

CASCO TOWNSHIP PLANNING COMMISSION
RENTAL WORKSHOP
April 12, 2017
6 PM – 9 PM

Members Present: Chairperson Dian Liepe, Dan Fleming, Greg Knisley and Dave Hughes

Absent: Judy Graff

Staff Present: Janet Chambers, Recording Secretary

Also Present: Allan Overhiser, Paul Macyauski, Cheri Brenner and Lynee Wells, Planner and approximately 15 interested citizens. Sign-in sheet (Attachment #1)

1. **Call to order and review of agenda:** Chairman Liepe called the meeting to order at 7:07 PM. There were no changes to the agenda.
2. **Opening comments by PC members:** Fleming made a statement concerning "What is Zoning". (Attachment #2)
3. **Approval of minutes 2/22/2017 (Workshop Meeting);** A motion by Fleming, supported by Knisley to approve minutes of 2/22/17 as written. All in favor MSC
4. **Approval of minutes 3/15/2017 (Workshop Meeting):** Motion by Fleming, supported by Hughes to approve minutes of 3/15/17 as written. All in favor. MSC
5. **Inclusion of Janet's notes from 3/29/2017 no quorum in this meetings minutes:** A motion by Fleming, supported by Knisley to attach notes of 3/29/17 meeting as an attachment to this meeting minutes. (Attachment #3)
6. **Report from Citizen Advisory committee (Mary Campbell):** Campbell gave an update from The Citizens Advisory group. Officer Kurt Katje met with the group. Officer Katje gave a report about the types of complaints he has received concerning rentals and took questions.

The committee has worked on a draft of the "Casco Township Short-Term Rental Registration 2017". It will be for voluntary registration for the 2017 vacation rental season (Attachment #4).

Campbell also discussed the "Good Neighbor Policy for Short-Term Rentals that rental owners can post in the rental units (Attachment #5).

Campbell said after the rules have been in place for a while, they may find priorities change. Officer Katje will update the township to see how it is going.

John Barkley, also from the advisory group, said he is putting together a spreadsheet with rental information which could be the property of the PC or the Board, or could be put online.

7. **Report from Planner:** Lynee Wells went through the best practices "Short-Term Rental Comparison Matrix" (Attachment #6). Wells will do further research on any questions the PC has.

Hughes asked if any of the ordinances have been revised or if they were successful. Of the townships listed, the longest existing rental ordinance was in place in 2013. She did not have information on how successful that ordinance has been.

Fleming questioned how enforcement was going for the townships. Wells did not have that information.

Knisley asked how to distinguish between owner family use and guests with no money transactions. There could be times after a home sale that people rent for a period of time. He also questioned if campfires need to be addressed. Some of the best practice ordinances address campfires and some do not. Smoke could be bothersome also.

Wells said smoke could be a potential health issue. This type of thing could be incorporated in the good neighbor bullet points.

Fleming suggested looking at what the zoning is now, as if there were never rules against renting, and bounce definitions starting from ground zero to figure out what the PC is trying to fix, then determine a definition.

8. Discuss and develop common terminology and definitions:

A. Develop list of terms: Some suggested terms Long-Term Rentals, Short-Term Rentals, Residential renting, home stay, non-renter, owner, contact, etc.

Chairman Liepe asked commissioners to brainstorm words they would like to see defined. Liepe said it would be a starting point and would not have to be the final definitions. The following list was made:

- Short-Term
- Home Stay
- Owner
- Non-renter
- Contact
- Occupants(s)
- Dwelling
- Full-time Resident
- Duration
- Guests
- Renter/Rental
- Vacation Rental
- Resident Occupancy
- Full Time Resident
- Non-Renter
- Contact Person
- Managing Agency or Agent
- Single family detached dwelling
- Limited short-term rental
- Capacity of renters in dwelling

B. Develop definitions of terms

Long-Term Rental- 28 days or longer

The following items were discussed about when determining a definition

- Where a person establishes a home
- Family or single person
- Related or unrelated people
- Minimum number of consecutive days
- Contractors working in area

Limited Short-Term – not determined

Following items discussed:

- 14 days or less in a calendar year.
- All districts or some
- Maybe not med. density or multi family
- Unregulated
- Allows for people to rent without going through all the hoops & fees
- The 14 days could be split into 2 different rental periods
- Should there be contact information required

Short-Term Rental – anything less than 28 days

Chairman Liepe said that this could be changed later.

The following was considered in developing the definition

- Liepe suggested 4-day minimum as a starting point
- Could leave weekends and short less than 4 days to hotels & B&Bs
- Disruption of people moving in and out with shorter stays
- What Zoning Districts might be allowed in
- Whether limited to single family dwelling
- May change when planner brings back
- Should it be limited to single family homes

Home Stay – May just stay with B&B

The following considerations were discussed

- How does it differ from B&B

General discussion ensued about:

- House sitting
- Real Estate Sales
- Duplex – whether to allow in multi family
- Duplex – owner on one side
- Students renting a room
- Air B&B
- Definition of bedroom (not a closet)
- Age of children – How to enforce was questioned. If this cannot be enforced, how does any of it get enforce

Owner – person that owns property

Contact person – owner or designate of owner The following discussed:

- Agent needs definition

Capacity – number of occupants

Topics to consider:

- Number of bedrooms
- Too many, more noise
- Safety problems
- Fire
- How to enforce

Occupants – An individual living in, sleeping in, or otherwise having possession of a space

- Maximum with safe margin

- So many per bedroom
- Could be a guest
- Should children count
- Numbers matter. Could be determined by number of bedrooms, sleeping quarters, parking spots, etc
- How to enforce – if not enforced, how does any of it get enforced. • Related family, unrelated

The following were removed from the list or combined with others: **Non-renter, full-time resident, duration and guest.**

9. Discussion of subsequent workshop dates & Yearly calendar: April 26th was removed from the calendar. May 3rd is the next regular PC meeting at 7:00 (Planner will not attend). May 10th will be a rental workshop at 6:00 (Planner will attend). Wells will write up definitions as discussed and commissioners will review, change, dissect, etc. Wells suggested the matrix could be filled out during the meeting that she will not attend, or commissioners could each fill out individually and turn in to her and discuss how to regulate it. May 24th at 6:00 PM will be added to the calendar, and Wells will hold that day open. If that date is no longer necessary, it could be cancelled.

10. Public Comment: Public comment limited to 2 minutes.

John Barkley: Thanked the Chairperson for her leadership and asked that permitting (or permission process) was confusing. Does it come from the Master Plan? He suggested Wells be asked to have a better understanding of the MP. He suggested the commission discuss “commercial”. It is a broad term and it would be good to discuss what it is and what it is not. He asked what the permitting process is. Is this permitted in the MP. There needs to be a light shined on it and be aware. He said it would be a good challenge for Wells to see how Short-Term Rentals fit in with the Master Plan.

Kathy Watt asked if we are talking about commercial, what is residential and rights of residents. She has an issue with capacity. There is a house 30 ft. away from her house and capacity is important. Weekenders are a problem. She likes the 4-day minimum better than no minimum.

Chris Barczyk said he had reviewed the history of zoning and how we live. There has been renting in Casco for a century and a half. Renting was not an issue because it was different then. Electrical issues were discussed, not renting, because it was not an issue. There was accountability in the resorts. There were no nuisances when there was accountability. Now we can't address garbage cans. How can we address even more?

As renting changed, and because communities could not get zoning to address the issues, they began self-governing. Because of changes in renting, many of them, like Highfield and Boardwalk, made association laws to address it themselves. They don't have short-term rentals because of the problems they were having. The renters could do almost anything they want because there was no way to enforce rules. It became unfair to residents. Someone who pays dues has burdens imposed on them that renters don't. Based on current zoning Barczyk said he is restricted not to have multi family. Yet renters come in and exceed that capacity. Beverly has a 3-month minimum on rentals. Windcliff has a 1 year minimum, Sunset Shores had 0 days rental and is challenged in court. Mt Pleasant has 4 rentals max per calendar year, a one week min. Highfield Beach has a 4-month minimum, Miami park 0 days with a deed restriction challenge. Boardwalk has a 3-month minimum and Glen Shores 0 days with deed restriction challenge.

Barczyk provided statistics of lots, homes and rentals in Casco's lakeshore communities (Attachment #7). The number of current advertised STRs is 37 compared to 5 a decade ago. There are 716 total units, 379 homes with 337 empty parcels with potential of greatly increasing the number of rentals.

As far as a definition for LTRs, there is a commercial tax on rentals, the definition in the tax codes could be used.

11. Closing Comments from Commissioners and Adjournment

Fleming said the way he sees it the MP never talked about renting. He said there were never any actions against it. There were complaints about the behaviors, not specifically the activity of renting.

Daron Massey said post September when judge made his ruling people took their listings down. He stated that not everyone chooses to live behind a gate.

Discussion ensued about the number of rentals provided by Ellingsen.

Chairman Liepe asked Wells to point out conflicts in the ordinance as she works on what she has so far.

Wells stated
the definition for commercial may need to be
modified.

Barczyk suggested looking at the Low Density Definition.

Doug Dickerson suggested getting a definition for use of property and definition of commercial.

A motion by Fleming, seconded by Knisley to adjourn. All in favor. Meeting adjourned at 8.35 PM.

Minutes prepared by Janet Chambers, Recording Secretary

Next meetings – Regular Meeting, May 3, 2017 @ 7 PM
Rental Workshop, May 10, 2017 @ 6 PM

Attachment #1 – Sign-in Sheet

Attachment #2 – Fleming statement about zoning

Attachment #3 – Notes from 3/29/17 meeting

Attachment #4 – Draft of voluntary registration by Advisory Group

Attachment #5 – Good neighbor policy by Advisory Group

Attachment #6 – Best Practices comparison matrix

Attachment #7 – Barczyk's chart of lakeshore communities restrictions and statistics on rentals

Attachment #1

Rental Workshop

Date April 12, 2017 Planning Commission Meeting - Please sign in

Name	Address
Bill Garrity	1188 Cherry Dr
John Barkley	646 Waters Edge
Nancy + Don Duke	7170 Orchard Lake Dr.
Valerie Baas	7220 Beach
Chris Barczyk	
Kirstin Barczyk	
Ron Seiker	567-71st St
Susan Cooper	2688 Shoreway Byron Lenox
Kelly Wood	7808 Atlantic Ave S. S. 1st
Bill Wood	
John Nickerson	7266 P. PLIFIL

Attachment #2

Logic and Presuppositions

It is possible for two people to think logically to different conclusions. This is because they are operating from different presuppositions.

Zoning is very logical...if you accept that presupposition that "someone else owns my property," or to see it from the perspective of the Planning Commission that "we own everybody else's property."

This book, "The Township Guide to Planning and Zoning," like all zoning documents, presupposes that "government" owns the land.

"The ability to plan for the future use of land, and to adopt regulations to implement that planning is one of the most valuable a township government possesses." (pg. ix)

"Even today, attitudes like "I can do what I want with my property" and "My home is my castle" are still prevalent in some areas." (pg. 4)

"Building a community is like completing a jigsaw puzzle, with each decision regarding land use like placing a piece of the puzzle. The master plan can be thought of as the reference picture on top of the box, which shows the puzzle's final form: the township's vision of its future." (pg. 91)

Our Constitution, presupposes that the citizens own the land.

"...nor shall private property be taken for public use without just compensation."

- Amendment V, U.S. Constitution

On the
other
hand

CASCO TOWNSHIP PLANNING COMMISSION
RENTAL WORKSHOP
March 29, 2017
6 PM – 9 PM

Members Present: Vice Chair Dian Liepe, Greg Knisley, and Judy Graff

Staff Present: Janet Chambers Recording Secretary

Absent: Dave Hughes and Dan Fleming

Also Present: Lynee Wells, Planner, Supervisor Allan Overhiser, Clerk Cheri Brenner and Trustee Paul Macyauski, and 15+ interested citizens (attachment)

The meeting was called to order at 6:00 PM by Vice Chair Dian Liepe. Because of absence of a quorum, there will be no discussion of STRs by commissioners, and no public comment taken. Rental discussion may continue at the next regular Planning Commission meeting on April 5, 2017 if there is time.

Lynee Wells, Planner, made and brought four maps. The Casco map is divided into 4 quarters, three along Lakeshore and one of the balance of the township. She brought markers and pins to mark rentals and determine where they are located. She also made a spreadsheet to coordinate with the maps. The spreadsheet will include parcel number, type of rental, B&Bs (or Homestay) etc.

Wells introduced her colleague Nathan Mehmed who came with her to observe.

Wells also presented commissioners with best practice examples of ordinances, charting out comparisons. They included Spring Lake, Traverse City, Saugatuck and Hayes.

Wells spoke with Atty. Bultje and asked about a Regulatory Ordinance vs Zoning Ordinance. She learned from Bultje anything involving Zoning must go through the Planning Commission. Behavior could be covered through a Regulatory Ordinance, either by the Board of Trustees or the Planning Commission.

Wells informed Bultje that Graff would be the contact commissioner between Bultje and the Planning Commission for matters concerning the rental ordinance.

Minutes Prepared by Janet Chambers

Next Meeting: Wednesday, April 5, 2017, 7:00 PM, Regular Meeting

Attachment: Sign-in sheet

Updated

Attachment #4

CASCO TOWNSHIP SHORT-TERM RENTAL REGISTRATION 2017
7104 107th Avenue, South Haven, MI 49090 Phone – 269-637-4441; Fax – 269-639-1991

Information in these four fields will be available publicly:

Applicant Name: _____
Rental Site Address: _____ City/State/Zip: _____
Parcel #: _____

Information BELOW is Only available to Casco Township & Allegan County Sheriff:

Property Owner Name, if different from applicant: _____
Property Owner Address: _____
City/State/Zip: _____
Phone Number for Emergency Contact: (work) _____ (other) _____
E-mail Address: _____

A contact person/agent should be provided if the owner is not able to be physically present at the dwelling within an hour:

Agent Name (if other than the owner): _____
Agent Address: _____
Agent City/State/Zip: _____
Agent's Contact Numbers: (1) _____ (2) _____

OPTIONAL INFORMATION FOR THE CASCO PLANNING COMMISSION

Number of expected rental days per year: _____
Advertised Maximum Capacity: _____
Advertised Minimum Stay: _____
Average rental stay: _____
Number of Bedrooms: _____
Number of Bathrooms: _____
Number of Off-Road Parking Spaces (excluding front yard): _____

- Do you have liability coverage for your rental property? Y N
- Is your property advertised? Y N
- Do you have a fire extinguisher on the property? Y N
- Do you have smoke detectors in every bedroom? Y N
- Will you post local ordinances and neighborhood norms in your home?(Good Neighbor Policy) Y N
- Do paying guests have access to a low-speed vehicle? Y N
- Do you want your contact phone number publicly available? Y N

Call 911 for ALL urgent issues.

Other violations should be reported to the Casco Township Deputy Clerk at (260)637-4441 or an e-mail to deputyclerk@cascotownship.org.

NOISE – (Casco Township Local Ordinance 5/2017)

- Quiet hours from 10 pm to 7 am.
- Acceptable noise level is conversational level sound
- Quiet times include swimming pools and beach property

FIREWORKS – (State of Michigan MCL 256)

- Fireworks are restricted to national holidays and the day before and after the holiday
- Fireworks on the day before and after the holiday are not allowed from 11 p.m. to 8 a.m.

FIRES (Permit Required)

- Beach and Bonfires require a permit – Call (269)639-3973 for a 1 day permit
- Fires must be attended at all times

PARKING (Casco Zoning 3.24d)

- Park in designated spots on the property
- Parking on any portion of the road surface is not allowed (Casco Zoning 3.24d)

PETS (Prohibited by some hosts)

- Pets must be on leash or in an enclosed area on your property (MCL 287.262)
- Barking dogs are a violation of the noise ordinance (Casco Noise Ordinance May 2017)

VEHICLES (Various State laws & Casco Ordinance)

- ATVs are only allowed on a private beach (The Handbook of Michigan Off-road Vehicle Laws)
- Golf carts are not allowed on county roads in Casco (MCL 257.627a)
- “Low-speed” vehicles require tags and insurance (MCL 257)
- Minors cannot drive “low-speed” vehicles or golf carts (MCL 257.301)
- Motor homes/recreational vehicles are prohibited for paying guests (Casco Zoning 3.17a.4)

COURTEOUS AND COMMON SENSE REQUESTS (non-legislated)

- Pick-up after your dogs on walks
- Stay of the bluff to protect the environment
- All swimmers should wear life vests

TRASH

- Place all trash in covered containers with closed lids by 8 a.m. on day of pick-up
- Trash placed at end of the drive in time for pick-up
- Trash cans moved back from the street by the end of the day of trash pick-up

Attachment 6

Short-Term Rental Comparison Matrix

March 30, 2017

Regulation Detail		Community	
Adoption Date or Effective Date*	Spring Lake Township	Traverse City	Saugatuck Township
February 6, 2017*	February 5, 2016*	February 5, 2016*	2013
Short-Term Rentals Regulation Ordinance	Tourist Home Ordinance, Zoning Ordinance	Single- and Two-Family Rental Dwellings, Property Registration and Safety	Short Term Rental Ordinance
Definitions Associated with Regulation	Bedroom: means a room which is intended, arranged, and designed to be occupied by one or more persons primarily for sleeping purposes. Dwelling: 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 separate bedrooms for sleeping. License: Short term rental license. Limited Short-Term Rental: The Rental of any Dwelling for any one or two Rental periods of up to 14 days, not to exceed 14 days total in a calendar year. Maximum Occupancy: The maximum number of allowable Occupants for the Dwelling, as established by section 6-105(K). Occupant: An individual living in, sleeping in, or otherwise having possession of a space.	Tourist Home: A single-family dwelling owned and occupied by a person renting out not more than 3 rooms for compensation to persons who do not stay for more than 7 consecutive days. (Similar to a traditional bed and breakfast) Designated Agent: an individual designated to perform obligations under this article and to serve as contact person for the township for issues relating to a rental property. The designated agent must live or maintain a physical place of business within 45 miles of the rental unit. Dwelling, Single-Family: a detached building or structure, including a mobile home, containing one dwelling unit, designed for the use and occupancy of one family only and containing housekeeping facilities. Dwelling, Two-Family (Duplex): a detached building or structure containing two dwelling units, designed for the use and occupancy of one family in each unit with each unit containing housekeeping facilities. Dwelling Unit: One or more rooms designed for use or occupancy by one family for living and sleeping purposes with housekeeping facilities. Maximum Occupancy Load: The maximum number of allowable occupants for a rental property, as established in subsection 8-107(d).	Bedroom: A separate room or space with a door, a closet and a window, used or intended to be used specifically for sleeping purposes. Dwelling Unit: 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 a separate bedroom(s) for sleeping. Habitable Space: Space in a structure for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. Occupancy: the purpose for which a dwelling unit or portion thereof is utilized or occupied. Occupant: Any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit. Operator or Owner: Any person who owns or has charge, care or control of a dwelling unit which is offered for rent.

Regulation Detail	Spring Lake Township	Traverse City	Saugatuck Township	Hayes Township, Charlevoix County
	<p>Owner: A person holding legal or equitable title to the Premises. An Owner may designate an agent to perform duties or receive notice under this article.</p> <p>Premises: The property, including any land and the improvements on it, such as a building or other designated structure.</p> <p>Rent or Rental: To permit, provide for, or offer possession or occupancy of a Dwelling in which the Owner does not reside for a period of time to a person who is not the legal Owner of record, pursuant to a written or unwritten agreement.</p> <p>Short-Term Rental: The Rental or subletting of any Dwelling for a term of 27 days or less, but the definition does not include the use of campgrounds, hotel rooms, 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.</p>		<p>Occupant: Any individual or other person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entirety, in common, or as a land contract vendee or title to a mobile home or house trailer.</p> <p>Premises: The land and the improvements on it, such as a building, store, shop, apartment, or other designated structure.</p> <p>Property: Land, firmly attached structures and integrated equipment (such as light fixtures or a well pump), and anything growing on the land.</p> <p>Rental Dwelling: any dwelling, including a single-family home, two-family home, or mobile home, containing a rental unit.</p> <p>Rental Property: Generally and collectively to all types of rental dwellings and units</p> <p>Rental Unit: A particular living quarters within a dwelling intended for occupancy by a person other than the owner and the family of the owner, including mobile homes, single-family homes, apartments, hotel/motel units, and rooming units.</p>	<p>Person: An individual, firm, corporation, association, partnership, limited liability company, or other legal entity.</p> <p>Rent or Rental: to permit, provide for, or offer possession or occupancy of a dwelling unit in which the owner does not reside for a period of less than thirty (30) days to a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license.</p> <p>Short-Term Rental: any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.</p> <p>Tenant: a person who is not the legal owner of record and who is occupying a dwelling unit pursuant to a written or unwritten rental lease, agreement or license.</p>

Regulation Detail	Spring Lake Township	Traverse City	Saugatuck Township	Hayes Township, Charlevoix County
			<p>Short-Term Rental: The rental of any rental unit for a term of less than 28 days, but does not include the use of campgrounds, hotel rooms, 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.</p> <p>Violation Notice: A writ issued by the township zoning administrator, advising an owner, or his agent, of a violation of this article. Violation notices shall list all infractions and corrective measures necessary to comply with this article and a period within which corrections must be completed.</p>	
License or Permit Required?	Yes; Sec. 6-103 registration and license required, renewal every three years.	Tourist Homes: Yes, annual; Vacation Home Rental: No	Yes; Sec. 8-105 registration and permitting required.	Yes, application and license required.
Exceptions	<p>Family Occupancy: Any member of a family, as well as that family member's guests, may occupy a Dwelling as long as that family member's family owns the Dwelling. Family occupancy also exempts guest houses or similarly separate Dwellings legally located on the same Premises as the Owner's domicile, when occupied by family guests, exchange students, 3 visitors, medical caregivers, and child caregivers, without remuneration to the Owner.</p> <p>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.</p>	Does not specify.	<p>Family Occupancy: Any member of a family (and that family member's guests) may occupy a dwelling as long as any other member of that family is the owner of the dwelling or dwelling unit. Family occupancy also exempts guest houses or similarly separate dwelling units located on the same premises as the owner's domicile, when occupied by family guests, exchange students, visiting clergy, medical caregivers, and child care givers, without remuneration to the owner.</p> <p>House-Sitting: During the temporary absence of the owner and owner's family the owner may permit non-owner occupancy of the premises, without remuneration, without a rental dwelling property registration.</p>	Does not specify.

Regulation Detail	Community			
	Spring Lake Township	Traverse City	Saugatuck Township	Hayes Township, Charlevoix County
<p>Use Provisions and Performance Standards</p>	<p>Dwelling Sales: Occupancy of up to 90 days by a prior Owner after the sale of a Dwelling under a Rental agreement following closing is permitted.</p> <p>Estate Representative: Occupancy by a personal representative, trustee, or guardian (including family members) of the estate, with or without remuneration is permitted. The estate shall notify the township of the Owner's name, date of death, and name of the person occupying the Premises.</p> <p>Sec. 6-105(b) Rental of the Dwelling shall be done in a manner that is consistent with the intent of a single family residential neighborhood.</p>	<p>Tourist Homes: Section 133Z.01 (1) Rooms utilized for sleeping shall be part of the primary residential structure and shall not be specifically constructed or remodeled for rental purposes; (3) The exterior appearance of the structure shall not be altered from its single-family character; (4) There shall be no separate or additional kitchen facility for the guests; (6) A site plan is approved according to the Zoning Code. Certain site plan information may be waived at the discretion of the Planning Director; (8) A tourist home shall be an incidental and secondary use of a dwelling unit for business purposes. The intent of this provision is to ensure compatibility of such business use with other permitted uses of the residential districts and with the residential character of the neighborhoods involved, and to ensure that tourist homes are clearly secondary and incidental uses of residential buildings.</p>	<p>Dwelling Sales: Occupancy by a prior owner after the sale of a dwelling under a rental agreement for a period of less than 91 days following closing. Rental property registration is required if legal or equitable ownership is not transferred in its entirety within 90 days of execution of the conditional sales agreement.</p> <p>Estate Representative: Occupancy by a personal representative, trustee, or guardian of the estate and his family, with or without remuneration. The estate shall notify the township of the owner's name, date of death, and name of the person occupying the premises.</p> <p>Additional use provisions are not specified.</p>	<p>All land-based recreational activities to be limited to rented premises and shall not encroach on neighboring properties.</p>

Regulation Detail		Community		
	Spring Lake Township	Traverse City	Saugatuck Township	Hayes Township, Charlevoix County
	<p>Sec. 6-105(f) The appearance of the Dwelling shall not conflict with the residential character of the neighborhood. The Dwelling shall be properly maintained per all applicable local and state codes, and kept in good repair so that the use in no way detracts from the general appearance of the neighborhood.</p> <p>Sec. 6-105(g) Occupants shall not encroach on neighboring properties.</p> <p>Sec. 6-105(i) Campfires shall be maintained in designated fire pits and comply with applicable fire codes.</p> <p>Sec. 6-105(j) Occupants shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any of the following: (1) Any activity that violates the township noise regulations found in chapter 14, article II of the township's Code of Ordinances; (2) Any outside noise that is audible at the property line of the Premises occurring between 10:00 p.m. and 7:00 a.m. on weeknights (Sunday, Monday, Tuesday, Wednesday, and Thursday) and between 11:00 p.m. and 7:00 a.m. on weekend nights (Friday and Saturday); and (3) Any activity that violates the township firework regulations found in chapter 16, article IV of the township's Code of Ordinances.</p>	<p>Vacation Home Rental: Does not specify; subject to individual zoning district requirements, if applicable.</p>		<p>The appearance of the dwelling shall not conflict with the residential character of the neighborhood. The structures shall be properly maintained, and kept in good repair, in order that the use in no way detracts from the general appearance of the neighborhood.</p> <p>Campfires in designated 'fire pit' areas away from water's edge, trees, and property lines. Fires must be attended at all times and properly extinguished after use.</p> <p>Tenants of a property used for Short-Term Rental use shall not create a nuisance. For purposes of this subsection, a nuisance includes but is not limited to any of the following: a) Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities; b) Yelling, shouting, hooting, singing, or making other noise that because of its volume, frequency, or shrillness unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities; c) Sounding or using any horn, siren, whistle, bell or other warning device so as to unreasonably disturb the quiet, comfort or repose of another person.</p>
District(s) Permitted	<p>Short-Term Rentals: Agricultural, Rural Residential, R-3, R-4, Mixed-Use Commercial</p> <p>Limited Short-Term Rentals: Any District</p>	<p>Tourist Home: RC, R-1, R-2, R-9,15,29, HR, C-1, C-2, C-3, C-4, -1,2,3, I, NMC-1, NMC-2</p> <p>Vacation Home Rental: HR, C-1, C-2, C-3, C-4, D-1,2,3, I</p>	<p>Does not specify.</p>	<p>Does not specify.</p>
Location Consideration	By Zoning District	<p>Tourist Home: The tourist home shall not be closer than 1,000 feet to an existing licensed tourist home. Vacation Home Rental: By Zoning District</p>	Does not specify.	Does not specify.

		Community			
		Spring Lake Township	Traverse City	Saugatuck Township	Hayes Township, Charlevoix County
Regulation Detail					
Notification to Neighbors	Yes; Sec. 6-105(e) The Owner shall notify neighbors within 500 feet from the Dwelling in writing that the Dwelling will be Rented and shall provide the contact person's information as well.	Tourist Home: 868.04 Upon receipt of a complete application, the City Clerk shall notify all persons to whom real property is assessed within 300 feet of the proposed tourist home location.	Not required.	Yes; The owner of a short-term rental shall notify neighboring dwelling units within 300 feet from the rental dwelling unit in writing that the property is a permitted short-term rental and shall provide a telephone number of the rental agency, if any, or other local contact person.	
Length of Stay	Limited Short-Term Rental: Up to 14 days Short-Term Rental: Up to 27 days	Tourist Home: Up to 7 days Vacation Home Rental: Does not specify	Does not specify.	Does not specify.	
Owner-Occupancy/ Required	No	Tourist Home: Yes; Vacation Home Rental: Does not specify	No	No	
Owner-Residency/ Required	No	Tourist Home: Does not specify	No	No	
Ancillary Uses	Does not specify.	Tourist Home: 868.03(e) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like. Vacation Home Rental: Does not specify	Does not specify.	Does not specify.	
Number Per Lot or Parcel	Does not specify.	Tourist Home: Up to 3 bedrooms per home Shall comply with district standards	Does not specify.	Does not specify.	
Signage	Does not specify.	Tourist Home: Required. Uses not specifically addressed shall have parking requirements determined by the Planning Director. Vacation Home Rental: Does not specify	Sec. 8-108(2) Parking Site Plan Required; Applicants seeking a short-term rental permit must submit a parking site plan depicting or describing the available off-street parking. The plan must provide adequate access for emergency vehicles, as determined by the fire chief.	No signage permitted which advertises the availability of the short-term rental unit to the public. Yes; ample off-street parking required.	
Parking	Yes; required; owner shall provide off-street parking on paved portions of the Premises and not in the yard.		Sec. 8-108(3) Occupants in a short-term rental unit shall not park in a parking space on a public street within one mile of the rental unit. Occupants shall be informed of, and shall acknowledge in writing, the number of off-street parking spaces provided for the rental unit prior to leasing such unit.		
Exterior Lighting	Does not specify.	Does not specify.	Does not specify.	Does not specify.	
Trash/Recycling Removal	Yes; required, Sec. 6-105(f) The Owner shall provide sufficient waste receptacles substantially screened from view, and the Premises shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.	Does not specify.	Yes; required, Sec. 8-108(4) Occupants shall not leave trash or refuse within public view, except in proper containers for the purpose of collection by the collectors between the hours of 5:00 a.m. and 9:00 p.m. on scheduled waste collection days.	Garbage must be kept in a closed container and disposed of on a regular weekly schedule.	

Regulation Detail	Community		
	Spring Lake Township	Traverse City	Saugatuck Township
Maximum Occupancy	Yes; Sec. 6-105(k) The Maximum Occupancy for any Dwelling is 12 individuals, subject to any applicable local, state, or federal laws, regulations, or ordinances. Campers and tents to provide additional occupancy on the Premises are not permitted.	Does not specify.	Yes; Sec. 8-107(4) The maximum occupancy load shall be two persons per bedroom, plus two additional persons per finished level with means of emergency egress, up to a total of 12 persons. Applicants who wish to request more must do so at the time of application. Requests may be approved if certain conditions are met.
In-Unit Postings	Yes, required; Sec. 6-105(c) The owner shall provide the occupant and the Township with the following information prior to occupancy and post such information in a conspicuous place with the Dwelling: (1) The name of a contact person and a telephone number at which the contact person may be reached any time that the Dwelling is Rented; (2) Notification of the Maximum Occupancy permitted in the Dwelling; (3) Notification and instructions as to the parking locations; (4) A copy of this article, as may be amended from time to time; and (5) Notification that an Occupant may be cited or fined by the Township, in addition to any other remedies available at law, for violating any provision of this article.	Tourist Home: 868.03(g) A fire escape plan shall be developed and graphically displayed in each guest room. Vacation Home Rental: Does not specify	Yes, required; Sec. 8-107(c) The date of issuance shall be assigned by the zoning administrator and shall be affixed to the permit and the permit shall be posted near the main entrance.
Building Code Compliance	Yes, required.	Tourist Home: Yes, required; Vacation Home Rental: Does not specify.	Yes, required.
Inspection Required	No	Tourist Home: Yes, annually; Vacation Home Rental: No	Yes, rental property and fire safety inspection required.
Limits for Overnight and Daytime Guests	Does not specify	Does not specify.	Does not specify.
			Hayes Township, Charlevoix County Two (2) adults per bedroom.
			The Owner or a Managing Agency or Agent or Contact shall provide the tenant or lessees of a Short-term Residential Rental with the following information prior to occupancy of the Premises and post such information in a conspicuous place within the dwelling on the Premises: (a) The name of the Contact Person, and a telephone number at which they may be reached on a twenty-four-hour basis; and (b) Notification of the maximum number of overnight occupants permitted on the Premises pursuant to this Ordinance; and (c) Notification of the parking standards of this Ordinance; and (d) A copy of this Ordinance, as may be amended from time to time; and (e) Notification that an occupant may be cited or fined by the Township, in addition to any other remedies available at law, for violating any provisions of this Ordinance.
			Yes, required. Periodic inspections upon written complaint.
			Does not specify.

Regulation Detail	Spring Lake Township	Traverse City	Community	Saugatuck Township	Hayes Township, Charlevoix County
<p>Owners Agent</p> <p>Sec. 6-105(d) The Owner's contact person must be available to accept telephone calls at all times that the Dwelling is Rented. The contact person must have a key to the Dwelling and be capable of being physically present at the Dwelling within three hours to address issues, unless arrangements are made for another person to address issues within the same timeframe.</p>	<p>Tourist Home: Must be operated by the owner.</p>	<p>Vacation Home Rental: Does not specify</p>	<p>Sec. 8-108(I) Required if owner not local agent; the owner shall designate a local agent and authorize the agent in writing to act as the owner's agent for any acts required of the owner or the owner's agent under this article.</p>	<p>The owner shall keep on file with the Township the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls on a 24 hour basis at all times that the short-term rental is rented and occupied. The contact person must have a key to the rental unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe.</p>	
<p>Master Plan Reference to Short-Term Rentals</p>	<p>No</p>	<p>No</p>	<p>Yes; discusses seasonal rentals in terms of the potential quantity currently existing.</p>	<p>No</p>	

Regulation Detail	Spring Lake Township	Traverse City	Saugatuck Township	Hayes Township, Charlevoix County
Violations and Penalties	<p>Sec. 6-108 In addition to any other penalty authorized by law, a License may be suspended or revoked if the Community Development Director finds by competent, material, and substantial evidence, and after written notice of the charges to the Owner and an opportunity to be heard, that the Owner has violated or failed to fulfill the requirements of this article. The written notice of the charges and the notice of hearing shall be personally served on the Owner or served on the Owner by certified mail, restricted delivery, no less than 21 days before the hearing before the Community Development Director.</p>	<p>Tourist Home: 868.08 Municipal Civil Infraction. A person who violates any provision of this chapter is responsible for a municipal civil infraction.</p>	<p>Sec. 8-112(a) Municipal civil infraction. Any person failing to comply with any of the provisions of this article is responsible for a municipal civil infraction. Any person who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine of not more than \$100.00 for the first infraction and increasing penalties for additional infractions as established by the Code of Ordinances, of the Township of Saugatuck</p>	<p>Section 6. Ground for Suspension or Revocation. In addition to any other penalty authorized by law, a short term rental license may be suspended or revoked if the Zoning Administrator finds by competent, material, and substantial evidence and after written notice of the charges to the owner and an opportunity to be heard, that the licensee or his or her agents or employees has or have violated, or failed to fulfill, the requirements of this Ordinance, including the approval standards specified in Section 4 of this Ordinance. The written notice of the charges and the notice of the hearing shall be personally served on the owner or served on the owner by certified mail, restricted delivery, no less than 21 days before the hearing before the Zoning Administrator.</p>
	<p>Sec. 6-108(a) Upon a finding by the Community Development Director of a first violation within any 12 month period, the License may be suspended for up to 30 days during which time the Premises shall not be Rented. Sec. 6-108(b) Upon a finding by the Community Development Director of a second violation within any 12 month period, the License shall be suspended for 60 days during which time the Premises shall not be Rented. Sec. 6-108(c) Upon a finding by the Community Development Director of a third violation within any 12 month period, the License shall be revoked and the Owner shall not again be issued a License for a period of 24 months, during which time the Premises shall not be Rented. Appeal from denial or suspension or revocation of a License is allowed, as provided in section 6-109.</p>	<p>Zoning Ordinance (both rental types): 1322.06 Municipal Civil Infraction. A person who violates any provision of the Zoning Code is responsible for a municipal civil infraction.</p>	<p>Sec. 8-112(b) Initial suspension of rental permit. Upon a determination by the zoning administrator that the owner or local agent of a rental unit have (individually or in combination) committed a total of three or more unresolved violations of this article relating to the unit within the last three years, the zoning administrator shall issue a notice of rental permit suspension to the owner, with a copy to any local agent. The notice shall notify the owner that a hearing may be requested to show cause why the permit for the rental unit should not be suspended. If, within 14 days of service of the notice, a hearing is requested, the township shall schedule a hearing before the township board and notify the owner in writing of a time and place for that hearing. At the hearing, the owner or owner's representative shall have the opportunity to show cause why the township should not suspend the permit.</p>	<p>Section 6(1) Upon a finding by the Zoning Administrator of a First violation within any twelve (12) month period, the short term rental license may be suspended for up to thirty (30) days and during said time the premises shall not be utilized for a short term rental. Section 6(2) Upon a finding by the Zoning Administrator of a Second violation within any twelve (12) month period, the short term rental license shall be suspended for thirty (30) days and during said time the premises shall not be utilized for a short term rental. Section 6(3) Upon a finding by the Zoning Administrator of a Third violation within any twelve (12) month period, the short term rental license shall be revoked and the owner or Managing agency or Agent who had been issued the short term rental license shall not again be issued a short term rental license for a period of twenty-four (24) months and during said time the premises shall not be utilized for a short term rental. Appeal from denial or suspension or revocation of a short term rental license is allowed.</p>

Regulation Detail	Spring Lake Township	Traverse City	Community Saugatuck Township	Hayes Township, Charlevoix County
<p>Sec. 6-110 In addition to a potential suspension or revocation of a license pursuant to section 6108, any person who violates this article, shall also be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in chapter 22 article III, pertaining to municipal civil infractions.</p>	<p>Zoning Ordinance (both rental types): 1322.07 Declaration of Nuisances: Buildings and structures built, altered, razed or converted, or uses carried on, in violation of this Zoning Code, are hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated, and the owner or agent in charge of the building or land may be adjudged guilty of maintaining a nuisance per se. A person may not assert that a use is a nonconforming use or vested right, by way of defense to any Code enforcement action or otherwise until that person has exhausted all administrative remedies for determination of a nonconforming use.</p>	<p>Sec. 8-112(c) Subsequent suspensions. After a rental permit has been suspended for a given unit, any additional violation committed within the 2 years of the expiration of the last suspension is grounds for an additional suspension. Notice and an opportunity for hearing on a subsequent suspension shall be provided in the same manner as provided in subsection (b).</p>	<p>Section 10. Nuisance. A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.</p>	<p>Section 11. Violations. A person who violates any provision of this Ordinance 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 Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation.</p>
<p>Web Link</p>	<p>http://www.springlaketwp.org/short-term-rental-ordinance/</p>	<p>http://www.traversecitymi.gov/ordinances.asp</p>	<p>http://www.saugatucktownship.org/Planning_zoning/Rentals%20Dwelling%20Ordinance.pdf</p>	<p>http://www.hayestownshipmi.gov/zoning/short-term-rental-ordinance/</p>

Attachment #7

Casco Township, Michigan

April 12, 2017

>Lakeshore communities that have adapted to change. >Communities changed bylaws due to the negative impact short-term rentals brought upon the residents.			ESTIMATED				
Lakeshore Community	LEASE TERM	DATE VOTED	Total Units	Homes	Empty Parcels	Current advertised STRs	STRs a decade ago
Beverly	3 month minimum	2013	21	16	5	0	0
Windcliff	1 year minimum	2015	32	14	18	0	0
Sunset Shores	enforced -0 days; deed restriction challenge in court	Deed	135	45	90	0	1
Mt. Pleasant	4 rentals max per calendar year, 1 week minimum	2015 & 2016	130	110	20	7 incidental	3 incidental
Highfield Beach	4 month minimum	2008 & 2016	52	16	36	1* illegal	0
Miami Park	0 days; deed restriction challenge	Deed	215	65	150	16	1
Boardwalk	3 month minimum	2013	36	18	18	0	0
Glenn Shores	0 days; deed restriction challenge	Deed	95	95	?	21	3
# of units in communities that voted STR restrictions	all above have Single Family rental restriction		271				
# of units above that enforce rental restrictions; excludes Miami & Glenn Shores			406				
Total Units	*restrictions above		716	379	337	37	5
						does not include incidental	