

CITY OF BIG RAPIDS

Planning Commission

Regular Meeting
March 15, 2023
6:30 PM



MEETING AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
 - a. February 15, 2023
5. Public Comment on Non-Agenda Items

Addressing the Planning Commission: Each person wishing to address the Commission shall be afforded an opportunity to do so. If you wish to comment, please raise a hand to indicate that you wish to speak. When recognized, give your name and address. **Please address all comments to the Chair.**
6. Public Hearing
7. General Business
 - a. Discussion of short-term rentals in the City
 - b. Continued discussion of manufactured homes
8. Unscheduled Business
9. Adjourn

The City of Big Rapids will provide necessary reasonable auxiliary aids and services to individuals with disabilities at a meeting or hearing upon one-week notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling the ADA Coordinator, Melissa Hauger, 226 N. Michigan Avenue, Big Rapids, MI 49307 (231-592-4007). TRS users may dial 711 for service.

The City of Big Rapids is an Equal Opportunity Provider and Employer.

CITY OF BIG RAPIDS
PLANNING COMMISSION MINUTES
March 15, 2023
Unapproved

Acting Chair Montgomery called the March 15, 2023 of the Planning Commission, to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT Rory Ruddick, Tim Vogel, Kate McLeod, Jacob Buse, and Sarah Montgomery

EXCUSED Chris Jane and Kasey Thompson

ABSENT None

ALSO PRESENT Michelle Stenger, Community Development Director
Emily Szymanski, Planning & Zoning Technician

There were 15 people in attendance.

APPROVAL OF MINUTES

Motion was made by Jacob Buse seconded by Kate McLeod, to approve the minutes of the February 15, 2023 meeting of the Planning Commission as presented with one correction:

- **Change ‘Bused’ to ‘Buse’ found within the first bullet point on the third page.**

Motion was passed with all in favor.

PUBLIC COMMENT NOT RELATED TO ITEMS ON THE AGENDA None

Before introducing the two scheduled Public Hearings, Szymanski introduced the new Community Development Director, Michelle Stenger and the newest Planning Commission member, Tim Vogel. Welcome Michelle and Tim!

PUBLIC HEARINGS

Site Plan Review for a facility expansion at 525 N DeKrafft Avenue (Big Rapids Products)

The Public Hearing was opened at 6:37 p.m.

Szymanski summarized the Staff Report stating that Staff received a Site Plan Review application on January 27, 2023 from Big Rapids Products at 525 N DeKrafft Avenue (PIN 17-11-200-017) for a facility expansion. The current footprint of Big Rapids Products is approximately 33,000 square feet and the proposed expansion is roughly 67,000 square feet. The proposed project includes additional parking, lighting, landscaping, bicycle parking racks, and an additional swale to collect water runoff. Szymanski stated that several City staff reviewed the plans and have provided feedback. Both the Fire Marshal and the Building Official found no issues with the plans. The City's Engineer Technician, Matt Ruelle, had a few initial concerns regarding the proposed water detention pond, but has no concerns after discussing the project further with the team. In regards to zoning, the proposed project meets all standards of the City's Zoning Ordinance. However, Szymanski has requested that the applicant install a fence to increase the buffer between industry and residential.

Sarah Keever, representative of Big Rapids Products, introduced details of the proposed facility expansion. Keever stated that all parcels owned by Big Rapids Products are zoned industrial, so this expansion would be a use by right. In regards to the infrastructure improvements, Keever stated that the new building will have on-site surface drainage which will be carried through a swale to a retention basin located in the northwest corner of the property. This location is ideal for the retention basin due to the low elevation. The retention basin will be vegetated and will remain dry 99% of the time. Keever also explained the proposed landscaping plans, stating that the applicant wanted to comply with the Zoning Ordinance and also recognizes that additional buffers between industry and residential districts are necessary. There is already a significant natural buffer between the adjacent R-2 Residential property and Big Rapids Products and the proposed project will increase the natural buffer even more with additional plantings. Keever stated that the applicant has agreed to add a fence in addition to the new plantings in order to increase the buffer between uses.

Those Who Spoke in Favor of the Request:

The Executive Director of Economic Development for the Mecosta County Development Corporation (MCDC), Kelly Wawsczyk, stated that MCDC is very excited about the proposed facility expansion for Big Rapids Products because Mecosta County is in desperate need of economic growth for the region. Without growth and new

opportunities, the County's population from 2020 to 2050 will decrease at least 4% (referenced from a study done by the University of Michigan).

The letter referenced by Kelly Wawsczyk can be found as an attachment to these Minutes.

Those Who Spoke in Opposition of the Request:

Mae Emerson, resident of Big Rapids Mobile Home Court (606 Bjornson Street), asked if the representatives could explain a few aspects of the project in more detail. For example, lighting and plans for any additional fire lanes. Emerson also asked what material will be used for the swale.

Rosemary Jennings, owner of Big Rapids Mobile Home Court (606 Bjornson Street) stated that she would like nothing more than to go to the back fence and shake hands with the owner of Big Rapids Products, Mr. Chaput. Mrs. Jennings understands the need for growth in a business and wishes him nothing but the best. However, in an effort to protect her residents, she expressed a few concerns regarding the expansion project. Her main concerns are noise, emissions released, blight conditions of the property, odor, and the water retention pond. Jennings mentioned that there are several children that live in her Park and she has concerns with increased moisture and mosquitoes from the retention pond. Children shouldn't have to worry about catching diseases when they are playing outside. Jennings mentioned that she understands that this is a difficult situation all around and wishes that the City had better buffer zones to begin with so this would not have happened in the first place. How can an industrial plant be located right next to a residential property? If the City had stricter regulations in the past, Big Rapids Products would have located elsewhere to compliment adjacent land uses. Jennings stated that she and Chaput are in a difficult situation, but they are neighbors and need to get along. All she is asking for is to find a balance.

Telephonic or Written Correspondence Received by Staff:

In-person Conversation:

Rosemary Jennings, owner of Big Rapids Mobile Home Court (606 Bjornson Street) came into City Hall a few times to ask questions pertaining to the project. During the conversations between Mrs. Jennings and Szymanski, Jennings wanted to know more details about the fence that the applicant has agreed to install and what material will be used for the fence. Other concerns shared by Jennings have been mentioned tonight.

Mae Emerson, resident of Big Rapids Mobile Home Court (606 Bjornson Street) came into City Hall and called Szymanski to ask a few clarifying questions. Her questions have been shared and discussion during the meeting.

Written Correspondence Received by Staff:

Email received: City Manager, Mark Gifford, forwarded Szymanski an email in support of the project from Executive Director of Economic Development for the Mecosta County Development Corporation (MCDC), Kelly Wawczyk. Her comments have been shared tonight.

Applicant Rebuttal:

Project representatives David Moore and Sarah Keever responded to questions asked and the opposition expressed by the public. Keever explained that the new building will match the height of the existing building. Moore stated that the Fire Marshal did mention the need to have the southern-most drive unobstructed at all times in case of an emergency, such as a fire. In regard to concerns with the swale, Keever stated that the proposed project has a vegetated swale, similar to how you mow your lawn. In response to concerns of noise, emissions, and odor, Mr. Moore stated that the addition is to allow for more storage. There will not be any machinery. The space will consist of a flat floor with racks to store materials while they wait to be shipped to customers.

Acting Chair Montgomery closed the Public Hearing at 7:01 PM and the Commission entered into Fact Finding.

The conversation ensued over the following topics:

- Buse if the inlet pipe for water retention is sufficient enough for all debris received. Szymanski stated that during initial review of the project, the City's Engineer Technician, Matt Ruelle, had a few concerns. However, Ruelle had discussed the project with a representative of the project, and all infrastructure proposed meet requirements.
- Buse asked if additional trees (Black Spruce) could be planted continuously to help mitigate sound and noise? Szymanski stated that planting trees too close together could create potential issues in the future. However, if an increase in the number of new trees is something the Planning Commission would like to see, the Commission could add this as a condition.
- Ruddick asked how tall of a fence would be required? Szymanski stated that the proposed plan meets the City's Zoning Ordinance with natural landscaping as it currently stands. If the Planning Commission identifies the need to require a fence, Szymanski recommends following the standards for a fence when buffering is required. Since 525 N Dekrafft Avenue is a level 4 use and 606 Bjornson Street is a level 1 use, the Ordinance requires a fence to be eight ft tall.

- McLeod asked if Moore could confirm that there are no new presses going into the existing or the proposed addition on DeKrafft Avenue. Moore stated that is correct. The new presses are not and will not be located on Dekrafft Avenue. The new presses are located within their Maple Street property.
- Vogel asked if he could get some clarification on the storm water plan. He understands that they will grade the area so that it's a high point to low point so that water will make it into the basin. Moore stated that yes, that is correct.
- Matt Ruelle, City Engineer Technician, added that if the City had another extreme flooding situation that for example, washes out Hemlock Street, he could see water sitting in the retention pond for a little while as the City's system slowly drains.
- Vogel asked if any of the lighting will shine beyond the property. Keever stated that the lighting plan shows that there is no overflow of light beyond the property line.
- Vogel asked what material will be used for the fence? Stenger stated that if the Commission doesn't talk about the type of fence preferred, they don't get a say.
- Vogel stated he would like to see the fence be 8 ft chain link with PVC slats.

Motion was made by Jacob Buse seconded by Rory Ruddick to move that the Site Plan Review Application for a facility expansion at 525 N DeKrafft Avenue (PIN 17-11-200-017) be approved as presented with one condition as it meets the Criteria for Review found in Section 9.9:6 of the Zoning Ordinance. A condition was added in order to ensure compatibility with adjacent uses of land:

Installing a commercial-grade chain link and PVC slatted fence that is eight feet in height between Level 1 (606 Bjornson Street) and Level 4 (Big Rapids Products) uses of land.

Motion was passed with all in favor.

Site Plan Review for an improved parking lot at City-owned property 201 N Bronson Avenue (Dial-a-Ride building)

The Public Hearing was opened at 7:21 p.m.

Szymanski summarized the Staff Report stating that Staff received a Site Plan Review application on January 26, 2023 from City Engineering Technician, Matt Ruelle, requesting approval for an improved parking lot at City-owned property 201 N Bronson Avenue (PIN 17-11-400-011). The proposed project is simply paving the existing gravel parking lot and adding an additional retention pond. The Fire Marshall, Building Official, Planning & Zoning Technician, and the City Engineer Technician reviewed the plans and no issues were found by Staff.

The Applicant on behalf of the City, Matt Ruelle, stated that the project will consist of grading the lot and putting asphalt over the existing gravel that surrounds the building. Additional parking is proposed in the northeast corner. To follow the City's stormwater ordinance, a retention pond will be added as well. The vegetated swale will cover quite a bit of area but will only be about 2.5 – 3 feet deep. This project has been made possible due to an MDOT grant award received for Dial-a-Ride.

Those Who Spoke in Favor of the Request: None

Those Who Spoke in Opposition of the Request: None

Telephonic or Written Correspondence Received by Staff:

Szymanski received one phone call from a representative of Hayworth to ask a few questions about the project because he received the Public Hearing Notice. He also wanted to know if the parking lot could be utilized by community members needing a place to park temporarily, even if they are not using DART or visiting the building.

Acting Chair Montgomery closed the Public Hearing at 7:25 PM and the Commission entered into Fact Finding.

The conversation ensued over the following topics:

- Vogel asked if the entire scope of work consists of the improved parking lot. Ruelle stated that the DART building will also have new siding/painting installed, however, that portion isn't relevant to site plan review.
- Buse asked if new buses will be purchased along with the improvement project. Ruelle said at this time, no new buses are being purchased. The intent of this project is to pave the parking lot in order to decrease the amount of mud, snow, and salt that gets brought into the building while also creating a more even and smoother surface for community members to access safely.

Motion was made by Tim Vogel seconded by Jacob Buse to move that the Site Plan Review Application for an improved parking lot at City-owned property 201 N Bronson Avenue (Dial-a-Ride building) (PIN 17-11-400-011 be approved as presented as it meets the Criteria for Review found in Section 9.9:6 of the Zoning Ordinance.

Motion was passed with all in favor.

General Business

2023-2029 Capital Improvements Program

Szymanski summarized the Staff Report, stating the City prepares and adopts a 6-year Capital Improvements Program (CIP) annually, as required by the Michigan Planning Enabling Act. Departments make requests for funding of capital projects which are reviewed and prioritized by City staff. Projects for the 2023-2029 fiscal year will make up the capital budget, part of the annual budget, while the projects for later years help the City plan ahead for anticipated expenditures. The Capital Improvement Program is overseen by the Planning Commission and formally adopted by the City Commission.

The conversation ensued over the following topics:

- Vogel asked what the plan is for updating the Master Plan since the project only has \$25,000 designated for the update. Stenger stated that a fair amount of the work can be done by Community Development staff. Stenger intends on hiring a planning consultant for portions of the plan due to time and staff constraints. Staff will discuss whether an entire update is needed or if the bones of the existing plan can be used.

Motion was made by Tim Vogel seconded by Kate McLeod to move to recommend that the 2023-2029 Capital Improvements Program be adopted by the City Commission.

Motion passed with all in favor.

Annual Report of Planning and Zoning 2022

Szymanski summarized the Staff Report, stating that the Annual Report of Planning and Zoning is a document that reflects all of the hard work done by both the Planning Commission and the Zoning Board of Appeals throughout the year. This Report is a requirement of the Michigan Planning Enabling Legislation and will be made available on the City's website for the public to access. Staff will present this Report during an upcoming City Commission meeting. This ensures that information is regularly shared between the different City boards.

UNSCHEDULED BUSINESS

Trainings for the Planning Commission

Staff knows how crucial training is for public boards and both Szymanski and Stenger will keep an eye out for any upcoming trainings. Szymanski also intends on inviting City Attorney, Brad Fowler, to a future meeting in order to provide a refresh on all bylaws and procedures.

There being no further business, Acting Chair Montgomery adjourned the meeting at 7:40 PM with all in favor.

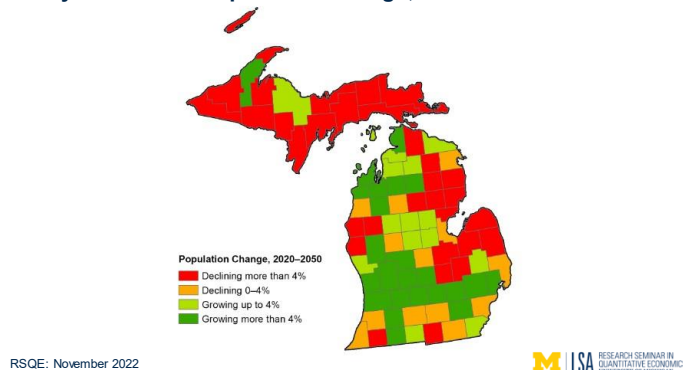
Respectfully submitted,

Emily Szymanski
Planning & Zoning Technician and Planning Commission Secretary

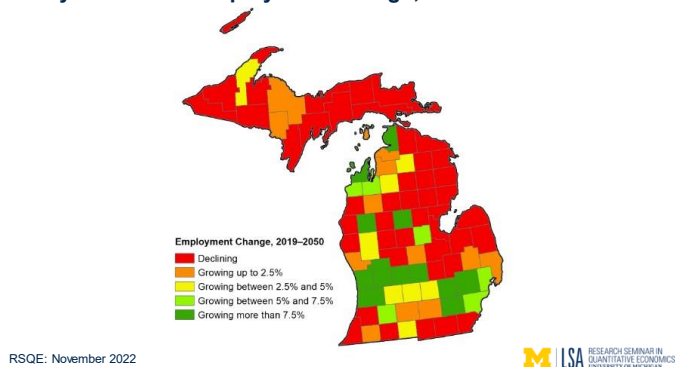
MCDC is very excited for this economic development opportunity to our County. Mecosta Co is in desperate need of growth such as this in not just our county, but our region.

In Dec 2022, UofM provided a report on at the State of the Region Economic Outlook for the State of MI and broke it down by counties. Mecosta Co shows that without growth and opportunity such as this expansion project...Our population 2020-2050 decline up to 4% and employment 2019-2050 will be decline as well...

County-Level Total Population Change, 2020–2050



County-Level Total Employment Change, 2019–2050



I have personally met with BR Products on multiple occasions since November. Josh Siple VP Operations and Aaron Thompson VP of Sales provided a tour of the buildings. The tours were fantastic and the advancement in robotic presses that have been recently added were impressive.

While products along with their qualifications and certifications are listed on their website...something that you don't see is the amazing culture that is happening for its staff. (HOLD UP BROCHURE).

The investment that BR Products has made in their staff is top notch. Some highlights I have seen on my tours is providing a medical clinic on site for staff and their families, providing an amazing space for break/lunch time which includes a café kitchen with fresh meals, cornhole boards, weightlifting area,

tables to network, and private room spaces if needed etc. Celebration Theme Friday events and meals for all staff have been a hit as well!

They have even provided training opportunities to upskill staff and to promote them within the company. In my last retention visit, I was able to bring along MWWC, Ferris State Director of Corporate & Professional Development, and MMTC to attend the tour...suggesting training opportunities and free funding for their operation to meet long-term goals.

BR Products is providing everything I... as an Economic Development entity would hope to see in a manufacturing facility or **any** employer for that matter that would step up provide great experiences for their customers, staff, and families which will keep them here to grow our community.

MCDC is here to provide support for this project as needed. Thank you...

REPORT TO THE CITY COMMISSION

TO: City Commission
FROM: Michelle Stenger, Community Development Director
SUBJECT: Short Term Rentals
DATE: March 6, 2023

Background

Currently the City does not have an ordinance regulating short term rentals. The Community Development Department has received a few phone calls from those interested in operating a Short-Term Rentals (also known as an AirBnB or VBRO) within the city limits. As we currently do not address the issue either through zoning or the rental ordinance, we don't have a way of addressing them with in the City.

As short-term leases have become more popular there have been a lot of conversations throughout the State on how to handle it. For the past few years, legislation has been introduced to the Michigan Legislature relating to Short Term Rentals. If the law were to pass it would severely limit the ability of local jurisdictions to enact any regulations on rentals, including short term rentals. The bill back dates local jurisdictions back to July 2019, so if an ordinance were enacted prior to that date, it could be enforced, but any ordinance adopted after that date would be considered invalid. Big Rapids would still be able to enforce its rental code, as it existed prior to 2019, but any language related to short term rentals would be considered void if the bill were to pass.

Current Occupancy Limits within Ordinance

The table below outlines current occupancy allowances for the zoning districts that permit residential dwellings within the Zoning Ordinance for rentals, regardless of if they are short term or longer-term rentals.

Zoning District	Occupancy Permitted
R-1	One Single Family plus one additional occupant
R-2	Single Family plus 2 additional (unrelated) occupant or up to four unrelated persons per dwelling (dependent on parking)
R-3	Single Family plus 2 additional (unrelated) occupant or up to four unrelated persons per dwelling (dependent on parking)
RR	Single Family plus 2 additional (unrelated) occupant or up to four unrelated persons per dwelling (dependent on parking)
C-2 (mainly downtown area)	Dwelling Units not located in basement or main floor, no current occupant standards

Considerations

Currently most of the rental properties in the city are used on a long-term basis, either offering nine-month leases or 12-month leases. Staff is aware of a rental that is currently operating as short-term rental and we have had limited interest from others regarding the subject.

There are a few items to consider when the Commission works through short term rental discussions. The impact of short-term rentals can vary from minor to major on surrounding property owners and residents, depending on how they are operated and managed. There are also some limitations that can be added within the Zoning Ordinance that may be able to help relieve some of the impacts.

Short-term rentals are often thought as and used as an option for vacation type uses or small get aways for family and friends, but there are other areas in our economy that also use short term rentals that are often forgotten. One of these uses is for traveling services (especially medical), where traveling professionals may want a home like space for more than a week, but not in a long-term experience. Another use is for new residents moving to the area, who may not want to enter a yearlong lease while they look for housing options. You also have adjunct professor or guest professors who may not be looking for a longer lease. These uses of short-term rentals have much less of an impact on surrounding properties.

A negative impact of short-term rentals, which should be given some consideration, is the impact on the housing stock available. An investment practice that is common with short term rentals is for private companies to buy single family houses with the specific intent to use these properties as short-term rentals. The problem that could arise from this is that the more houses that are bought for this purpose (as they typically make more money than a long-term rental) there is a substantial decrease in residential housing available for long term use, a problem that the City is already grappling with as highlighted in our housing analysis. Although the City of Big Rapids is not a major tourist destination, it does have many recreational activities and amenities.

Options

There are a couple of options available to the City.

Option 1: The City could do nothing and leave the ordinance the way it is. This would allow for short term rentals in locations where rentals are currently allowed, which is R-1, R-2, R-3, R-R and C-2 districts. The properties would be limited to the occupancy limitations within the zoning ordinance and regulated as other rental property within the City is.

Option 2: The City could also develop new ordinances to not allow short term rentals. If the city were to do this and the current legislation or new legislation regarding short term rentals were to pass at the state level, it is likely that the ordinance adopted by the City would be considered invalid and would not be enforceable by the City. If this is the route the City chooses to take, Staff would recommend looking at some language similar to what Grosse Point Farms did to establish a more solid foundation (see attached information).

Option 3: The last option the city has is to develop an ordinance which allows for short term rentals within certain districts. Unlike the first option, this option would allow for more specific oversight of short-term rentals. This option would fall under the same limitations as Option 2 regarding the state legislation. If the legislation were to be adopted, then the ordinance adopted by Big Rapids would not be enforceable.

Findings

Staff has included a spreadsheet on the communities in Michigan and their ordinances regarding short term rentals. At the far end of the spreadsheet, Staff has also included some comments about my thoughts on the ordinance and how they could relate to our ordinance.

Overall Staff feels that there are some areas and uses in our community that could benefit from short term rentals, especially near the downtown. The key to how we want short-term rentals to look within the community will be how the language is developed.

CITY	POPULATION	SHORT-TERM DEFINITION	NUMBER OF PEOPLE/ROOMS	MAX LENGTH OF STAY	OWNER OCCUPIED	ZONING DISTRICT PERMITTED	MISCELLANEOUS REGULATIONS	STAFF THOUGHTS
Hudsonville	7,116	A private home providing accommodations to the traveling public in habitable units for compensation, limited to short-stay facilities. This use includes the provision of approved related accessory and incidental services such as eating and drinking, meeting rooms, and the sale of gifts and convenience goods, not generally available to the public.	4 rooms	31 days	Not required	<ul style="list-style-type: none"> Mixed Use Town/Neighborhood Center Traditional/Neighborhood Center Traditional Neighborhood Development Central Business District (upper floors only) 	<ul style="list-style-type: none"> The exterior shall maintain its original appearance as a dwelling. No parking shall be located in front of the primary or secondary building wall. Cooking facilities are prohibited in individual guest rooms. If meals are provided, only registered guests may be served. Leasing of a common dining area for social events is prohibited. Exterior refuse storage facilities beyond what might normally be expected for a detached single-family dwelling shall be prohibited. One sign shall be allowed for identification purposes. Such sign shall be non-illuminated and un-animated, be mounted flat against the side of the principal building and not exceed four (4) square feet in area. 	<ul style="list-style-type: none"> This ordinance is set up more like a bed and breakfast operation than a short-term rental.
Houghton	7,708	<p>Owner-Occupied as it pertains to Short- Term Rentals means one or more Owner(s) of record of the dwelling unit are living in the dwelling unit, and the dwelling unit qualifies for a personal residence exemption.</p> <p>Short Term Rental (STR), or vacation rental, means any property for rent on a nightly or weekly basis for the purpose of facilitating a guest for less than 28 days.</p>		28 days	Sometimes required	<ul style="list-style-type: none"> R-1 Single-Family District, R-2 Two Family Residential, permitted by right as an owner occupied. R-3 Multiple Family District permitted by right non owner occupied. R-4, Redevelopment Ready Residential District, B-1 Local Business District, B-2 Community Business District, B-3 General Business District allows both types of short-term rentals. 	<ul style="list-style-type: none"> An Owner-Occupied Rental License must be obtained following the requirements set forth in Chapter 14-149 of City Ordinance. Parking and maximum occupancy requirements shall be adhered to. Non-Owner Occupied - A Residential Rental License must be obtained following the requirements set forth in Chapter 14-148 of City Ordinance. Parking and maximum occupancy requirements shall be adhered to. 	<ul style="list-style-type: none"> Owner occupied would be a great option in the R-1 district, where only one extra occupant is permitted. Also allowing them in the downtown C-2 District may provide a new catalyst to draw more people to our downtown.
Ludington	8,076	<p>Limited short-term rental means the rental of any premises for not more than two rental periods of up to 14 days, not to exceed 14 days total, in any calendar year.</p> <p>Short-term rental means the rental or subletting of any dwelling on a premises for a term of 28 days or less.</p>		28 days	Not required	No district listed so would be presumed	<ul style="list-style-type: none"> Only allow one within the city per owner Only permit 50 within the city done by drawing (initially) 2 licenses per block 3-year license (waiting list if not renewed) Licensed can't be transferred. Good neighbors' guidelines Violation process in ordinance 	<ul style="list-style-type: none"> If we move forward with adopting rules, we may want to look at their language for adoption. Also pages of definitions not included.
Mason	8,252	Not described	<ul style="list-style-type: none"> 6 adults per bathroom 		Not Required	Central Business District	City Parking permit per unit in onsite if parking not provided	<ul style="list-style-type: none"> Doing number by bathroom is an interesting way, it is

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			<ul style="list-style-type: none"> 2 adults per bed 					much easier to add more bedrooms than bathrooms in existing houses.
Hillsdale	8,305	<p><i>Short-term rental</i> means the rental or subletting of any dwelling for a term of 27 days or less, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental health facility, or other healthcare related clinic.</p>		27 days	Not Required	R-1, single family district by special conditions	<ul style="list-style-type: none"> Nuisance Campfires Waste receptacles Property Maintenance Contact Person 	<ul style="list-style-type: none"> Pretty basic, a lot of the miscellaneous regulations are covered currently in our rental documents.
St. Joseph	8,365	<p>Short-term rental shall mean the rental of any rental unit for a term of less than one month, but does not include the use of campgrounds, hotel rooms, transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster-care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health care related clinic. Housing units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity are not short-term rental units.</p> <p>Special event rental means a commercial temporary use which is subordinate to the residential principal use of a dwelling unit and means 1) which is not a short-term rental; and 2) in which a tenant is allowed to lease a dwelling unit or portion of a dwelling unit for a designated period of time of less than one month in return for</p>	<p>4 per bedroom</p> <p>One space per Dwelling Unit, plus one-half space per sleeping room in excess of one in each dwelling unit, rounding fractions up for each dwelling unit.</p>	1 month		<ul style="list-style-type: none"> R-3 Conditional Use Water Recreation District Conditional Use 	<ul style="list-style-type: none"> Tenant shall mean any person, other than a legal or equitable titleholder, occupying or possessing all or any part of a rental unit or lodging room. Requires floor plan. Max occupancy, off-street parking and phone number Landline phone installed. Screening of garbage with fence No sleeping in the basement 	

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		remuneration; and 3) which is authorized as a special event rental under the standards and procedures established in Chapter 8 of the Code of Ordinances.						
Tecumseh	8,521					Permitted by special use in all residential districts.		
Albion	8,616					Permitted in single and multifamily residential districts		
Grand Haven	10,412	A dwelling unit providing transient accommodations for periods of less than one month, more than three (3) times per year.		1 month		<ul style="list-style-type: none">• Dune Residential, Old Town and Southside District by special use• Waterfront by right	<ul style="list-style-type: none">• Grounds for approval: lot is conforming to current ordinance in size and structures meet setback requirements.• Not in any expanded accessory structures• Specifies specific roads with eligible property	<ul style="list-style-type: none">•The miscellaneous regulations could be a good tool to look further into in the City as a limiting factor

Grosse Pointe Farms – Ordinance not allowing written as follows:

Prohibition of Certain Short-Term Rentals. A dwelling unit in any R-1, R-1-A, R-1-AA, R-1-AAA (all single family) or RC (one family attached cluster district) one-family residential district shall not be rented or leased, or offered for rent or lease, or otherwise occupied under any written or oral occupancy agreement (other than by the owner and the owner's family), for a duration less than six (6) months. In cases of unusual practical difficulty or hardship, the owner/licensee may apply in writing to the Director of Public Service for a temporary exception to such minimum duration, stating the reason(s) for such requested temporary exception, and the Director of Public Service shall act upon such request as soon as may be practicable by issuing a written decision either granting or denying the request for a temporary exception. In the event of denial of such request for a temporary exception, the owner/licensee may appeal such denial to the City Council by submitting a written appeal to the City Clerk within thirty (30) days after issuance of the determination by the Director of Public Service, and upon such appeal the City Council shall be authorized to affirm, reverse or modify the determination of the Director of Public Service. Vacation of the dwelling unit by a tenant or occupant sooner than six (6) months after the commencement date of the rental agreement, lease or occupancy agreement, in violation of the terms of such rental agreement, lease or occupancy agreement, shall not be deemed a violation of the requirements of this subparagraph 5

**TOWNSHIP OF COURTLAND
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Courtland, held at the Township Hall, on the ____ day of _____, 2018, at 7:00 p.m.

PRESENT:

ABSENT:

The following ordinance was offered by _____ and supported by _____

ORDINANCE NO. 2018-__

AN ORDINANCE TO AMEND THE COURTLAND TOWNSHIP CODE

[Licensing of Short-Term Rentals]

THE TOWNSHIP OF COURTLAND ORDAINS:

Section 1. Short-Term Rentals Licensing. The Courtland Township Code is hereby amended by the addition of Chapter 48 thereto as follows:

**CHAPTER 48
SHORT-TERM RENTAL LICENSING ORDINANCE**

Section 48.1 Purpose and Findings.

- A. The purpose of this ordinance is to provide for licensing and regulation of short-term rentals within the Township. The ordinance is intended to allow property owners to make a small scale commercial use of residential property for rental to persons or groups, who will occupy the premises on a basis which is as similar as possible to the way in which owner occupied residences are typically occupied and used.
- B. It is recognized that certain large scale events, such as graduation open houses, weddings or parties, are occasionally held by property owners at their homes. The Township finds that for a typical owner occupied property, such events are once in a lifetime or rare events. Without restriction of such events on short-term rental units, they are likely to be used as event venues much more often than would be typical for owner-occupied properties, justifying additional restrictions on such events for short-term rental units.

Section 48.2 Definitions.

- A. “Dwelling unit” means a building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and one or more bedrooms. In this definition, “bedroom” means a separate room or space used or intended to be used for sleeping.
- B. “Habitable space” means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. In this definition, “bathroom” means a room containing a sink, and either a water closet or urinal, and either a bathtub or shower; and “toilet room” means a room containing a sink, and either a water closet or urinal, but not a bathtub or shower.
- C. “Occupant” of a space means a person living in, sleeping in, or otherwise having possession of that space.
- D. “Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- E. “Rent” means to give, or offer to give, possession or occupancy of space under a lease, license, or other agreement, whether written or unwritten.
- F. “Short-term rental unit” or “unit” means all or part of a detached single-family dwelling unit that is either rented to a person for less than 28 consecutive days, or is advertised for that kind of an occupancy. The term does not include a bed and breakfast¹ or a hotel or motel.

Section 48.3 Permit Required.

- A. No person shall rent, own, operate or advertise a short-term rental unit in Courtland Township without first obtaining a permit from the Township under this ordinance.
- B. The issuance of a permit by the Township in no way implies compliance with private covenants, condominium bylaws, homeowner association rules, easement restrictions or similar private restrictions. Enforcement and compliance with such private restrictions is not the responsibility of the Township and will not be taken into account in licensing decisions.

Section 48.4 Application and Fee Requirements. A person may apply to the Zoning Administrator for a permit for a short-term rental unit by submitting the following information to verify compliance with this chapter and all other applicable ordinances. The person must

¹ Delete references to bed and breakfast if provisions are not adopted.

consent to inspection by the Township Building Official, Fire Department and Zoning Administrator prior to the issuance of a permit, and upon reasonable notice thereafter.

- A. The name and contact information for the unit's operator.
- B. Proof of ownership of the unit.
- C. An application fee determined by resolution of the Township Board from time to time.
- D. Certification that the short-term rental unit will comply with the conditions of operation in this chapter.
- E. Certification from the Fire Department and Building Official that the unit has been inspected and complies with all applicable building codes and fire codes.
- F. The location of all fire pits, play equipment, game areas, and similar outdoor areas.
- G. A list of all advertising of the establishment.
- H. All other information that the Zoning Administrator determines is necessary to determine whether this ordinance's requirements for approval have been met.

Section 48.5 Standards for Approval. The Zoning Administrator shall approve an application for a permit only if the application contains the information required in Section 48.4 and the establishment meets or will meet the conditions in Section 48.7.

Section 48.6 Duration of Permit.

- A. A permit issued under this ordinance shall have a term of two years, and may be renewed provided one of the events listed in B below has not occurred. The renewal application shall contain the information required above and, in addition, a certification that there has not been a transfer of ownership or a discontinuation of use of the property for short-term rental.
- B. A permit issued under this ordinance automatically expires upon one or more of these events:
 - 1. The short-term rental unit is physically altered so the habitable space within the unit is increased, decreased or redistributed among living, sleeping, eating, or cooking areas without the Township's prior approval of an amendment to the permit.
 - 2. The short-term rental unit no longer meets the requirements of this ordinance, whether the failure is because the ordinance standards have been amended or otherwise.

3. Ownership of the short-term rental unit is sold or otherwise transferred, as defined in Section 2.40A of the Zoning Ordinance.
4. Qualification under Section 2.40A has expired as a result of discontinuation of use.

Section 48.7 Conditions of Approval and Operation.

- A. The unit shall have and maintain the characteristics of a single-family dwelling, including but not limited to single common kitchen facility, living areas, entrance and internal circulation. The facility shall not be constructed or adaptable for rental to two or more separate groups at the same time.
- B. The unit shall contain not more than four bedrooms if located on a property two acres in area or less, or six bedrooms if located on a larger property. Each bedroom shall comply with the requirements for ingress and egress and floor area under the building code.
- C. The total overnight sleeping occupancy of the unit shall not exceed more than two persons per bedroom.
- D. The unit shall have direct frontage on a public street or a private street which has received special land use approval from the Township. Units with access to private streets which have not been subjected to the Township's process for special land use approval shall be prohibited.
- E. Any unit located on a lot of less than one acre in area shall be connected to public sewer.
- F. The unit shall not be rented, or offered for rent, for a period of less than 72 hours, and shall not be rented to more than one person or group within a period of time extending from 12 p.m. Friday to 11:59 a.m. the following Friday.
- G. Subleasing contrary to these durational requirements is prohibited.
- H. The applicant shall designate in writing a responsible contact person (the "local agent") with authority to control the occupants of a unit, including the authority to remove them from the unit, who, when the unit is rented, shall be available 24 hours and be able to be on site within one hour after being contacted. The person may be the owner of the property, or another competent adult with like authority. The name of the contact person shall be provided to the Township and, in addition, shall be posted, facing outside and to the front, in a prominent first floor window or door of the unit stating, in 16 point type or larger, the name of the local agent, a 24 hour telephone number at which the agent can be reached, and the maximum occupancy permitted by this ordinance.
- I. A notice giving the unit's street address in 16 point type or larger shall be posted in the kitchen, next to each landline telephone and pool, and in at least one other

location that is prominent within the unit. These notices are to assist occupants in directing emergency personnel to the unit in the event of an emergency.

- J. The occupants shall have not more than three vehicles. The vehicles shall be parked only in areas with a hard, durable surface, in a customary location consistent with the neighborhood, as approved by the Zoning Administrator. Overnight guests or visitors shall not park on adjacent public or private streets; all parking shall be provided on the premises, in the areas described above.
- K. Guests may not operate motorized watercraft on any lake adjacent to the property.
- L. The operator shall register for and pay any applicable Kent County Accommodations Tax, unless paid by the entity that arranges the rentals.
- M. The unit shall not be permitted to be used for bachelor or bachelorette parties, team parties, weddings or any similar event. The number of persons on the property at any one time shall not exceed two times the maximum permitted overnight sleeping occupancy of the unit.
- N. The Zoning Administrator may direct the location or relocation of fire pits, play equipment, game areas or similar facilities so they will have minimal impact on neighboring properties.
- O. No group of more than the maximum permitted number of overnight guests may gather outdoors after 9:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday.
- P. Outdoor campfires shall be in compliance with the Township's Open Burning Ordinance. Outdoor campfires, including fires in portable fire pits, fire pit tables, chimineas and similar appliances are prohibited except from 5:00 p.m. Friday to 11:00 p.m. the immediately following Saturday.
- Q. The operator shall maintain a register with the name and address of the responsible renter and a list of all overnight guests. The list shall be maintained for not less than three years, and shall be made available to the Township and law enforcement without necessity of a warrant.
- R. The occupants and visitors to the premises shall, at all times, observe all Township ordinances including, but not limited to, the following:
 - 1. Chapter 22 – Open Burning
 - 2. Chapter 26 – Disorderly Conduct
 - 3. Chapter 27 – Animal Control
 - 4. Chapter 28 – Trash and Junk

5. Chapter 29 – Fireworks
6. Chapter 30 – Noise Ordinance

The operator shall be responsible for any violations of such ordinances committed by guests or visitors, and be subject to applicable civil infraction penalties, and such violations shall be grounds for revocation of this permit.

- S. A copy of this section of the ordinance shall be prominently posted within the unit.

Section 48.8 Verification of Advertising Compliance.

- A. The applicant and operator shall provide the Township with a list with an identification of and access to all internet, website, social media, print and any other medium of advertising used for the short-term rental unit. The content of the advertising shall be consistent with the requirements of this chapter, and shall include not less than the following information:
 1. Notification of the limitation on duration of the rentals;
 2. The maximum overnight occupancy;
 3. The prohibition against parties and the limitation on number of persons who may be on the premises at any one time.
 4. The prohibition against guests using motorized watercraft on the adjacent lake.
 5. The limitation on number of vehicles.
- B. Advertising contrary to the provisions of the license and this chapter shall constitute a violation of this chapter.

Section 48.9 Violations; Permit Revocation.

- A. Any guest or visitor to the premises who violates any of the requirements of this licensing chapter shall be responsible for a municipal civil infraction, with the exception of any ordinance for which a misdemeanor penalty is provided.
- B. The operator of the premises shall be responsible for any violation of this chapter, in addition to visitors and guests.
- C. In addition to civil infraction violations, the Zoning Administrator may determine that a permit should be revoked temporarily or permanently upon a violation of this chapter, whether the violation is committed by the owner, operator, occupant of or visitor to a short-term rental unit. Upon determination by the Zoning Administrator to revoke a permit, the Zoning Administrator shall give notice of

that determination to the unit's operator and local agent. The notice shall inform the operator and local agent of the right to a hearing before the Township Supervisor on whether the revocation should be upheld. The operator or local agent may request a hearing by giving written request to the Township Clerk within 30 days after the Zoning Administrator gives notice of its determination. If a hearing is timely requested, the Township shall schedule the hearing, and notify the operator and local agent in writing of the time and place for that hearing. At the hearing, the Township, operator and local agent may present evidence as to whether the requirements for revocation have been satisfied. At or after the hearing, the Township Supervisor shall issue a written decision whether to uphold the revocation of the permit, or modify the revocation.

- D. A person may not apply for another permit for that unit until one year after the revocation is effective, unless the revocation is made on a temporary basis.

Section 2. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provision in a local newspaper of general circulation.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Sandra Frandsen, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Courtland at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Sandra Frandsen, Township Clerk

EXAMPLE PROVIDED BY CITY ATTORNEY

ORDINANCE NO. _____

CHARTER TOWNSHIP OF FILER
MANISTEE COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF FILER CODE OF ORDINANCES BY ADDING NEW CHAPTER 35, TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF FILER AND VISITORS TO THE TOWNSHIP, BY REGULATING SHORT TERM RENTAL PROPERTIES TO PREVENT PUBLIC NUISANCES AND SAFETY HAZARDS AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE CHARTER TOWNSHIP OF FILER ORDAINS:

Section 1. Amendment to Code of Ordinances. The Charter Township of Filer Code of Ordinances (“Code”) is hereby amended by the addition of a new Chapter 35, which reads, in its entirety, as follows:

CHAPTER 35 –SHORT TERM RENTALS.

35.01 Intent

The intent of this Chapter is to secure the public health, safety and general welfare of Township residents and property owners, as well as visitors to the Township, by regulating short-term rental properties to prevent nuisances and safety hazards that interfere with Township residents’ or property owners’ rights to conduct normal, daily activities without unreasonable interference and to provide safe and healthy living arrangements for visitors who rent property on a short-term basis..

35.02 Definitions

As used in this Chapter, the following terms shall have the meanings hereinafter stated:

Bedroom means a room in a dwelling which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes.

Dwelling means a building or a portion thereof which is occupied as the home, residence or sleeping place of one or more individuals. In no case shall a travel trailer, recreational vehicle, vehicle chassis or tent be considered a dwelling.

Driveway means the route of access for vehicles from a public or private street or alley across a premises to a parking or loading area, garage, dwelling or other

structure or area on the same premises, and that is located and constructed in accordance with the requirements of this Chapter.

License means a short-term rental license issued by the Township to the owner of a premises authorized to be used as a short term rental.

Licensee means the owner(s) holding a license.

Limited short-term rental means the rental of any premises for not more than two rental periods of up to 14 days, not to exceed 14 days total, in any calendar year.

Maximum occupancy means the maximum number of allowable occupants for the premises.

Nuisance means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects an individual, or the generation of an excessive or concentrated effects from movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise from a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent premises which lacks sufficient parking and vehicle circulation facilities.

Occupant means a non-owner individual living in, sleeping in, or otherwise having possession of a premises.

Owner means a person holding legal or equitable title to the premises. An owner may designate an agent to perform duties or receive notice under this Chapter.

Person means any individual, company, partnership, corporation, limited liability company, trust or other entity having the legal capacity to own or lease real property

Premises means real property, and all fixtures and improvements, including the dwelling, located on it.

Rent or rental means to permit, provide for, or offer possession or occupancy of a premises on which the owner does not reside for a period of time to a person who is not the owner, pursuant to a written or unwritten agreement.

Short-term rental means the rental or subletting of any premises for a term of 27 days or less.

Township means the Charter Township of Filer.

35.03 Regulations

A. General Regulations: It shall be unlawful for any person to conduct a short-term rental operation without a short-term rental license issued by the Township.

B. Specific Regulations: Persons seeking to operate a short-term rental operation must be registered with and licensed by the Township prior to the commencement of any short term rental activity. All short term rental operations shall comply at all times with the requirements specified in Section 35.05.

35.04 Exemptions.

This Chapter shall not apply to the following:

A. Family occupancy. A member of the owner's family, as well as that family member's guests, may occupy a premises as long as a member of that family retains ownership of the premises. The family occupancy exemption also exempts family occupancy of guest houses or similarly separate dwellings lawfully located on the same premises, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without remuneration to the owner.

B. House sitting. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.

C. Dwelling sales. Occupancy of up to 90 days following closing by a prior owner after the sale of a premises.

D. Estate representative. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate of the owner, with or without remuneration. The estate shall notify the township of the owner's name, date of death or incapacity, and name of the person occupying the premises.

E. Inns, Bed and Breakfasts. Occupancy of a structure originally constructed for residential purposes and used as temporary lodging and meals for travelers or guests where bedrooms are rented on a nightly basis and managed by an on-site owner or resident manager, subject to the limitations outlined in this Chapter and pursuant to a valid land use or special use permit issued by the Township Zoning Administrator or Planning Commission under the Chapter 31, the Township Zoning Ordinance. Meals may or may not be included in the price of the room.

F. Commercial/Non-Profit Facilities. Licensed campgrounds, hotels and motels transitional housing operated by a non-profit entity, group homes such as

nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

G. Limited short-term rentals.

35.05 Licensing Procedure and Criteria:

A. Application:

Applicants for a short term rental license shall file an application to conduct a short-term rental operation with the Township Zoning Administrator on a form provided for that purpose. The application shall include:

1. The name, mailing address, and phone number of the owners of the premises to be licensed.
2. The name, mailing address, and phone number of the applicant if different than the owner.
3. A notarized letter of authorization from owner to applicant if applicant is different than the property owner.
4. A description of the premises proposed to be used for short term rentals, including but not limited to:
 - a. Site plan meeting the requirements of Chapter 31 (Zoning Ordinance) for site plans subject to administrative review, showing all dwellings and other structures, all driveways and parking areas, and the square footage of all principal rooms, including all bedrooms, in each dwelling
 - b. Number of bedrooms
 - c. Number of bathrooms
 - d. Number of off-street, paved parking spaces
 - e. Tax parcel ID number and legal description
 - f. Copy of currently effective well permit and septic permit, describing the size of the septic tank and drain field.

B. Inspection.

Upon receipt of a completed application, the Township will schedule an inspection of the premises with the Township Zoning Administrator. The Zoning Administrator will visit the premises and assess its fitness and safety for short term rental operations using the standards contained in this Ordinance. The owner(s) of the premises described in the application shall be the only permitted short term rental licensee, but may designate in writing to the Township a local agent for purposes of receiving notices under this Chapter and shall do so if required by Section 35.06.

35.06 Criteria and Requirements:

A premises used for short term rentals shall meet all of the following requirements in order to be licensed.

Firepits. All outdoor fire pits shall be located at least ten (10) feet from any structure and twenty (20) feet from all lot lines of the premises.

Nature of Rental. The nature of the proposed rental activity must be consistent with single-family homes in the surrounding residential neighborhood and may not include any commercial activities such as yard sales, festivals, retreats, home occupations or similar uses.

Parking. The owner must provide off-street parking on a paved or gravel driveway or parking lot, located on the premises, which is large enough to accommodate all of the occupants' vehicles, including but not limited to motor vehicles, trailers, recreational vehicles, and watercraft, and all such vehicles, trailers and watercraft shall be parked only on such driveway or parking lot. Parking spaces shall be not less than 200 square feet (10' x 20') in size.

Septic Systems. The owner must demonstrate that the septic system for the property is appropriately sized and maintained for the number of occupants proposed to be permitted in the license, according to the standards of the District #10 Health Department sanitary code.

Trash Removal. The owner must provide secure trash receptacles accessible by weekly trash removal services for occupants' use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. Commercial dumpsters are not allowed on any premises used for short term rentals.

Nuisances. The owner shall be responsible for all nuisance activity occurring on the premises licensed for short term rentals and when notified by the Township or a police agency, shall take immediate steps to abate all nuisances and nuisance conditions occurring on or about the premises. Failure of the owner to control nuisance activity by occupants shall be grounds for the termination of the short term rental license.

Maximum Occupancy. Maximum occupancy of a premises used for short term rentals shall be not more than two persons, not including pre-school children, per bedroom. In no case shall the number of persons occupying a short term rental dwelling, including all guests of the occupants, exceed ten (10) regardless of the number of bedrooms.

Exterior Notice. The owner shall post and maintain on the exterior of the premises near the main entrance, a weather-proof sign containing all of the

following information: (i) the name, address and phone number of the owner or the owner's local agent for purposes of receiving notice of complaints concerning the condition of the premises or the activities of the occupants, (ii) the maximum occupancy permitted on the premises, and (iii) the day of regular trash collection at the premises. Owners who do not reside permanently in Manistee County or otherwise within 30 miles of the premises shall designate a local person or company to act as the owner's agent for purposes of this Chapter and for receiving notice and such local agent's name and local phone number shall be displayed on the exterior notice.

35.07 Duty to Remedy Violations

The licensee and/or the licensee's local agent shall have the duty to remedy any violations of this Chapter, Chapters 40 through 42 of the Code, or Chapter 54A of the Code, by the occupants of a short-term rental and/or the guests of such occupants. For any violation of the foregoing Chapters of the Code, the Township may (in addition to other remedies) notify the licensee and/or local agent of such violation by telephone or return receipt email at the phone number and address posted on the exterior notice. The licensee and/or local agent shall be deemed to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the Township, whichever is soonest. Upon receiving notice of the violation, the owner and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice. Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a material violation of this Chapter and may subject the license to a civil infraction citation and court enforcement proceedings and the penalties under Section 35.08 of this Chapter.

35.08 Suspension and Revocation of License

- A Violation notice. If the Township Zoning Administrator has reason to believe the application material on which a license was issued contained false, incorrect, or misleading information and/or statements; that the short-term rental no longer complies with the standards for approval of a new license; and/or the short-term rental is in violation of the regulations in this Chapter, the Township Zoning Administrator may, but is not required to, prepare or cause to be prepared a written notice specifying the false, incorrect, or misleading information and/or statements in the application material or specifying the approval standards or regulations that are allegedly being violated and the factual basis for this belief.
- B Service of Notice. The written notice, along with the time, date, and place of the hearing before the Township Board, shall be served on the licensee either personally or by certified mail, restricted delivery and return receipt requested, no less than twenty-one (21) days before the hearing.

- C Violation Hearing. If such a violation notice is prepared and served, the Township Board shall hold a hearing at which time the licensee shall be given an opportunity to show cause why the license issued under this Chapter should not be suspended or revoked. At the hearing before the Township Board, the licensee shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments. The licensee may also be represented by an attorney. The Township Board's decision shall be in writing, shall specify the factual evidence upon which it is based and shall be a final decision. A copy of the Township Board's written decision shall then be provided to the licensee.
- D Subsequent Violations. After a license has been suspended, any additional violation(s) committed by the licensee and/or local agent within two (2) years of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a license, a subsequent violation shall be deemed to be a first violation. Upon a determination that the licensee has committed a total of three (3) or more violations of this Chapter within five (5) years, the Township Board may permanently revoke the license.
- E Length and Timing of Suspensions and/or Revocations. Suspensions and revocations shall generally be effective immediately, provided, however, if any portion of the suspension times falls outside the primary tourist season (May 1 through September 30), then the balance of the suspension time shall carry over to the next primary tourist season. Suspensions/revocations shall be for the following periods:
- (1) First suspension – three (3) months.
 - (2) Second suspension – six (6) months
 - (3) Revocation – permanent.
- F Existing Contracts. Existing short-term rental contracts extending up to 60 days beyond the beginning date of any suspension/revocation may be honored by the licensee with approval by the Township Board. Those existing contracts extending beyond 60 days shall not be honored by the licensee. The time period approved to honor existing contracts shall be added to the end of any suspension period.
- G Fraudulent Complaints. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this Chapter and may be found responsible for a civil infraction and penalties under Section 35.09 of this Chapter.

35.09 Violations and Penalties

- A Any person who violates any provision of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars plus the costs and attorney fees of the Township in the enforcement. In addition, this Chapter shall be specifically enforceable by order of the Court to prohibit or enjoin future activities on or about the premises in violation of this Chapter. Each day this Chapter is violated shall be considered as a separate violation.
- B The Township Zoning Administrator, any police officer having jurisdiction in the Township, and other persons as may be appointed by the Township Board are hereby designated as the authorized local officials to issue municipal civil infraction citations for violation of this Chapter.
- C A violation of this Chapter is hereby declared to be a public nuisance and a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
- D In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

35.10 New License Required Upon Transfer of Ownership

A license issued under this Ordinance shall become void upon the transfer of ownership of the premises described in the license, or upon the transfer of a controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the premises. A new license must be obtained from the Township pursuant to the requirements and regulations set forth in this Chapter before short-term rentals may be resumed on the premises.

Section 3. Severability

If any section, clause, or provision of this Chapter is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the Chapter. The Township Board hereby declares that it would have passed this Chapter and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses is declared invalid.

Section 4. Effective Date

This Ordinance shall become effective 21 days following its introduction, adoption and publication in a newspaper of general circulation within the Township.

Those voting in favor: Chycinski, Krus, Stege, Ball, Walker and Kruse.

Those voting against: None

Those absent or abstaining: Kolanowski (absent)

ORDINANCE DECLARED PASSED.

/s/ _____
Shirley Ball
Township Clerk

CERTIFICATION

I, Shirley Ball, Clerk of the Charter Township of Filer, Manistee County, Michigan, do hereby **CERTIFY** that the foregoing is a true and correct copy of the Ordinance adopted by the Township Board at a regular meeting held on the 7th day of January, 2020.

/s/ Shirley Ball _____
Township Clerk

EXAMPLE PROVIDED BY CITY ATTORNEY

**MANISTEE TOWNSHIP
MANISTEE COUNTY, MICHIGAN**

ORDINANCE NO. 2021-__

**AN ORDINANCE TO AMEND THE MANISTEE TOWNSHIP ZONING ORDINANCE TO
PERMIT AND REGULATE SHORT-TERM RENTALS AS A SPECIAL LAND USE IN
SPECIFIC DISTRICTS**

THE TOWNSHIP OF MANISTEE ORDAINS:

Section 1. Amend Section 502.

- A. Section 502 of the Manistee Township Zoning Ordinance is hereby amended by the addition of the following definitions, each to be inserted in a place that adheres to the alphabetical order of the definitions provided therein:

Maximum Occupancy: The maximum number of allowable occupants for a premises.

Occupant: An individual living in, sleeping in, or otherwise having possession of a premises.

Owner: A person holding legal or equitable title to a premises.

Person: Any individual, company, partnership, corporation, limited liability company, trust, or other entity having the legal capacity to own or lease real property.

Premises: Real property, and all fixtures and improvements, including a dwelling, located on it.

Rent or Rental: To permit, provide for, or offer possession or occupancy of a premises on which the owner does not reside for a period of time to a person who is not the owner, pursuant to a written or unwritten agreement.

Short-Term Rental: The rental or subletting of any premises for a term of 27 days or less, but does not include the uses described in Section 1651.2. of this Ordinance.

- B. Section 502 of the Manistee Township Zoning Ordinance is hereby amended by replacing the definition of “Motel” provided therein with the following:

Motel: A building or a group of buildings operated and used as a unit to furnish overnight sleeping accommodations, primarily for transient occupancy. The term “Motel” shall include tourist cabins, motor courts, motor lodges, and similar facilities, but it shall not include rooming houses, boarding houses, tourist homes, apartments, multiple dwellings, or short-

term rentals. Not more than ten (10%) percent of the units shall have kitchenettes or cooking facilities. This definition shall also include the term “Hotel.”

Section 2. Add Section 1651.

The Manistee Township Zoning Ordinance is hereby amended by the addition of new Section 1651, which shall read in its entirety as follows:

1651. Short-Term Rentals.

1. Site Requirements:

- a. Parking. The owner must provide off-street parking on a paved or gravel driveway or parking lot, located on the premises, which is large enough to accommodate all of the occupants’ vehicles, including, but not limited to, motor vehicles, trailers, recreational vehicles, and watercraft. All such vehicles, trailers, and watercraft shall be parked only on such driveway or parking lot. Parking spaces shall be no less than two hundred (200) square feet (10’ x 20’) in size.
- b. Maximum Occupancy. Maximum occupancy of a premises used for short-term rentals shall be no more than two persons, not including children under the age of five (5), per bedroom. In no case shall the number of persons occupying a short-term rental dwelling, including all guests of the occupants, exceed ten (10) regardless of the number of bedrooms.
- c. Fire pits. All outdoor fire pits shall be located at least ten (10) feet from any structure and twenty (20) feet from all lot lines of the premises.
- d. Septic Systems. The owner must demonstrate that the septic system for the premises is appropriately sized and maintained for the number of occupants that would constitute maximum occupancy of the premises under subsection 1.b. of this section.

2. Performance Standards and Conditions:

- a. Nature of Short-Term Rental Activity. The nature of short-term rental activity must not change or be offensive to the nature of the zoning district in which it is located. If located within a residential district, a short-term rental may not include any other commercial activities, such as yard sales, festivals, retreats, home occupations, or similar uses.
- b. Nuisances. The owner shall be responsible for all nuisance activity that occurs on the premises, and, when notified by the Township or

a police agency, shall take immediate steps to abate all nuisances and nuisance conditions occurring on or about the premises. Failure to control nuisance activity by occupants shall be grounds for the revocation of a Special Use Permit.

- c. Contact Person. The owner shall provide to the Zoning Administrator the name and contact information of a designated contact person who may be contacted in the event that any alleged violation related to the short-term rental is found by or reported to the Township or local law enforcement.
 - d. Duty to Remedy Violations. The owner, or the owner's designated contact person, shall have the duty to remedy any violations of a Township ordinance, including this Ordinance, the Township Noise Ordinance, and the Township Fireworks Ordinance, by the occupants of the short-term rental or their guests. The Township may notify the owner or the owner's designated contact person of any such violation by telephone or return receipt email. The owner and the owner's designated contact person shall be deemed to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the Township, whichever is soonest. Upon receiving notice of the violation, the owner or the owner's designated contact person shall ensure that the violation is remedied within two (2) hours of receipt of such notice. Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute grounds for the revocation of a Special Use Permit and a violation of this Ordinance.
 - e. Trash Removal. The owner must provide secure trash receptacles accessible by weekly trash removal services for occupants; use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. Commercial dumpsters are not allowed on any premises used for short-term rentals.
3. Exemptions: The requirements provided in this section shall not apply to, and, unless otherwise provided elsewhere in this Ordinance, a Special Use Permit shall not be required for, the following types of uses:
- a. Family Occupancy. A member of the owner's family, as well as that family member's guests, may occupy a premises as long as a member of that family retains ownership of the premises. The family occupancy exemption also exempts family occupancy of guest houses or similarly separate dwellings lawfully located on the same premises, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without remuneration to the owner.

- b. House Sitting. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.
- c. Dwelling Sales. A prior owner may occupy a premises up to ninety (90) days following closing by the prior owner after the sale of the premises.
- d. Estate Representative. A personal representative, trustee, or guardian (including family members) of the estate of an owner may occupy the owner's premises, with or without remuneration. The estate shall notify the Township of the owner's name, date of death or incapacity, and name of the person occupying the premises.
- e. Inns; Bed and Breakfasts. Occupancy of a structure originally constructed for residential purposes and used for temporary lodging and meals by travelers or guests where bedrooms are rented on a nightly basis and managed by an on-site owner or resident manager, subject to the limitations provided in this Ordinance and pursuant to a valid land use or Special Use Permit issued by the Manistee Township Zoning Administrator or Planning Commission.
- f. Commercial/Non-Profit Facilities. Licensed campgrounds, hotels and motels, transitional housing operated by a non-profit entity, group homes, such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

Section 3. Amend Section 1804.

Section 1804 of the Manistee Township Zoning Ordinance is hereby amended by the addition of the following information, to be inserted as a row in the Table of Land Uses, in a place that adheres to the alphabetical order of the uses listed therein:

NAICS	USES	W-1	BM-1	R-1	R-2	AP-1	M-1	C-1	I
721199	Short-Term Rentals			SLU	SLU		SLU	SLU	

Section 4. Amend Section 3903.

Section 3903 of the Manistee Township Zoning Ordinance is hereby amended to read, in its entirety, as follows:

3903. Special Uses Permitted.

The following special land uses shall be permitted in the M-1 District only after Planning Commission review and approval:

1. Agribusiness
2. Airports
3. Cabin Parks
4. Car Wash
5. Cemeteries
6. Convalescent Homes
7. Day Care, Group Home; Adult Foster Care Facilities
8. Facilities for the exploration and production of oil, gas, and other minerals, including, but not limited to, central production facilities, sweetening plants, bulk storage facilities, exploration facilities, and field services facilities.
9. Funnel Developments
10. Housing for the Elderly
11. Light Manufacturing
12. Manufactured Home Parks
13. Mini-Warehousing
14. Multi-Family Dwellings
15. Nursing Homes
16. Pet Cemeteries
17. Recreational Facilities, Commercial Indoor
18. Recreation Facilities, Commercial Outdoor (non-motorized)
19. Retail Convenience Stores
20. Winery
21. Wireless Communication Support Facilities
22. Family Quarters located in a building or structure that is accessory to a permitted Single-Family Dwelling.
23. Accessory buildings and uses customarily incidental to any of the above special uses.
24. Large Solar Energy System
25. Short-Term Rentals.

Section 5. Amend Section 4003.

Section 4003 of the Manistee Township Zoning Ordinance is hereby amended to read, in its entirety, as follows:

4003. Special Uses Permitted.

The following special land uses shall be permitted in the R-2 District only after Planning Commission review and approval:

1. Churches
2. Clinics
3. Clinics, Veterinarian
4. Day Care, Group Home
5. Day Care Centers
6. Funnel Developments
7. Recreation Facilities, Commercial Outdoor (non-motorized)
8. Retail Convenience Stores
9. Two-Family Dwellings
10. Family Quarters located in a building or structure that is accessory to a permitted Single-Family Dwelling.
11. Accessory buildings and uses customarily incidental to any of the above special uses.
12. Short-Term Rentals.

Section 6. Amend Section 4803.

Section 4803 of the Manistee Township Zoning Ordinance is hereby amended to read, in its entirety, as follows:

4803. Special Uses Permitted.

The following special land uses shall be permitted in the R-1 District only after Planning Commission review and approval:

1. Bed and Breakfasts
2. Churches
3. Day Care, Group Home
4. Funnel Developments
5. Recreation Facilities, Commercial Outdoor (non-motorized)
6. Two-Family Dwellings
7. Family Quarters located in a building or structure that is accessory to a permitted Single-Family Dwelling.
8. Accessory buildings and uses customarily incidental to any of the above special uses.
9. Short-Term Rentals.

Section 7. Amend Section 5303.

Section 5303 of the Manistee Township Zoning Ordinance is hereby amended to read, in its entirety, as follows:

5303. Special Uses Permitted.

The following special land uses shall be permitted in the C-1 District only after Planning Commission review and approval:

1. Adult Entertainment Uses
2. Car Wash

3. Cemeteries
4. Funeral Homes
5. Funnel Developments
6. Home/Garden Centers
7. Inns
8. Light Manufacturing
9. Mini-Warehousing
10. Motels
11. Multi-Family Dwellings
12. Nursing Homes
13. Recreational Facilities, Commercial Outdoor
14. Restaurants, Carry out, Fast Food, Drive-in
15. Shopping Centers
16. Vehicle Sales, Storage
17. Accessory buildings and uses customarily incidental to any of the above special uses.
18. Short-Term Rentals.

Section 8. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 9. Publication

This ordinance shall become effective upon the expiration of 7 days after its publication as required by law.

THOSE VOTING IN FAVOR:

THOSE VOTING AGAINST:

THOSE ABSENT OR ABSTAINING:

/s/ _____
Dianne Taylor
Manistee Township Clerk

CERTIFICATION

The undersigned Clerk of Manistee Township, hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the Manistee Township Board at a regular meeting on the ____ day of _____, 2021, at which meeting a quorum was present and which was duly noticed, called, and held in accordance with Act 267 of the Public Acts of 1976, as amended.

EXAMPLE PROVIDED BY CITY ATTORNEY

ORDINANCE NO. _____

CHARTER TOWNSHIP OF FILER
MANISTEE COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 35 OF THE CHARTER TOWNSHIP OF FILER
CODE OF ORDINANCES (SHORT TERM RENTALS) BY MAKING SHORT TERM
RENTAL LICENSES RENEWABLE ANNUALLY, BY MAKING CERTAIN
INFORMATION ABOUT LICENSED PROPERTIES MORE READILY VISIBLE TO
OTHERS, AND BY REQUIRING ADDITIONAL INFORMATION TO BE SUPPLIED WITH
A LICENSE APPLICATION; TO SECURE THE PUBLIC HEALTH, SAFETY AND
GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE
CHARTER TOWNSHIP OF FILER AND VISITORS TO THE TOWNSHIP, TO PREVENT
PUBLIC NUISANCES AND SAFETY HAZARDS AND TO REPEAL ALL ORDINANCES
IN CONFLICT HEREWITH

THE CHARTER TOWNSHIP OF FILER ORDAINS:

Section 1. Amend Chapter 35, Section 35.03. The Charter Township of Filer Code of Ordinances (“Code”) is hereby amended by amending Chapter 35, Section 35.03 to read, in its entirety, as follows:

35.03 Regulations

A. General Regulations: It shall be unlawful for any person to conduct a short-term rental operation without an annual short-term rental license issued by the Township.

B. Specific Regulations: Persons seeking to operate a short-term rental operation must be registered with and licensed by the Township prior to the commencement of any short term rental activity. All short term rental operations shall comply at all times with the requirements specified in Section 35.05.

Section 2. Amend Chapter 35, Section 35.05. The Code is hereby amended by amending Chapter 35, Section 35.05 to read, in its entirety, as follows:

35.05 Licensing Procedure and Criteria:

A. Application:

Applicants for a short term rental license shall file an application to conduct a short-term rental operation with the Township Zoning Administrator on a form provided for that purpose. The application shall include:

1. The name, mailing address, and phone number of the owners of the premises to be licensed.
2. The name, mailing address, and phone number of the applicant if different than the owner.
3. A notarized letter of authorization from owner to applicant if applicant is different than the property owner.
4. The name, mailing address and phone number of the owner's local agent whose name and contact information will be provided on the exterior notices required by this Chapter.
5. A description of the premises proposed to be used for short term rentals, including but not limited to:
 - a. Site plan meeting the requirements of Chapter 31 (Zoning Ordinance) for site plans subject to administrative review, showing all dwellings and other structures, all driveways and parking areas, and the square footage of all principal rooms, including all bedrooms, in each dwelling
 - b. Number of bedrooms
 - c. Number of bathrooms
 - d. Number of off-street, paved parking spaces
 - e. Tax parcel ID number and legal description
 - f. Copy of currently effective well permit and septic permit, describing the size of the septic tank and drain field.
 - g. The period(s) during each calendar year that the premises will be offered for short term rental.

B. Inspection.

Upon receipt of a completed application, the Township will schedule an inspection of the premises with the Township Zoning Administrator. The Zoning Administrator will visit the premises and assess its fitness and safety for short term rental operations using the standards contained in this Ordinance. The owner(s) of the premises described in the application shall be the only permitted short term rental licensee, but may designate in writing to the Township a local agent for purposes of receiving notices under this Chapter and shall do so if required by Section 35.06.

C. Renewals.

Short term rental licenses are valid for one (1) calendar year and may be renewed annually upon payment of a fee to be set by the Township Board. At the time of renewal, the applicant shall confirm that the information contained in the original short term rental application remains accurate or update the application in writing with current information. Licenses currently under suspension may not be renewed during the pendency of the suspension.

Section 3. Amend Chapter 35, Section 35.06. The Code is hereby amended by amending Chapter 35, Section 35.05 to read, in its entirety, as follows:

35.06 Criteria and Requirements:

A premises used for short term rentals shall meet all of the following requirements in order to be licensed.

Firepits. All outdoor fire pits shall be located at least ten (10) feet from any structure and twenty (20) feet from all lot lines of the premises.

Nature of Rental. The nature of the proposed rental activity must be consistent with single-family homes in the surrounding residential neighborhood and may not include any commercial activities such as yard sales, festivals, retreats, home occupations or similar uses.

Parking. The owner must provide off-street parking on a paved or gravel driveway or parking lot, located on the premises, which is large enough to accommodate all of the occupants' vehicles, including but not limited to motor vehicles, trailers, recreational vehicles, and watercraft, and all such vehicles, trailers and watercraft shall be parked only on such driveway or parking lot. Parking spaces shall be not less than 200 square feet (10' x 20') in size.

Septic Systems. The owner must demonstrate that the septic system for the property is appropriately sized and maintained for the number of occupants proposed to be permitted in the license, according to the standards of the District #10 Health Department sanitary code.

Trash Removal. The owner must provide secure trash receptacles accessible by weekly trash removal services for occupants' use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. Commercial dumpsters are not allowed on any premises used for short term rentals.

Nuisances. The owner shall be responsible for all nuisance activity occurring on the premises licensed for short term rentals and when notified by the Township or a police agency, shall take immediate steps to abate all nuisances and nuisance conditions occurring on or about the premises. Failure of the owner to control nuisance activity by occupants shall be grounds for the termination of the short term rental license.

Maximum Occupancy. Maximum occupancy of a premises used for short term rentals shall be not more than two persons, not including pre-school children, per bedroom. In no case shall the number of persons occupying a short term rental dwelling, including all guests of the occupants, exceed ten (10) regardless of the number of bedrooms.

Exterior Notice. The owner shall post and maintain at all times on the exterior of the premises near the main entrance and in the front yard of the premises (or rear yard in the case of lakefront parcels) so that the information on the notice is legibly visible from the street, weather-proof signs containing all of the following information: (i) the name, address and phone number of the owner or the owner's local agent for purposes of receiving

notice of complaints concerning the condition of the premises or the activities of the occupants, (ii) the maximum occupancy permitted on the premises, and (iii) the day of regular trash collection at the premises. Owners who do not reside permanently in Manistee County or otherwise within 30 miles of the premises shall designate a local person or company to act as the owner's agent for purposes of this Chapter and for receiving notice and such local agent's name and local phone number shall be displayed on the exterior notice.

Section 4. Severability. If any section, clause, or provision of this Chapter is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the Chapter. The Township Board hereby declares that it would have passed this Chapter and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses is declared invalid.

Section 5. Effective Date. This Ordinance shall become effective following its introduction, adoption and publication in a newspaper of general circulation within the Township as required by law.

THOSE VOTING IN FAVOR:

THOSE VOTING AGAINST:

THOSE ABSENT OR ABSTAINING:

ORDINANCE DECLARED PASSED.

Shirley Ball
Township Clerk

CERTIFICATION

I, Shirley Ball, Clerk of the Charter Township of Filer, Manistee County, Michigan, do hereby CERTIFY that the foregoing is a true and correct copy of the Ordinance adopted by the Township Board at a regular meeting held on the ___ day of _____, 202__.

Shirley Ball
Township Clerk

REPORT TO THE PLANNING COMMISSION

TO: Planning Commission
FROM: Michelle Stenger, Community Development Director
SUBJECT: Manufactured Homes
DATE: March 15, 2023

Background

There has been discussion recently about manufactured homes within the City of Big Rapids and the quality of the housing that is provided by bringing in used manufactured homes. After discussion with the attorney on how to best address the concerns, Brad has drafted some changes to the ordinance. These ordinance changes should help the City of Big Rapids to ensure that all members of the community are given equal opportunities to quality housing now and in the future.

At this meeting we will only be discussing the ordinances, answering questions, and making changes as needed. Formal adoption of the ordinance and a public hearing will take place at the next meeting.



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John M. DeVries
Michael C. Haines
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Fredric N. Goldberg
John H. Gretzinger
Douglas A. Donnell⁴

William A. Horn⁵
Mark A. Van Allsburg

Also Admitted in

¹ Delaware
² Illinois
³ New York
⁴ Ohio
⁵ Wisconsin

March 3, 2023

Ms. Michelle Stenger
Community Development Director
City of Big Rapids
226 N. Michigan Ave.
Big Rapids, MI 49307

Re: Zoning Ordinance Amendment for Mobile Home Construction

Dear Michelle:

This letter is to follow up on our discussion regarding amendments to Section 4.1:25 of the City's Zoning Ordinance regarding standards for single-family homes, including manufactured homes outside of mobile home parks. As requested, I enclose a draft ordinance amending Section 4.1:25.

The ordinance amends Section 4.1:25 to provide that manufactured homes that are outside mobile home parks must either be new and certified that they meet HUD standards for construction or used, certified, and found on inspection by the Building Inspector or his or her designee to be in excellent condition and safe and fit for residential occupancy. The requirement that each dwelling be attached to a permanent foundation was clarified to provide that the permanent foundation must have a wall with the same perimeter as the dwelling unit and be constructed of the same materials as required for single-family dwellings. In addition, that subsection provides that the foundation must fully enclose the chassis, undercarriage and towing mechanism, and the next subsection requires a mobile home to be installed with the wheels removed. On your request, I added a provision requiring the front door of dwellings to be facing the street, but for manufactured homes it specifically requires the wide side to face the street, in case the front door is not on the wide side of a mobile home.

The draft ordinance is an amendment to the Zoning Ordinance, and therefore requires a duly noticed public hearing before the Planning Commission before the Planning Commission can

Ms. Michelle Stenger
March 3, 2023
Page 2

make a report and recommendation to the City Commission. If you have any questions concerning the enclosed ordinance, please contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Bradley A. Fowler". The signature is written in a cursive, flowing style.

Bradley A. Fowler

Enclosure

Sent by e-mail

cc: Emily Szymanski, Planning and Zoning Technician (by e-mail)
Mark Gifford, City Manager (by e-mail)

DRAFT - INCLUDED AS A REFERENCE

ORDINANCE NO.

Commissioner _____ moved, support by Commissioner _____, the adoption of the following Ordinance.

**AN ORDINANCE AMENDING SECTION 4.1:25 OF ARTICLE 4
OF THE BIG RAPIDS ZONING ORDINANCE**

THE CITY OF BIG RAPIDS ORDAINS:

Section 1. Section 4.1:25 of the Big Rapids Zoning Ordinance is hereby amended to read in its entirety as follows:

4.1:25 Single Family Dwellings

Single family dwellings in the City of Big Rapids, included manufactured housing not located in a mobile home park shall be erected or constructed only if in compliance with the following residential design standards:

- (1) If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or an appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or used and certified by the manufacturer and/or an appropriate inspection agency as meeting the standards referenced above and found on inspection by the Building Inspector or his or her designee to be in excellent condition and safe and fit for residential occupancy.
- (2) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- (3) It has a minimum width across any section of twenty-four (24) feet and complies in all respects with the City Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are less stringent than those imposed by the City Building Code, then the less stringent federal or state standard or regulation shall apply.
- (4) It is firmly attached to a permanent and continuous foundation, constructed on the building site. The foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the City Building Code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and

towing mechanism. The foundation also meet all applicable building codes and other state and federal regulations.

- (5) If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- (6) If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device that complies with the rules and regulations of the Michigan Mobile Home Commission, as amended, or any successor agency having regulatory authority for manufactured homes.
- (7) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- (8) The dwelling contains storage area either in the basement under the dwelling, in an attic area, in closet areas or a separate structure being standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15) percent of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) sq. ft. of storage area be required by this provision.
- (9) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being either the rear or side of the dwelling; contains permanently attached steps connected to said exterior areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; where said area is not so developed, by the character of residential development outside of mobile home parks throughout the City.

The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- (10) The dwellings shall front on a public or private street. For the purposes of this subsection "front" means that the dwelling is constructed so that the front door faces a public or private street. If the dwelling is a manufactured home, the dwelling must be installed or constructed so that the wide side of the home is facing the public or private street.
- (11) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
- (12) The dwelling complies with all pertinent building and fire codes.
- (13) The foregoing standards shall not apply to a manufactured home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the Ordinance of the City pertaining to such parks.

Section 2. **Publication; Effective Date.** This ordinance shall become effective 7 days after publication or 7 days after the publication of a summary of its provisions in the Pioneer, which is a local newspaper of general circulation in the City.

YEAS: _____

NAYS: _____

The Mayor declared the ordinance: _____.

Date:

Published: