

This document includes changes that were recommended by the Planning Commission for the Zoning Ordinance amendments presented in public hearing held by the Planning Commission on Nov. 1st, 2016. These amendments will be forwarded to the City Commission for their consideration. A public hearing may be scheduled for this purpose, no sooner than Dec. 12, 2016.

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DRAFT AMENDMENT TO THE
MARQUETTE ZONING ORDINANCE
November 1, 2016



The proposed amendments to the City of Marquette Zoning Ordinance 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, including unrevised definitions, is provided for reference and contextual purposes.

80.02 Definitions.

Bed and Breakfast: (RM, OS, BC, CBD Districts) 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.

Dwelling, Multiple Family: A building or portion thereof designed or modified to contain three or more separate dwelling units, without interior access to the other dwelling units; designed for or occupied exclusively by three or more families living independently of each other. ~~not including mobile homes, travel trailers, and tents. Not more than one family may occupy each dwelling.~~

Dwelling, Single Family: A building designed exclusively for use as one dwelling unit ~~not including mobile homes, travel trailers, and tents~~ in a single-family zoning district. Not more than one family may occupy each dwelling unit.

Dwelling, two-family (duplex) duplex: A building containing ~~designed or modified to contain two~~ separate dwelling units, attached side-to-side or with one dwelling unit located above the second dwelling unit and without interior access to the other dwelling unit not including mobile homes, travel trailers, and tents; designed for or occupied exclusively by two families living independently of each other.

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Dwelling Unit: One or more rooms connected together but structurally divided from all other rooms in the same structure, constituting separate living quarters, designed for permanent residential occupancy by a single family. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit, in a building, with bathroom and principal kitchen facilities, designed as a self-contained unit for permanent residential occupancy by one family for such purposes as cooking, bathing, gathering, entertainment, and sleeping. Tents, travel trailers/recreational vehicles and other structures designed for temporary occupancy are not to be used as dwelling units in the City of Marquette, with the exception of areas where they are specifically allowed, such as Tourist Park or other areas where camping may be authorized during emergencies or otherwise.

Family: 1) A basic unit having at its nucleus one or two persons who may be providing care for their children and/or elderly parents plus not more than two other persons; or, 2) a) Any group of individuals living together as a single housekeeping unit or the functional equivalent of a family, where the residents are a close group with social, economic, and psychological commitments to each other; b) Not more than four unrelated persons living together as a single housekeeping unit; c) the tenants of a short-term rental property for which a valid permit has been issued by the Fire Department; d) The "functional equivalent of a family" shall not include any organization such as a club, fraternity, lodge, monastery, or intentional community, nor any individuals whose association is seasonal or for limited durations defined by their occupation/jobs or educational pursuits, nor shall it include a group who share a dwelling unit explicitly for financial or philosophical reasons, or include any state-licensed facility except to the extent permitted by law.

Homestay: (RS, RG, Districts) An owner occupied single family dwelling of which the rental of rooms is clearly secondary in use to the dwelling, where no more than 3 (three) 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, home, or a dwelling unit in a duplex or multi-family dwelling structure, that may rent up to three single bedrooms with bathroom access for overnight accommodations for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining facilities may be available for guests to prepare their own meals. Only properties that have received approval of a rental registration application are recognized as a Homestay for purposes of complying with City of Marquette ordinances.

Hotel: A commercial establishment offering lodging to travelers and sometimes permanent residents, and often having amenities such as restaurants, swimming pools, stores, etc. that may be available to the general public.

Intentional community: A planned residential community designed to have a high degree of social cohesion. The members of an intentional community typically have common interests, which may be an organizing factor, such as a social, religious, or spiritual philosophy, and are likely to share responsibilities and resources. Intentional communities include cooperative housing communities, eco-villages, communes, convents,

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and housing cooperatives. Property made be owned collectively, and/or new members of an intentional community may be selected by the community's existing membership.

Lessee: a person or party to whom a lease is granted; a tenant under a lease. Also a renter.

Lessor: a person, group, etc., who grants a lease. Also a landlord.

Mobile Home: A mobile home is a structure, transportable in one or more sections, that is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. When occupied as a dwelling unit, such home must be located in an area which was approved in accordance with City ordinances, specifically to accommodate this type of housing. Any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons. Such mobile home shall include units with or without wheels attached. When occupied as a dwelling unit such mobile home must be located in the mobile home park.

Mobile Home Park: ~~A Planned Unit Development designed for the placement of mobile homes to be occupied as dwelling units.~~

Motel: A series of rental units, each containing at least a bedroom and bathroom, provided for compensation to the traveling public for overnight lodging, which may include long-term lodging.

Occupants, Capacity: Maximum number of persons who may occupy a structure as determined by the City Fire Chief, as authorized by state or local statute.

Occupancy: Being present in any manner of form. Includes the meaning of intent, design, or arrangement for the use, or inhabitation of.

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

Rooming House: A building where sleeping accommodations are available for remuneration, for periods of one week or longer. Board may or may not be included with the accommodations.

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

Short-term Rental: A residential rental property for which a dwelling unit or rooms may be rented for overnight accommodations, for periods as short as one overnight stay. Meals are not provided with rental, but kitchen and/or dining

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facilities customarily are available for guests to prepare their own meals. Homestays and Vacation Home Rentals, as defined in this ordinance, are the two types of short-term rentals permitted in the City of Marquette.

Tenant: A person entitled only under the terms of a rental agreement to occupy a dwelling unit to the exclusion of others. Tenant shall not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.

Travel Trailer/Recreational Vehicle: A vehicular, portable structure mounted on wheels and of a size and weight as not to require special highway movement permits alone or when drawn by a stock passenger automobile or ~~when drawn with~~ a fifth wheel hitch mounted on a motor vehicle, and is primarily designed, constructed, and used for as temporary residential occupancy living quarters for during recreational camping or travel. For the purposes of this ordinance, a travel trailer is not to be used as a single family dwelling unit in residential zoning districts.

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

Use, Accessory: Any use of land and/or structures which may customarily accompany the permitted uses within each zoning district as the principal use to which it is accessory.

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

Use, Non-Conforming: Any structure, use of a structure or land use which was lawfully established prior to the time of passage of this ordinance (or any amendments thereto) and which does not conform to all of the applicable regulations contained in the ordinance (or its amendments).

Use, Permitted: A use by right which is specifically authorized in a particular zoning district.

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

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

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80.20 RS-Single Family Residential District.

1. **Intent.** To establish and preserve quiet, attractive neighborhoods of detached single family dwellings with a low to medium density. A limited number of public of institutional uses which are both compatible with this intent and convenient to the residents of this district may be allowed.
 2. **Principal Uses.**
 - A. Detached single family dwelling units. (See Sec. 80.40).
 - B. ~~Customary~~ ~~and~~ ~~Accessory~~ uses and structures. (See Sec. 80.40.3.e).
 - C. Family day care homes.
 - D. Adult Foster Care Family Home as required by Michigan Compiled Laws section 125.583b.
 - E. Foster Family Homes.
 - F. Homestays and Vacation Home Rentals
 3. **Requirements for Principal Uses.**
 - A. No more than one single family dwelling unit may be located on a lot.
 - B. One registered Homestay and/or one registered Vacation Home Rental may be permitted (by application) per street segment/block face between intersections, except where the street segment/block face is more than 500 linear feet long, in which case there may be two per street segment provided that there is at least 100 feet measured horizontally between the property lines of adjacent short-term rentals in the same street segment/block face; Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved short-term rentals for purposes of verifying their location and reviewing applications for short-term rentals.
 4. **Conditional Uses** (See Sec. 80.65).
 - A. Schools, churches and cemeteries.
 - B. Public recreational facilities compatible with the intent of this district.
 - C. Home occupations.
 - D. Group day care homes.
 - E. Duplex dwelling units.
 - F. ~~Homestays~~ Foster Family Group Homes.
 - G. ~~Foster Family Group Homes.~~
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80.21 RG - General Residential District.

1. **Intent.** To establish and preserve medium density residential neighborhoods which present an environment acceptable to single families. Some additional non-commercial compatible uses may be allowed.
2. **Principal Uses** (See Sec. 80.40.2).
 - A. Detached single family dwellings (See Sec. 80.40.2)
 - B. ~~Customary~~ ~~and~~ ~~Accessory~~ uses and structures (See Sec. 80.40.2 and 3.e).
 - C. Family day care homes.
 - D. Adult Foster Care Family Home as required by Michigan Compiled Laws section 125.583b.
 - E. Foster Family Homes.
 - F. Homestays and Vacation Home Rentals

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3. **Requirements for Principal Uses.**

- A. No more than one single family dwelling unit may be located on a lot.
- B. One registered Homestay and/or one registered Vacation Home Rental may be permitted (by application) per street segment/block face between intersections, except where the street segment/block face is more than 500 linear feet long, in which case there may be two per street segment provided that there is at least 100 feet measured horizontally between the property lines of adjacent short-term rentals in the same street segment/block face; Corner houses are assigned to the block face/street segment that corresponds to the property street address; the Zoning Administrator shall keep a map of the registered and approved short-term rentals for purposes of verifying their location and reviewing applications for short-term rentals.

4. **Conditional Uses** (See Sec. 80.65).

- A. Schools, churches, cemeteries.
- B. Public buildings and recreational facilities compatible with the intent of this ordinance.
- C. Home occupations.
- D. Group day care homes.
- E. Universities.
- F. Duplex dwelling units.
- G. Homestays, Hospital Hospitality Houses.
- H. Hospital Hospitality Houses, Foster Family Group Homes.
- I. Foster Family Group Homes.

80.22 RM - Multiple Family Residential District.

- 1. **Intent.** To establish and preserve high density residential neighborhoods which will provide at least the minimum acceptable residential environment.
- 2. **Principal Uses.** (See Sec. 80.40.2)
 - A. Detached single family dwellings on lots which were platted prior to the adoption of this ordinance.
 - B. Duplexes.
 - C. Multiple family residential structures.
 - D. Family day care homes.
 - E. Customary accessory uses where the property has been developed for single family use on a lot platted prior to adoption of this ordinance.
 - F. Adult Foster Care Family Home as required by Michigan Compiled Laws section 125.583b.
 - G. Foster Family Homes.
 - H. Homestays and Vacation Home Rentals

3. Requirements for Principal Uses.

A. Short-term rentals.

- 1. Short-term rental is limited to units owned or occupied by property owners, subletting is not allowed (tenants may not rent to other parties).
- 2. A maximum of one unit may be rented for a short-term basis in housing structures/complexes that have up to nine units; a maximum of ten percent of units may be rented for a short-term basis in housing structures/complexes that have ten or more units.

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43. **Conditional Uses** (See Sec. 80.40.2).
- A. Schools, churches, cemeteries.
 - B. Public buildings and recreational facilities compatible with the intent of this district.
 - C. Home occupations.
 - D. Group day care homes.
 - E. Universities.
 - F. Hospitals, extended care facilities, convalescent homes and adult foster care homes.
 - G. Rooming houses, fraternities and sororities.
 - H. Multiple family dwelling over 35 feet in height.
 - I. Customary accessory uses and structures except as described in 80.22.2.e above.
 - J. Group Residential Facility.
 - K. Bed and Breakfasts.
 - L. Adult Foster Care Facility.
 - M. Foster Family Group Homes.
54. **Uses subject to Appeal** (See Sec. 80.10)
- A. Home offices - subject to the following conditions:
 - 1. The office may not occupy more than 25% of the floor area of the dwelling unit or a maximum of 500 square feet, whichever is smaller.
 - 2. No persons who are not lawful residents of the dwelling may be employed.
 - 3. There shall be no signs used to indicate the presence of the office use.
 - 4. Persons other than residents of the dwelling shall not visit the office for business purposes.
 - 5. There shall be no equipment used, the operation of which can be sensed outside of the dwelling unit.
 - 6. No activity related to the office shall take place in an accessory structure.
 - 7. Approval of a home office shall vest only in the person making application, and shall not be transferable to another person.
 - 8. Application for approval of a home office shall include a signature indicating approval of the property owner if that person is different from the applicant.

Section 80.42 Off-Street Parking and Loading Zone Requirements

- 1. **Intent.** It is hereby determined that the provision of off-street parking spaces is necessary to reduce traffic hazards and the congestion of streets. It is also determined that regulation of location, design, maintenance, and other features of off-street parking lots is in the interest of public safety and welfare.
- 2. **Required Parking.** *(For uses in the Central Business District see also Sec. 80.25.4)*
 - A. **SCHEDULE OF PARKING REQUIREMENTS**
In all districts there shall be provided off-street parking for motor vehicles. When a public parking lot has been provided by special assessment, the required parking may be reduced by the number of spaces in the public lot representing the same percentage as the property's participation in the special assessment district costs. The **minimum** number of spaces to be provided shall be based on the following schedule:

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(1) Residential.

Single Family and two family, and multiple family units	2 spaces per dwelling unit.
Multiple family units with 3 or 4 dwelling units.	Two spaces per dwelling unit, minus one from the total.
Multiple family units with 5 or more dwelling units	Two spaces per dwelling unit, minus 2 from the total.
Hotels, motels	1.25 spaces per rental unit
Fraternalities, Sororities, and rooming, boarding, or lodging houses.	1 Space for each capacity occupant
Nursing/Convalescent Homes Housing for the elderly	1 space for each three units
Homeless shelter	Established based on the needs of each facility. As a general rule, shelter facilities providing services to families will require more parking than emergency shelters that serve homeless individuals exclusively.

B. PARKING REGULATIONS

- (1) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers as similar in type.
- (2) Where calculation of parking requirements with the foregoing list results in a fraction of a space, a full space shall be provided.
- (3) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual function of off-street parking spaces where operating hours of the buildings or uses do not overlap, the Board of Appeals may grant exception to the number of parking spaces required.
- (4) Any area once designated as a required off-street parking lot shall not be changed to another use unless and until equal facilities are provided elsewhere subject to the Zoning Administrator's recommendation and Planning Commission approval. 7/11/16 80 - 30
- (5) In all ~~single family~~ residential districts (RS, ~~RM,~~ RG), off-street parking may be located on a site other than the site to which it pertains. In multi-family districts (RM) and new multi-family developments in mixed-use zoning districts, the required off-street parking shall be located on the same site as the use to which it pertains.
- (6) In all districts except the residential districts parking shall be located in the same district as the use and within 400 feet of the lot on which the use is located measured from lot corner along a street or streets. If the use is located in a building the distance shall be measured along streets from

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the nearest point of the building to the nearest corner of the lot on which the parking is located.

- (7) **In all districts, except residential,** ~~W~~where off-street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required.

- (8) In single family residential districts (RG, RS), no more than twenty-five (25) percent of the required rear yard may be paved for parking.**

Section 80.65 Conditional Use Permit

- (14) ~~Homestays or Bed and Breakfasts.~~
- a. Room Size. A minimum room size of 70 Sq. Ft. for each occupant there after shall be provided.
 - b. Length of Stay. No one guest's stay is to exceed 14 consecutive days.
 - c. Parking. ~~For homestay or bed and breakfast, e~~ **O**ne space per room, plus two spaces for the owner.
 - d. Signage. An Establishment licensed under the ordinance shall be allowed one sign on the property advertising the Establishment. The sign shall be non-illuminated, mounted flush against the building, with a maximum size of five (5) square feet. Signage for commercial districts shall be regulated by the Marquette City Sign Ordinance.
 - e. Proximity. (RS, RG, RM) Establishments shall not be located within 300 lineal feet measured along the street right of way of another such Establishment.
 - f. Transferability. Conditional use permits for Bed and Breakfast Establishments may not be transferred from owner to owner without Planning Commission approval.
 - g. Guest Register. Owners shall keep a list of the names of all persons staying at the Establishment. The register shall be available for inspection by City Officials at any time.
 - h. Code Compliance. A Bed and Breakfast Establishment 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.
 - i. Structure. No main building shall be removed in order to allow for a Bed and Breakfast Establishment 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.

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- j. Site Plans. A site plan meeting the specifications of the Zoning Ordinance shall be submitted with the application prior to a public hearing for a Bed and Breakfast Establishment.
- k. Review Considerations. The Planning Commission shall be guided by the Administrative Standards set forth in Section 80.60 of the Zoning Ordinance.

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