



MARQUETTE CHARTER TOWNSHIP

1000 Commerce Drive
Marquette, Michigan 49855
Ph | 906.228.6220
Fx | 906.228.7337
www.marquettetownship.org

PLANNING COMMISSION MEETING

WEDNESDAY, APRIL 27, 2022 – 7 P.M.

The Planning Commission will be conducting this meeting in-person at the Township Hall Board Room.

NOTE: Pursuant to the Township Board adopted Code of Conduct, Planning Commission members are obligated to disclose any potential or actual conflict of interest with any item placed on this agenda.

1. Call Meeting to Order.
2. Roll Call.
3. Approval of the Agenda.
4. Minutes from Previous Meeting – April 13, 2022
5. Public Comment.
6. New Business.
 - a. **Special Use Permit Public Hearing Request** – Proposed Short-Term Rental Unit on a property located at 828 Co Rd 550, Marquette MI 49855, within the Scenic Residential (SR) zoning district, per the Marquette Township Zoning Ordinance (Article 15, Section 15.05). Applicant, Shannon Fisher, 125 E. Crescent Street, Marquette, MI 49855
 - b. **Short-Term Rental Report** – Discussion
 - c. **Noquemanon Trail Network (NTN) E-Bike Inquiry** – Discussion
7. Unfinished Business. None at this time.
8. Correspondence.
 - a. City of Marquette Property Rezoning Request
 - b. 2023 Capital Improvement Program Update
9. Reports.
 - a. Township Board Report
 - b. Recreation Committee Report
 - c. Road Committee Report
 - d. Planning and Zoning Report
10. Announcements.
11. Public Comment.
12. Additional Comments by Planning Commissioners.
13. Adjournment.



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****Next Meeting – April 27, 2022***



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STAFF REPORT

PLANNING COMMISSION – APRIL 27, 2022

Agenda Item #6a: Special Use Permit Public Hearing Request – Proposed Short-Term Rental Unit on a property located at 2282 Cherry St, Marquette MI 49855, within the Urban Residential (UR) zoning district, per the Marquette Township Zoning Ordinance (Article 15, Section 15.05). Applicant, Damia Toyras, 2282 Cherry St, Marquette, MI 49855

Applicant: Damia Toyras
Parcel ID#: 52-08-350-093-05
Address: 2282 Cherry St.
Staff Contact: Jason McCarthy/Erik Powers

Background:

Staff has received an application for a special land use to conduct a short-term rental at the above location in the Urban Residential (UR) zoning district, per Article 15 – Principal Uses Permitted in Districts, Section 15.05 of the Marquette Township Zoning Ordinance.

Per the Marquette Township Ordinance:

ARTICLE 2 – DEFINITIONS:

Short-Term Rental – A residential dwelling, not owner-occupied, which is rented, all or in part, on a daily, weekly, or monthly basis, for ninety (90) days or less.

SECTION 16.13: SHORT-TERM RENTALS

1. In addition to complying with other relevant sections of this Ordinance, petitioners desiring to conduct a short-term rental unit (as defined in Article 2), the petitioner shall also provide the following information in order to be considered for a special use permit:



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-
- a. *A fire-code review by the Marquette Township Fire/Rescue Department every 2 (two) years.*
 - b. *A Marquette Township Business License.*
 - c. *Off-street parking conforming to residential single-family dwelling units under Article 21.*

Review Recommendation

Staff recommends scheduling the public hearing for Wednesday, May 25, 2022 at 7 PM.



Charter Township of Marquette

1000 Commerce Drive Marquette, Michigan 49855

Phone: 906-228-6220 • Fax: 906-228-7337



Application for Special Use Permit

*NOTE: This Application must be completed and submitted to the Marquette Township Offices.

*Be sure to complete ALL sections of this form. Please Print or type.

*The application is not considered complete until all items have been submitted and the application fee paid.

RECEIVED

APR 14 2022

Initial: EP

The following information/ materials are required by the Zoning Ordinance (Sec.16.03) as part of this application.

Your application requires approval by the Planning Commission. As required by Ordinance, Special Use Permit applications normally involve a minimum of two Planning Commission meetings. The first meeting is to review the completed application and schedule the required public hearing; the second meeting consists of the public hearing, after which the Planning Commission will deliberate on the proposed special use approving it, approving it with conditions or disapproving it.

Application Type

<input checked="" type="checkbox"/> New Application	<input type="checkbox"/> Renewal
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PAID

APR 18 2022

\$255 ch#1202

Applicant information

Name: <u>Damia Toyras ♀</u>		Address: <u>2282 Cherry St.</u>	
Business Name:			
Phone: <u>906-89-1324</u>	Fax:	Name of Contact Person: <u>Damia</u>	Contact Phone: <u>869-1324</u>
If Applicant is not the Owner, state the Applicant's relationship to the Owner (i.e. purchaser, land contract vendee, owner's designated agent, etc.):			
E-Mail Address: <u>damia.toyras@gmail.com</u>			

Property Owner (if different from applicant)

Name:		Address:	
Phone:	Fax:	Name of Contact Person:	Contact Phone:
E-Mail Address:			

Property Information

Address: <u>2282 Cherry Street</u>		Parcel I.D. Number(s): <u>52-08-350-093-05</u>
Zoning District: <u>UR</u>	Legal Description(s) (attach pages as necessary): <u>Trowbridge Park Sub No.6 Lot 519</u>	
Size (acreage or square footage): <u>0.186 acre</u>	Name of any existing businesses on property: <u>∅</u>	
Proposed Use of Property: <u>Short term rental property</u>		
Present Use of Property: <u>personal dwelling</u>		

Permission

If Applicant is not the Property Owner, does the Applicant have the Owner's permission? Yes No

1DT

Please include with this permit the following items:

- A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
 Attached
- Applicant's statement of the expected effect of the special use (where applicable) on emergency services, schools, sanitary sewer facilities, and local traffic volumes.
 Attached
- Property Boundary Survey / Map and Legal Description with the seal of the registered surveyor who prepared them.
 Attached
- Existing uses and structures on the land – attach any available site map or drawing locating uses and structures on the land
 Attached
- Existing zoning of the subject property or parcel along with the zoning district of all adjacent properties (may be superimposed on the survey or site map).
 Attached
- Site Plan or Plot Plan for Proposed Development (see Article XVII, Site Plan Review, Section 17.03 & 17.06).
 Attached *N/A*
- Preliminary Building Plans / Outline Specifications.
 Attached *N/A*
- Supporting Documents from Relevant Public Agencies.
 Attached

Applicant:

I certify that the information I have provided is true to the best of my knowledge.

Signature of Applicant: *Damia Toyras*

Date: *4/11/22*

Applicant's Name (print): *Damia Toyras*

Property Owner:

I certify that the information I have provided is true to the best of my knowledge.

Signature of Property Owner: *Damia Toyras*

Date: *4/11/22*

Property Owner's Name (print): *Damia Toyras*

Optional: I hereby grant permission for the members of the Marquette Township Commission, Zoning Administrator, Planner and the Fire Marshall to enter the above described property for the purposes of gathering information related to this application. *Note to applicant: This permission is optional and failure to grant permission will not affect any decision on your application.*

Signature of Applicant: *Damia Toyras*

Date: *4/11/22*

OFFICIAL USE ONLY

Official Receiving Application (please print): *Erik Powers*

Date: *4/19/2022*

Fee Paid: Yes

No

If Yes, Amount Paid: *\$255.00*

Application: Approved Not Approved

Reason: Incomplete Application

Other

Date: _____

Condition(s) of Approval: _____

Signature of Zoning Administrator: _____

Date: _____

Damia Toyras
2282 Cherry Street, Marquette Township, MI 49855
Special Use Permit Application: Short-term Rental Use
4/13/22

Introduction:

The following information is provided to support an Application for a Special-Use Permit to the Marquette Township Planning Commission per Zoning Ordinance (Sec. 16.03).

About the Applicant:

I am a resident of Marquette, Michigan and am a 2nd grade teacher at Superior Hills Elementary. I have three children, all within the school system, which are involved in a variety of sports and local activities. We are active community members and look forward to sharing this growing and thriving city with others.

Motives & Goals for Short-term Rental:

I plan to continue to reside in the property, with my children, at 2282 Cherry St. year-round and rent the house out when traveling to Gladstone to care for my grandmother and her home. I am a single mother and it is a struggle living on one salary. Having a short-term rental will give an opportunity to provide supplemental income while I am away, which is something that I need at this time.

Location:

This property at 2282 Cherry St. Marquette, MI 49855 (Trowbridge Park) meets rental needs as there is a limited amount of rentals near this location and they are all nearly fully booked throughout the summer and already into the fall of 2022.

The property and surrounding properties are currently zoned as Urban Residential.

I see no negative impacts on schools, sewer facilities, emergency services, or traffic volumes. The house is located on a dead-end street with minimal traffic.

The house is a small cottage (approximately 1000 square feet) and will only accommodate an individual, couple, or small family, therefore it is unlikely there will be multiple vehicles parked on the property.

This is also a useful location for renters because it is centrally located in the heart of Marquette Township - only 2 miles to Lake Superior, 3 miles to downtown Marquette and 0.5 miles south of the North trails for hiking/biking.

Property Management:

I will enforce strict party/noise limitations in accordance with township regulations as well as the preferences of my neighbors. I will educate the tenants about other local regulations, the property limits, the neighborhood culture, and surrounding businesses.



MARQUETTE COUNTY

Marquette County GIS
Parcel Report: 52-08-350-093-05

4/11/2022
3:17:17 PM



Property Address

2282 CHERRY ST
MARQUETTE, MI, 49855

This Parcel has no image on file.

Owner Address

TOYRAS DAMIA
-
900 LEE ST #4
MARQUETTE, MI 49855

SDT

Unit: 52-08
Unit Name: MARQUETTE TOWNSHIP

General Information for 2021 Tax Year

Parcel Number: 52-08-350-093-05
Property Class: 401
Class Name: RESIDENTIAL
School Dist Code: 52170
School Dist Name: MARQUETTE PUBLIC

PRE 2020: 100%
PRE 2021: 100%

Assessed Value: \$75,100
Taxable Value: \$62,422
State Equalized Value: \$75,100

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2020	\$71,800	\$71,800	\$61,561
2019	\$70,800	\$70,800	\$60,414

Land Information

Acreage: 0.186

60T

Zoning:

UR

Legal Description

TROWBRIDGE PARK SUB. NO. 6 LOT 519.

Sales Information

Sale Date: 02-01-2019

Sale Price: 0

Instrument: QC

Grantor: TOYRAS, DANIEL

Grantee: TOYRAS, DAMIA

Terms of Sale: 09-FAMILY SALE

Liber/Page: 2019R-01183

Sale Date: 05-25-2007

Sale Price: 116500

Instrument: WD

Grantor: BRANDENBERG, MARY

Grantee: TOYRAS, DANIEL & DAMIA

Terms of Sale: 03-ARM'S LENGTH

Liber/Page: 2007R-5828

Sale Date: 02-28-2006

Sale Price: 105000

Instrument: WD

Grantor: ADAMS, LYDIA

Grantee: BRANDENBERG, MARY

Terms of Sale: 21-NOT USED

Liber/Page: 2006R-2164

Sale Date: 08-29-2003

Sale Price: 86000

Instrument: WD

Grantor: HABITAT FOR HUMANITY

Grantee: CLEMINS, LYDIA

Terms of Sale: 21-NOT USED

Liber/Page: 2003R-44

Sale Date: 09-30-2002

Sale Price: 1

Instrument: WD

Grantor:

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Grantee:
Terms of Sale: 09-FAMILY SALE
Liber/Page: 0450:0862

Sale Date: 07-02-2002

Sale Price: 2000
Instrument: WD
Grantor:
Grantee:
Terms of Sale: 09-FAMILY SALE
Liber/Page: 0449:0514

Sale Date: 05-01-2001

Sale Price: 0
Instrument: WD
Grantor:
Grantee:
Terms of Sale: 03-ARM'S LENGTH
Liber/Page: 0167:0278

Sale Date: 05-01-2000

Sale Price: 37671
Instrument: WD
Grantor:
Grantee:
Terms of Sale: 03-ARM'S LENGTH
Liber/Page: 0432:0153

Sale Date: 05-07-1999

Sale Price: 6500
Instrument: WD
Grantor:
Grantee:
Terms of Sale: 03-ARM'S LENGTH
Liber/Page: 0421:0691

Building Information

Residential Buildings

RANCH/Single Family - 1999

General Information

Year Built:	1999
Style:	RANCH/Single Family
Exterior:	Wood Siding
Total Living Area:	1050

8 DT

Heating Type: Forced Air w/Ducts
Rooms Basement: 0
Rooms 1st Floor: 0
Rooms 2nd Floor: 0
Bedrooms: 0
Baths: Full/Half: 1/0

Fireplaces: Quantity - Type

Area Detail

Height	Ground Floor Area	Foundation	Exterior
1 Story	1050	Basement	Siding

Basement Finished Areas

Recreation: 0
Living Area: 0

Garage/Carport Information

Area	Capacity	Exterior	Type
-	-	-	

Porch/Breezeway Information

Area	Description
54	Porch CCP (1 Story)
24	Porch CPP

Deck Information

Area	Description
-	-

Delinquent Tax Information as of 3/23/2021

*DOES NOT include unpaid taxes on PERSONAL PROPERTY

Tax Year: 2000

Base Tax: 908.81

Base Tax Due: 0

Base Tax Paid: 0

Total Due: 0

Last Paid:

11 DT

Application Use:

This map is neither a legally recorded map nor a survey and is not intended to be used as such. The information on Marquette County websites, are distributed and transmitted 'as is' without warranties of any kind, either expressed or implied, including without limitations, warranties of title or implied warranties of merchantability or fitness for a particular purpose. Marquette County does not guarantee the accuracy, timeliness, or completeness of the information on this website.

GIS/Mapping:

The Geographic Information System (GIS) made available through this website is developed and maintained by Marquette County. Use of materials and information constitutes acceptance of all disclaimers associated with these websites. GIS data is not the official record of the County. This data is made available for information purposes only!

12 DT

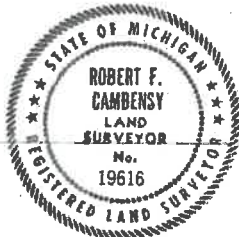
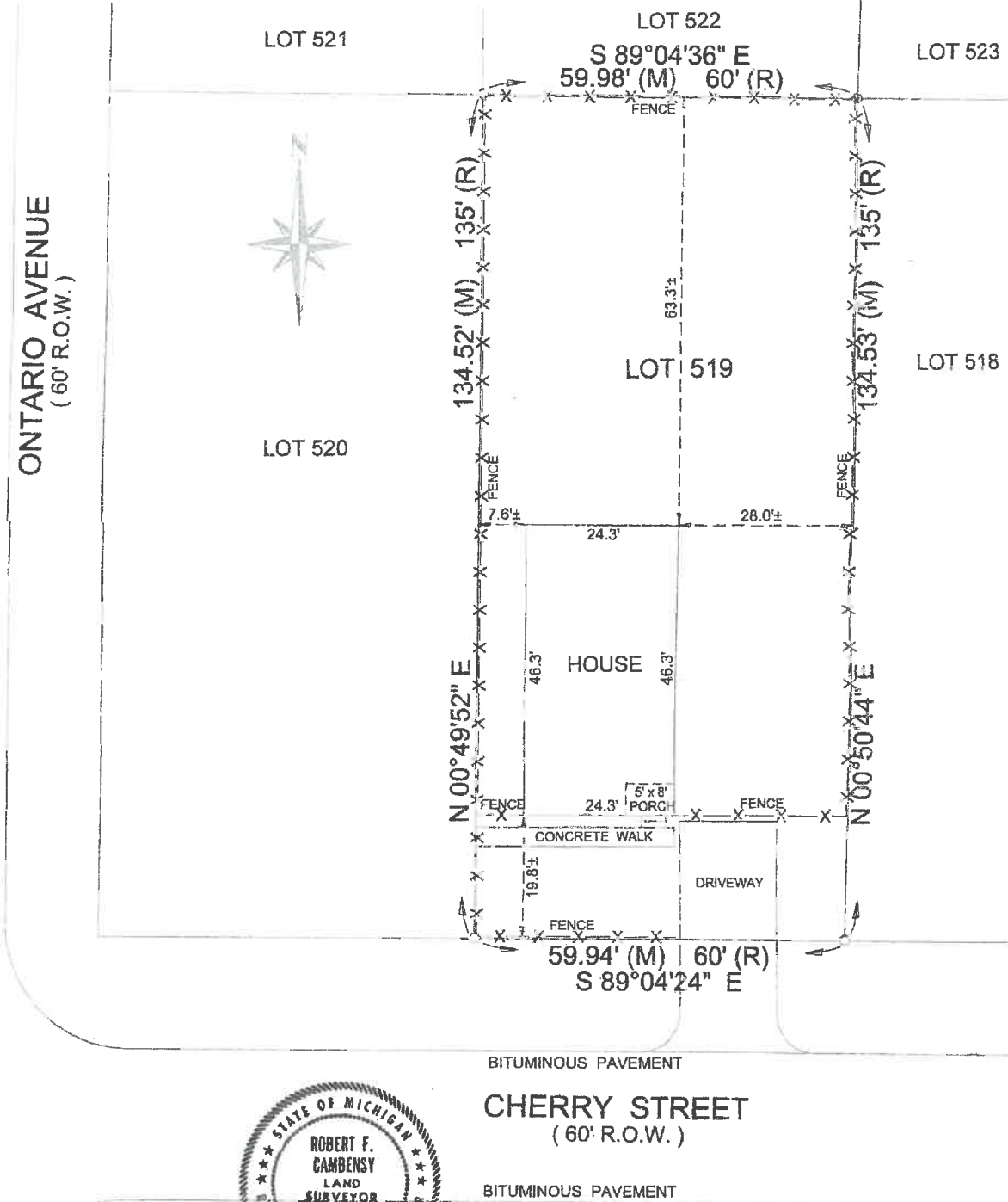
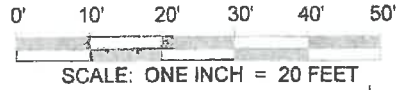
CERTIFIED SURVEY

CERTIFIED TO: DAMIA TOYRAS, 2082 CHERRY STREET, MARQUETTE, MICHIGAN 49855.
 LEGAL DESCRIPTION: LOT 519, TROWBRIDGE PARK SUBDIVISION No. 6, MARQUETTE TOWNSHIP, MARQUETTE COUNTY, MICHIGAN.

COPY FOR YOUR INFORMATION

LEGEND

- BEARINGS ARE ASSUMED
 ○ FOUND 5/8" RE-ROD WITH RLS #27464 CAP
 ○ SET 5/8" x 24" RE-ROD WITH RLS #19616 CAP
 (M) = MEASURED
 (R) = RECORDED



SURVEYOR'S CERTIFICATE
 STATE OF MICHIGAN)
 MARQUETTE COUNTY) ss.

I, ROBERT F. CAMBENSY, SURVEYOR, CERTIFY THAT I HAVE MADE THIS SURVEY AND THAT THE INFORMATION SHOWN ON THE ABOVE CERTIFIED SURVEY IS A TRUE AND CORRECT REPRESENTATION THEREOF. THE ERROR OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS LESS THAN 1 IN 10,000 AND WITHIN THE ACCEPTED LIMITS. I HAVE FULLY COMPLIED WITH THE REGULATIONS OF SEC. #3, ACT No. 132, P.A. 1970, AS AMENDED.

SEPTEMBER 13, 2007

Robert F. Cambensy
 ROBERT F. CAMBENSY, MICHIGAN #19616
 REGISTERED LAND SURVEYOR
 CAMBENSY ENGINEERING & SURVEYING
 306 N. SIXTH ST., MARQUETTE, MICHIGAN 49855
 (906) 226-3909 RCAMBENSY@SBCGLOBAL.NET

MARQUETTE TOWNSHIP
1000 COMMERCE DR
MARQUETTE, MI 49855

Received From: DAMIA TOYRAS
Date: 04/18/2022 Time: 4:14:01 PM
Receipt: 236456 *** REPRINT ***
Cashier: aziems2

ITEM REFERENCE	AMOUNT
ZONE ZONING APPROVAL	
SHORT TERM RENTAL-SPEC USE	\$255.00
TOTAL	\$255.00
Check 1202	\$255.00
Total Tendered:	\$255.00
Change:	\$0.00



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STAFF REPORT

PLANNING COMMISSION – April 27, 2022

Agenda Item #6b: Short Term Rental Report

Staff Report Contact: Erik Powers- Staff Planner

Background:

The Planning Commission has expressed interested in further information regarding regulation of short-term rentals (STR or STRs) in Marquette Township and has directed staff to report on several issues concerning short-term rentals including: local regulation, status of legislation, and insurance requirements for owners of property approved for short-term rental use, among other issues.

Below is language from the Marquette Township Zoning Ordinance concerning short-term rentals. This was officially adopted by the Planning Commission and referred to the Township Board on April 11, 2018. The Township Board adopted the ordinance after a first reading on June 5, 2018 and a second reading on June 18, 2018.

Per the Zoning Ordinance:

ARTICLE 2 – DEFINITIONS:

Short-term Rental – A residential dwelling not owner-occupied, which is rented all, or in part, on a daily, weekly, or monthly basis for ninety (90) days or less.

ARTICLE 16 – DETAILED USE REGULATIONS:

Section 16.13: Short-term Rentals:

1. In addition to complying with other relevant sections of this Ordinance, petitioners desiring to conduct a short-term rental unit (as defined in Article 2), the petitioner shall also provide the following information in order to be considered for a special use permit:
 - a. Fire code review by the Marquette Township Fire/Rescue Department every two (2) years.
 - b. A Marquette Township Business License
 - c. Off-street parking conforming to residential single-family dwelling units under Article 21.



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To date, the Planning Commission has approved 13 of 16 special use permit requests for short-term rentals. See attached short-term rental inventory (previously shared with the Planning Commission) for specific case numbers, addresses, and property owners.

State of Michigan Legislation- HOUSE BILL 4722 and SENATE BILL 446:

Michigan House Bill 4722 was introduced on April 27, 2021 and passed the House on October 27, 2021. It was referred to the Committee on Regulatory Reform by the Senate on October 27, 2021, and has had no apparent progress since then. Senate Bill 446 was introduced to the Senate on May 13, 2021 and was referred to the Committee on Regulatory Reform and has seen no apparent progress since then.

The bills would amend the Zoning Enabling Act to prohibit a county, township, city, or village from adopting or enforcing zoning ordinance provisions that have the effect of prohibiting short-term rentals. This would establish that the rental of dwellings, including STRs:

- Are a residential use of a property that is permitted in all residential zoning districts.
- Is not subject to a special use or conditional use permit or procedure different from those required for other dwellings in the same zone.
- Is not a commercial use of the property.

Local governments would retain the right to adopt certain specified zoning ordinances and practices if consistently applied to rentals and other residences. (e.g. nuisances, health and safety, etc.) Further, local governments may limit the number of STRs under common ownership to two or more, as well as the total number of units used for short-term rental use in the local unit. The limit shall not be less than 30% of the number of existing residential units. The act defines Short-term rental as “the rental of a single-family residence, a dwelling unit in a 1-to-4 family house, or any unit or group of units in a condominium, for terms of not more than 30 consecutive days.”

The full text of the bills as presented is included in the meeting packet for review.

Insurance of Property Owners

Most, if not all, insurance companies classify rental of residential property, including short-term rentals, as a business activity and therefore any incident and associated damages occurring while renters are occupying the property would not be covered under a typical homeowner’s insurance policy. Generally, commercial coverage costs three to five times more than non-commercial insurance. Consequentially, it could be implied that the increased cost could lead homeowners to foregoing the additional insurance. Many insurance companies offer ‘short-term rental property’ insurance packages composed of both homeowner’s and commercial-type insurance devices.



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Some hosting sites like AirBnB provide property damage and personal liability coverage to STR hosts that use the platform.

Safety and Compliance in STRs

Safety issues in short-term rentals are largely the same as an owner-occupied property or long-term rental, however they can be intensified due to the transient nature of the renters and an assumed unfamiliarity with the structure, the property, and the surrounding area. Four topics present significant areas for concern:

- Fire Safety- egress routes, location of smoke detectors and fire extinguishers, unfamiliarity with appliances, etc.
- Construction and Maintenance- maintenance of house features including decks, docks, appliances, etc.
- Water Safety- pool safety measures, watercraft safety measures, swimming safety measures
- Residential properties with a pseudo-commercial use- overuse and/or substandard maintenance of appliances like refrigerators, washers, and dryers.

As part of the overall Short-term Rental permitting and licensing process, an inspection by the Fire/Rescue Department (FD) is conducted upon Special Use Permit approval. Typically, STR fire safety inspections occur after scheduling coordination between the FD and property owner, but do require consent from the owner, manager, or a tenant. The inspections are usually conducted in all accessible private and common areas of the property, such as stairs, garages, exercise, and laundry rooms. The inspector looks for all hazards affecting fire safety, including but not limited to: obstructed fire lanes and exits; adequate property number identification; hazard material storage; balcony BBQs; and fire protection equipment, such as smoke detectors.

Some communities require that all short-term rental contracts and/or informational packets in the rentals themselves include a copy of the local sound/trash/parking ordinances and/or a “Good Neighbor Brochure” that summarizes the local ordinances and what is expected of the renter. Requiring property/local rules and a floor plan to be posted in a conspicuous location in the structure could also have a positive effect (see attached photos for examples). Further, requiring safety guidelines for various features of the property (hot tubs, pools, watercraft, decks) could have a positive effect.

Some communities institute a “three-strike” rule, where a permit is automatically revoked for a number of years in the event the local government receives three (substantiated) complaints about a property with a certain time frame. Alternatively, a local government can adopt a rule by which a permit is revoked in the event conclusive evidence is received that a city ordinance has been violated.

Additionally, some communities have adopted a “permanent residency requirement” for property owners to help manage intensity of short-term uses. This would involve



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requiring the permit holder to verify residency on an annual basis and would effectively create an upper limit on how often a property is rented out each year.

Coordination with the FD on these matters is ongoing, and will likely intensify as this issue is further explored.

Review Recommendation

Staff recommends that the Planning Commission review and consider the information provided and determine what, if any, further restrictions and/or regulations should be placed on short-term rental uses in Marquette Charter Township.

Consultation with the Township Attorney may be needed to consider feasibility of further regulation, depending on type and scope.

MARQUETTE TOWNSHIP SHORT TERM RENTALS

Case Number	Address	Approved/Denied Date	Owner	Alternate Contact	Comments
081518-1	250 Partridge Bay Trail	Approved- 8/15/18	Ray Family LLC	Kate Lewandoski	
091018-1	2352/2362 Werner ST	Approved- 9/10/18	Matt Blondeau		
111418-1	386 Co Rd 550	Approved- 11/14/18	Kevin Thomsen		Phill's 550
111418-2	309 Eagle's Nest	Approved- 11/14/18	Christina Gervasi		
042419-1	495 Brickyard Rd	Approved- 4/24/19	Tyler Govern		
050819-1	290 South Vandenboon	DENIED- 5/8/19	Andrea and Gregory Timm		
050819-2	1650 Granite Ave.	Approved- 5/8/19	Lynn Mattson		
052219-1	250 Huron Woods	Approved- 5/22/19	Anne C Jackson Trustee	Anne Jackson	
090920-1	600 Brickyard Rd	Approved- 9/9/20	Kathy Peters	Steve Vielmetti	
011321-1	1983 Cherry St	Approved- 1/13/21	Andrew Herro	Danielle Van Dreel	
092221-1	680 Ontario Ave	Approved - 9/22/21	John and Jenny Centko		
102721-1	354 Co Rd 550	Approved- 10/27/21	Connor Wilkinson		
120821-1	1818 Grante Ave	Approved- 12/8/21	Ted Grzelak		
120821-3	170 Eagle's Nest	Approved 12/8/21	Tim and Regina Gort		
112421-1	2593 Norwood	DENIED- 2/9/22	Samuel Dunlap		
	828 Co Rd 550	DENIED- 3/9/22	Shannon Fisher		

Outstanding

041922-1	2282 Cherry St	4/27 to schedule PH	Damia Toyras		
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**SUBSTITUTE FOR
HOUSE BILL NO. 4722**

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
(MCL 125.3101 to 125.3702) by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 206b. (1) For the purposes of zoning, all of the**
2 **following apply to the rental of a dwelling, including, but not**
3 **limited to, short-term rental:**

4 **(a) It is a residential use of property and a permitted use in**
5 **all residential zones.**

6 **(b) It is not subject to a special use or conditional use**
7 **permit or procedure different from those required for other**
8 **dwellings in the same zone.**

9 **(c) It is not a commercial use of property.**

1 (2) A local unit of government shall not adopt or enforce
2 zoning ordinance provisions that have the effect of prohibiting
3 short-term rentals.

4 (3) This section does not prohibit a zoning ordinance
5 provision that is applied on a consistent basis to rental and
6 owner-occupied residences and that regulates any of the following:

7 (a) Noise.

8 (b) Advertising.

9 (c) Traffic.

10 (d) Any other condition that may create a nuisance.

11 (4) This section does not prohibit a local unit of government
12 from doing either of the following:

13 (a) Inspecting a residence for compliance with or enforcement
14 of an ordinance of the local unit of government that meets all of
15 the following requirements:

16 (i) Is for the protection of public health and safety.

17 (ii) Is not a zoning ordinance.

18 (iii) Does not have the effect of prohibiting short-term
19 rentals.

20 (b) Collecting taxes otherwise authorized by law.

21 (5) Notwithstanding any other provision of this section, a
22 local unit of government may limit the number of units under common
23 ownership used for short-term rental in the local unit. The limit
24 set by the local unit of government shall not be fewer than 2
25 units.

26 (6) Notwithstanding any other provision of this section, a
27 local unit of government may limit the total number of units used
28 for short-term rental in the local unit. The limit shall not be
29 less than 30% of the number of existing residential units in the

1 local unit of government and shall apply without regard to the
2 location of dwelling units.

3 (7) Notwithstanding any other provision of this section, a
4 local unit of government that, as of July 11, 2019, had zoning
5 ordinance provisions that regulate the rental of dwellings by
6 overlay district without distinction between short-term rental and
7 rental for longer terms, and that, as of July 11, 2019, had a
8 rental overlay district or districts that were initiated by
9 petition, may continue to enforce those zoning ordinance provisions
10 as they existed on that date. Such a local unit of government may
11 revise existing overlay district boundaries or create new overlay
12 districts, but only under the terms of the zoning ordinance
13 provisions as they existed on July 11, 2019.

14 (8) As used in this section:

15 (a) "Common ownership" means ownership in whole or in part by
16 the same individual, individuals, or legal entity.

17 (b) "Short-term rental" means the rental of a single-family
18 residence, a dwelling unit in a 1-to-4-family house, or any unit or
19 group of units in a condominium, for terms of not more than 30
20 consecutive days.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.

SENATE BILL NO. 446

May 13, 2021, Introduced by Senators NESBITT, ANANICH, SANTANA, MACDONALD, HOLLIER, BARRETT, BIZON and SCHMIDT and referred to the Committee on Regulatory Reform.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
(MCL 125.3101 to 125.3702) by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 206b. (1) For the purposes of zoning, all of the**
2 **following apply to the rental of a dwelling, including, but not**
3 **limited to, short-term rental:**

4 **(a) It is a residential use of property and a permitted use in**
5 **all residential zones.**

6 **(b) It is not subject to a special use or conditional use**

1 permit or procedure different from those required for other
2 dwellings in the same zone.

3 (c) It is not a commercial use of property.

4 (2) This section does not prohibit regulation applied on a
5 consistent basis to rental and owner-occupied residences for any of
6 the following:

7 (a) Noise, advertising, traffic, or other conditions, for the
8 prevention of nuisances.

9 (b) The number of persons that may occupy a dwelling.

10 (c) Inspections and inspection fees.

11 (d) Taxes otherwise permitted by law.

12 (3) As used in this section, "short-term rental" means the
13 rental of a single-family residence, a dwelling unit in a 1-to-4-
14 family house, or any unit or group of units in a condominium, for
15 terms of not more than 30 consecutive days.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.



CITY OF MARATHON, FLORIDA

Planning Department

9805 Overseas Highway, Marathon, Florida 33050

Phone: (305) 289-4121 Fax: 305-743-3667

VACATION RENTAL USE AND OCCUPANCY RESTRICTIONS

****All use and occupancy of residential dwelling units for vacation rental purposes shall be in accordance with the following criteria:**

1. No vacation rental use in a residential subdivision shall be for less than seven (7) nights.
2. Motor vehicles and vessel trailers shall only be parked in driveways or other areas designed and designated for parking on the units property, and not on the street or extending over the right-of-way or sidewalk. The number of motor vehicles and vessel trailers parked on the property shall not exceed the maximum number of permitted parking spaces. Only motor vehicles of registered occupants may be parked over night.
3. For vacation rental units that contain dock area, the total length of docked vessels shall not exceed the width of the property at the waterline, with no rafting of vessels to create a hazard to navigation. No vessel docked on the property shall be used for sleeping, live-a-boards or other overnight accommodations.
4. Occupants shall be prohibited from making excessive and unnecessary noise in or about any vacation rental unit at all times such as to cause a noise disturbance. "Noise disturbance" means any sound that is so excessive, loud or disturbing that it causes an adverse psychological or physiological effect on humans, or unnecessarily disturbs or interferes with enjoyment of life or property, including outdoor recreation.
5. No occupant of a vacation rental unit shall enter upon any neighboring private property.
6. All trash and debris shall be kept in covered trash containers. Each vacation rental unit shall be equipped with at least four (4) covered trash containers for such purposes. Occupants shall comply with all trash provisions and recycling provisions that are applicable to the unit. Schedules of garbage pick-up and recycling pick-up shall be posted with the rental agreement.
7. The maximum occupancy of any unit used for vacation rental purposes shall not exceed two (2) persons per bedroom plus two (2) other persons per unit, or the lesser of such other maximum occupancy load as may be set by the office of the State Fire Marshal for the particular residential dwelling unit pursuant to its administrative rule making authority, or the City Building Official. No motor home, camper, sport utility vehicle or any other motor vehicle parked on the property shall be used for sleeping or other overnight accommodations.
8. All vacation rental units shall comply with all building and fire safety codes for Public Lodging Establishments as required by State law or the Code.

NOTICE:

Any violation of these use and occupancy restrictions shall constitute grounds for immediate termination of the rental agreement, eviction from the vacation rental unit by the owner or property manager and appropriate fines levied.

THESE RESTRICTIONS MUST BE POSTED IN RENTAL UNIT

DIAL 911 FOR ALL EMERGENCIES
Fire – Police – Ambulance

American Caribbean Real Estate
24 Hour Contact Number – Leslie Christensen
Office: 305-743-6881

After Hour Emergencies : 305-849-0270

Unit Address: 63 Tingler, Marathon, FL 33050

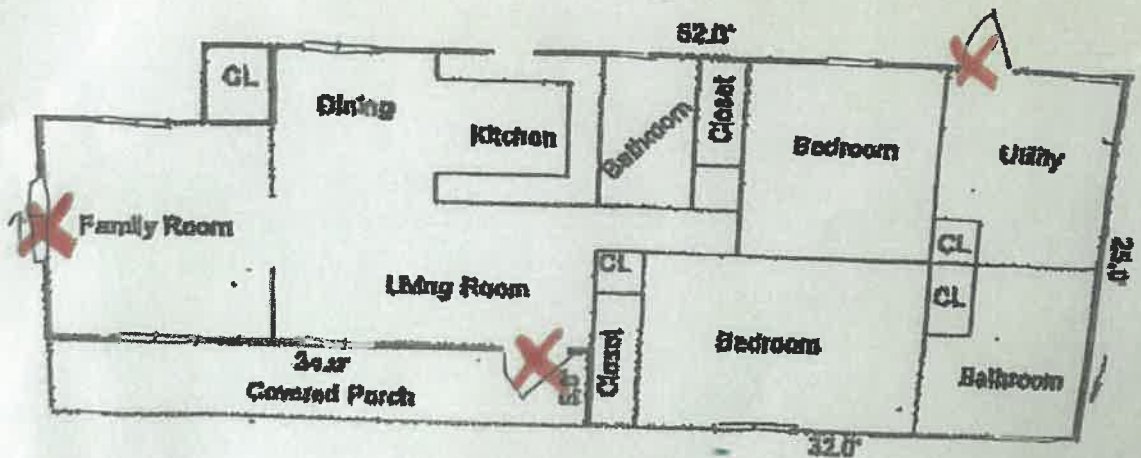
Maximum Occupancy – 6 People

All parking should be in driveway not at neighboring homes or street.

Garbage Pick Up – Monday & Friday – Early Morning

Unit Phone – 305-

Emergency Exit (X)





MARQUETTE CHARTER TOWNSHIP

1000 Commerce Drive
Marquette, Michigan 49855
Ph | 906.228.6220
Fx | 906.228.7337

www.marquettetownship.org

MEMORANDUM

TO: Recreation Committee, Planning Commission, Township Board, Manager Kangas

FROM: Jason McCarthy – Planning & Zoning Administrator

DATE: April 19, 2022

SUBJECT: Noquemanon Trail Network (NTN) E-Bike Inquiry

In recent years, e-bikes (or electronically assisted bicycles) have become increasingly popular in the Marquette area and across the United States.

In an effort to try and remain ahead of ever-changing technology and public perception of e-bikes, NTN has developed a statement on the matter, in which they would appreciate support for. As a point of reference, all other impacted landowners (communities) where NTN operates have provided NTN with the liberty of addressing how their trails are used and what forms of transportation may be allowed on them. In other words, the other local municipalities in the area have deferred to NTN as to how they'd prefer to handle the matter.

As you review the attached statement from NTN, you will notice three (3) different classifications of e-bikes. Class 1 is a pedal assisted bicycle that travels up to 20 miles per hour. Class 2 is a pedal assist and throttle assist bicycle that also travels up to 20 mile per hour. In addition, Class 3 is a throttled bicycle that travels up to 28 miles per hour. Throughout the state, Class 1 e-bikes are allowed on paved roads and pathways but not necessarily allowed on natural surfaces designated for non-motorized use. The state regulation has left it up to agents who manage properties to designate use of e-bikes on these trails.

Review Recommendation

Staff is recommending that the Recreation Committee, Planning Commission, and Township Board each pass a motion to, *“support NTN’s policy to allow only Class 1 e-bikes to be used on the majority of NTN trails for recreational use in Marquette Township.”*

Noquemanon Trails Network Statement on the Use of E-bikes

The Noquemanon Trail Network has developed an opinion and policy on the use of E-bikes on NTN managed trails. Michigan is one of many states that has adopted a three-class system to regulate e-bike use on streets and pathways ([Michigan E-bike Policy](#)). Class 1 is a pedal assisted bicycle that travels up to 20 miles per hour. Class 2 is a pedal assist and throttle assist bicycle that also travels up to 20 mile per hour. In addition, Class 3 is a throttled bicycle that travels up to 28 miles per hour. Throughout the state, Class 1 e-bikes are allowed on paved roads and pathways but not necessarily allowed on natural surfaces designated for non-motorized use. The state regulation has left it up to agents who manage properties to designate use of e-bikes on these trails.

Throughout the country, opinions of e-bike use on local pathways and streets are positive. They decrease harmful emissions and fossil fuel use and in the context of city use, they are decreasing transportation technology. Consideration of allowing the use of e-bikes on dirt trails is not as simple. Two major concerns about their use continue to be discussed. One question is; do e-bikes create greater impact on trails? On an e-bike, the electric motor that assists the rider has a potential to create more torque, which could lead to greater soil displacement. However, there has been no definitive evidence to show the e-bikes cause more impact on trails. As well, electric motor assistance can allow users to travel further on trails creating a potential to create a greater impact. The other issue is the social perception of e-bike use on dirt trails. There has been very little research done in this area but there are implications that this is an issue. The summer of 2020, the NTN surveyed its members and those who own land that trails go through about e-bike use on the trails. Approximately two thirds of those who responded were supportive of e-bike use on the trails. Members who were not supportive responded more harshly to opened questions leaving one to think that there may be a social issue regarding e-bike use on NTN trails.

Since the regulations have been in act, the sale of e-mountain bikes has drastically increased. In 2017, sales of e-mountain bike had increased 91%. There is a public interest in using them for several reasons. E-bikes assist users with physical challenges and disabilities, allowing them to enjoy and activity in which they would not otherwise be able to. E-bikes are motor assisted but do not produce harmful emissions when in use. Class 1 e-bikes are defined as non-motorized by the Consumer Products Safety Act (Pub.L.107-319). Finally, Class 1 e-bike use is already prevalent on NTN trails. They are used during special events by event staff, Marquette County Search and Rescue uses e-bikes to provide emergency assistance, and recreational use of e-bikes is prevalent.

Because of this, the NTN Board supports a policy to allow only Class 1 e-bikes to be used on a majority of NTN trails for recreational use if approved by the particular land owner. Class 2 and Class 3 e-bikes **are not allowed**. It is felt that they are more closely identified as a motorized vehicle and cross the line of non-motorized use and create safety hazards. E-bike users should be considerate of perceptions toward e-bike use on NTN trails and ride with consideration for those who are pedaling with no assistance.

Ja.

**COPY FOR YOUR
INFORMATION**



April 20, 2022

Dear Property Owner or Occupant:

RE: Notice of PUBLIC HEARING before the Marquette City Planning Commission regarding: **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)**. Please see the attached map for your reference.

You are being notified of the public hearing referenced above because you own or occupy property within 300 feet of the property.

The public hearing for this request will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, **May 10, 2022**. If you wish to comment on this matter you may do so at that time.

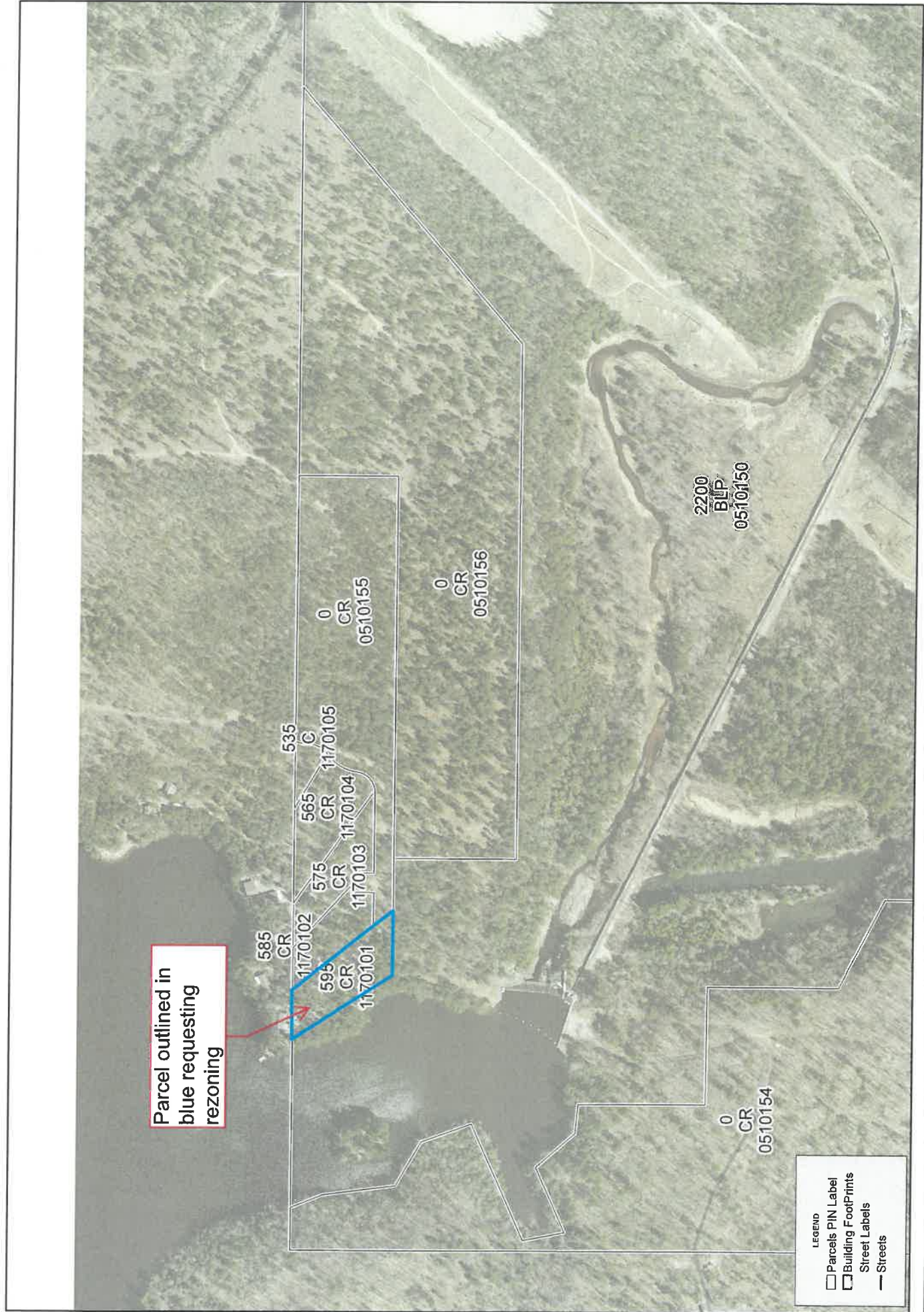
Written comments may also be submitted to the Community Development Department located at 1100 Wright Street, Marquette, Michigan 49855 or e-mail alanders@marquettemi.gov. Written submissions will be accepted until 12:00 p.m. on May 10, 2022.

Materials submitted by the applicant and the Land Development Code language pertaining to the request 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 submitted by the applicant 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.

Please contact me if you have any questions at 906.225.8383 or e-mail alanders@marquettemi.gov.

Sincerely,

Andrea M. Landers
Andrea M. Landers
Zoning Official

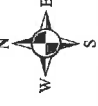


Parcel outlined in blue requesting rezoning

LEGEND

- Parcels PIN Label
- ▭ Building FootPrints
- Street Labels
- Streets

In regard to the map, the information contained on this map is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained herein does not replace information that may be obtained by consulting the information's official source. In no event shall the City of Marquette be liable for any damages, direct or consequential, from the use of the information.



1 inch = 417 feet

**COPY FOR YOUR
INFORMATION**



April 20, 2022

Dear Property Owner or Occupant:

RE: Notice of PUBLIC HEARING before the Marquette City Planning Commission regarding: **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)**. Please see the attached map for your reference.

You are being notified of the public hearing referenced above because you own or occupy property within 300 feet of the property.

The public hearing for this request will be at 6 p.m. in the Commission Chambers at City Hall on Tuesday, **May 10, 2022**. If you wish to comment on this matter 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.

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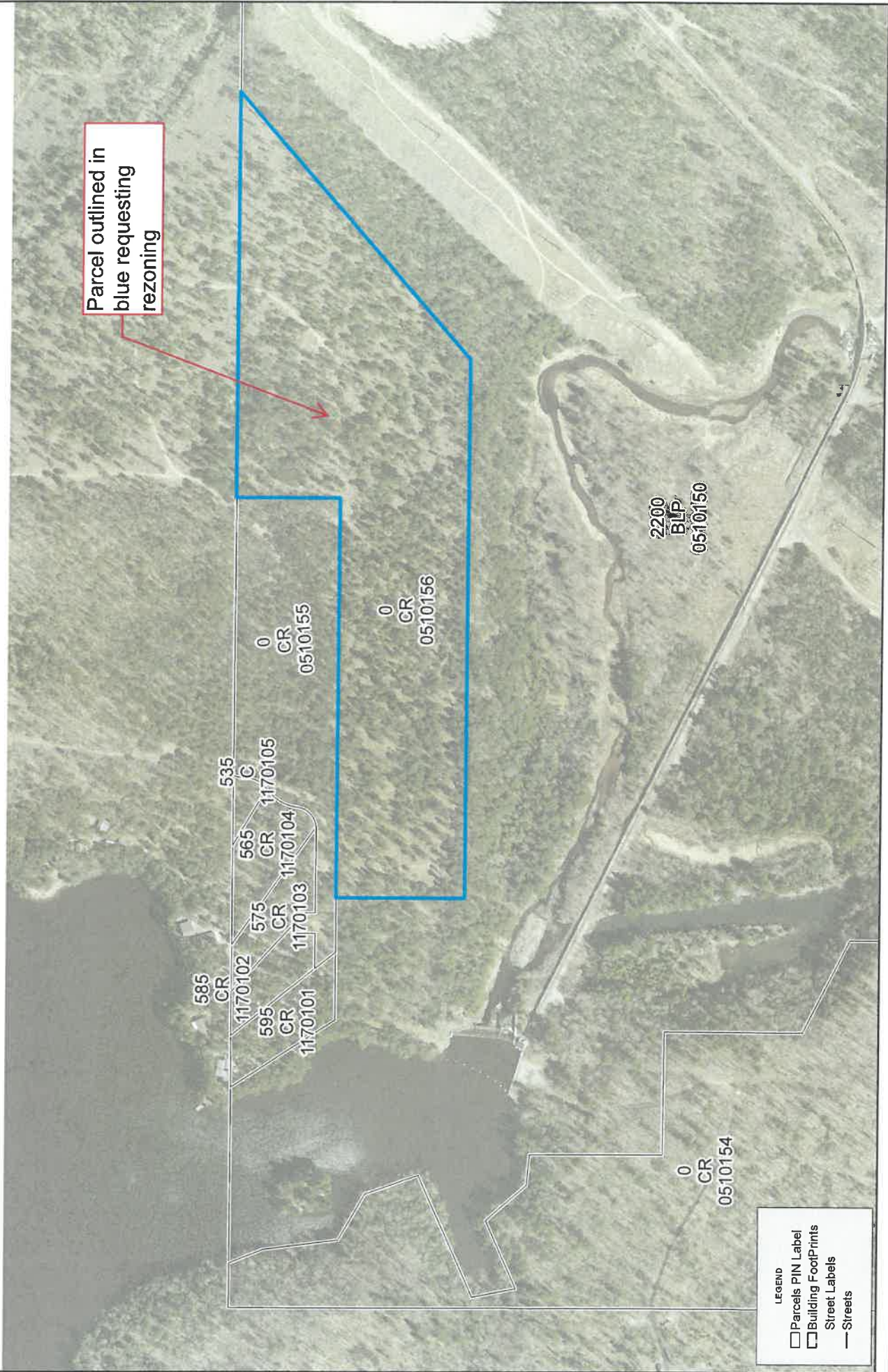
Please contact me if you have any questions at 906.225.8383 or e-mail alanders@marquettemi.gov.

Sincerely,

Andrea M. Landers

Andrea M. Landers
Zoning Official

Parcel outlined in blue requesting rezoning



In regard to the map, the information contained on this map is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained herein does not replace information that may be obtained by consulting the information's official source. In no event shall the City of Marquette be liable for any damages, direct or consequential, from the use of the information.



1 inch = 417 feet



CHAPTER 54 LAND DEVELOPMENT CODE

ARTICLE 3 ZONING DISTRICTS AND MAP

Section 54.307 LDR, Low Density Residential District

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

- 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

C. Special Land Uses

- 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.

E. References to Additional Standards

Definitions Article 2	Exterior Lighting Section 54.802	Landscaping and Screening Article 10
Subdivisions Section 54.501	Riparian Buffers Section 54.804	Signs Article 11
Site Condominiums Section 54.503	Wetland Protection Section 54.805	Nonconformities Article 12
Accessory Structures	Steep Slopes and Ridgelines	Zoning Permits

COPY FOR YOUR INFORMATION

BHBC Non Easement Access
BHBC Easement Access

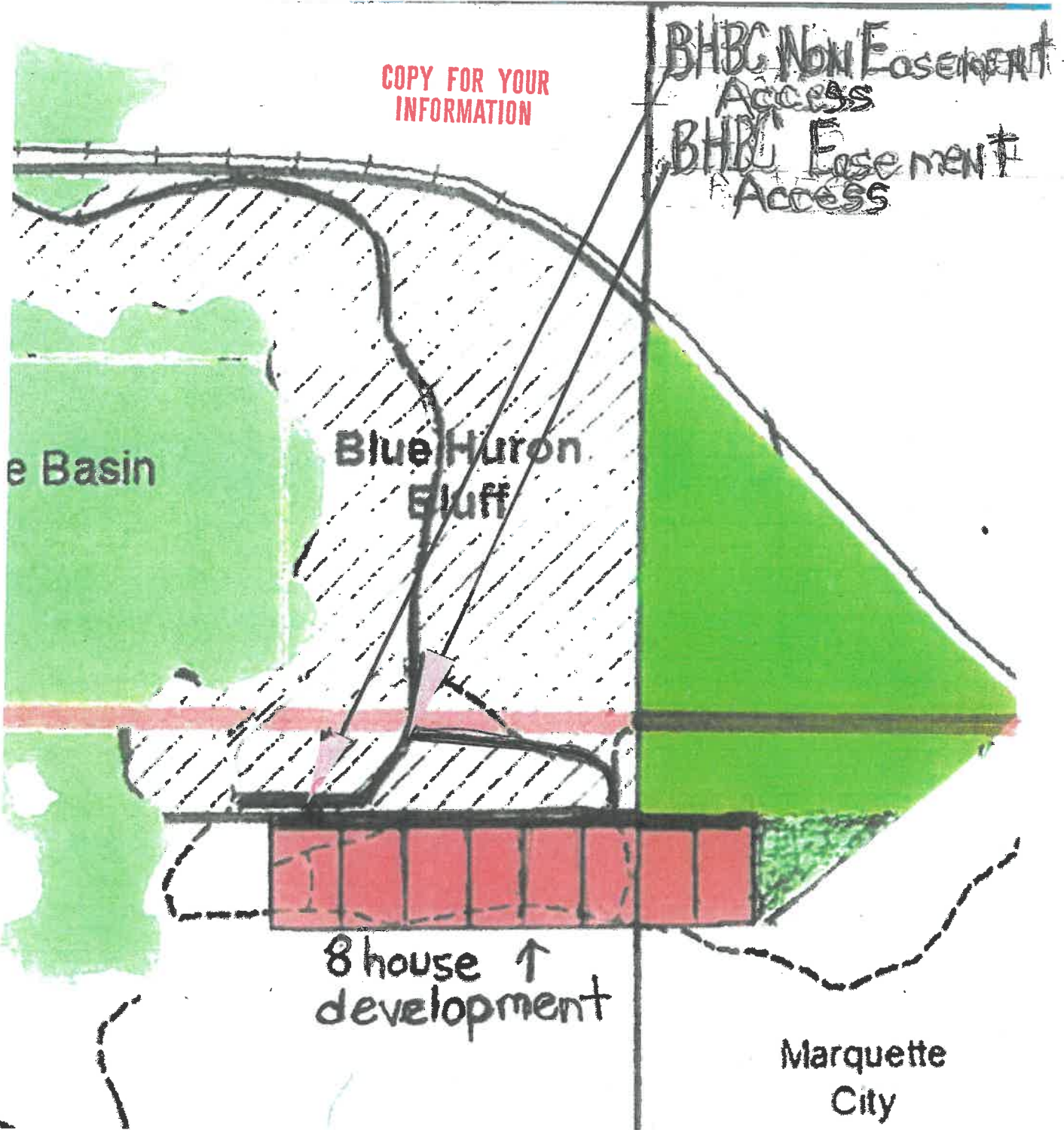
e Basin

Blue Huron Bluff

8 house ↑ development

Marquette City

Draft Only
7/4



CITY OF MARQUETTE REZONING APPLICATION



FEE \$550	CITY STAFF USE	COPY FOR YOUR INFORMATION
Parcel ID#: _____	File #: _____	Date: _____
Hearing Date: <u>5-10-22</u>	Application Deadline (including all support material): <u>4-12-22</u>	
Receipt #: <u>819544</u>	Check #: <u>2083</u>	Received by and date: <u>4-12-22 AC</u>

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:

- o Planning Commission page for filing deadline and meeting schedule
- o 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: <u>Cedar Point Family Trust</u>
Address: <u>10670 NE Hwy 314</u>
City, State, Zip: <u>Silver Springs, FL 34488</u>
Phone #: <u>906-360-3030</u>
Email: <u>brucepesola@yahoo.com</u>
APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING

APPLICANT/OWNERS REPRESENTATIVE
Name: <u>Ironshore Development, LLC</u>
Address: <u>137 W Michigan St</u>
City, State, Zip: <u>Marquette, MI 49855</u>
Phone #: <u>231-420-1473</u>
Email: <u>jim.t.conlin@gmail.com</u>
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 Property Identification Number: 0510156

Size of property (frontage / depth / sq. ft. or acres): 27.59 acres

Surrounding Zoning Districts: North ^{Condo & RP (Temp)} BLP 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 (SW 1/4) 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; thence S89°56'00"E, 1314.89' along East-West 1/4 line of said Section 9 to a 1/16 corner; thence S49°05'10"W, 1146.49'; thence N89°49'45" W, 1749.91'; thence N00°10'15"E, 415.09'; thence N89°49'45"E, 1300.00' to a line common to said Sections 8&9; thence N00°10'59"E, 335 to the Point of Beginning.

PROPOSAL

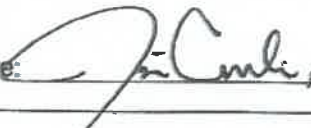
Current Zoning District: CR Proposed Zoning District: LDR

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 it does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Planning Commission that may not necessarily be the next scheduled meeting due to notification requirements and Planning Commission Bylaws.
7. I acknowledge that this form is not in itself a rezoning but only an application for a rezoning and is valid only with procurement of applicable approvals.
8. I authorize City Staff, and the Planning Commission and City Commission members to inspect the site.

Property Owner Signature: , IRONSTONE DEVELOPMENT Date: 3.23.22

Jim Conard on BEHALF OF
BZOLE RESOLA