrade; #19027 - lakeview drive upgrade; #19029 - union st upgrade; #19102 - mattson park parking lot paving phase 1; #20101 - simp; #20102 -bridge preventative maint ; #20303 - ss lateral replacements; #50265 - lva dasher boards*
555-000-001.000-20000	Cash-2020 Cap Imp Bonds	655,121.18	655,268.28	
591-000-001.000-20000	Cash-2020 Cap Imp Bonds	(24,398.90)	(24,328.09)	
592-000-001.000-20000	Cash-2020 Cap Imp Bonds	84,724.46	84,794.17	
598-000-001.000-20000	Cash-2020 Cap Imp Bonds [Dasher Boards]	200,159.78	80,878.99	*<---balance of dasherboard allocation (unspent)*
'20 CIBonds		1,055,812.52	936,848.42	*<--- POTENTIAL AVAILABLE UNSPENT PROCEEDS*
21 CIBonds				
202-000-001.000-21000	Cash-2021 Cap Imp Bonds	941,648.34	367,428.20	*Projects include: #19019 - 100 block w washington; #20020 - Front street recon; #20021 - hewitt ave recon; #20023 - college ave recon; #20025 - shiras drive recon; #20027 - newberry st recon; #20030 - pine st recon; and #21101 - SIMP; #21303 ss lat replace.*
203-000-001.000-21000	Cash-2021 Cap Imp Bonds	941,658.35	400,057.89	
555-000-001.000-21000	Cash-2021 Cap Imp Bonds	1,647,902.11	651,082.91	
591-000-001.000-21000	Cash-2021 Cap Imp Bonds	1,177,072.94	217,750.17	
592-000-001.000-21000	Cash-2021 Cap Imp Bonds	1,177,072.94	285,762.29	
'21 CIBonds		5,885,354.68	1,922,081.46	*PROJECTS ON-GOING. DO NOT INCLUDE*
TOTAL ASSETS		11,887,475.00	7,759,675.56	
Total - All Funds:		11,887,475.00	7,759,675.56	
			2,567,550.41	*<--- POTENTIAL AVAILABLE UNSPENT PROCEEDS (TOTAL)*
			827,728.22	*<---APPLIED TO PIER BOND PROJECT 2021*
			2,442,315.47	*<---RESTRICTED USE (MBRA AND BA BONDS)*
			1,922,081.46	*<---ONGOING BONDED PROJECTS*