



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
April 10th, 2017 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. SPECIAL PRESENTATIONS:**
1. Medical Marihuana Project – Jesse Rose & Jason Matlock, Grand Cru LLC
- E. CONSENT CALENDAR:** The purpose of the consent calendar is to expedite business by grouping non-controversial items together for one Commission motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Commission, staff or public shall be granted.
1. **RECEIVE AND FILE**
 - a. Township Board Minutes 03/07/17
 - b. Parks & Trails Committee Draft Minutes 02/17/17
 - c. Zoning Ordinance Rewrite Subcommittee Draft Minutes 03/13/17
 2. **ACTION:**
 - a. Adopt Planning Commission Minutes 03/13/17
- F. ITEMS REMOVED FROM THE CONSENT CALENDAR**
1. _____
 2. _____
- G. CORRESPONDENCE:**
1. Michael Hedden – Great Lakes Helping Hands
- H. PUBLIC HEARINGS:**
1. Zoning Ordinance Amendment 044 – Temporary Outdoor Sales
- I. OLD BUSINESS:**
1. Zoning Ordinance Amendment 044 – Temporary Outdoor Sales
 2. Medical Marihuana Ordinance
 3. Short-Term Rentals
 - a. Milton Township
 - b. City of South Haven
 - c. City of the Village of Douglas
 - d. Saugatuck Township
 - e. Hayes Township
 - f. City of Traverse City (tourist Homes

J. NEW BUSINESS:

K. PUBLIC COMMENT & OTHER PC BUSINESS

1. Zoning Administrator Report – Shawn Winter
2. Planning Consultant Report – John Iacoangeli
3. Township Board Report – Doug White
4. Parks & Trails Committee Report – Marcie Timmins

ADJOURN:



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
April 10th, 2017 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: @7:00 pm

ROLL CALL:

PC Members present: D. Rosa, D. White, T. Forgette (Secretary), S. Feringa (Vice-Chair), K. Wentzloff (Chair), M. Timmins (arrived at 7:03pm).

Members excused: B. Balentine

Staff Excused: S. Winter, Zoning Administrator; J. Iacoangeli, Planner, J. Jocks, Legal Counsel.

A. LIMITED PUBLIC COMMENT: Open at 7:02 pm;

P. Settles - Brott, Settles & Brott, 5168 US 31 North. Requested submission of letter on behalf of Great Lakes Helping Hands into correspondence.

closed at 7:03p.

B. APPROVAL OF AGENDA: Motion to approve agenda by White with addition of correspondence to section G.2, letter from Philip Settles, legal counsel for Great Lakes Helping Hands; support by Timmins. Motion passed unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS:

1. Medical Marihuana Project – Jesse Rose & Jason Matlock, Grand Cru LLC

Jason introduced himself and Jesse as co-owners of Grand Cru a startup company interested in production and retail of cannabis under recently passed facility licensing act by state legislation. The main interest of the business is to ensure safe access to therapy. Topics of discussion were highlighted by 1) why we needed this new law, 2) how this new law was going to re-structure the cannabis industry, 3) specifically look at the role of local municipalities have to play on helping this new law come into making implementation successful, and 4) touch on what Grand Cru is looking to do as a business out of this new regulation and what they are asking from municipalities to help. Key emphasis to them as a company is safe access to this therapy; to obtain product from a safe and comfortable space, provide consistency and quality products. To date, personal networks have not been able to provide this to patients and a caregiver cannot participate in both the private and public domains. The new law does not affect patient's right to therapy but lifts burden of proof from local municipalities and allows the state to take care of this as an industry. Chain of custody requirements under the new legislation require seed to sale tracking. A large burden for businesses starting in this industry is proof of a local ordinance is required for the license application to ensure viability. Statewide implementation is important to insure sustainable regulation of the industry. They are in support of the Township Board direction of allowing the use by right in the B-4 district and permit all license types and the requirement of a state license. Buffers and restrictions required under the zoning would be adhered. The goal of their business is to provide a clean, reliable, and usable cannabis products in a respectful, profession, and environmentally responsible manner to patients.

White didn't think grower, processor, and seller could co-locate. Jesse indicated that there were discussions at state level regarding this concern and changes could be forthcoming. Timmins asked questions on internal/external operations in Agriculture area. Jason said any outdoor activities would likely need greenhouse/tent to work. Security is a requirement. Late harvest is difficult due to fungus/mold issues in these northern climates. They would like to see a small network of growers.

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

E. CONSENT CALENDAR:

1. RECEIVE AND FILE

- a. Township Board Minutes 03/07/17
- b. Parks & Trails Committee Draft Minutes 02/17/17
- c. Zoning Ordinance Rewrite Subcommittee Draft Minutes 03/13/17

2. ACTION:

- a. Adopt Planning Commission Minutes 03/13/17

Motion by Forgette to approve the consent calendar as presented; support by Timmins. Motion passed unanimously.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR

- 1. None
- 2. _____

G. CORRESPONDENCE: Attached to minutes

- 1. Michael Hedden – Great Lakes Helping Hands
- 2. Phillip Settles - Legal counsel for Great Lakes Helping Hands

As an existing dispensary, Great Lakes Helping Hands foresees getting a facilitator license to be a provisioning center under the new legislation in order to continue business and hope the PC recognizes this transition under the new legislation when considering zoning and that provisioning center would be a retail operation.

H. PUBLIC HEARINGS:

- 1. Zoning Ordinance Amendment 044 – Temporary Outdoor Sales - Opened at 7:35pm

A public hearing notice was published to allow interested parties to speak on the proposed Zoning Ordinance amendment (044) to remove the provision that prohibits outside or third-party vendors from operating a temporary outdoor sale [§7.2.10(a)(4)].

Daren Klooster, 4520 Quail Ct., Traverse City. Talked about this several times and one thing that keeps coming up is the thought that a business would put something in the store just so as to put a tent outside. Thinks that it would rather easy for ZA to deal with that by not granting a permit the next time if the applicant is dishonest in the application.

Closed at 7:37pm.

I. OLD BUSINESS:

- 1. Zoning Ordinance Amendment 044 – Temporary Outdoor Sales

Question from Timmins asked if local farmers may be affected by large stores using outdoor sales to sell produce and compete with local farmers. White did not think it would be a problem if this ordinance did happen.

Motion by White to to send the proposed zoning ordinance amendment 044 which would remove the provision under §7.2.10(a)(4) prohibiting outside vendors or third-parties from operating a temporary outdoor sale to the Grand Traverse County Planning Commission for review, and to recommend adoption to the Township Board; support by Feringa. Discussion occurred.

Rosa thought the change was to not have third party operating the sale. The proposed modification would allow that. Wentzloff explained further. Forgette agreed with ZA's synopsis to keep as is. Roll call vote was called on the motion by White.

In favor: Rosa, White, Feringa

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

Not in favor: Timmins, Wentzloff, Forgette

Since there was a tie, Chair Wentzloff wasn't sure what next steps would be without legal counsel present. White said it could be tabled until next month. Unsure of the procedure, she asked that we postpone this to next month so that we have a full commission and revisit.

2. Medical Marihuana Ordinance

Wentzloff provided an introduction and explained the process. To this point the PC has been waiting to see how other township and governmental entities write their ordinances. Township board wants PC to move forward with drafting ordinance language to allow all five uses in the B-4 district under the new state legislation. Timmins provided information on the administrative process. Grand Cru mentioned the township could charge each applicant up to \$5000 to defray administrative costs. Timmins said by law the township could not charge more than what it would cost to regulate. Important to note is the 9 month residency requirement that a business must have to be a caregiver or patient though Grand Cru owners suggest that may change after July 18, 2018. After that it opens to any out of state entity. Timmins still struggles with the financials that don't seem to match the number of caregivers, number of patients and the daily amount that may be allowed. Everything will be seed to sale, tracked through barcodes and databases. Concern with big money coming in could disrupt local business owners. Grand Cru analysts estimates this to be a 700 million dollar industry in Michigan alone. Feringa indicated the true number of patients may be higher. The timeline to get started soon is driven by the potential opening up of the residency restrictions in 2018. Feringa indicated that with the different categories, he is not sure each one correlates well with one zone. Existing conditions of an existing business in a different zone should be considered by the PC since a provisioning center is more like a retail operation, it would make sense to be in commercial corridor. Wentzloff suggested we give legal counsel direction to move forward with a possible draft ordinance to look at..

Motion by Timmins to direct legal counsel to draft ordinance language to allow by right the five licenses in the B-4 and corridor commercial districts. Support by Rosa. White believes that the agriculture district should not be excluded from the growing operation. Timmins amended motion to add the agriculture district. Rosa supported amendment. Motion carried unanimously.

3. Short-Term Rentals

- a. Milton Township
- b. City of South Haven
- c. City of the Village of Douglas
- d. Saugatuck Township
- e. Hayes Township
- f. City of Traverse City (tourist Homes)

Wentzloff provided background on the two models; Tourist home (AirBnB) and Short Term Rentals. PC members thought that little regulation was needed for this type of since the owner lives there, owns property and a good definition in the ordinance would allow the use with the requirement that it be registered. Timmins suggested that perhaps certification of septic system operation and proper fire alarms/carbon monoxide alarms be present. Wentzloff added septic design is typically based on the number of bedrooms. Also, ordinance should remove liability of township. Rosa thought tax could level the playing field, but others thought was something the township needn't be involved with. Another consideration is only allowing owner to list; not the renter. PC would like the Zoning Administrator to move forward with drafting a short ordinance or definition for inclusion of the Tourist Home model in districts.

With respect to Short Term Rentals, PC members discussed the likes and dislikes from the sample ordinances provided for review. Items that PC thought ordinance should include the following:

- short term should be defined as less than 30 days
- should speak to the number of bedrooms and total number of occupants with defined provision for pre school age children
- pets should be confined or on leash
- reference to existing pre-defined ordinance such as trash, fireworks, parking, and noise

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

- provide good visitor guidelines and define intent of ordinance is the safety and welfare of the community
- define a fee structure and form; perpetual license preferred unless violation occurs
- provide definition for exceptions such as house sitting (Saugateck).
- vehicle parking must be contained on premise
- owner should have the responsibilities listed and be available 24/7 to respond to complaints and should communicate the ordinance guidelines/rules. Local agent and phone number in window was liked and response time included. Permit would be with owner, not property.
- need for good definitions
- graduated penalty structure
- Make note of egress and fire/CO detector regulation required.

PC would like to see zoning administrator and counsel draft some ordinances considering the points mentioned to review under old business.

J. NEW BUSINESS: None

K. PUBLIC COMMENT & OTHER PC BUSINESS

Opened at 8:48. Closed at 8:48pm

Wentzloff reminded PC members of obligation to refrain from talking at length to someone who is putting plan together for a project or discussing permits at length outside of PC meetings.

1. Zoning Administrator Report – Shawn Winter - none to report.
2. Planning Consultant Report – John Iacoangeli - none to report
3. Township Board Report – Doug White indicated boat launch at Bunker Hill to remain open for the time being.
4. Parks & Trails Committee Report – Marcie Timmins reported there hasn't been a meeting in a while. White asked if a confirmed route from Acme to Elk Rapids has been identified. Concerns from Agriculture community along US31. Wentzloff indicated preferred route is along US 31; identified as weighted route 2 years ago. White suggested better route up Bracket/Bennett roads. Timmins said Yuba bylaws have restrictions along that route.

ADJOURN: Motion to adjourn made by Timmins; support by Feringa. Motion passed unanimously. Meeting adjourned at 8:54pm.



MEMORANDUM

Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

To: Acme Township Planning Commission
 From: Shawn Winter, Planning & Zoning Administrator
 CC: Jeff Jocks, Counsel; John Iacoangeli, Planning Consultant
 Date: April 5, 2017
 Re: April 10, 2017 Planning Commission Packet Summary

A. LIMITED PUBLIC COMMENT

Open: _____ Close: _____

B. APPROVAL OF AGENDA

Motion to approve: _____ Support: _____

C. INQUIRY AS TO CONFLICTS OF INTEREST

Name: _____ Item: _____
 Name: _____ Item: _____

D. SPECIAL PRESENTATION

1. **Medical Marihuana Project**

- Jesse Rose and Jason Matlock of Grand Cru LLC will be on hand to present a preliminary outline of their proposed medical marihuana business plan. The business would consist of cultivation operation and provisioning center at the same location.
- Mr. Rose submitted a letter under correspondence for the March meeting and was present to hear the discussions that took place. Additionally, Mr. Rose meet with me on March 21 to discuss their plan and ask questions.
- I was impressed with his level of knowledge of the emerging medical marihuana industry and recently adopted legislation. Up until this point, the discussions at the Planning Commission have been based on hypotheticals. I felt it was appropriate for them to present their idea to Commissioners to provide perspective from the operator's side and allow Commissioners to ask specific questions that may not have been considered without this opportunity.
- Furthermore, Mr. Rose and Mr. Matlock would like to gauge the Commissioners on their interest level moving forward with the new ordinances and potential timeline. They have found some property in the Township that fits their needs, but are hesitant to move forward without better clarity from the Planning Commission.

E. CONSENT CALENDAR:

1. **RECEIVE AND FILE:**

- Township Board Minutes 03/07/17
- Parks & Trails Committee Draft Minutes 02/17/17
- Zoning Ordinance Rewrite Subcommittee Draft Minutes 03/13/17
(complete packets with materials from all meetings may be found online)

2. **ACTION:**

- Approve Draft Planning Commission Minutes 03/13/17

Motion to adopt:

Support:

F. ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR

1. _____
2. _____

G. CORRESPONDENCE:

1. Michael Hedden – Great Lakes Helping Hands
 - Mr. Hedden, owner of Great Lakes Helping Hands located at 4160 M-72 East, stopped in again to discuss his concerns with the new medical marihuana legislation, and how it may affect his business. Specifically, he’s concerned that he will not be able to stay at his current location if the Township adopts an ordinance allowing the new medical marihuana facilities in the B-4 district only.
 - Mr. Hedden will be out of town and unable to attend the meeting. However, he will have a representative on hand if there are any questions.

H. PUBLIC HEARINGS:

1. **Zoning Ordinance Amendment 044 – Temporary Outdoor Sales**
 - A public hearing notice was published to allow interested parties to speak on the proposed Zoning Ordinance amendment (044) to remove the provision that prohibits outside or third-party vendors from operating a temporary outdoor sale [§7.2.10(a)(4)].
 - A draft of the ordinance language illustrating the removal of this language has been provided, as well as the proof of public notice of the hearing.
 - More information on the topic is included in this memo under Old Business.

I. OLD BUSINESS:

1. **Zoning Ordinance Amendment 044 – Temporary Outdoor Sales**
 - The amendment proposed to eliminate the outside/third-party prohibition when it comes to operating a temporary outdoor sale.
 - This is a topic that had been discussed ad nauseam over an eight-month period when the original amendment was being considered.
 - I’ve attached the Planning & Zoning Staff Report dated June 8, 2016. The content of this memo focuses on the issue at hand, and includes a compilation of excerpts from all the minutes where it was discussed. I updated it with the minutes from the PC meeting that followed (June 13, 2016). I recommend reading the memo again as a reminder to what has been contemplated in the past.
 - There were two concerns that seemed to be repeated related to outside/third-party vendors:
 - Aesthetics – trying to prevent a proliferation of tents along the corridor during the busiest months, which may create an unsightly impression of our commercial district(s).
 - Protecting Existing Businesses – trying to prevent an environment where property-owning, tax-paying businesses that are invested in the community are unfairly having to compete with outside businesses that come in just to capitalize on the higher number of potential customers in the area before packing up and moving along.
 - A few points on the most recent discussion:
 1. It was mentioned that a smaller business (e.g. Ace Hardware) may not be able to participate in a tent sale due to their staffing limitations which wouldn’t affect a larger business (e.g. Meijer). As mentioned in the memo, scaling is a possible solution. The ordinance refers to ‘temporary outdoor sales’, not necessarily a tent.

If a business' staff is small, they may need to consider conducting a smaller sale, like a sidewalk sale, instead of a large-production, staff intensive tent sale. This is an operational issue, not a planning issue, and therefore may not be the Township's issue to resolve. Perhaps best left to the private sector.

2. There was discussion regarding vendors operating a temporary outdoor sale due to their expertise, with the example of Makita reps running a Makita tool sale at a hardware store. Prohibiting outside/third-party vendors from running a temporary outdoor sale would not exclude them from being present during the sale. The existing business could run the operation and conduct the transactions, while the reps could be on hand to answer questions and do what sales people do...encourage sales. That would be analogous to a grocery store having a rep on hand to offer free tastings/samples of their products and answer questions inside the establishment while the store itself is run by the existing business.
 3. This issue has been brought back up not by an existing business that has found the exclusion of outside/third-party vendors too restrictive, but rather by an outside/third-party vendor that was precluded from operating under their normal model and stand to profit by an amendment to the ordinance. I feel this aspect should be taken into consideration when deciding whether, or not, to amend the ordinance.
 4. It has been perceived that the regulations unfairly limit the property rights of a land or business owner. Less than a year ago temporary outdoor sales were a use that was not allowed in the Township. Now businesses are able to operate such a sale, but with regulations. It's hard to conclude that the regulations unreasonably restrict the rights of a business or property owner, when previously the use was outright prohibited.
- For the points mentioned above, the conversations that took place during the original adoption of this ordinance, my suggestion is not to adopt an amendment to the ordinance at this time, which is reflected in the recommended motion below.
 - **Suggested Motion for Consideration:** Motion to leave the Temporary Outdoor Sales ordinance under §7.2.10 as presented in the original adoption, without amendment.
 - **Alternate Motion:** Motion to send the proposed zoning ordinance amendment 044 which would remove the provision under §7.2.10(a)(4) prohibiting outside vendors or third-parties from operating a temporary outdoor sale to the Grand Traverse County Planning Commission for review, and to recommend adoption to the Township Board.

2. Medical Marihuana Ordinance

- Marcie Timmins and myself participated in a webinar on medical marihuana legislation, hosted by the MSU Extension office. Marcie will be able to brief the Commissioners on the material that was covered.
- The majority of the webinar covered topics we've already discussed and/or have been presented in supplemental materials from past PC Meetings.
- In terms of moving forward, the Planning Commission may want to consider the following:
 - *Do you want to set limits on the number of each facility that is allowed to operate in the B-4 district?* For example, you could limit provisioning centers to three, growers to five, secure transporters to two, etc. These are just random numbers and not suggestions. The law does grant municipalities the ability to set limits, if interested.
 - *What type of ordinance do you want to draft?* One method would be to keep the local ordinance, police and zoning, simple as long as the state's requirements are met. Additional provisions specific to Acme could be included of course. This option keeps in mind that the state will be enforcing its own regulations. Another option is to draft a much more detailed ordinance spelling out all our requirements. One consideration is enforcement and administration of the ordinance, and the

Township's ability to monitor numerous additional provisions, if needed. Be mindful that no provisions will be allowed that contradict the state's requirements....which are still to be determined.

3. Short-Term Rentals

- The Planning Commission at the last meeting requested copies of the short-term rental ordinances from other communities. Those were emailed to the Planning Commission on March 15, and were from the following localities:
 - Milton Township
 - South Haven
 - Douglas
 - Saugatuck
 - Hayes Township
 - Traverse City (tourist homes)
- John Iacoangeli passed along an excerpt from *Planning and Zoning News* dated December, 2016 that briefly discussed AirBNB's Community Tool Chest. This document was designed to help communities as they consider adopting regulations towards short-term rentals. As *Planning and Zoning News* pointed out, it is a document created by the industry with their interests in mind, but does contain some helpful information. That document has been enclosed in the packet.
- The Planning Commission should review the provisions in the sample ordinance and discuss what requirements they may want to include in an ordinance for Acme. If a list is compiled, along with some of the objectives the Planning Commission would like to achieve, then we can begin writing a draft ordinance.

J. NEW BUSINESS:

1. None

K. PUBLIC COMMENT & OTHER PC BUSINESS:

1. Public Comment:

Open:

Close:

2. Zoning Administrator Report: Shawn Winter

- **Permits** (since March 13, 2017)
 - Land Use Permits – 6
 - LUP 2017-05 Commercial Storage – 6811 M72 East (#19)
 - LUP 2017-06 Commercial Storage – 6811 M72 East (#20)
 - LUP 2017-07 Commercial Storage – 6811 M72 East (#21)
 - LUP 2017-08 Commercial Storage – 6811 M72 East (#22)
 - LUP 2017-09 Accessory Shed – 3655 Dock Rd
 - LUP 2017-10 Accessory Shed – 8922 Crockett Rd
 - Sign Permits – 1
 - SIGN 2017-01 Blasius Inc – 6060 US-31 North (former Bravo Zulu)
 - Site Plan Reviews - 1
 - SPR 2017-01 Storage Building – 6629 East Railway Commons
- Grand Traverse County will be hosting a Citizen Planner course put on by the MSU Extension. I know D. Rosa and B. Balentine will be taking it. If anyone else needs the course, please let me know and I'll register you. The informational flier has been enclosed.

3. Planning Consultant Report: John Iacoangeli

4. Township Board Report: Doug White

5. Parks & Trails Committee Report: Marcie Timmins

L. ADJOURN:

Motion to adjourn:

Support:

Jason Matlock
Jesse Rose
Owners
Grand Cru LLC

MEMO

To: Members of the Acme Township Planning Commission
Re: Enactment of Ordinances Pertaining to PA 281 of 2016 (Medical Marihuana Facilities Licensing Act of 2016)

Background: Michigan Passed Public Act 281 on December 20, 2016, creating a comprehensive regulatory framework for licensing and taxing medical cannabis businesses. Public Act 281 provides local government the authority to permit license usage as seen fit by the municipality. The Acme Board of Trustees has recommended that ordinances be drafted to allow all five license uses within the B-4 District of the Township.

On April 10, 2017 we will be giving a presentation apprising the Commission on the legislative efforts made in Michigan towards ensuring safe patient access to cannabis-based medical therapies. The purpose of this presentation is to provide context to the Board of Trustees recent direction to promulgate ordinances, and to propose a timeline for implementation that will limit the disruption of patient access due to legislative changeover. An outline of the presentation content follows:

- ☐ Definition of Safe Access
- ☐ Purpose and Shortcomings of the Michigan Compassionate Care Act of 2008
- ☐ Overview of the Medical Marihuana Facilities Licensing Act of 2016, PA 281
- ☐ The Role of Municipalities in PA 281

Grand Cru LLC is seeking production and retail licenses in order to operate as a vertically-integrated supplier of therapeutic cannabis products. We are interested in basing our business in Acme Township. We look forward to serving as representatives of this emerging industry, and answering any questions the Township may have at this and future meetings.

Sincerely,

Jason Matlock and Jesse Rose



**ACME TOWNSHIP BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, March 7, 2017, 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:03 p.m

Members present: J. Aukerman, C. Dye, A. Jenema, D. Nelson, P. Scott, J. Zollinger
Members excused: D. White
Staff present: N. Edwardson, Recording Secretary

A. LIMITED PUBLIC COMMENT: None

B. APPROVAL OF AGENDA:

Zollinger would like to add under reports # 9 "Sewer".

**Motion by Scott, seconded by Jenema to approve the agenda with the addition of # 9 Reports-Sewer.
Motion carried unanimously.**

C. APPROVAL OF BOARD MINUTES: 02/07/17

Motion by Dye, seconded by Nelson to approve the 02/07/17 minutes as presented. Motion carried unanimously

D. INQUIRY AS TO CONFLICTS OF INTEREST: None

E. REPORTS:

1. BATA – Eric Lingour

On May 2, 2017, Grand Traverse and Leelanau county residents will vote on a ballot proposal to levy .5 mill to provide BATA local funding. BATA has had no millage increase in 14 years.

2. Clerk – Dye

Dye talked about new election equipment for 2018. There will be funding available.

3. Parks-

Zollinger stated that requests for bids for mowing/snow removal went out today to four contractors.

Aukerman gave a summary of the Community foundation's Acme Shoreline Park endowment. Acme has about \$19,208 available. Discussion followed. Aukerman will look into flexibility on leaving monies there until needed.

4. Legal Counsel –Received and filed

5. Sheriff - Officer Potter commented that retail fraud and larceny is again on the rise.

6. County - Received and filed

7. Roads – Jason Gillman, newly appointed Road Commission representative for Acme Township was introduced. Gillman reported that north Baggs Rd will be repaved with Grand Traverse, Kalkaska, Clearwater and Whitewater sharing in the cost.

8. Farmland No report

9. Sewer

Zollinger mentioned Acme needs to replace a sewer flow device with a measuring laser system. The cost would be about \$18,000.

**F. SPECIAL PRESENTATIONS/DISCUSSIONS: Grand Traverse Metro Emergency Services Authority
2016 Annual Report. – Chief Pat Parker**

Parker introduced Asst. Chief Steve Apostol, who replaces Terry Flynn after retiring in July 2016. Parker presented the Metro annual report to the Acme Board.

- G. CONSENT CALENDAR:** The purpose is to expedite business by grouping non-controversial items together one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

1. RECEIVE AND FILE:

- a. **Treasurer's Report**
- b. **Clerks Revenue/Expenditure Report and Balance Sheet**
- c. **Draft unapproved meeting minutes**
 - 1. **Planning Commission 02/13/17**
 - 2. **Zoning Board of Appeals 02/09/17**
 - 3. **Parks & Trails 02/17/17**
- d. **RecycleSmart newsletter February 2017**
- e. **North Flight January report**

2. APPROVAL:

- a. **Accounts Payable Prepaid of \$402,339.75 and Current to be approved of \$97,576.47**
(Recommend approval: Cathy Dye, Clerk)

H. ITEMS REMOVED FROM THE CONSENT CALENDAR:

Jenema asked the Treasurer's report to be removed as the dates were for the wrong period of time. Jenema will have the March report in the April packet.

Motion by Scott, seconded by Dye to approve the consent calendar with the removal of the Treasurer's Report. Motion carried by unanimous roll call vote.

I. CORRESPONDENCE: None

J. PUBLIC HEARING: None

K. NEW BUSINESS:

1. Resolutions:

- a. **Budget adjustment to Elections dept**

Motion by Nelson, seconded by Jenema to approve Resolution R-2017-8 taking monies from 101 Attorney fees to 101 Election expenses. Motion carried by unanimous roll call vote.

- b. **Budget adjustment, 401 fund loan payback to 101 General fund**

Motion by Jenema, seconded by Scott, to approve Resolution R-2017-9 to repay loan for remaining funds in Sayler Park launch to General 101. Motion carried by unanimous roll call vote.

- c. **Acme 457 savings account amend contribution allocation date – Dye**

Motion by Scott, seconded by Nelson to approve Resolution R-2017-10 amending employer and employee contribution allocation date for Acme Township retirement plan. Motion carried unanimously.

2. Proclamation: April Social Responsibility month

Board unanimously agreed to support the proclamation.

3. Acme Township retirement plan summary, 457 B plan - Dye

Dye presented a memo to the Board detailing the language update in the Plan Summary. The plan now allows employee contributions and is being handled through Burnham & Flower.

4. 2017 Sewer capacity sharing agreement - Jay

The Board of Public Works recently approved a slight modification to the Sharing Agreement allowing for annual updates through an exhibit rather than by approval of a new agreement. Board reviewed.

Motion by Aukerman, seconded by Dye, to accept the 2017 Capacity Sharing Agreement as presented. Motion carried unanimously.

5. Planning zoning 18-month performance/pay recommendation for Acme Zoning Administrator.

Motion by Aukerman, seconded by Jenema to approve 18-month performance/pay recommendation for Shawn Winter as presented. Motion carried unanimously.

L. OLD BUSINESS: None

1. Gilroy park direction – Jenema

Jenema asked the Board if Acme Township is still interested in obtaining. Discussion followed.

Motion by Scott, seconded by Jenema, that Acme Township pursue obtaining Gilroy park from MDOT. Motion carried unanimously.

2. Sayler Park Boat launch fee options - Aukerman

Aukerman prepared a memo regarding the Sayler Park Boat Launch proposed fee schedule for Board discussion.

PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

ADJOURN AT 9:15 pm

ACME TOWNSHIP PARKS & TRAILS MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
February 17th, 2017 8:30 am

Draft Minutes

ROLL CALL:

Committee:	X	Feringa	X	Heflin	X	Heffner		
	X	Jenema	X	Timmins	X	Wentzloff		
Advisory:	-	Heinert	X	Kushman				
Staff:	X	Winter						

- A. PUBLIC COMMENT:** Jenema discussed Robert's rules of order and why old business items would be kept on the agenda but may not be discussed at every meeting.
- B. APPROVAL OF AGENDA:**
Motion: To approve the agenda Wentzloff, 2nd. By Heflin. Motion carries
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. CORRESPONDENCE:**
- E. ACTION:**
- Approve Parks & Trails Minutes 01/20/2016**
Motion: To approve the minutes from 01/20/16 Wentzloff, 2nd. By Timmins. Motion carries
- F. OLD BUSINESS:**
- Deepwater Trail Segment Update** - The donation money came in and Pam (TART's development Director) are putting the remaining pieces together for the match money. The deepwater point project will roll into the north bayside park project. Feringa and Kushman have a meeting 2/ 24/17 to start looking at maps through the tribal properties.
 - Bayside Park Design Elements** - Klaus will be at the March meeting to discuss. No action today. Heffner asked about the dirt in bayside parking lot being moved. Jenema explained they were trying to have the cost of moving the dirt to the place it will be used, involves minor tree removal, covered under the grant.
 - Adopt-A-Bench Program** - on hold until March. Will discuss addition of adding swings later in the planning process after placement of objects is determined. Wentzloff brought up the question of allowing objects in parks, that received the trust fund grants to allow memorial plaques on donated objects.
 - Acme Connector Trail – 2% Grant** - The township was awarded \$15,000 from the GTB for the connector trail from Bunkerhill to M72. The amount awarded was half of the cost needed. TART is hoping to fill that gap privately, but may have to come back to the township if there is a gap in their fundraising efforts. Kushman spoke about Holiday Inn's support of the connector trail project but due to a bundling of properties on the corporation's end it makes it difficult to easily grant an easement. Trail access is the number one requests of their guests. Jenema - asked Aukerman to attend the Park and Trail meeting today because of overlap on the park and trails committee and the board, and also because she helped the committee to set up the committees focus and goals.
 - Gilroy Park/Bunker Hill Boat Launch-** -There was confusion at the board level about the committee's intent concerning Gilroy park. Jenema thought the committee had given Zollinger the go ahead to move forward with looking into Gilroy park. The board needs an actual motion of support from the committee.

Jenema went over her memory of how the discussions went with the back and forth involving the south bayside park and the boat launch, previously recommended to be closed by the committee.

Winter gave more input.

Wentzloff asked about leaving the boat launch as is, with parking at Gilroy park and no parking at the actual launch to leave room for the trail to go through.

Jenema said yes until the trail goes in.

Aukerman explained the history of townships interest in Gilroy park.

Heffner had a meeting with Brian Terhune and walked the property from Gilroy to south bayside. Heffner brought up the discussion that instead of purchasing Gilroy park that we keep the boat launch at bayside open and move the parking, bathrooms and kayak launch down near the marina. Heffner said a minimal amount of money would be needed to bring the launch at Bunkerhill rd. up to better safety standards, estimated cost to be around \$2500, in his opinion. He gave a list of things he saw that needed repair; chunks broken off areas of the ramp, rebar showing through on ramp, damage to the storm drain, gravel repair and signage to help show people where to park. Heflin gave her opinion on why the boat launch should be closed for safety issues and lack of township funds to fix it.

Winter added that even the Nelson family who owns the business properties across the street from the boat launch, are in agreement with closing the Bunkerhill launch.

Discussion followed

Jenema talked about the fact that it was up to the board to decide to leave the boat launch open, the park and trail committee made a motion to close it. Original motion maker would have to reopen the motion to amend it. Lapointe made the original motion, he is no longer on the committee.

Jenema asked either for a consensus from the park and trails committee or suggested that Heffner bring his ideas back to the board.

Aukerman asked Heffner what his main objectives are? With the TART trail placement being the number one objective of the committee at that location. He agreed getting the trail was a priority, but with the transfer station believed it would be too hard for bikes.

Discussion followed about trail placement and stormwater runoff from Bunkerhill rd, Mdot has been met with to discuss the redo of Bunkerhill rd.

Discussion continued moved to list of goals put together in 2015

Briefly looked at how much the committee and township have been able to move forward in the last 2 years all agreed we are making good progress.

Motion: By Timmins 2nd. By Heflin. To recommend to the board to pursue, with MDOT, looking into the maintenance cost of Gilroy park with the intent of possible acquiring the park.

Motion carries 5 for, 1 opposed

G. NEW BUSINESS:

1. 2017 Parks & Trails Priorities Update The townships part-time park employee starts in April. The maintenance committee is recommending to the board that larger maintenance is contracted out. Budget planning for next year is starting at the township level. Discussed the repaving of Bunkerhill rd.. Feringa said the timeline is dependant on staffing. Discussed having to do a new park plan and coming up with new 5 year plan that will involve finishing the projects already started and others decided upon later by the committee.

2. PUBLIC COMMENT Still looking for a new committee member

ADJOURN: Motion by Wentzloff 2nd. By Timmins. Passed



**ACME TOWNSHIP ZONING ORDINANCE REWRITE
SUBCOMMITTEE MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
March 13th, 2017 5:30 p.m.**

CALL TO ORDER:

Present: Karly Wentzloff, Dan Rosa, Shawn Winter

ROLL CALL:

A. LIMITED PUBLIC COMMENT:

B. APPROVAL OF AGENDA:

- Unanimously approved

C. ADMINISTRATIVE ACTION:

1. Approve Zoning Ordinance Rewrite Subcommittee minutes from 12/12/16
 - Unanimously approved

D. CORRESPONDENCE:

E. OLD BUSINESS:

F. NEW BUSINESS:

1. Review the following Articles:
 - Wentzloff asked about accessory dwellings being located in the front yard of waterfront parcels. Winter indicated that those provisions would be included under the General and Specific Provisions article.
 - Rosa questioned the suitability of the existing mobile home district for mobile home development. Discussion followed about the parcel's attributes. No changes proposed.
 - a. **Article 1 – Title and Purpose**
 - Wentzloff noted the need for a comprehensive editing of the text once the complete ordinance draft is completed.
 - Rosa questioned whether Section 1.5 is necessary. Counsel needs to weigh in on the need for that disclosure.
 - Rosa would also like to see a mention about property rights, that the Ordinance intends to respect and recognize property rights, and that the Ordinance does not intend to infringe on those constitutional rights. Again, Counsel's advice is needed.
 - b. **Article 2 – Zoning Districts & Zoning Map**
 - Rosa questioned the method for determining disputes in zoning district boundary lines. Resolution methods are detailed in the Ordinance.
 - Wentzloff requested the clarification on how the new districts were determined, and their differences. Winter explained that SFR has a minimum of 1 acre lots, not to include sewer in the future; SFN has a minimum of 15,000 sq ft (sewer) or 20,000 sq ft (septic). The properties that were formerly R-1 are to become SFR, instead of SFN as indicated on the proposed map. The SFR on the north side of the township will extend south to Yuba Park Rd, SFN south of Yuba Park Rd.
 - Wentzloff inquired about the change in zoning of the Bates Crossing parcel from planned shopping center (B-3) to SFR. Winter indicated it was due to the elimination of the B-3 district, and the parcel's suitability for residential development. Wentzloff asked if it should be considered as LIW. Rosa agreed that the Township could use additional

industrial land. Zoning of this area to LIW was left unresolved.

- Winter asked about the new abbreviation of MHR for the mobile home district. Rosa was in support of it. Wentzloff thought the inclusion of the word ‘residential’ may create confusion. Winter indicated that it was indeed a residential district.
- Winter asked about the use of precedent images in the intent and purpose of each district. Wentzloff and Rosa agreed with their use. Wentzloff wished there was less text in the descriptions.
- Rosa asked to have “odors and dust” included in the AG description.
- Winter explained the new SFN includes the former SFN, R-2 and R-3. The R-3 allowed for duplexes and multifamily through a special use permit. Now that they have been combined and renamed “Single Family Neighborhood”, do we want to keep that use? Based on the expansion of CF and MHN, it was determined that duplexes and multifamily should NOT be included in that district. This would allow efficient use of water/sewer utilities.
- Wentzloff asked about on street parking in the MHN. It could have it, but wouldn’t be necessary. The word ‘will’ should be changed to ‘may’.
- Wentzloff asked if SFR and SFN need to include the word ‘residential’ in their title in order to avoid confusion. Winter felt the naming devices that are proposed convey the districts’ intended use.
- No other changes to the remaining districts
- c. **Article 3 – Regulated Uses & Dimensions**
 - The asterisk was determined to be an appropriate method for indicating uses that have additional provisions.
 - Potential for further consolidation of uses into broader categories. Some may need to be expanded into finer-grained uses. Example was presented using Institutional, Adult Care. A lot of uses, and scales of use, fall under this category. Winter will look into breaking the category into finer uses for this category for comparison.
 - Wentzloff inquired as to using the term ‘institution’ before each of the uses. Winter explained it was done to present them in the same location of the definitions article for comparison purposes. Wentzloff requested the commas to be removed from the institution terms. Similarly, the request was made to remove the commas from the public uses as well.
 - Winter questioned about the purpose of the ‘customary agricultural operations’ from the previous ordinance. It was never defined. Wentzloff suggested renaming it more clearly to indicate that it is meant to allow non-nuisance agricultural uses for the residential properties to avoid silence on the use.
 - Wentzloff suggested removing livestock auction yards.
 - Winter brought up riding horses and riding stables. Wentzloff asked if there was a cap on how many horses, Winter will look into it. Wentzloff doesn’t care to have a provision regarding the horses belong to the property owners.
- d. **Article 15 - Definitions**
 - Not addressed

G. PUBLIC COMMENT & OTHER PC BUSINESS

ADJOURN:



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
March 13th, 2017 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: 7:00pm

ROLL CALL:

Members present: B. Balentine, D. White, T. Forgette (Secretary), S. Feringa (Vice-Chair), K. Wentzloff (Chair), D. Rosa

Members excused: M. Timmins

Staff present: S. Winter, Zoning Administrator; J. Jocks, Counsel

A. LIMITED PUBLIC COMMENT: Opened at 7:01pm

C. Abernethy, 4312 Westridge Dr. Expressed concerns about Kelly development and the proximity to the creek, wetlands, and steepness of the slopes on this property.

P. Bonaccini, 7365 Westwind/9345 Shaw Rd. Spoke in support of short-term rentals. Family has owned a cottage since the early 90's and have rented on occasion. Excited about recent development in the area and the results of the recent surveys on short-term rentals. Believes they are a positive allowing people to enjoy area activities. Supports the continued activity of short-term rentals.

Public comment closed at 7:06pm

B. APPROVAL OF AGENDA:

Motion by Balentine to approve agenda with the addition of correspondence letter from CCAT, letter of correspondence from C. Abernathy and to move New Business Item J ahead of Old Business; support by Forgette. Motion carried unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS: Kelly Development

E. CONSENT CALENDAR:

1. RECEIVE AND FILE

a. Township Board Minutes 02/07/17

b. Parks & Trails Committee Draft Minutes 01/20/17

2. ACTION:

a. Adopt Planning Commission Minutes 02/13/17

Motion by Balentine to approve consent calendar, support by White. Motion carried unanimously

F. ITEMS REMOVED FROM THE CONSENT CALENDAR

1. None
2. _____

G. CORRESPONDENCE:

1. Local Government Summit – Networks Northwest - Agenda on website with discussion on many topics the township is dealing with. All day event for \$40.
2. Traverse City Area Transportation Event – TTCI is a free event on local transportation events.
3. Short-Term Rentals – Marlene Bienkowski - In support of short-term rentals

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

4. Medical Marihuana – Jesse of JRJM Holdings - Offering township support in drafting ordinance language.
5. Kelly PUD Input - Denny Rohn of CCAT - Letter requesting township to do an independent environmental impact study on the project to ensure no impact on Acme Creek.
6. Kelly Application - C. Abernathy - Letter of perspective that pre-criteria for development have not been met.

H. PUBLIC HEARINGS: None

I. OLD BUSINESS:

1. Kelly Planned Development [PD 2016-01] – Pre-Application Submission and Review

Winter provided summary to date of the application and the PC recommendation for a more comprehensive plan. Nathan Elkins of Influence Design Forum who has been working with Mr. Kelly for a number of years presented the pre-application drawings and concept plan for the development along M-72 to get further feedback. The basic framework behind the development is a mixed use neighborhood development with commercial, multi-family and single-family residential zones with structures built within the natural environment. Residential structures would be 400-800 square feet. Architectural elements drawn from scandinavian designs mixed in with up-north cottage charm yet with a modern touch. A greenbelt line is set along the setback utilizing construction sensitive to the environment. Stormwater elements will be designed to allow quick infiltration utilizing techniques such as infiltrators under streets, bioswales, cisterns and stormwater gardens. The idea being to make stormwater basins that blend and are part of the development itself. Scheduling is important so they are seeking approval for concept so they can prepare for a June/July PC meeting. That plan would have more scale, complete streets, mixed uses and presented in a way sensitive to environmental resources. Understanding that approval of preliminary application by no means is indicative of overall plan approval.

Wentzloff asked about the type of homes in the mixed-use zone which the applicant indicated would be condos with rental as well. Also concerns of the lack of public water and infrastructure availability for the development. Applicant is aware of this need and hopes to coordinate with nearby infrastructure and hopes that a collaborative agreement, perhaps with the Township and Grand Traverse Band, may be reached to handle the requirements for this type of development. White indicated that the township has not wished to get into the “water business”. Building code determines minimum square footage. Density figures indicate about 8-9 units/acre which meet zoning in this area. PC concluded the pre-application plan meets the requirements for consideration of a planned development.

Motion by Forgette that based on findings that applicant’s pre-application meets the preliminary determination criteria for consideration as a PD with understanding that a key element is public water availability, support by Balentine. Motion carried unanimously.

2. Medical Marihuana Ordinance

PC members and counsel discussed and received clarification on some issues related to ordinance. Forgette asked about the Q&A document provided, asked about the need for an ordinance. Counsel advises that if the township does wish to allow for the 5 uses proposed in the new legislation that an ordinance is required, and he feels that if you do not wish to allow certain uses, the township should draft an ordinance reflecting that as well. Winter indicated that the board wishes to allow all five uses in the B-4 district, More discussion to come as the State regulations become clearer.

3. Short-Term Rentals

PC continued discussions of Short-Term rentals. Two models of operation are the tourist homes or AirBnB room-sharing model where the owner of property is present, and the vacation rental where no owner is present. The weekly vacation rental where the owner is not present seems to be the most problematic. As a PC and based on public input in favor of allowing, Wentzloff feels we need to come to a consensus; do we want to allow the two uses and/or do we want to allow them with regulation. As of right now short-term rentals are not in the ordinance so by definition they are not allowed. These short-term rentals have operated for years under the radar. The homestead exemption comes into play as well with respect to the number of days a place is rented. PC was queried If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

by the chair to provide direction for the zoning administrator so he could move forward. PC members supported both models, with no regulation for tourist homes where the owner is present and regulation for vacation rentals where the owner is not present.

Definitions could help define the uses and the PC decided to look more at those for next month. Winter will also provide PC with possible ordinance regulation language that could be used based on other entities.

J. NEW BUSINESS:

1. Temporary Outdoor Sales

Darren Klooster asked PC to consider one requirement of the ordinance that does not allow outside vendors to operate outdoor sales events. If an applicant meets all other aspects of the ordinance, would the PC consider reviewing since other components of the ordinance require the property owner permission, extension of the current inventory of the property owner, parking, setbacks, etc. If applicant meets all of the other criteria, why would you restrict the property owner from hiring to operate the event.

Wentzloff asked if the PC members' sentiment has changed and there was discussion. In adopting the ordinance, there were concerns of abuse and wanted to prohibit that. There was one outdoor sale event last year in the township. White said some of the discussion also included that outside sales could bring more clients to the property owner. Business owners may not necessarily have the staff to operate outside sale. There is a restricted amount of time that owner can have an event. Feringa believes requiring the restriction that it must be an extension of inventory covers concerns of abuse and doesn't think the property rights of owner should be that restrictive. Rosa said 3rd party vendor can also provide additional expertise on the product such as company representatives who specialize in sales and may make the event more successful for the property owner. Forgette said one of our original concerns were the impacts to existing brick and mortar owners who pay property taxes selling same products. Balentine likes the ordinance as it is. Winter indicated a public hearing would need to be set if PC wishes to re-open.

Motion by Rosa to set a Public Hearing for next PC meeting to review the temporary outdoor regulations in Ordinance 7.2.10, sub A, sub 4. Support by White. Motion carried unanimously

K. PUBLIC COMMENT & OTHER PC BUSINESS

Public Comment: Open at 9:07

P. Bonaccini, 7365 Westwind/9345 Shaw Rd. Wants to note about the timing of PC decision on Short-Term rentals due to the fact that deposits and inquiries are done often times a year or more in advance such as horse show, Cherry Festival.

J. Heffner, 4050 Bayberry Lane - Support of Kelly's PUD. Preliminary plan supports township goals and criteria. Local family with deep roots and is aware of the needs and protection of township resources. Everything Acme is asking for in a development is there. Similar to Timberidge and could draw the people we are looking for to grow Acme

1. Zoning Administrator Report – Shawn Winter provided summary of report and attached to agenda
2. Planning Consultant Report – John Iacoangeli not present
3. Township Board Report – Doug White had nothing to report
4. Parks & Trails Committee Report – Wentzloff talked about moving forward with North Bayside park, and talking about boat launch at Bunker Hill, and connection of north park to The Shores. Feringa looking to get meeting of property owner groups for a conceptual look at trail access from park to Shore Road. White expressed concerns of property owner opposition of trail along US31. Alternate routes are also being looked at but everything is still conceptual.

ADJOURN: Motion to adjourn made by Balentine, support by Rosa. Motion carried unanimously. Adjourn at 9:18pm.

MARCH 27, 2017

TO: MRS KATHY WENTZHOFF — CHAIRPERSON
&
MR. STEVEN FERLINGA — VICE-CHAIR

My name is Michael Hedden
and I'm writing this letter because I'm
NOT PERSONALLY ABLE TO ATTEND THIS
PLANNING BOARD MEETING.

I own GREAT LAKES Helping Hands
AT 4160 M-72 EAST. Helping Hands is a
MEDICAL MARIJUANA DISPENSARY.

WE HAVE BEEN AT THIS LOCATION
FOR ALMOST 7- YEARS.

I know that Adams Township
is now looking at different ZONING
REGULATIONS AS IT PERTAINS TO A BUSINESS
SUCH AS MINE

I would hope that Acme Township
would look at my history while at this
location to know that I have been a
excellent neighbor and this business
has been an asset to this community.

Since I'm not able to
attend tonight's meeting I would
like to introduce Mr. Phil Settles
who will speak on my behalf.

Thank-You
Michael Hadden

7020 DEERWATER PT.
WILLIAMSBURG, MICHIGAN
49690



Planning and Zoning Staff Report

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510

Web: www.acmetownship.org

To: Acme Township Zoning Board of Appeals
From: Shawn Winter, Zoning Administrator
Cc: John Iacoangeli, Planning Consultant; Jeff Jocks, Township Counsel
Date: June 8, 2016 [amended March 23, 2017]
Re: Zoning Ordinance 038 – Temporary Outdoor Sales

I. OVERVIEW

The Township Board considered the recommendation from the Planning Commission to approve Zoning Ordinance Amendment 038 – Temporary Outdoor Sales (Ordinance) at their May 10, 2016 meeting. After a nearly hour-long discussion the following motion passed (extracted from the minutes):

*Zoning Administrator, Winter, presented the Zoning Ordinance Amendment 038 to the Board. The Planning Commission voted 5-1 in favor of sending the proposed amendment to the Grand Traverse County Planning where they concurred with the Township Planning Commission. The ordinance would allow for temporary outside sales under Article VII – Supplementary Regulations. The temporary outside sale (i.e. tent sale, sidewalk sale, Christmas tree sale) is intended to be an accessory event to an existing business. Winter reviewed some of the highlights of the ordinance. Discussion followed with Board wanting a fee to be established in the Acme Township Fee schedule for permitting of temporary outdoor sales. **Also Board would like the Planning Commission to revisit Section 7.2.10 under a. Regulations #4 regarding outsides agents operating temporary outdoor sales.** Motion by Jenema seconded by Scott to approve Zoning Ordinance Amendment 038 – Temporary Outdoor sales as presented. Motion carried by unanimous roll call vote.*

(May 10, 2016 Minutes; Approved June 7, 2016. **Emphasis Added**)

The motion passed as presented so that temporary outdoor sales could occur this summer, however, no motion was made at the time to establish a fee for a permit as prescribed in the ordinance, preventing anyone from applying for a permit. The Board did adopt a revised Fee Schedule at their June 7, 2016 meeting that included a \$75.00 fee for temporary outdoor sales.

The majority of the discussion centered on the ability for outside or third-party vendors (agents) to operate a temporary outdoor sale. Ordinance §7.2.10(a)(4) expressly prohibits this type of operation:

“§7.2.10(a)(4) No outside or third-party vendors are allowed to operate a temporary outdoor sale.”

It was clear at the Board meeting that some confusion exists amongst the Planning Commission as to what the consensus is on the issue. Moreover, based on the discussion at the Board meeting, they postulated whether or not agents should be allowed to operate. The Board has directed the Planning Commission to revisit §7.2.10(a)(4) for consideration and clarification. This brings up a number of points to consider.

II. CONSIDERATIONS

What is the original intent of this ordinance amendment?

It's my interpretation that the intent of this ordinance is to allow more flexibility to existing businesses in terms of selling their products and/or providing diverse sales events. Temporary outdoor sales have more or less been prohibited for decades in the Township. The Ordinance is a small step forward in relaxing prohibitions that may be doing more harm than good to the business community, while providing a set of regulations in order to prevent a free for all.

What is the Planning Commission's consensus on allowing outside agents?

This Ordinance was discussed over a number of meetings and the relevant sections of the minutes are included below. The topic of allowing outside agents came up frequently, but from my recollection, and as I read the minutes, the overall stance was to prohibit outside agents. This is a desired position expressed by the Board when I first presented the idea of the Ordinance at their January 5, 2016 meeting, which was communicated back to the Planning Commission at the January 11, 2016 meeting. The draft Ordinance language reflected this stance.

A motion passed at the April 11, 2016 Planning Commission meeting by a 5-1 vote to send the Ordinance to the Grand Traverse County Planning Commission for review and to recommend approval to the Township Board. Again the topic of allowing outside agents came up for discussion regarding whether the Township should be concerned with an outside agent operating a sale if the existing business owner pulls the permit and takes responsibility for the sale. However, the motion that passed recommended the presented Ordinance for Board approval and County review, and did not include any changes to the language. I believe this is where the confusion exists that the Board recognized and would like the Planning Commission to clarify. The Board also noticed that although there was a quorum, one third of the Commissioners were absent from this meeting.

How does a Zoning Administrator review applications?

Since the language did not change, the Zoning Administrator must review applications based on what has been approved. From my position, the key word in §7.2.10(a)(4) is "operate". Merriam-Webster (n.d.) defines operate as

“To function or behave in a proper or particular way; to use and control (something); to have control of (something, such as a business, department, program, etc.)”

The last variation is most appropriate for this context. I interpret a business having control, or operating, a sale event as the existing business setting up the event and acquiring merchandise,

performing the transactions, and staffing the sale with its employees – essentially the same tasks that would be performed *inside* the existing store. If these conditions are not met, then the sale is not compliant with the Ordinance as approved. I have discussed my interpretation with Counsel who confirmed that my interpretation, based on the Ordinance language, is appropriate.

An argument was made to me by an individual who said he is hired by Meijer to operate firework tent sales in their parking lots on their behalf, and since he is being paid by Meijer he could be considered an employee. He did acknowledge that his paychecks come from TNT Fireworks though. I would disagree with this interpretation and make the claim that this individual is a contractor for Meijer, not an employee. The Internal Revenue Service (May 4, 2016) defines an employee (common-law) as:

*“anyone who performs services for you is your employee **if you can control what will be done and how it will be done.** This is so even when you give the employee freedom of action. What matters is that you have the right to control the details of how the services are performed”.*

(emphasis original)

The Internal Revenue Service (May 25, 2016) also defines an independent contractor as:

“...The general rule is that an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.”

The Township Treasurer presented an easier way to make the distinction: Who do you get your W-2 from? If you get a W-2 tax form from TNT Fireworks and a 1099-MISC or W-9 tax form from Meijer, then you are an employee of TNT Fireworks and a contractor for Meijer. Perhaps Counsel could provide further clarification to the interpretation.

What effect would allowing or prohibiting temporary outdoor sales have on the Acme business community?

The owner of the Holiday Shopper stated at the Board meeting that the prohibition of agents makes the execution of temporary outdoor sales more difficult and limiting to smaller businesses. He said that staffing a sale with your own employees is easier for larger business and corporations, such as McDonald's, K-Mart and Meijer, because they can bring employees in from locations across town and that creates an unlevel playing field. My argument to that is scaling. For some reason this ordinance is often referred to as tent sales, and I feel that has led people to envision these large parking lot productions. In reality a temporary outdoor sale could be a small sidewalk sale in front of your business. If you don't have the staff to operate a large parking lot tent sale, then maybe a sale event of that size is not suitable to your business, but you are able to perform a similar event on a smaller scale. I do not believe it should be the Township's responsibility to regulate staffing solutions in the marketplace. Besides, larger businesses and corporations typically do have an advantage over smaller businesses, such as acquiring inventory at a lower price point by being able to purchase in bulk. Would we consider regulations to level the playing field in that situation? I don't think this is our role.

Again, this is an attempt to allow existing businesses more flexibility in the sale of their regular inventory of goods and products by permitting a use that has long been prohibited in the Township. This Ordinance provides more flexibility to the existing businesses than they had before its adoption.

However, the Ordinance does have a set of regulations. It should be the business itself who finds a way to work within these regulations, as opposed to the Township trying to adjust the regulations to accommodate every possible business scenario that could exist in Acme.

What could the end result be if agents are allowed to operate temporary outdoor sales?

It's hard to speculate the exact extent to which outside agents will be utilized in the Township if allowed. We'll look at the fireworks example to better understand what could happen. There is already an existing brick-and-mortar firework store in the Township, and a new one that just opened on other side of the Township's southern border at the intersection of Holiday Rd and US-31 N. I've had two inquiries from agents interested in selling fireworks in the parking lots of Meijer and the corner of Bunker Hill and US-31 N. An existing business owner at yet a different location asked if he was to throw some sparklers on his counter, making fireworks part of his inventory, would he then be able to bring in a fireworks tent? That's potentially five firework vending locations, and those are only the ones that exist or have contacted me. The US Census Bureau estimates our 2014 population was 4,498, occupying 2,571 households (American Factfinder, N.D.). Those numbers support two grocery stores, one post office, no libraries, yet five firework establishments? Are these establishments that exist to serve the needs of the Acme community? Or are they just trying to catch people passing by, further reinforcing the idea that Acme is just a place you travel through on your way somewhere else up north? By allowing these type of sales are we achieving the Acme Township Community Master Plan cornerstone of creating a vibrant, high-quality, commercial and mixed-use district? Does it align with creating a waterfront mixed-use district along the commercial corridor as prescribed in the Acme Shores Placemaking Strategy? Are we trying to encourage the highest, most valuable use of our commercial land, or setting the bar low for what we're willing to accept?

III. ORDINANCE

§ 3.2 DEFINITIONS will be amended to include the following:

“Temporary Outdoor Sales: A temporary outdoor sale is an outdoor accessory event to the established business and intended to provide the business owner with the ability to sell goods or products outdoors on the property for a limited time. This type of sale is typically referred to as a tent sale and does not include transient sales, third-party vendors, or mobile food sales.”

§ 7.2.10 TEMPORARY OUTDOOR SALES will be added and will read as such:

§ 7.2.10 TEMPORARY OUTDOOR SALES

A temporary outdoor sale is an outdoor accessory event to the established business and intended to provide the business owner with the ability to sell goods or products outdoors on the property for a limited time. This type of sale is typically referred to as a tent sale and does not include transient sales, third-party vendors, or mobile food sales.

- a. Regulations: All temporary outdoor sales shall comply with the following regulations:
 - 1. A temporary outdoor sale is an accessory use to the established onsite business.
 - 2. Temporary outdoor sales are only allowed in the C, CF, B-3 and B-4 Zoning Districts, and properties approved as a Mixed Use Planned Development or Planned Development. Properties that have an existing Special Use Permit that

prohibits outdoor sales or storage shall not be allowed to conduct a temporary outdoor sale.

3. The goods or products offered for sale are an extension of the inventory within the established business, or as specifically identified by this Ordinance.
4. No outside or third-party vendors are allowed to operate a temporary outdoor sale.
5. All goods or products sold through a temporary outdoor sale shall be contained within the designated sale area approved on the application.
6. No business shall have more than thirty (30) days of temporary outdoor sales per calendar year and shall not exceed three (3) temporary outdoor sales events per calendar year.
7. The location of the event area shall not impede onsite traffic circulation, barrier-free parking, or emergency access.
8. Temporary signage during the time of the sale is allowed not to exceed a maximum of sixteen (16) square feet. Additional temporary signage may be displayed on the property in accordance with Section 7.4.6(c)(3). No balloons, banners, air blown devices, or other attention grabbing items are allowed to be displayed.

b. Permits: All temporary outdoor sales shall require a permit issued by the Acme Township Zoning Administrator. An application for a temporary outdoor sale shall be submitted to the Acme Township Zoning Administrator no less than two (2) business days before the intended event and shall include:

1. The proposed dates of the event. The goods or products, tent, signage or other items intended for the event may not be displayed onsite outside of the approved dates.
2. A site plan drawn to scale showing the area of the outdoor sale location and signage in relation to any buildings, parking and circulation.
3. Grand Traverse Metro Fire Department approval.
4. A fee established by resolution of the Acme Township Board and published on the Acme Township Fee Schedule.

c. Violation: Failure to comply with any of the regulations stated in this Section will constitute a violation of this Ordinance under Article XVIII.

IV. MINUTES

PC Minutes December, 14, 2015

Tent Sale Ordinance – S Winter provided a synopsis with things to consider Not a lot of consistency with respect to these requests and should there even be a standard. Winter wanted to know if this was to be a police power ordinance or zoning ordinance.

Jocks indicated that we have to look at each property restrictions; don't want to do parking lot tents as a zoning ordinance. Better suited to be treated as a special event. John I. suggested talking to building code people as there are some safety issues and concerns related to public tents. J. Jocks suggested go to township board and approach them about special events ordinance.

S. Winter asked about food trucks as a police power ordinance. John I recommended making it a police power ordinance so that they have to pull permit so that it makes it an administrative function only; no PC ordinance.

PC Minutes January 11, 2016

Winter opened by saying the Board made a motion to have the Planning Commission explore and draft police power ordinances for tent sales and food trucks. The purpose of this topic being on the agenda is to start the discussion, understand what we want to achieve, receive Counsel's advice and identifying areas of additional research. He included Garfield Township ordinance that is not police power but a supplemental ordinance that may be better. Requires the event to be accessory to the business. Winter also included Traverse City's food truck ordinance and Acme Township's Special Event Ordinance for reference. The Acme Township Board expressed concerns to him included food trucks operating in township parks was not necessarily desired and concerns of a business extending their current retail service through a tent sale vs. a separate business operating a tent sale on their property. Balentine raised concerns with the actual tents used and appearance. Commissioned members felt the use of a tent as an extension of existing business seems is reasonable and allowed and that 3rd party business use of tent should fall under different criteria. Other concerns included adherence to local and state building codes and traffic flow/parking lot space usage, length or duration of sale, use of permits and fees to track events, and temporary signage. Individual property special use permits restrictions would still apply with respect to outdoor sales and may need to be re-iterated in this ordinance. Thresholds could be applied to limit size by utilizing percentage of parking lot size but that could also be difficult. Winter suggested it could be treated like a temporary sign permit so that zoning administrator can review and file. DeMarsh raised a concern about a tent looking exactly like a sign. Feringa didn't want to over-regulate an existing business requesting permit. Timmins likes the use of a permit for control and tracking and maybe a small fee. Winter thinks the idea of permit is very useful and doesn't require a lot of work. The special events ordinance limits the event to 3 days. He doesn't feel a fee would be necessary but others thought maybe a small fee would be appropriate. With respect to signage, requirements of temporary sign process could be apply. Shared parking lot concerns were also brought up. Sign off of property owner and applicant would help. Jocks thought for signage you can limit to one size and not to exceed a certain percentage. Consensus was to not allow unrelated business tent sales at this time. Jocks indicated that it would not be exclusionary zoning to only allow extension of existing business for tent sales. Commission was asked about farm markets and how this ordinance would apply. Jocks to investigate how they were handled in the past. Winter will come back with an updated draft incorporating concerns raised.

Discussion moved on to Food Trucks (mobile food vendors) and allowing them on public property and are they getting a benefit bypassing brick and mortar requirements such as taxes. Winter feels this is a common argument that doesn't necessarily bind. He feels they add variety as it is a totally different option or dining experience. Can be another option for business to break into the industry and some brick and mortar establish food trucks. Feels they should be a police power ordinance as opposed to a zoning ordinance. Included Traverse City's ordinance for reference. Acme doesn't necessarily have any public parking lots which the Traverse City ordinance does address. With respect to public parks, Jocks believes trust fund purchased parkland may prohibit commercial food trucks and that for Saylor Park we would have to look at the deed. If catered to the recreational use of the park, it may be allowed but would have to be looked at closely at each one to see if the use is allowed. White expressed that the Board felt strongly against food trucks on public park land. With respect to private lots, no zoning exists for mobile food vendors currently. Jocks suggested that if we do police power ordinance, suggest that anyone "grandfathered" would have to follow the ordinance. Winter indicated that Traverse City ordinance requires a permit with a checklist of requirements such as signage, operational hours, lighting, etc. Winter thinks the Traverse City ordinance is pretty clear. He will draft up an ordinance for review next month.

March 14, 2016 PC Minutes

Winter looked at other townships and a definition was added to the Amendment. He provided a quick summary of the ordinance "Tent" was removed from the title to expand the type of uses that would be allowed, but still in the spirit of the proposed amendment. (i.e. Christmas tree sales during the holidays, summer sidewalk sale, etc.). The provisions discussed related to tents were included so that they would still apply if a tent is to be used. Adding PD may be warranted. Winter went through items in the ordinance including signage. Counsel suggested incorporating a change in notification to two business days. Board was wanting to make this ordinance as extension of business. Rosa asked if anyone spoke to Acme Business Association. Winter indicated he spoke to them and they felt it made sense. Rosa thought restriction of flags/balloons etc was too strict. A discussion occurred with respect to extension of business and third party vendors. Members discussed outdoor sales items that may be an extension of existing components of business inventory, such as selling the same product as the "store", but outdoor sales vendor having a greater inventory. Winter suggested that perhaps fee could be adjusted based on whether the applicant was an existing brick and mortar store or third party. Timmins preferred not allowing 3rd party vendors and did not want a series of tents across township. Discussion occurred on number of events allowed for one business during course of year. Clearer language needed. Counsel suggests draft language saying no one business shall have outdoor sales of more than 30 days during one calendar year. The question was asked if the business owner took out the permit for an outdoor sale, and assumed any responsibility for such sale, why would the township care. Timmins is not so concerned about allowing third party vendors, but rather does not want Township looking like a big tent sale. Feringa liked the fact of having the property owner responsible. DeMarsh asked about what direction the board was looking to achieve. Iacoangeli reminded commission members that whoever comes in for the permit must disclose on the application what it is they will be selling. Winter commented that the ordinance can always be amended. Wentzloff thought the way the ordinance was drafted reflected the PC discussion from last month. Consensus by the PC was to keep the draft ordinance language as presented with the minor clarifications and changes. Changes include requiring application to be submitted 2 business days prior to event, add in PD, and require that no business shall exceed 30 days of outdoor sales per calendar year as part of the permit.

Motion by Timmins to set a public hearing for Zoning Ordinance Amendment 038 – Temporary Outdoor Sales for the April 11th Planning Commission meeting with changes; support by Balentine. Motion passed unanimously.

April 11, 2016 PC Minutes

Hearing opened at 7:06pm.

D. Hoxie, 6778 M72 East – Asked question if ordinance would allow other businesses to sell items and concerned of its effect on current brick and mortar businesses. Winter indicated that the ordinance would require that the outdoor sale would be permitted if the product being sold was an extension of the business inventory. Feringa added that owner would have to pull permit for sale and would be accountable. Jessup asked if he sold apples to Meijer. He did not. Hoxie worried about a business not from around here taking business away from those vested. Hoxie felt that PC should not move forward with ordinance as proposed.

Hearing closed at 7:10pm.

Discussions among PC members regarding requirements of ordinance, adoption of language to protect local businesses, and the three major requirements of the ordinance. PC members thought ordinance as written was an opportunity for business to extend existing inventory to outdoor sales

for short periods of time and that the intent protected local businesses as best it could. The ordinance provided Zoning Administrator the tools to effectively regulate. It was acknowledged that the ordinance could be scrutinized for loopholes. It was also noted that the ordinance could be reviewed in the future if there seemed to be problems. R. Evina, representing the Acme Business Association indicated they had reviewed the ordinance as a group and though did not think of Meijer with its extensive inventory, he felt that its intent was good and had the best interest of the business community in mind.

Motion made by Timmins to send the proposed Zoning Ordinance Amendment 038 – Temporary Outdoor Sales to the Grand Traverse County Planning Commission for review and brought back to the Township Board for approval.

Support by Rosa. Favor – Rosa, Jessup, Feringa, Forgette, Timmins
Opposed – White Motion passed.

June 13, 2016 PC Minutes [section added March 23, 2017]

Winter indicated to the PC that the Board adopted Zoning Ordinance Amendment 038, but that there was some confusion on section 7.2.10(a)(4) which prohibits outside or third-party vendors. They want the PC to review and provide clarification on the intent. Discussion occurred among PC members present. A poll of members supported not to allow outside or third-party vendors to operate temporary outdoor sales. Concerns included proliferation of tents, and difficulty to administer. The ordinance allows an existing business more flexibility in the sale of their regular inventory of goods and products and provides more flexibility than before its adoption.

V. CONCLUSION

The Board approved that draft Ordinance to allow temporary outdoor sales, however, the language specifically prohibits outside or third-party vendors from operating such a sale. The Board has asked the Planning Commission to revisit this part of the Ordinance. A number of points have been presented for your consideration, as well as the Ordinance itself and the relevant minute sections from past meetings. If the Planning Commission is in agreement that the language as approved meets the intent of the Ordinance and the will of the Commission, then no action is needed. However, if the Planning Commission decides that the intent was to allow agents to operate temporary outdoor sales, then the Board recommends that the process begin to amend the ordinance in order to clarify the language.

VI. WORKS CITED

American Factfinder, (N.D.). "B25001 Housing Units". *2014 ACS 5-year Estimates*. Retrieved June 8, 2016, from factfinder.census.gov

American Factfinder, (N.D.). "S0101 Age and Sex". *2014 ACS 5-Year Estimates*. Retrieved June 8, 2016, from factfinder.census.gov

Internal Revenue Service, (May 4, 2016). "Employee (Common-Law Employee)". *Small Business and Self-Employed Website*. Retrieved June 7, 2016, from www.irs.gov.

Internal Revenue Service, (May 25, 2016). "Independent Contractor Defined". *Small Business and*

Self-Employed Website. Retrieved June 7, 2016, from www.irs.gov.

Merriam-Webster [operate], (n.d.). *Merriam-Webster Online*. In Merriam-Webster. Retrieved June 7, 2016, from www.merriam-webster.com

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 03/20/17 15:00 by dling

Acct #: 6 Ad #: 459641 Status: N

ACME TOWNSHIP Start: 03/25/2017 Stop: 03/25/2017
CATHY DYE, CLERK Times Ord: 1 Times Run: ***
6042 ACME ROAD STDAD 3.00 X 3.45 Words: 216
WILLIAMSBURG MI 49690 Total STDAD 10.35
Class: 147 LEGALS
Rate: LEGAL Cost: 108.00
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE TOWNSHIP OF
Phone: (231)938-1350 Given by: EMAIL SHAWN WINTER
Fax#: (231)938-1510 Created: dling 03/20/17 14:39
Email: szollinger@acmetownship.org Last Changed: dling 03/20/17 15:00
Agency:

Source: 032500000601 Section: _____ Page: ____
Camera Ready: N Group: _____ AdType: _____
Misc: _____ Color: _____
Proof: _____ Pickup Date: _____ Ad#: _____
Delivery Instr: _____ Gang Ad #: _____
Changes: None ___ Copy ___ Art ___ Size ___ Copy Chg Every Run ___
Coupon: _____
Special Instr: _____

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	03/25/17	1	03/25/17	SMTWTFS
IN	AIN	97	W	03/25/17	1	03/25/17	SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 03/20/17 15:00 by dling

Acct #: 6

Ad #: 459641

Status: N

**LEGAL NOTICE
TOWNSHIP OF ACME - NOTICE OF HEARING**

PLEASE TAKE NOTICE that the ACME TOWNSHIP PLANNING COMMISSION will hold a public hearing at its regular meeting on Monday, April 10, 2017 at 7:00 p.m. at the Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690, to consider the following amendments to the Acme Township Zoning Ordinance.

Amendment # 044 would remove the provision prohibiting outside or third-party vendors from operating a temporary outdoor sale under §7.2.10(a)(4).

Copies of the entire proposed Amendment #044 are available for inspection at the Acme Township hall. All interested persons are invited to attend and be heard at public hearings before the Planning Commission. After each public hearing, the Planning Commission may or may not deliberate and take action. The entire Zoning Ordinance is available for inspection at the Acme Township Hall from 7:30 a.m. to 6:00 p.m. Monday through Thursday. Proposed Zoning Ordinance Amendments and the entire Zoning Ordinance are also available for inspection via the Township's website, www.acmetownship.org.

If you are planning to attend and require any special assistance, please notify Cathy Dye, Township Clerk, within 24 hours of the meeting at 938-1350.

Written comments may be directed to:
Shawn Winter, Planning & Zoning Administrator
6042 Acme Road
Williamsburg, MI 49690
(231) 938-1350
swinter@acmetownship.org

March 25, 2017-1T

459641



Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

§ 3.2 DEFINITIONS

Temporary Outdoor Sales: A temporary outdoor sale is an outdoor accessory event to the established business and intended to provide the business owner with the ability to sell goods or products outdoors on the property for a limited time. This type of sale is typically referred to as a tent sale and does not include transient sales, third-party vendors, or mobile food sales.

§ 7.2.10 TEMPORARY OUTDOOR SALES would be amended to remove provision §7.2.10(a)(4) prohibiting outside or third party vendors from operating a temporary outdoor sale, as indicated below.

§ 7.2.10 TEMPORARY OUTDOOR SALES

A temporary outdoor sale is an outdoor accessory event to the established business and intended to provide the business owner with the ability to sell goods or products outdoors on the property for a limited time. This type of sale is typically referred to as a tent sale and does not include transient sales, third-party vendors, or mobile food sales.

a. Regulations: All temporary outdoor sales shall comply with the following regulations:

1. A temporary outdoor sale is an accessory use to the established onsite business.
2. Temporary outdoor sales are only allowed in the C, CF, B-3 and B-4 Zoning Districts, and properties approved as a Mixed Use Planned Development or Planned Development. Properties that have an existing Special Use Permit that prohibits outdoor sales or storage shall not be allowed to conduct a temporary outdoor sale.
3. The goods or products offered for sale are an extension of the inventory within the established business, or as specifically identified by this Ordinance.
- ~~4. No outside or third party vendors are allowed to operate a temporary outdoor sale.~~
5. All goods or products sold through a temporary outdoor sale shall be contained within the designated sale area approved on the application.
6. No business shall have more than thirty (30) days of temporary outdoor sales per calendar year and shall not exceed three (3) temporary outdoor sales events per calendar year.
7. The location of the event area shall not impede onsite traffic circulation, barrier-free parking, or emergency access.
8. Temporary signage during the time of the sale is allowed not to exceed a maximum of sixteen (16) square feet. Additional temporary signage may be displayed on the property in accordance with Section 7.4.6(c)(3). No balloons, banners, air blown devices, or other attention grabbing items are allowed to be displayed.

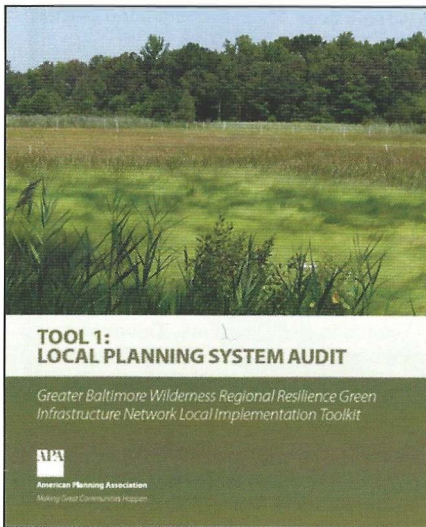
b. Permits: All temporary outdoor sales shall require a permit issued by the Acme Township Zoning Administrator. An application for a temporary outdoor sale shall be submitted to the Acme Township Zoning Administrator no less than two (2) business days before the intended event and shall include:

1. The proposed dates of the event. The goods or products, tent, signage or other items intended for the event may not be displayed onsite outside of the approved dates.
 2. A site plan drawn to scale showing the area of the outdoor sale location and signage in relation to any buildings, parking and circulation.
 3. Grand Traverse Metro Fire Department approval.
 4. A fee established by resolution of the Acme Township Board and published on the Acme Township Fee Schedule.
- c. Violation: Failure to comply with any of the regulations stated in this Section will constitute a violation of this Ordinance under Article XVIII.

Free Green Infrastructure Toolkit

The American Planning Association recently released a five-part toolkit replete with practical guidance for planners, public officials, and private stakeholder groups that are interested in implementing the Greater Baltimore Wilderness Coalition's Regional Resilience Green Infrastructure Strategies (<http://resiliency.cicapps.org/coastal-resiliency/background/>). These strategies are a comprehensive approach to green infrastructure planning and management that are being cited as a model for other communities. The tools available for free download are:

1. **Local Planning System Audit.** This tool presents a series of checklists to help planners and local officials evaluate the consistency of local plans and plan implementation methods with the opportunities for green infrastructure protection or enhancement highlighted in the GBW portal.
2. **Planning Guide.** This tool provides guidance to help planners and local officials align locally adopted plans with opportunities for green infrastructure protection or enhancement.
3. **Land-Use and Development Regulatory Guide.** This tool provides guidance to help planners and local officials align land-use and development regulations with opportunities for green infrastructure protection or enhancement.
4. **Public Investment Guide.** This tool provides guidance to help planners and local officials align public investments with opportunities for green infrastructure protection or enhancement.



5. **Private Stakeholders Guide.** This tool explains how property owners, developers, and community-based organizations can contribute to the implementation of the network.

To download these free tools visit: <https://www.planning.org/nationalcenters/green/gbwc/#updates>.

Source: American Planning Association.

Airbnb Tool Chest for Short-Term Rentals

Homesharing is a rapidly expanding way for people to travel and enjoy neighborhood based accommodations at much lower rates than are typically possible in standard hotels and motels. Perhaps the following examples illustrate the existing scope, and the potential for growth of this expanding practice. In 2015, Airbnb in Amsterdam (the Netherlands, pop. 779,808 in 2011) had 17,000 active listings, with an average visit stay of 3.2 nights and 574,000 guests over the course of a year. In comparison in 2015, Chicago (pop. 2.7 million in 2013) had 8,000 active listings, an average stay of 3.4 nights, and 356,000 annual guests. Tacoma, Washington (pop. 203,446 in 2013) had 381 active listings, an average stay of 3.6 nights and 9,000 guests in 2015. Average annual host income in these cities ranges from \$3,800/year in Chicago, to \$4,000/year in Amsterdam, to \$7,000/year in Tacoma. This supplemental income of course, is the principal incentive for homeowners and renters to "rent out" an unused room, or the whole dwelling, a few nights a month (and sometimes more often).

However, when temporary residents repeatedly make more noise, or cause more traffic, or generate other nuisances than regular residents in residential neighborhoods, communities receive complaints and may be pressured to adopt regulations and fees to help put a lid on excesses. Such use of residences is commonly contrary to local zoning regulations as well. Communities may also get complaints from commercial owners of standard ac-

commodations as well as these rentals often pay no specific fees or taxes.

The largest of these short-term internet-based rental entities, Airbnb, has prepared a 28 page tool chest of guidance materials that address: 1) tax collection, 2) good neighbors, 3) accountability, and 4) transparency and privacy. While these are industry prepared materials that take their interests fully into account, they are nevertheless quite comprehensive, thought provoking, and address many common problems. They also have the benefit of learning from best practices around the world. Included are 10 case studies, and a list of 140 communities from around the world where progress is being made to address this issue. You may find the report to be of some utility as you discuss this growing trend in your community. For more information and to download the publication visit:

<https://www.airbnbncitizen.com/introducing-the-airbnb-policy-tool-chest/>.

Source: Airbnb, and Andy Northrup, MSUE Educator.

Announcing Version 2.0 of STAR

The release of the STAR Community Rating System (STAR) in 2012 marked an important milestone in the urban sustainability movement. Since then, nearly 60 communities have been certified under STAR and hundreds of others have used the framework to guide local planning, decision-making, and investment. On October 11th, **Version 2.0 of the STAR Community Rating System** was released by STAR Communities.

STAR Communities is a nonprofit organization that works to evaluate, improve, and certify sustainable communities. It helps cities, towns and counties achieve a healthy environment, a strong economy, and well-being for their residents.

STAR Communities administers the STAR Community Rating System (STAR), the nation's leading framework and certification program for local sustainability. Technical experts, sustainability leaders, and local government officials developed the rating system to provide a transparent and data-driven mechanism to improve local communities. Communities use STAR to measure their progress across social, economic, and environmental performance areas.

Sustainability means different things to different people, so STAR provides a clear, data-driven approach to assessing communities' sustainability efforts. The STAR framework helps communities assess their efforts in seven key areas and define sustainability for themselves. This robust framework is necessary for communities to credibly track their progress toward overall sustainability objectives and to allow communities to compare progress with each other.

In order for STAR to continue to be relevant, it must evolve with the urban sustainability movement by informing current methodologies, incorporating new performance standards, and integrating best practices. While there have been two minor administrative updates to STAR since its release in 2012, this is the first major update based on feedback received from over 50 certified communities, subject experts, and data providers.

In 2015, the rating system's governance and technical committees recommended an update to STAR in order to integrate data and best practices from the first 50 STAR Certifications and address on-going issues like alignment with external standards (e.g. ISO 37120 and the United Nations Sustainable Development Goals) and development of new content to address gaps such as biodiversity, good governance, and aging.

The process of updating the rating system's framework began in July 2015 with a general review and discussion of high-level issues across the system. These topics included:

- Opportunities to align with other indicator-based reporting systems;
- Strengthening of performance thresholds and trend lines for outcome measures;
- Points distribution across goal areas and objectives and within objectives; and

(continued on page 8)

Airbnb Policy Tool Chest



Table of Contents

INTRODUCTION	1
SMART POLICY TOOLS	4
1. Tax collection	4
2. Good neighbors	5
3. Accountability	7
4. Transparency and privacy	10
A CLOSING NOTE	13
APPENDIX #1: PROGRESS AROUND THE WORLD (CASE STUDIES)	14
Amsterdam, Netherlands	15
Arizona State	16
Chicago, Illinois	17
Jersey City, New Jersey	18
London, United Kingdom	19
New South Wales, Australia	20
Philadelphia, Pennsylvania	21
Portugal	22
San Jose, California	23
Tacoma, Washington	24
APPENDIX #2: PROGRESS AROUND THE WORLD (DIRECTORY)	25

Introduction

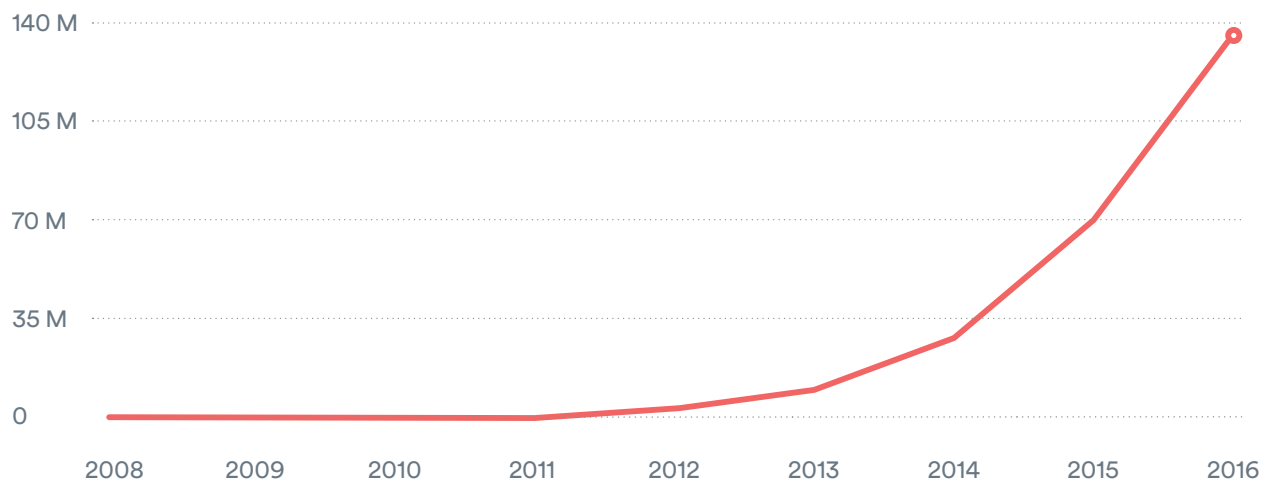
Airbnb is a people-to-people platform—we are of the people, by the people and for the people—that provides economic empowerment by bringing real benefits to those who share their homes. Founded in 2008, Airbnb is democratizing capitalism by expanding the economic pie for ordinary people, allowing them to use their home, typically their greatest expense, to generate supplemental income to pay for costs like food, rent, and their children's education. Hosts keep 97 percent of the price they charge for listing their homes. The typical US host earns the equivalent of a 14-percent annual raise.

Airbnb is also democratizing tourism. Roughly three-quarters of our listings are outside the main hotel districts, giving millions of everyday people the chance to travel to cities and neighborhoods they might otherwise miss, and disproportionately bringing economic benefits to communities that typically have not benefited from tourism. Thirty-one percent of the people who travel on Airbnb say they would have stayed home or would not have stayed as long but for Airbnb.

And, Airbnb is democratizing revenue by generating tens of millions of new tax dollars for governments all over the world. For the first time since the 1930s, as many people are moving into cities as are moving into suburbs, and cities are having to do more to serve their residents. As a result, they are facing significant financial pressures for which the revenue generated by the Airbnb community is providing some relief.

The travel and economic opportunities created by Airbnb support the way people want to live, work and see the world in the 21st century, earning extra income to make ends meet by making better use of the estimated 13 million empty homes and 34 million empty bedrooms in the US alone. Since 2008, Airbnb hosts have welcomed more than 140 million guest arrivals in nearly 200 countries around the world. More people will use Airbnb tomorrow than do today.

Cumulative Guest Arrivals



As Airbnb grows, we recognize the opportunity and responsibility to work with local governments to craft progressive, fair rules for home sharing. In November 2015, we launched the [Airbnb Community Compact](#), outlining a set of policy principles and commitments guiding how we engage with communities around the world. The commitments include:

- **PAYING OUR FAIR SHARE OF HOTEL TAXES.**
- **WORKING WITH COMMUNITIES TO PUT IN PLACE RULES THAT SUPPORT EACH COMMUNITY'S SPECIFIC POLICY NEEDS.**
- **SHARING DATA BY REGULARLY PROVIDING INFORMATION ABOUT OUR COMMUNITY TO CITIES AND OTHER JURISDICTIONS IN WHICH WE OPERATE, IN A MANNER THAT IS CONSISTENT WITH OUR PRIVACY OBLIGATIONS.**

In the year since the Compact was announced, we have followed through on these obligations. We have established partnerships to collect and remit hotel and other taxes in more than 200 jurisdictions. We have released data and information about our impact in 19 jurisdictions. And we have worked with governments all over the world to craft progressive new laws or, where appropriate, support existing ones. Ten of the largest US cities already have enacted modern rules for home sharing or are actively engaged in productive conversations with Airbnb to find the right approaches. We also have entered into more than 30 Memoranda of Understanding (MOUs), partnerships and other agreements with a range of communities around the world.

We anticipate continued success. In the past month alone, Airbnb has entered into MOUs or advanced MOU discussions with officials in Aruba, Shenzhen, Chongqing, Guangzhou, Shanghai and in the Asia-Pacific region, Australia's New South Wales, Japan and Korea have taken steps toward progressive rules. In the US, cities including San Diego have rejected unfair restrictions or bans on home sharing.

Now, we are offering insights gained, lessons learned, and policy options developed through these hundreds of collaborations across five continents by releasing the Airbnb Policy Tool Chest, a resource for governments to consider as they draft or amend rules for home sharing.

To help demonstrate how these tools can be put to use, the Tool Chest also documents use cases from a sample of the hundreds of communities where these concepts have been tailored successfully.

Importantly, this is not a one-tool-fits-all policy prescription or model legislation. Just as you would not put a hammer to a screw, or a screwdriver to a nail, each city and country is economically, geographically and demographically unique. Rules that work in Portugal may not make sense for Philadelphia, yet both places leveraged these policy tools to enact regulations that enable home sharing to thrive, to their immediate and long-term benefit. We also have seen the effectiveness of governments taking a holistic approach when crafting these policies, rather than trying to isolate and implement one policy at a time.

The Tool Chest offers four sets of policy options for consideration:



TAX COLLECTION: Working together, platforms like Airbnb can help governments collect millions of dollars in hotel and tourist tax revenue at little cost to them.



GOOD NEIGHBORS: Home sharing can deliver benefits to tenants, homeowners and landlords in every corner of every community. Airbnb has created a series of tools to help ensure that hosts and guests are respectful of the neighborhoods in which they share space.



ACCOUNTABILITY: Airbnb and the jurisdictions in which we operate can collaborate on practical, enforceable rules for home sharing.



TRANSPARENCY AND PRIVACY: Platforms can provide data to local policymakers to enable smarter decision-making about home sharing rules without compromising hosts' or guests' privacy rights.

We also have included examples of communities around the world that have successfully implemented, or are on the way toward adopting local versions of these policies. The appendix of this report provides fuller details of these locally appropriate regulations.

Airbnb is eager to work with officials at every level of government toward modern rules for home sharing. When the car began replacing the horse and buggy nearly a century ago, we needed new rules for that new technology. Home sharing itself is centuries old, but home sharing on an online platform at a peak of 1 million guest arrivals per night is new. Such new developments take time to figure out, and we want to work with lawmakers to get this right, rather than rush to regulate in the context of outdated rules that were enacted years before the arrival of the internet. Smart policymaking will allow home sharing to achieve its potential as an economic, social and environmental solution, not just for the everyday people who take part in it, but for the cities and other governments that stand to benefit from it.

Smart Policy Tools



TAX COLLECTION.

Home sharing provides a new source of revenue for cities and other governments. By handling collection and remittance of hotel and similar taxes, Airbnb ensures that our community pays its fair share of these taxes and relieves local governments of the effort and costs of collection and enforcement. This process generates millions of dollars for these jurisdictions while costing them nearly nothing. Key policies related to taxes include:

Voluntary Collection Agreements

Collecting and remitting these taxes, known from place to place as “occupancy,” “lodging,” “room,” “tourist” or even “hotel taxes,” can be a challenge for local hosts. Most of the taxes guests usually pay are based on outdated laws that were written with hotels and traditional hospitality providers in mind. The regular people who host through Airbnb or other platforms can struggle with complicated tax filing processes that were never intended to apply to home sharing, only to hotel companies equipped with accountants and finance departments.

To address this challenge, Airbnb developed a tool, the Voluntary Collection Agreement (VCA), to ensure that proper taxes are collected and remitted while relieving hosts of onerous tax filings and governments of the burden of collection and enforcement. When a jurisdiction signs a VCA with Airbnb, we collect and remit appropriate local taxes from guests as part of their booking transactions and remit the tax revenue directly to the proper tax administrator on behalf of hosts.

Targeted funding

To date, we have collected and remitted more than \$110 million in tax revenue in more than 200 jurisdictions around the world. If even just a select set of communities across the United States alone were to adopt VCAs, to say nothing of the other communities around the world in which we operate, we project that we could remit as much as \$2 billion in taxes over the next 10 years, if not more. These tax dollars can support critical services, as determined by local officials. In **Chicago** and **Los Angeles**, for example, a portion of the new revenue is going to support affordable housing and aid for the homeless. Other communities currently have formulas in place to determine how hotel and similar tax revenue is allocated. For example, **San Francisco** dedicates a portion of these funds to support the arts.

Promoting tourism

Some governments have considered using these resources to support tourism. In both **France** and **Florida**, tax dollars collected from Airbnb are supporting destination-marketing efforts and tourism infrastructure.

We are eager to collect and remit hotel taxes in more jurisdictions and help more governments realize the revenue potential that home sharing offers. In a limited number of jurisdictions including New York and Hawaii, existing laws limit Airbnb’s and local tax collectors ability to enter into a VCA. We encourage governments to lift these restrictions.



GOOD NEIGHBORS.

Airbnb has democratized travel by bringing travelers and their spending to neighborhoods and small businesses that previously have not benefitted from tourism. Today, roughly three-quarters of all Airbnb listings are located outside of traditional hotel districts. Enabling all local communities to benefit from home sharing requires adopting fair and progressive policies, including:

Supporting home sharing in all neighborhoods

Today, zoning and other local land use policies may unfairly restrict the rights of people to share their permanent homes on a short-term basis. Often designed to prevent the operation of full-time businesses in residential areas, many of these regulations were enacted before the internet was created and did not anticipate the concept of local residents occasionally sharing their living space with travelers, much less the fast-growing popularity of home sharing.

Not only does responsible home sharing not demonstrably alter the character of a residential neighborhood, it can generate significant benefits for small businesses and residents who gain new sources of income. Accordingly, communities have begun to revise these restrictive policies to allow for occasional home sharing. For example, **Jersey City** has made home sharing legal as an “accessory use” in all zoning districts where residential use is permitted. Hosts are not required to register or obtain a business license, except for those who offer more than five dwelling units. This type of zoning reform can ensure that home sharing is allowed to thrive in all neighborhoods.

Using home sharing to open more communities to travelers

Travelers often struggle to visit communities that lack affordable accommodations. Increasingly, public officials are recognizing the potential for home sharing to democratize travel and ensure that working families can visit destinations that might otherwise be out of reach. For example, the **California** Coastal Commission (CCC) went on record in support of sensible short-term vacation rental policies, convinced that home sharing provides a more affordable way for many travelers, including groups and families, to visit expensive beach communities. The CCC has found that prohibiting such rentals in some cases would limit lodging opportunities for coastal visitors and ultimately discourage public access to beaches. For this reason, the CCC has worked with local governments to craft reasonable, balanced rules that address affordable housing issues while still leaving room for regulation in residential and other zoning districts.

Supporting landlords and property owners

We understand the importance of involving landlords in home sharing activity taking place on their properties. Airbnb’s Friendly Buildings Program brings building owners and landlords to the table with their tenants, and with us, to enable home sharing on their properties under rules they help create. The program is an option for long-term tenants only and is designed to support only people who share the home in which they live, and within those properties, only for housing units that rent at market rates.

Under this program, the rules landlords and owners establish can address which units in a building can be shared, for how long, and other booking details. In return, owners receive a mutually agreed upon portion of the revenue. Since the program's debut, owners typically have received between 5 percent and 15 percent of their tenant-hosts' earnings through the program. Some buildings choose to use this revenue to lower maintenance or other costs that benefit all tenants.

Once all parties agree to the rules, eligible tenants can sign up for their respective buildings' programs through the Airbnb platform. We provide the landlords with regular reports and handle the distribution of revenue to the landlords in the same way we do for hosts. We also collect and remit taxes where local laws permit.

In the interest of engaging transparently with our landlord partners, our regular reports to participating landlords contain select information on Airbnb activity in their buildings, including activity taking part outside the Friendly Buildings Program. However, in keeping with our commitment to protect our community's privacy and security, we do not provide personally identifiable information about our hosts.

The Airbnb Friendly Buildings Program is just getting started. We are especially mindful at this early stage of the need for fair, easy-to-understand guidelines for participation. In 2016, we debuted the program with pilots in the US cities of **Nashville, Philadelphia, and San Jose.**

We look forward to expanding this program and to working with local government officials and landlords to design legal frameworks that support home sharing in their communities.

Being a good neighbor

The overwhelming majority of hosts and guests are good neighbors who respect the communities where they live and visit, but we want to be responsive in case something goes wrong. Developed in consultation with hosts, guests and neighbors, our Neighbors Tool makes it easy for people living near Airbnb listings to reach us so we can help hosts with small issues before they become big problems. When a neighbor reports an issue at a listing, such as a noise complaint, we reach out to the host to give them an opportunity to address the problem.

The small number of bad actors who repeatedly fail to address complaints or live up to our standards and expectations may be permanently banned from the Airbnb community. The number of complaints is just one factor we consider. In some cases, one complaint is one too many, while other situations could be different. Airbnb reviews every inquiry and if we find a violation of our policies, we notify the hosts and take appropriate action.

Preventing party houses and unwelcome hostels, and preserving quality of life

Some listings on Airbnb are traditional hostels. Others are ideal venues for large events. These types of listings are often appropriate for our community, and their hosts and guests are often good neighbors. However, if a listing is unsafe, disturbs the community, or violates Airbnb's Standards and Expectations, we will remove it from our platform. We have taken proactive action in cities around the world against

listings that had the potential to cause quality-of-life issues, or that did not fit with the expectations of our community. In **San Francisco**, for example, we proactively removed 300 shared-space listings that were determined to present the exact type of nuisance outlined above, and in **Korea**, we will have removed 1,500 listings not in line with our community standards by the end of 2016. We can work with communities to help identify and address these types of listings as appropriate.



ACCOUNTABILITY.

While the popularity of home sharing continues to grow around the world, we recognize that certain communities may want to enact sensible limits that meet their needs. This can take many different forms. Generally, these types of regulations attempt to distinguish between amateur hosts who only occasionally share space and commercial hosts who offer space on a more frequent basis.

For example, many cities believe residents should be able to rent a room or a home occasionally, as most hosts do, but at a certain point, such as after 180 days or after operating a couple of listings, renting becomes a more commercial activity requiring additional regulation. Airbnb analysts are able to assist policymakers with identifying the point at which short-term rentals in a neighborhood generate more income than long-term rentals per year, which we believe could be an appropriate standard for such a cap. In other jurisdictions, officials believe there should be limits across the board, such as a cap on the number of nights an entire space can be shared. We work cooperatively with our local government partners as they consider and put in place a range of policies to try to ensure the rules are fair and clear. Policies for consideration include:

Limits on the number of nights

While most hosts share their homes only occasionally, some people choose to rent their space with greater frequency. Some jurisdictions have decided that entire-space listings should only be rented for a certain number of nights per year, or should have an additional set of regulations when they are shared more frequently. In **San Jose**, for example, hosts can list as often as they want when they are at home, and for 180 nights if they are not home at the time of the rental.

In some other communities, hosts are required to register with the jurisdiction only after they have shared their home for a certain number of days within a calendar year. This allows for anyone to host on the infrequent occasions when they are gone, and also provides officials with information on those who rent their home frequently.

Residents of **Philadelphia** may share their homes for up to 90 days per year without registering, regardless of whether they own, rent or have multiple properties. After the initial 90-day allowance, hosts must seek permits from the city to share their homes between 91 and 180 days per year. A Commercial Activity License is required for hosts looking to rent their homes for more than 180 days per calendar year, or who are trying to rent a property that is not a primary residence.

In **London**, hosts are free to share their homes for up to 90 days per year without this being considered a “change of use” requiring planning permission. This includes entire-home listings. After 90 days, a “change of use” sets in and requires planning permission. In **Amsterdam**, entire homes may be listed for up to 60 days per year. In **France**, some cities have a limit of 120 days per year, beyond which they require “change of use” permission for hosting in non-primary residences. In **Strasbourg**, **Lyon** and **Nice**, we are working with city authorities to notify hosts about applicable thresholds, along with information about how to apply for the relevant permissions.

Special rules for rent-stabilized and social housing

Subsidized housing plays a critical role in keeping our cities affordable. In some communities, a portion of the housing supply is rent-controlled or rent-stabilized. We believe in strong laws that protect this housing and ensure that people are not unfairly taking advantage of the system. At the same time, residents in these housing units often depend on the additional income from home sharing, and local officials have considered proposals that would prevent a resident from earning more than his or her monthly rent or mortgage through home sharing. Finding a balance that allows people to stay in their homes while not unfairly profiting is an important part of making sure the benefits of home sharing are available to all residents.

Regulations on the number of listings

Some cities have rules regarding how many listings a host can have.

Some cities require extra steps to be taken by hosts with more than one listing, and some cities place limits on the overall number of listings a host can share.

- **Requiring permits after a certain number of listings**

Under this approach, hosts are required to register with the jurisdiction based on the number of local listings they maintain on home sharing platforms. **Jersey City** hosts, for example, are only required to register with the city after listing more than five units. When a host exceeds the limit, he or she is treated as a professional and must get the appropriate business licenses and meet zoning requirements. In Europe, similar rules are in effect in **Milan** and **Vienna**.

- **“One Host, One Home”**

In two cities with uniquely constricted housing supplies, **San Francisco** and **New York**, Airbnb has instituted a “One Host, One Home” policy limiting hosts from sharing listings at more than one address. Exemptions exist for traditional B&Bs and other traditional hospitality providers. Both cities are facing affordable housing challenges that are rooted in policy and land use decisions made long before the internet or Airbnb were created. For example, housing prices in New York increased by 250 percent from 1974 to 2006.

Registration

While we firmly believe that all residents should be able to share their homes without complicated permits or licenses, some thoughtfully targeted registration programs have the potential to provide critical information to local governments while not posing undue burdens on regular people who share their homes. We have learned that if a locality decides to enact a registration system, there are ways to ensure it works for both administrators and hosts.

- **A simple, online process**

People understandably are wary of registering with the government in order to simply rent their homes on occasion. Making the system simple and easily accessible as an online form is critical to getting people to support and comply with these rules. The system of online notification in **Portugal** has been very successful in this respect, and we have worked closely with the national government to communicate with our community there.

- **Automatic or interim approval**

The European Commission already has proposed that the act of applying for registration should equate to approval. Automatic approval is a simple process for hosts and a time- and cost-saving practice for administrators. We know local administrators can have a hard time processing the high volume of applications. At the same time, we believe hosts should be permitted to share their homes while their applications are being processed or obtain approval without delay. An alternative to automatic approval can be interim approval.

- **Pass-through registration**

Under some circumstances, Airbnb will work directly with a city in order to help facilitate the registration process. In **Chicago**, Airbnb is working with city leaders to provide or “pass through” to administrators the information required to register new hosts. This is an exception to our usual approach in which individual hosts are responsible for registering and securing any necessary licenses so their personal information is communicated directly to the jurisdiction, rather than via Airbnb. Pass-through registration can be difficult to implement, requiring significant technical cooperation between a city and a home sharing platform to share data regarding individual hosts.

Fighting discrimination

Discrimination is antithetical to our mission of helping people belong anywhere. In September, we introduced a set of new policies to help fight bias. The new initiatives include changes to Airbnb’s own hiring, training, and customer service practices as well as changes that will help identify and remove anyone who violates our stronger non-discrimination policy. As of November 1, Airbnb hosts and guests must agree to treat everyone in the community with respect and without judgment or bias, regardless of race, religion, national origin, ethnicity, disability, sex, gender identity, sexual orientation or age. Airbnb also has created a permanent team of engineers, data scientists, researchers and designers whose sole purpose is to advance belonging and inclusion, and to root out bias. We also are working to expand the use of Instant Book. Anyone who violates our policies may be immediately and permanently banned from using Airbnb.

Three strikes and you're out

In 2016, as part of a push for comprehensive home sharing reform, Airbnb proposed a “three strikes” policy barring US hosts in **New York** and **San Francisco** from using our platform if they are cited by law enforcement for violating home sharing rules or other restrictions that are intended to preserve neighbors’ quality of life. Under this policy, hosts who are repeatedly fined or punished by state, local or federal law enforcement authorities will be permanently banned from using Airbnb. We are eager to explore the feasibility of implementing this policy in other markets.

Keeping bad actors off the platform

When a host or a listing does not meet our community’s standards, Airbnb removes them from our platform. We have invested engineering and other resources to develop means of detecting bad actors who try to circumvent our policies. In October, Airbnb began testing an automated enforcement tool that uses machine-learning technologies to help ensure removed listings are not re-posted on the platform. The tool enhances existing technology and support services that focus on preventing people who have been banned from Airbnb from returning to the Airbnb community, and is just one example of how we are applying technology to promote responsible home sharing.

Treating all people-to-people platforms equally

The global home sharing community ultimately is people-to-people, facilitated by Airbnb and a range of other online and offline services. While Airbnb has made home sharing simpler and easier to arrange from a distance, people have been sharing their homes for centuries, and for many years through other companies.

Rules for home sharing should apply to all of these services that promote home sharing and be platform-agnostic, whether or not they collect fees and process transactions. Local laws should not offer unfair advantages or disadvantages to one platform over another.

More importantly, creating rules that apply to just one website or service will only direct illegal or unwanted behavior to other, unregulated online or offline sites. Platform-agnostic rules are the key to creating local home sharing communities that are safe, fair, mutually respectful, and beneficial for all involved.



TRANSPARENCY AND PRIVACY.

At Airbnb, we believe in standing up for our host community. This includes making every effort to protect the privacy and personal information of our users. At the same time, Airbnb is committed to working with local law enforcement to keep our communities safe, and to providing government officials with data they need to make informed decisions about home sharing policies.

Annual Transparency Report

In September, we released our first annual Transparency Report, providing insight into the number and kinds of requests we receive from law enforcement, the sources of the inquiries, and how often we respond to them. The report includes emergency requests for user information where law enforcement indicated that the physical safety of a host, guest, or a member of the public may have been at risk.

Requests and our response rates are broken down by type and country. The inaugural report, covering the first six months of 2016, shows 31 million guest arrivals and just 188 requests from law enforcement. We will be releasing these Transparency Reports yearly.

Anonymized data sharing

Airbnb has established principles to provide anonymized data about our community to officials to help inform home sharing policies, and to give them visibility into the scope of home sharing participation and its economic, social and environmental impact. We have committed to release information about our community in cities and countries where we have a large presence. In our Community Compact, announced in November 2015, we pledged to share the following types of data:

- **The total annual economic activity generated by the Airbnb community in the city**
- **The amount of income earned by a typical Airbnb host in the city**
- **The geographic distribution of Airbnb listings in the city**
- **The number of hosts who avoided eviction or foreclosure by sharing their home on Airbnb**
- **The percentage of Airbnb hosts who are sharing their permanent homes**
- **The number of days a typical listing is rented on Airbnb**
- **The total number of Airbnb guests who visited**
- **The average number of guests per listing**
- **The average number of days guests stay**
- **The safety record of Airbnb listings**

This data has been released in geographies around the world, and is collected on our [Community Compact Data Dashboard](#).

Working with cities

Beyond our Compact commitment, Airbnb works with local governments to provide additional data to help inform policy making decisions. To fulfill our responsibility to uphold user privacy, this shared data typically takes the form of aggregated totals depicting hosting behavior at the neighborhood level. As an example, in **New York**, we have released data for each of the city's more than 200 [Neighborhood Tabulation Areas](#). In other cities, shared data may include additional metrics that are specific to a city's unique policy concerns, such as [growth rates, guest country of origin, and counts of hosts with multiple listings in Vancouver](#). We should note that many local governments and individual agencies also have their own rules in place to protect their citizens' privacy when working with their data.

Better information about listings

On Airbnb, you can find a house, an apartment, or even a lighthouse or a yurt. As Airbnb continues to grow—both in terms of volume of listings and the diversity of homes available—we will organize listings in ways that make it as easy as possible for guests to book exactly what they are looking for. Here are the steps we are taking:

- Hosts often are renting a room in their home, but some hosts may travel frequently and rely on a friend, relative, or neighbor to help them manage their listing. Additionally, in traditional vacation destinations such as beach or ski communities, local property managers may work with many property owners. This can create confusion for guests who want to know what to expect when they arrive. To solve this challenge, hosts will have opportunities to add more information to their listings, including information about any manager who will be overseeing a listing during a guest's stay.
- Most of the listings on Airbnb are hosts' personal spaces, which means they contain personal furnishings and belongings. We know many Airbnb guests are looking for accommodations that include these personal touches. To make sure guests know what to expect in the spaces they are booking, we will ask hosts to specify whether their listings are personal homes or not.
- For years, traditional hospitality providers have listed their spaces on Airbnb. While we have long had a category for B&Bs, we have lacked other professional designations. In order to provide more clarity for guests, we will be asking hosts to classify themselves, as appropriate, as a B&B, hostel, nature lodge, serviced apartment or boutique hotel. Other categories may be available by country, such as a heritage hotel in India or a minsu in Taiwan. We want our hosts to help guests have unique and authentic experiences.
- Some hosts interact personally with their guests, which is an important part of the guest experience. We will soon begin asking hosts to specify whether they socialize with guests or not.

While collecting this information will take time, we believe this effort ultimately will help us provide more and better information about our community, with our usual privacy protections, to local governments around the world.

A closing note.

Airbnb is eager to work with officials at every level of government toward smart, forward-looking rules for home sharing. In just eight years, we have collaborated with hundreds of governments worldwide, with the result being the global policy framework outlined here.

Smart policymaking will allow home sharing to achieve its potential as a solution, not just for the everyday people who take part in it, but for the cities and other governments that stand to benefit from it. We look forward to starting discussions with other progressive leaders around the world who are considering how to create truly 21st-century rules.

APPENDIX #1: Progress in communities around the world (case studies)

Hundreds of cities and other jurisdictions around the world already have enacted smart, forward-looking rules for home sharing. While these policies may not be right for every locality, the experiences of these 10 communities can provide guidance for other public officials now considering home sharing rules, both to show the benefits of a holistic approach, and as examples of how various iterations of the policies can be knitted together to suit a specific community's needs:

AMSTERDAM, NETHERLANDS

ARIZONA STATE

CHICAGO, ILLINOIS

JERSEY CITY, NEW JERSEY

LONDON, UNITED KINGDOM

NEW SOUTH WALES, AUSTRALIA

PHILADELPHIA, PENNSYLVANIA

PORTUGAL

SAN JOSE, CALIFORNIA

TACOMA, WASHINGTON

Amsterdam, Netherlands

In 2014, the Amsterdam City Council approved a policy making it easier for local residents to share their primary residences. Airbnb and the city of Amsterdam subsequently entered into a Memorandum of Understanding to promote responsible home sharing, enforce rules against illegal hotels, and simplify the payment of tourist taxes, making Amsterdam the first European market to enter into Airbnb's Voluntary Collection Agreement. Amsterdam and Airbnb have since signed a new agreement that introduces new automated limits to ensure entire-home listings are not shared for more than 60 days. The new rules are an excellent example of how Airbnb and policymakers can work together to create innovative regulations that embrace the sharing economy and make cities better places to live and visit.

Policy highlights

- A new category of accommodation was created, called "Private Rental," which allows local residents to rent their residences for up to 60 days a year
- Short-term rentals are allowed only by those registered with the city as primary residents in each particular dwelling
- Hosts must ensure that units meet all fire and safety rules
- Airbnb collects all applicable bed and tourist taxes (an additional 5 percent)

About Airbnb in Amsterdam

17,000

Active listings

\$4,000

Average host income
(in USD)

3.2 nights

Average length of stay

83%

Entire home

17%

Private room

574,000

Total number of
guests in 2015

Arizona State

In 2016, Governor Doug Ducey signed SB1350 into law with bipartisan support. The law provides a framework for short-term rentals, including listings on home sharing platforms, that ensures residents have the right to rent out their homes, travelers have access to a wide array of accommodations, and states and municipalities can address the needs of their communities while securing predictable tax revenue.

Ordinance highlights

- Stops local governments from prohibiting residential short-term rentals
- Allows local governments to establish their own regulations pertaining to health and safety, noise, parking, traffic control and sanitation
- Requires that registration processes be simple, affordable, and easy to navigate, allowing owners and hosts to legally list their properties in a timely manner
- Prohibits arbitrary limits on the number of days a property can be rented, density limits by building type, or a differentiation between primary and secondary residences or hosted homes versus whole-home rentals
- Allows online platforms to collect and pay taxes at the state level, relieving homeowners of the need to file individually. Prior to SB1350, remitting taxes required homeowners to file separate paperwork every month to both the Arizona Department of Revenue and the city. SB1350 set up a simplified tax reporting system in which short-term rental platforms have the opportunity to form an agreement with the Department of Revenue to collect and remit state and local taxes on behalf of all hosts who list on that platform. The Department of Revenue then distributes the relevant portion of the taxes to the city.

About Airbnb in Arizona

10,000

Active listings

\$4,800

Average host income
(in USD)

3.6 nights

Average length of stay

72%

Entire home

28%

Private room

269,000

Total number of
guests in 2015

Chicago, Illinois

In June 2016, Mayor Rahm Emanuel signed an amendment to Section 2-25-050 of the Municipal Code of Chicago, which was passed with overwhelming support by the Chicago City Council. The new ordinance put forth new, progressive rules for short-term rentals featuring no restrictions on the number of nights that Airbnb hosts can share a room or their entire house, an easy registration system, and new taxes and fees on Airbnb reservations in the city.

Ordinance highlights

- No restrictions on number of nights a listing can be used for short-term rentals, both for hosted and un-hosted stays
- No limits on the number of listings a host can have in the city
- Easy, streamlined registration that protects the privacy and personal information of Airbnb hosts while allowing the city to enforce the terms of the ordinance
- Limits number of listings in multi-unit buildings to 25 percent of the listings or no more than six units, whichever is less
- Features a 4-percent tax on each rental to fund services for the homeless

About Airbnb in Chicago

8,000

Active listings

\$3,800

Average host income
(in USD)

3.4 nights

Average length of stay

62%

Entire home

38%

Private room

356,000

Total number of
guests in 2015

Jersey City, New Jersey

In October 2015, Airbnb worked with elected officials in Jersey City to enact comprehensive regulations to permit short-term rentals, e.g., a unit rented out for less than 30 consecutive days. A key component of this effort was Airbnb's agreement to collect and remit taxes on behalf of hosts and guests. According to city leaders at the time, by legalizing home sharing and partnering with us, Jersey City would earn an additional \$600,000 to \$1 million annually on the more than 300 Airbnb listings in the city. Our host community has since grown to 900 active hosts and our engagement in Jersey City remains one of the most mutually beneficial in the United States.

Ordinance highlights

- Short-term rentals are permitted as an accessory use in all zoning districts where residential use is permitted
- Hosts offering an accessory dwelling unit (ADU) for short-term rental use must be the owner/lessee of the residence in which the home sharing activity occurs
- No person offering short-term rentals shall be required to obtain any license unless they offer more than five separate listings in the city
- Hosts who offer five or more listings must obtain a license for each dwelling unit
- Hosts ensure no sign identifying the listings and no identification of listings on any mailboxes
- Hosts agree the bookings will be conducted in a manner that does not disrupt the residential character of the neighborhoods

About Airbnb in Jersey City

2,000

Active listings

\$4,800

Average host income
(in USD)

5.1 nights

Average length of stay

60%

Entire home

36%

Private room

26,000

Total number of
guests in 2015

London, United Kingdom

In March 2015, new national legislation was enacted to reform 1970s-era legislation regulating short-term rentals in the capital. Now, Londoners are able to share their homes with guests from all over the world, just as residents in the rest of the United Kingdom are able to do. These reforms help local hosts meet the cost of living in one of the most expensive cities in the world. Airbnb also has announced new automated limits to ensure that entire homes in London are not shared for more than 90 days without permission, to ensure that home sharing grows responsibly and sustainably.

Policy highlights

- Hosts in London can share their homes for up to 90 days per year without this being considered a “change of use” requiring planning permission
- Hosts across the UK are able to earn up to £7,500 per year from renting part of their primary residence - or £1,000 from renting their whole home - without having to pay income taxes on it
- Simple, proportionate fire safety measures apply across the UK

About Airbnb in London

36,000

Active listings

\$5,200

Average host income
(in USD)

4.4 nights

Average length of stay

52%

Entire home

47%

Private room

1,106,000

Total number of
guests in 2015

New South Wales, Australia

The New South Wales Parliament has completed an 18-month review of its laws and has recommended that the government embrace Airbnb and adopt new rules that would make home sharing of a primary place of residence completely “exempt” (meaning, legal and without any process requirements at all). The rules also will support home sharing of non-primary residences as “permissible” with some streamlined minimum processes. The government also has found claims of significant noise or nuisance issues to be very small in number, and has rejected giving building managers powers to ban home sharing. We expect the New South Wales government will adopt these recommendations in the coming months.

Proposed ordinance highlights

- Under the proposals, hosts who list their primary residences (the homes in which they live) will be exempt from any regulation or requirement to adhere to caps, registrations or fees; whether they are listing a private room or an entire home
- The proposals suggest that some “light-touch” regulation should be imposed for investment properties and hosts with multiple properties
- At this writing, the proposals are under review by the New South Wales government. Ministers with relevant oversight will then make a final decision on the rules and recommend a bill to Parliament to enact as law

About Airbnb in New South Wales

26,000

Active listings

\$3,200

Average host income
(in USD)

4 nights

Average length of stay

66%

Entire home

34%

Private room

502,000

Total number of
guests in 2015

Philadelphia, Pennsylvania

In preparation for Pope Francis' first US visit in late 2015 and the Democratic National Convention in summer 2016, Philadelphia sought solutions to accommodate the influx of thousands of guests to the city. In June 2015, Philadelphia became the largest US city to embrace short-term rentals by passing legislation that allows all residents to share their homes for up to half a year. This brought more guests to Philadelphia, increased local spending, and drove additional tax revenue to the city. The law took effect in July 2015.

Ordinance highlights

- Hosts can share a primary home for up to 180 days
- Anyone can share their home for up to 90 days per year regardless of whether they are an owner or renter, and regardless of how many listings they have. After 90 days rented in a given year, they must get a permit from the city
- Shared properties must remain residences, with guest lodging a secondary use
- Hosts must maintain records for one year and make them available to the city
- Hosts must provide contact information to lodgers for the purpose of responding to complaints
- Hosts are responsible for notifying their guests of trash and recycling directions
- Units must be equipped with carbon monoxide detectors and fire alarms
- Units are prohibited from displaying accessory signs and guests are not to disrupt the community with excessive noise
- The tax component of the ordinance allows a booking agent such as Airbnb to collect and remit taxes. This includes the 6-percent Hotel Room Tax, the Local Sales Tax which is 1 percent of the listing price, including any fees, and the Philadelphia Hospitality Promotion Tax, which is 8.5 percent of the listing price including any fees

About Airbnb in Philadelphia

8,000

Active listings

\$4,700

Average host income
(in USD)

2.9 nights

Average length of stay

68%

Entire home

31%

Private room

102,000

Total number of
guests in 2015

Portugal

The Portuguese government used a comprehensive review of their tourism laws as a way to clarify and simplify rules for all kinds of short-term rentals in the country. People in Portugal can share their homes via a simple and online notification process, which works as simply for someone renting out a vacation home in a coastal resort as it does for someone renting out a spare bedroom in the center of Porto. The regulations are uniform across the country, putting an end to uncertainty for hosts about what kind of activity is permitted where. The taxes that apply to home sharing also were made clearer and easier to pay to the government.

Ordinance highlights

- Straightforward online registration system allows home sharing to thrive
- To preserve the new simplified structure, municipalities are not allowed to impose further obligations than specified in the national law
- Airbnb collects the Tourist Tax on behalf of hosts in the City of Lisbon

About Airbnb in Portugal

51,000

Active listings

\$3,600

Average host income
(in USD)

4.3 nights

Average length of stay

78%

Entire home

21%

Private room

899,000

Total number of
guests in 2015

San Jose, California

In December 2014, San Jose adopted comprehensive home sharing regulations allowing primary residents in all residential and mixed-use zoning districts to host in short-term rentals for up to 180 days if they are not physically present during the rental ('unhosted'), or without limitation if they share a portion of their residence while they are physically present ('hosted'). The Council focused on developing rules which were simple for residents to follow, provide recourse for residents and community members in case of nuisances, and do not require the city to establish a new enforcement bureaucracy due to minimal evidence of actual community concerns or complaints.

Ordinance highlights

- Authorizes "incidental transient occupancy" as an allowed use in one-family, two-family or multiple family dwellings, mobile homes, live/work units, secondary dwellings and guest houses
- Allows short-term rentals as an incidental use of properties and does not impose any registration requirements
- Caps annual number of nights at 180 days per calendar year with no host present, and no cap with host present
- Parking requirements by dwelling type
- Transient Occupancy Tax collection and remittance
- Record-keeping requirements for hosts

About Airbnb in San Jose

1,900

Active listings

\$6,000

Average host income
(in USD)

5.2 nights

Average length of stay

48%

Entire home

45%

Private room

25,000

Total number of
guests in 2015

Tacoma, Washington

In August 2016, the Tacoma City Council accepted the recommendation of the city's Planning Commission to legalize short-term rentals, which had until then been unregulated. The new law allows residents to rent their entire home and up to nine rooms.

Ordinance highlights

- Home sharing of one or two rooms is permitted in all residential zones
- Short-term rentals of three to nine rooms are conditionally permitted in the following zones:
 - Two-family dwelling
 - Multiple-family dwelling
- Entire-home listings are permitted in all districts
- Home sharing is permitted in all commercial districts and in most mixed-use districts
- All listings must have an owner living on-site, and post a printed sign relating to fire safety, along with smoke and carbon monoxide detectors
- Occupancy is limited to building code. Accessory dwelling units may be used as listings

About Airbnb in Tacoma

381

Active listings

\$7,000

Average host income
(in USD)

3.6 nights

Average length of stay

60%

Entire home

39%

Private room

9,000

Total number of
guests in 2015

APPENDIX #2: Progress in communities around the world (directory)

Local governments around the world have embraced home sharing for the economic and other benefits it brings. The list below names hundreds of jurisdictions where we have established agreements to collect and remit taxes, or which have otherwise established or maintained smart rules for home sharing:

1. Ajaccio, France
2. Alabama State
3. Allegheny County, Pennsylvania
4. Amsterdam, Netherlands
5. Anchorage, Alaska
6. Annecy, France
7. Antibes, France
8. Arizona State
9. Asheville, North Carolina
10. Aruba
11. Avignon, France
12. Austin, Texas
13. Beaverton, Oregon
14. Bend, Oregon
15. Biarritz, France
16. Bordeaux, France
17. Boulder, Colorado
18. Brevard County, Florida
19. Cannes, France
20. Cathedral City, California
21. Chamonix-Mont-Blanc, France
22. Chattanooga, Tennessee
23. Chicago, Illinois
24. Chongqing, China
25. Cleveland, Ohio
26. Colima, Mexico
27. Colorado Springs, Colorado
28. Connecticut State
29. Cook County, Illinois
30. Copenhagen, Denmark
31. Cottage Grove, Oregon
32. Cuba

33. Cuyahoga County, Ohio
34. Dana Point, California
35. Delaware County, New York
36. Denver, Colorado
37. Desert Hot Springs, California
38. District of Columbia
39. Easton, Maryland
40. Eugene, Oregon
41. Essex County, New York
42. Florence, Oregon
43. Florida State
44. Franklin County, New York
45. Gearhart, Oregon
46. Golden, Colorado
47. Guangzhou, China
48. Hamburg, Germany
49. Hernando County, Florida
50. Holland, Michigan
51. Humboldt County, California
52. Hurricane, Utah
53. Illinois State
54. India
55. Indian River County, Florida
56. Indio, California
57. Jackson, Wyoming
58. Jersey City, New Jersey
59. Lake Havasu City, Arizona
60. La Quinta, California
61. La Rochelle, France
62. Lane County, Oregon
63. Lee County, Florida
64. Lille, France
65. Lisbon, Portugal
66. Lombardy, Italy
67. Louisiana State
68. Louisville, Kentucky
69. Los Angeles, California
70. London, United Kingdom
71. Lyon, France
72. Malibu, California
73. Mammoth Lakes, California
74. Marseille, France
75. Memphis, Tennessee

76. Milan, Italy
77. Montgomery County, Maryland
78. Montpellier, France
79. Mountain View, California
80. Multnomah County, Oregon
81. Nantes, France
82. Nevada City, California
83. New Orleans, Louisiana
84. New South Wales, Australia
85. Orange County, Florida
86. Santa Cruz County, California
87. Shenzhen, China
88. Steamboat Springs, Colorado
89. St. Lawrence County, New York
90. Sullivan County, New York
91. Tallahassee, Florida
92. Tompkins County, New York
93. Trinidad, California
94. Tuolumne County, California
95. Nice, France
96. North Carolina State (as well as 150 individual local tax jurisdictions in North Carolina)
97. Oak Park, Illinois
98. Oakland, California
99. Oregon
100. Orlando, Florida
101. Palm Desert, California
102. Palo Alto, California
103. Paris, France
104. Philadelphia, Pennsylvania
105. Pennsylvania State
106. Phoenix, Arizona
107. Pinellas County, Florida
108. Portland, Oregon
109. Putnam County, Florida
110. Rancho Mirage, California
111. Rhode Island State
112. Rockland, Maine
113. Sacramento, California
114. Saint Helena, California
115. Saint-Malo, France
116. San Diego, California
117. San Jose, California

118. San Luis Obispo County, California
119. Santa Clara, California
120. Santa Cruz County, California
121. Santa Fe, New Mexico
122. Santa Monica, California
123. Santa Rosa County, Florida
124. Shanghai, China
125. South Carolina State
126. Springfield, Oregon
127. Strasbourg, France
128. Taylor County, Florida
129. Tallahassee, Florida
130. Taiwan
131. Taos, New Mexico
132. Toulouse, France
133. Utah State
134. Vermont State
135. Waco, Texas
136. Washington State
137. Washington County, Oregon
138. Washoe County, Nevada
139. West Lake Hills, Texas
140. Woodfin, North Carolina



www.AirbnbCitizen.com

Part 113

113.000 MILTON TOWNSHIP VACATION RENTAL ORDINANCE

113.101 Title.

This Ordinance shall be known as the Milton Township Vacation Rental Ordinance.

113.102 Purpose.

The Milton Township Board finds and declares as follows:

A. Vacation rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of vacation home rentals by providing revenue which may be used for maintenance upgrades and deferred costs.

B. Township staff has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at vacation rental properties.

C. The transitory nature of occupants of vacation rentals makes continued enforcement against the occupants difficult.

D. The provisions of this ordinance are necessary to prevent the continued burden from county and township services and impacts on residential neighborhoods posed by vacation rental homes.

E. It is the intent of the Milton Township Vacation Rental Ordinance to make the vacation rental activity permitted by this ordinance resemble the existing residential uses made by resident owners and lessees.

113.103 Applicability.

All requirements, regulations and standards imposed by this ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed

elsewhere in this ordinance. Further, this ordinance does not effect additional requirements of deeds, associations or rental agreements.

113.104 Definitions.

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. A group of rooms located within a principle building and forming a single habitable unit having facilities which are used or intended to be used for living, sleeping, cooking, and eating purposes.

Local contact person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this ordinance.

Managing agency or agent. A person, firm, or agency representing the owner of the vacation home rental, or a person, firm or agency owning the vacation home rental.

Operator. The person who is proprietor of a vacation home rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.

Owner. The person or entity that holds legal or equitable title to the private property.

Parking space. An on site designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Preschool-aged children. Children age 5 and under.

Principal Building: A building in which the primary use of the lot on which the building is located is conducted.

Vacation rental. A property with a dwelling unit that is occupied by any person other than the primary owner for monetary consideration, for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Vacation rental does not include a bed and breakfast permitted and operated in accordance with the Milton Township Zoning Ordinance or occasional home exchanges.

113.105 Vacation Home Rental Standards

All Vacation Rentals must meet the following standards whether or not a permit is required:

A. The minimum length of rental period is seven (7) days.

B. Local Contact Person:

1. Each owner of a vacation home rental must designate a local person, property manager or agent, as a local contact person who has access and authority to assume management of the unit and take remedial measures.

2. The local contact person must be available 24 hours a day during the rental period and be within 45 minutes travel time.

3. A working phone number of the local contact person must be provided to all neighbors within a one hundred (100) foot radius of the subject property boundaries.

4. An owner meeting the requirements of 1 through 3 above may designate themselves as the local contact person.

C. The occupancy of the vacation rental property does not exceed the lesser of:

1. Two (2) persons per bedroom (not including pre-school aged children)
2. Ten (10) persons (but not including pre-school aged children)

D. The total number utilizing the property (including day guests) shall not exceed fourteen (14) persons over pre-school age children.

E. All parking associated with a vacation rental shall be entirely on-site.

F. Cultural events, special events, outdoor events, lawn parties, weddings or similar activities associated with a vacation rental are not allowed.

G. Pets shall be secured on the property or on a leash at all times.

H. Fireworks of any kind are not allowed on rental property except on the day before, day of and day after a national holiday:

- New Year's Day
- Birthday of Martin Luther King, Jr.
- Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

I. The owner shall maintain a properly functioning septic system or sewer connection per the Northwest Michigan Department of Health standards.

J. Noise during quiet hours must be limited to conversation (60dBA) as measured at the property line. Quiet hours shall be from 10:00 p.m. to 8:00 a.m.

K. All advertising handouts, flyers, or any other information provided for vacation rentals shall conform to the approved occupancy limits and other standards. Availability of the rental unit to the public shall not be advertised on site.

L. The owner shall post these standards in a prominent place within the vacation rental and include them as part of all rental agreements.

M. Maintain a log, to be made available for inspection by the Zoning Administrator at any time from 8:00 AM to 5:00 PM weekdays. Such log shall include names of all vacation rental guests, their addresses and dates of stay.

113.106 Owner Responsibilities.

A. The owner must insure the required standards are met.

B. The owner must use best efforts to assure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place himself or herself in harm's way.

C. The owner or local contact person must, upon notification that occupants or guests of his or her vacation home rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this ordinance, or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants

or guests.

113.107 Vacation Home Rental Permit.

- A. Any vacation home rented for 4 or more weeks during a calendar year requires a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each vacation home rental property.
- C. The following application elements are required prior to receipt of a Vacation Rental Permit or permit renewal.
 - 1. Completed application form. A fully completed and signed Vacation Rental Permit Application form provided by the Township.
 - 2. Contact Information. A local contact available by phone 24 hours a day, seven days a week whenever the unit is utilized as a vacation rental.
 - 3. Rental Rules. Vacation rental rules, if any, in addition to those required by this ordinance.
 - 4. Floor plan of the rental unit including use description of each room.
 - 5. Maximum number of occupants to be accommodated while in use as a vacation rental.
 - 6. Written certification from the Northwest Michigan Health Department that the septic provided to the unit is acceptable for the maximum number of occupants to be accommodated.
 - 7. A copy of any deed restrictions on the property.
- D. A vacation rental permit shall remain valid for one (1) year from the date of issue. Any renewal of a vacation rental permit shall remain valid for two (2) years from the date of issue.

113.108 Violation and Administrative Penalties

- A. The following conduct is a violation of the vacation rental ordinance:

1. The owner has failed to comply with the standard conditions specified in section 113.105 of this ordinance.
 2. The owner has failed to comply with the owners responsibilities specified in section 113.106 of this ordinance
 3. The owner has violated the provisions of this ordinance.
 4. Any false or misleading information supplied in the application process.
- B. The penalties for violations specified in subsection (A) are as follows:
1. For a first violation within any twelve (12) month period, the penalty is a warning notice of violation.
 2. For a second violation within any twelve (12) month period, the penalty is a written notice of violation.
 3. For a third and each subsequent violation within any twelve (12) month period, shall be subject to a municipal civil infraction punishable by a fine of not more than \$500. All owners, regardless of their interest in the property, may be responsible for the civil infraction. The Township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.
 4. For a fourth violation within any twelve (12) month period, the permit may be revoked. An owner may appeal a decision to revoke a permit to the Milton Township Board.
 5. An owner may reapply for a permit no sooner than twelve (12) months after revocation.
- C. Civil Action. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.

113.109 Private actions to enforce.

- A. Any person who has suffered, or alleges to have suffered, damage to person or property for a violation of this ordinance

may bring an action for money damages and any other appropriate relief in a court of competent jurisdiction against the owner. The prevailing party in this litigation is entitled to recover reasonable litigation costs, including attorney's fees in an amount deemed reasonable by the court.

B. Nothing in this ordinance creates any right of action against the township or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may be impacted or affected by various aspects of vacation home rental within the township.

**CITY OF SOUTH HAVEN
ALLEGAN AND VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. 1026

**AN ORDINANCE TO ADD A NEW ARTICLE X TO CHAPTER 10 OF THE CODE OF
ORDINANCES, CITY OF SOUTH HAVEN, MICHIGAN, TO REQUIRE REGISTRATION AND
OTHERWISE REGULATE SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Addition. Chapter 10, Article X, entitled "Short-Term Rentals," is added to the Code of Ordinances, City of South Haven, Michigan, and shall read in its entirety as follows:

Chapter 10, Article X. Short-Term Rentals.

Sec. 10-241. Purpose.

The City Council finds that the short-term rental of dwellings and dwelling units within the City of South Haven is a matter closely connected with the public health, safety and welfare of the community. The City Council has enacted this regulatory ordinance in an attempt to strike an appropriate balance between the interests of community residents, community business owners, visitors to the community, and real property owners wishing to engage in short-term rental of dwellings and dwelling units.

While visitors to the community who rent dwellings and dwelling units on a short-term basis bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter, noise, and other similar issues. Meanwhile, issues related to fire safety and life safety codes must be considered in order to maximize the safety and well-being of all in the community. This article is intended to strike the appropriate balance between competing interests.

In striking that balance, the City Council finds that residential properties are primarily situated in single-family residential neighborhoods which are significantly different in character from the mixed-use areas of the City. Residential neighborhoods and mixed-use areas have different tolerances and expectations regarding sounds, parking, congestion, privacy, entertainment, and other activities.

The City Council finds that there is decreased sensitivity to larger occupant loads within the mixed-use areas of the City, given the comparatively larger lot sizes, increased spacing between structures, louder average noise levels, and greater amounts of available parking, compared to conditions existing in single-family residential neighborhoods.

For these reasons, the City Council has determined that mixed-use areas of the City are more appropriate for higher numbers of occupants to be allowed in dwelling units during a short-term rental compared to the single-family residential neighborhoods of the City.

Sec. 10-242. Definitions.

When used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) *Bedroom* – A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; (3) gathering spaces such as family rooms, dens, or living rooms; and (4) attics or basements without egress meeting standards in applicable building, residential, and fire codes.
- (b) *Building Official* – The official defined in MCL 338.2302, who is given authority to administer and enforce adopted building, electrical, mechanical, or plumbing codes for the City of South Haven.
- (c) *City Manager* – The City Manager of the City or the City Manager's designee.
- (d) *Compensation* – Money or other consideration given in return for occupancy, possession or use of a property.

- (e) *Dwelling* – A building containing one or more dwelling units.
- (f) *Dwelling unit* – A self-contained unit within a building that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.
- (g) *Fire Chief* – The chief designated by the South Haven Areas Emergency Services Authority.
- (h) *Good visitor guideline materials* – Materials prepared by the City's Zoning Administrator that include: (1) a summary of the City's noise ordinance (chapter 30, article II), fireworks ordinance (section 54-167), trash disposal ordinances (chapter 30, article IV and Chapter 70), and applicable offenses against the public peace (chapter 54, article V), (2) a reminder that the rental property is located in a residential neighborhood and that neighbors may not be vacationing, and (3) a statement informing the renters that neighboring property owners may contact the local agent and local police to report any issues relating to the property.
- (i) *Local agent* – An individual designated to oversee the short-term rental of a dwelling unit in accordance with this article and to respond to calls from renters, concerned citizens, and representatives of the City. The local agent must live or maintain a physical place of business within 45 miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.
- (j) *Mixed use property* – A lot or parcel located within an area of the City where both multi-family residential and commercial development is permitted, as in the RM-1, R-2 and B-3 zoning districts.
- (k) *Newly constructed dwelling unit* – Any dwelling unit the initial construction of which was completed after April 18, 2016.
- (l) *Newly enlarged dwelling unit* – Any dwelling unit to which improvements made to increase the size of the dwelling unit were completed after April 18, 2016.
- (m) *Newly rented dwelling unit* – Any dwelling unit that was not used for short-term rentals for at least 15 days during the 2015 calendar year or a previous calendar year.
- (n) *Occupant* – An individual at least 24 months of age who is living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. and 11:00 p.m. and will not stay overnight.
- (o) *Residential property* – A lot or parcel within any of the R-1 zoning districts.
- (p) *Short-term rental* – The rental of a dwelling unit for compensation for a term of 2 nights to 29 nights. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics, mental-health facilities, and other similar health-care related facilities.

Sec. 10-243. Registration required.

- (a) *Registration required.* All dwelling units on mixed-use property or residential property used for short-term rentals shall be registered with the City. The short-term rental of an unregistered dwelling unit is prohibited.
- (b) *Application.* To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall:
 - (1) Provide and certify as true the following on a form provided by the City:
 - (A) Name, address, and telephone number of the local agent for the dwelling unit.
 - (B) The street address of the dwelling unit, along with other identification if more than 1 dwelling unit has the same street address.

- (C) The number of dwelling units in the building, if more than one.
 - (D) The number of bedrooms in each dwelling unit, and in the dwelling as a whole.
 - (E) The number of off-street parking spaces provided for the dwelling unit.
 - (F) The maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period.
 - (G) The length of the typical rental period for which the applicant intends to rent the property.
 - (H) A statement certifying that each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or local agent will check those devices at least every 90 days.
 - (I) A statement certifying that the property owner consents to inspections by the City and will make the dwelling unit available to inspections upon request.
 - (J) A statement certifying that the property owner or a local agent will provide at least one copy of the City's good visitor guideline materials to the renters each time the dwelling unit is rented.
 - (K) A statement certifying whether or not the dwelling unit was used as a short-term rental for at least 15 days during the 2015 calendar year or a previous calendar year.
 - (L) Such other information as the City deems appropriate.
- (2) Pay an administrative fee, as set by resolution of the City Council. Any owner of a dwelling unit or a local or other agent for that owner who rents a dwelling unit on a short term rental after July 15, 2016, without having registered it pursuant to this ordinance shall pay an increased fee in the amount also set by resolution of the City Council.

Sec. 10-244. Short-term rental regulations.

- (a) *Local agent required.* All dwelling units used for short-term rentals shall have a designated local agent.
- (b) *Contact information posted in window.* A notice shall be posted in a prominent first-floor window of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number with which the agent can be reached, and the maximum occupancy of the dwelling unit as permitted by this ordinance.
- (c) *Street address posted within dwelling unit.* The street address of the property shall be posted in at least two prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.
- (d) *Maximum occupancy.* Beginning January 1, 2017, the maximum occupancy of any dwelling unit used for short-term rentals shall be calculated as follows:
 - (1) *Maximum occupancy established.* Except as otherwise provided in subsection (d)(2) or (d)(3), the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of: (i) 16 total occupants; or (ii) 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.
 - (2) *Newly constructed, newly enlarged, and newly rented dwelling units.* For newly constructed, newly enlarged, or newly rented dwelling units on residential property, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of: (i) 12 total occupants; or (ii) 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.

(3) *Applications for increase.* An owner or local agent may apply for permission to have the maximum occupancy of a dwelling unit on mixed use property increased above the maximum of 16 total occupants established in Section 10-244(d), to the lesser of: (i) 24 total occupants; or (ii) 2 occupants per bedroom plus 2 per finished floor. Applications for increase shall be submitted to and decided by a committee comprised of the City Manager or his or her designee, the City's Director of Public Works or his or her designee, and the Police Chief or his or her designee. Applications shall be submitted on a standard form provided by the City, and shall be accompanied by any applicable fee established by resolution of the City Council. The committee shall decide an application for increase in a public meeting with advance notice of that meeting given to owners of real property within 300 feet of the boundaries of the property for which an application for increase has been filed. The committee shall grant the application only upon determining that subsections (d)(3)(A) and (d)(3)(B) below are both satisfied:

(A) All of the following are provided:

- (i) A parking site plan allowing sufficient access for emergency vehicles.
- (ii) An automatic sprinkler system on all floors with one or more bedrooms.
- (iii) A fire alarm system.
- (iv) An interconnected smoke alarm system.
- (v) Fire-rated corridors.
- (vi) Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
- (vii) Automatic door closers and fire-rated doors on all bedrooms.
- (viii) A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the committee.

(B) Due to one or more of the following features or other similar features of the applicant's property, an increased maximum occupancy would not have an adverse effect on surrounding properties:

- (i) Isolation from properties used as residential dwellings.
- (ii) Size of the setbacks on the property.
- (iii) Provision of fencing or other screening from adjoining properties.
- (iv) Topography and layout of the applicant's property, or of the adjoining properties.
- (v) Other characteristics and uses of properties within the vicinity of the applicant's property.

(e) *Smoke detectors and carbon monoxide devices.* The owner or local agent of a dwelling unit used for short-term rentals shall:

- (1) Install and maintain an operational smoke detector in each bedroom, and test such smoke detectors at least every 90 days to ensure that they are properly functioning.
- (2) Install and maintain at least 1 operational approved carbon monoxide device of the type described in MCL 125.1504 on each floor, and test such devices at least every 90 days to ensure that they are operational.

(f) *Fireworks.* No fireworks shall be used on the premises of a dwelling unit registered under this ordinance when it is occupied by anyone other than the owner.

(g) *Zoning compliance.* Short-term rentals are regulated in the South Haven Zoning Ordinance, and nothing in this article shall be construed as excusing compliance with zoning requirements.

- (h) *Attics and basements.* No attic or basement can be counted for the purpose of determining the maximum number of occupants in a dwelling unit during a short-term rental, unless the property owner or local agent has given the City, in writing, consent for the City to inspect the premises to verify whether that attic or basement meets the applicable egress requirements for occupancy in the Michigan Construction Code, the Michigan Residential Code and the applicable fire codes.

Sec. 10-245. Violations; revocation of registration.

- (a) *Violations as municipal civil infractions.* Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of this Code of Ordinances, violations of this article are subject to the following fines:

- (1) *Short-term rental of unregistered dwellings.* The fine for leasing an unregistered dwelling unit in violation of subsection 10-243(1) is \$750 for a first violation and \$1,000 for each subsequent violation.
- (2) *Maximum occupancy.* The fine for exceeding the maximum occupancy in violation of subsection 10-244(d) is \$500 for a first offense and \$1,500 for each subsequent offense.
- (3) *Other provisions.* Fines for other violations of this article are as follows: \$100 for a first offense, \$500 for a second offense, and \$1,500 for each subsequent offense.

- (b) *Revocation of registration.*

- (1) *Offenses warranting revocation.* The City may revoke the rental registration for any dwelling unit which is the site of at least 3 separate incidents (occurring on 3 separate days) within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the owner, local agent, or any renter for a violation of one or more of the following:

(A) Any provision of this article.

(B) Chapter 30, Article II of the City Code – Noise.

(C) Chapter 30, Article III of the City Code – Controlled Substances.

(D) Chapter 30, Article IV of the City Code – Unwholesome Substances (Junk, Rubbish, and Noxious Weeds).

(E) Chapter 54, Article V of the City Code – Offenses Against Public Peace.

(F) Chapter 70, Article II of the City Code – Solid Waste (Provision and Use of Trash Containers).

(G) Any violation of the Zoning Ordinance or any permit or approval issued pursuant to the Zoning Ordinance.

- (2) *Revocation Procedure.* Upon a determination by the zoning administrator that the registration of a dwelling unit is subject to revocation pursuant to subsection (b)(1), the zoning administrator shall issue a notice to the property owner and the local agent stating that the City intends to revoke the rental registration. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the City shall schedule the hearing before the City Manager and notify the owner and local agent in writing of a time and place for that hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as: (i) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation; (ii) the violation resulted from an act of God; or (iii) other circumstances that the owner or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control.

- (3) *Revocation Period and Effect.* Upon revocation of registration, a dwelling unit cannot be re-registered for a period of 1 year, and cannot be used for short-term rentals until re-registered.

Sec. 10-246. Review after implementation; public hearing required before amendment or repeal.

- (a) *Review after implementation.* Not later than November 1, 2016, the Planning Commission shall begin a review of this article to determine whether its implementation has achieved its intent and what, if any, amendments to should be made to this article.
- (b) *Public hearing required.* The City Council shall hold a public hearing before amending or repealing any provision of this article, publishing notice in a newspaper of general circulation in the City and posting notice in City Hall and on the City's website at least 15 days prior to such meeting.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: _____ Arnold, Gruber, Klavins, Kozlik Wall, Smith, Burr _____

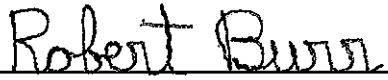
NAYS: _____ Schlack _____

ABSTAIN: _____ None _____

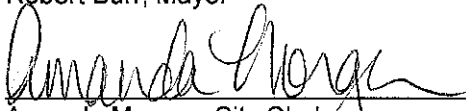
ABSENT: _____ None _____

CERTIFICATION

This true and complete copy of Ordinance No. 1026 was declared adopted at a Regular Meeting of the South Haven City Council held on May 16, 2016.



Robert Burr, Mayor



Amanda Morgan, City Clerk

Introduced: May 2, 2016
Adopted: May 16, 2016
Published: _____, 2016
Effective: _____, 2016

**CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 02-2011**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE
CITY OF THE VILLAGE OF DOUGLAS**

An Ordinance to amend the City of the Village of Douglas Zoning Ordinance No. 02-2009 to provide additional standards related to the renting of residential dwelling units on a short term basis.

THE CITY OF THE VILLAGE OF DOUGLAS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment of Section 2.20. Section 2.20 of Ordinance No. 02-2009 is hereby amended to add the following language:

Section 2.20 Definitions Beginning with the Letter "S":

SHORT-TERM RENTAL UNIT. A dwelling unit which is rented to a person for less than 31 consecutive days, or is advertised to be rented for any period less than 31 days.

Section 2. Amendment of Section 16.33. Section 16.33 of Ordinance No. 02-2009 is hereby amended to add the following language:

Section 16.33 Short-term Rental Units

A short-term rental unit, as defined in Section 2.20 of this chapter, is permitted in all zoning districts where residential use of property is permitted by right or has been approved for special land use, and shall be subject to the following provisions:

- 1) The owner of the dwelling shall register the short-term rental unit with the City of Douglas and shall be responsible for obtaining a rental occupancy permit. No short-term rental shall occur without a valid rental occupancy permit.
- 2) The short-term rental unit shall meet all applicable building, health, fire and related safety codes at all times and shall be inspected annually by the Fire Department before any rental occupancy certificate can be issued. Inspection procedures and administrative fees shall be determined by the City Council and the Saugatuck Township District Fire Department.
- 3) Signs shall be subject to the applicable provisions of the City of the Village of Douglas Sign Ordinance.
- 4) The use of outdoor yard areas, open decks, pools and the like shall not result in the production of excessive off-site noise, odor or other external disturbances. Any such

violation shall be enforced as a nuisance under the City of the Village of Douglas General Code of Ordinances.

- 5) The parking of motorized vehicles, trailers and recreational equipment shall be in keeping with the provisions of this chapter and the City of the Village of Douglas General Code of Ordinances at all times.
- 6) A group of people not defined as a family are permitted to rent a short-term rental unit.
- 7) In no event shall the owner of the short-term rental unit or their agent rent an individual room in the short-term rental unit to a person, family, or other group of persons, nor shall the renter so sublet any room.
- 8) Any finding of responsibility or conviction for more than one violation of the City Code of Ordinances in a given calendar year involving a short-term rental unit may result in the rental occupancy certificate being revoked by the City Zoning Administrator (or such other city official as designated by the City Council). Any such revocation of a rental occupancy certificate may be appealed to the City Council for good cause so long as a written Notice of Appeal is filed with the city within ten (10) days of the date of revocation.
- 9) Any sale or transfer of the property automatically causes any existing rental occupancy certificate to be null and void and the new property owner must apply for a new rental occupancy certificate

Section 3. Severability; Paragraph Headings. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 4. Repealer. All other ordinances or portions of ordinances inconsistent with this Ordinance are hereby repealed.

Section 5. Publication. Within fifteen (15) days of its adoption, this Ordinance or a notice of adoption summarizing this Ordinance, as required by law, shall be published by the City Clerk in a newspaper of general circulation in the City.

Section 6. Effective Date. This Ordinance shall become effective twenty (20) days after the date of publication.

**TOWNSHIP OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 2016-01

**AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE V, OF THE TOWNSHIP OF
SAUGATUCK CODE TO REGULATE SHORT-TERM RENTALS**

The Township of Saugatuck Ordains:

Section 1. Amendment. Chapter 8, Article V, of the Township of Saugatuck Code, entitled "Single- and Two-Family Rental Dwellings, Property Registration and Safety," is hereby amended to read as follows:

Sec. 8-100. Findings and purpose.

- (a) *Findings*. The Saugatuck Township Board finds that dwellings and dwelling units that are leased or rented to the public, when improperly maintained, in terms of their structures, equipment, use or occupancy, may adversely affect the public health, safety and general welfare. The township board establishes these regulations to correct and prevent unsafe conditions that may exist within properties not originally intended or constructed for non-owner occupancy, to establish mechanisms for the continued safety of single- and two-family rental housing within the township, and to promote the public health, safety and general welfare of its citizens.
- (b) *Purpose*. This article is intended to protect and promote the health, safety and welfare of all the citizens of the township by requiring the registration and permitting of single- and two-family rental dwellings in the township along with proper fire safety facilities and equipment. Rental dwelling registration, when combined with periodic inspections of certain habitable area and exterior accessibility aspects of the property, will aid in the enforcement of the minimum standards for safety from fire and accidents.

Sec. 8-101. Authority.

This article is adopted under the township's general regulatory authority to adopt ordinances for the protection of the health, safety and welfare of its inhabitants under the Township Ordinances Act, MCL 41.181 *et seq.*

Sec. 8-102. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Bedroom*. Room which is intended, arranged, and designed to be occupied by one or more persons primarily for sleeping purposes, as determined by the zoning administrator. A bedroom must be not less than 70 square feet and not less than 7 feet in any dimension.
- (b) *Dwelling, single-family* means 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.
- (c) *Dwelling, two-family (duplex)* means 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.
- (d) *Dwelling unit* means one or more rooms designed for use or occupancy by one family for living and sleeping purposes with housekeeping facilities.
- (e) *Designated agent* shall mean 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.
- (f) *Maximum occupancy load means* the maximum number of allowable occupants for a rental property, as established in section 8-107(d).
- (g) *Occupant* means an individual living in, sleeping in, or otherwise having possession of a space.

- (h) *Owner* means any individual or other person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee or title to a mobile home or house trailer.
- (i) *Premises* means the land and the improvements on it, such as a building, store, shop, apartment, or other designated structure.
- (j) *Property* means land, firmly attached structures and integrated equipment (such as light fixtures or a well pump), and anything growing on the land.
- (k) *Rental dwelling* means any dwelling, including a single-family home, two-family home, or mobile home, containing a rental unit.
- (l) *Rental property* refers generally and collectively to all types of rental dwellings and units.
- (m) *Rental unit* means 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.
- (n) *Short-term rental* shall mean 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.
- (o) *Violation* notice means 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.

Sec. 8-103. Applicability.

This article applies to single-family or two-family dwellings located in Saugatuck Township and to all persons owning or exercising control over such buildings or premises which in total or in part, are rented or leased. Unless excluded under section 8-104 of this article, occupancy of a single-family or two-family dwelling by any person other than the owner of record, shall be presumed to require registration of the dwelling as rental property. Such presumption may be rebutted if the occupant has ownership equity of 25 percent or more of the fee or life estate. An occupant claiming ownership may be required to provide proof that a transfer of ownership is supported by a substantial equity interest in the property.

Sec. 8-104. - Exceptions and exemptions.

Rental property registration under this article is not required where occupancy of a dwelling unit occurs, under the following circumstances:

- (a) *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.
- (b) *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.
- (c) *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.
- (d) *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.

Sec. 8-105. Registration and permitting required; prohibition.

Each single-family and two-family rental dwelling and each rental unit within such dwelling, shall be registered with, and permitted by the Township of Saugatuck. An owner of any single-family or two-family dwelling located within Saugatuck Township shall not rent a dwelling, or a dwelling unit, to another unless the dwelling or dwelling unit, has been registered and permitted in accordance with the requirements of this article.

Sec. 8-106. Application for rental dwelling property registration and permit.

- (a) *Responsibility.* It shall be the responsibility of the owners of rental property to apply for registration through the submission of a rental dwelling property registration and permit application. The application shall be on a form prepared and supplied by the township.
- (b) *Application.* To register a rental unit, the owner or designated agent shall:
 - (1) Truthfully provide and certify as true the following on a form provided by the township:
 - (A) Name, address, and telephone numbers of the owner and any agent for the owner.
 - (B) The street address of the rental unit, along with other identification if more than one (1) rental unit has the same street address.
 - (C) The number of rental units in the building, if more than one.
 - (D) The number of bedrooms in each rental unit, and the intended number of occupants in each rental unit.
 - (E) For short-term rentals, a parking site plan as described in section 8-108(b).
 - (F) An affidavit and agreement, signed by the property owner, permitting inspections of the subject property by officials of the township.
 - (G) Such other information as the Township requests.
 - (2) Pay an administrative fee, as set by resolution of the township board.
- (c) *Acceptance of completed application.* An application is not considered accepted by the township until the township zoning administrator schedules the inspection of the premises and delivers to the owner a written acknowledgement of a completed application.
- (d) *Provisional rental dwelling property registration and permit.* The written acknowledgement of a completed application shall serve as the issuance of provisional rental property registration and permit. The provisional permit shall indicate the maximum occupancy load of the rental unit.

Sec. 8-107. Inspections, issuance of final registration and permit.

Final approval of the application and permit is contingent upon a fire safety inspection and compliance with the township fire code. Subsequent to the filing and acceptance of a completed registration application, the rental property shall be inspected by the township fire code official.

- (a) *Rental property registration inspections.* Within 60 days following the acceptance of an application for rental dwelling registration and permit, the provisional rental dwelling shall have an inspection for compliance with the requirements of the township's fire safety standards.
- (b) *Governing fire safety standards.* The provisions of the International Fire Code as amended, hereinafter referred to as the "fire code", as adopted by Saugatuck Township and included by reference in chapter 16, article II of "Code of Ordinances", Saugatuck Township, shall govern the minimum conditions and standards for fire safety relating to the structures and the exterior premises of rental dwellings regulated under this article, including the fire safety facilities and equipment to be provided.
- (c) *Approval.* Upon a finding of compliance with the fire safety standards of the township, by the township fire code official, the rental property registration and permit shall be declared approved and a final rental property permit for the rental property shall be issued to the owner by the zoning administrator. 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.

- (d) *Maximum occupancy load as condition of permit.* Except as otherwise provided in this section, the maximum occupancy load shall be 2 persons per bedroom, plus two additional persons per finished level with means of emergency egress (e.g. a functional window), up to a total of 12 persons. Applicants who wish to request a maximum occupancy load of more than 12 persons, or more than 2 persons per bedroom, must do so on the application form. The Zoning Administrator and Fire Code Official may approve such requests upon determining that the proper safety features are met, may require some or all of the following:
- (1) Provides one bedroom for every two requested occupants.
 - (2) Has a parking site plan allowing sufficient access for emergency vehicles.
 - (3) Automatic sprinkler systems
 - (4) Fire alarm systems
 - (5) Interconnected smoke alarm systems.
 - (6) Fire rated corridors
 - (7) Fire rated stairwell enclosures.
 - (8) Sleeping rooms with automatic door closers.
 - (9) A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms.
- (e) *Changes in registration information.* During the approved permit period, the owner or his registered agent shall provide written notification to the township of any change in the information required under section 8-106.

Sec. 8-108. Short-term rental regulations.

In recognition of the unique difficulties presented by short-term rentals, the Township adopts the following regulations:

- (a) *Designation of local agent.* If the owner of a short-term rental unit does not qualify as a 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.
- (b) *Parking site plan.* 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.
- (c) *Off-street parking.* Occupants in a short-term rental unit shall not park in a parking space on a public street within 1 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.
- (d) *Waste disposal.* 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.
- (e) *Local agent's duty to remedy.* For any violation of this article, the township may (in addition to other remedies) notify the designated agent for the rental unit by telephone. The designated agent shall be deemed to have received notice upon receipt of a voicemail message. Upon receiving notice, the local agent shall ensure that the violation of this section is remedied within 5 hours. Failure to remedy the violation within 5 hours shall constitute a violation by the local agent.

Sec. 8-109. Expiration, renewal, voidance by change of use or structural change.

- (a) *Expiration.* A final rental property registration and permit issued under this article shall be valid for a period of three years (36 months) from the date of issuance, as affixed to the final permit.
- (b) *Renewal.* Rental property permits shall be renewed at least 30 days before the expiration date assigned by the township, or within 30 days of sale or transfer of ownership of a property, following the same requirements set forth in section 8-106 and section 8-107 of this article.

- (1) *Renewal registration requirements.* An application for the renewal shall contain the same information as an initial application. If there have been no changes from the previous registration and permit form, the information previously submitted may be incorporated by reference.
- (a) *Changes in use or structure.* Any change in the use or structure of a dwelling that results in noncompliance with the standards of the township fire code or building code, as determined by the township zoning administrator and/or township fire code official, or building code official, shall void the rental property permit.

Sec. 8-110. Fire code violations, notices and inspections.

- (a) *Violations not imminently dangerous.* If upon inspection by the township fire code official, a violation of the fire code is discovered, but the violation is deemed by the fire code official not to be imminently dangerous to life or limb, a violation notice shall be issued. The notice shall be in writing, and shall include the street address of the rental dwelling or rental unit in question, a statement of the violation or violations and why the notice is being issued. The notice shall also include a correction order allowing a reasonable time to make the repairs and improvements needed to bring the rental dwelling or rental dwelling premises into compliance. The notice shall be delivered personally or sent by certified or first-class mail addressed to the owner or designated agent at the address indicated on the accepted rental property registration application form.
 - (1) *Re-inspection and fees.* Re-inspection of a property shall occur on the date specified on the violation notice, or sooner if requested by the owner and township scheduling permits such inspection. A fee, as published in the schedule of fees, shall be charged for each re-inspection. A re-inspection may be waived as determined by the fire code official if the owner or designated agent has provided written notification and supporting documentation to the township that all corrections have been made within the specified time period.
 - (2) *Schedules.* Time schedules for the correction of violations shall be reasonable as determined by the township fire code official.
 - (3) *New violation notice.* If a violation is not corrected upon the expiration of the allowed time, as identified in the violation notice, but a good faith effort has been made to correct the violation, the zoning administrator or fire code official may provide a revised compliance date. If new violations are found at the same premises, a new notice shall be issued with an appropriate date before which corrections must be completed.
- (b) *Violations that threaten life, limb, or property.* If upon inspection of the rental property the fire code official determines that a violation is of such a serious nature so as to immediately threaten the life, limb, health, property, safety or welfare of the public or the occupants thereof, the fire code official may inform the township official and may recommend that the structure be further investigated for possible declaration as a "dangerous building" under article III, chapter 8, Code of Ordinances, Saugatuck Township. If so declared, notice of the violation shall proceed in accordance with section 8-58 of article III, chapter 8, Code of Ordinances, Township of Saugatuck.

Sec. 8-111. Fees.

Rental dwelling property owners shall be required to pay a fee for initial rental dwelling property registration, the initial inspection, re-registration and for any re-inspection performed as a result of any violation. Fees shall be paid at the time of registration, inspection, re-registration or re-inspection, as applicable. Such fees shall be established by the township board and included in the Saugatuck Township consolidated fee resolution as amended.

Sec. 8-112. Violations and penalties.

- (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.

- (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.
- (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).
- (d) *Length and timing of suspensions.* Suspensions shall generally be effective immediately upon the final administrative determination of the township pursuant to subsection (b). However, the zoning administrator shall have discretion to defer the suspension as appropriate to reasonably protect the interests of any occupant residing in the rental unit. Suspensions shall be for the following periods:
- (1) First suspension – 3 months.
 - (2) Second suspension – 6 months.
 - (3) Third suspension – Permanent.

Section 2. Publication and Effective Date. The Township Clerk shall cause to be published a notice of adoption of this ordinance within 30 days of the date of its adoption. This ordinance shall take effect the day following its publication.

YEAS: Rudich, Wester, Babinski, Phillips, McIlwaine.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

CERTIFICATION

This is a true and complete copy of Ordinance No. 2016-01 adopted at a regular meeting of the Township of Saugatuck Board held on January 6, 2016.

William W. Wester, Township Supervisor

Brad Rudich, Township Clerk

Adopted: January 6, 2016
Published: January 14, 2016
Effective: February 5, 2016

SHORT TERM RENTAL ORDINANCE

HAYES TOWNSHIP SHORT TERM RENTAL ORDINANCE

Ordinance No. 031113 of 2013

AN ORDINANCE PURSUANT ACT 246 OF THE PUBLIC ACTS OF 1945,
AS AMENDED, TO PERMIT AND REGULATE SHORT TERM RESIDENTIAL RENTALS
WITHIN THE TOWNSHIP,
TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE
PENALTIES FOR VIOLATIONS THEREOF

THE TOWNSHIP OF HAYES ORDAINS:

Section 1. Definitions As used in this Ordinance,

“Bedroom” means 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” 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 a separate bedroom(s) for sleeping.

“Habitable space” means 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” means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

“Occupant” means any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit.

“Operator” or “Owner” means any person who owns or has charge, care or control of a dwelling unit which is offered for rent.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Rent” or “Rental” means 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.

“Short Term Rental” means 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.

“Tenant” means 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.

Section 2. License Required.

No person shall rent or cause to be rented a dwelling unit or efficiency dwelling unit within Hayes Township for a period less than thirty (30) days without first obtaining a license from the Township Zoning Administrator pursuant to the requirements of this Ordinance.

Section 3. Application and Fee Requirements.

An operator seeking a license under this Ordinance shall submit a complete application to the Zoning Administrator and pay the required fee, which shall be determined from time to time by resolution of the Township Board. The application shall include proof of ownership of, or the legal right to rent, a dwelling unit or and all information reasonably necessary for the zoning administrator to determine whether the applicable standards for approval provided in Section 4 have been met.

Section 4. Standards for Approval

The zoning administrator shall approve, or approve with conditions, an application for a short term rental license only upon a finding that the application complies with all of the following applicable standards:

- 1) Maximum occupancy will be based on two (2) adult people per bedroom
- 2) The dwelling unit must meet all residential building, health department, and safety codes.
- 3) The operator shall provide ample off street parking to accommodate occupant’s vehicles.
- 4) 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. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.

5) No sign shall be posted to advertise the availability of the short term residential rental unit to the public.

6) 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. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short term rental. The owner 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 as required by Section 4. 6

7) 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.

8) All land-based recreational activities to be limited to rented premises and shall not encroach on neighboring properties.

9) 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.

10) 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.

Section 5. Duration of License, Re-application.

A license issued under this Ordinance shall remain in effect until the happening of one or more of the following events:

- (1) The dwelling unit is physically altered in such a way that the habitable space within the unit is increased, decreased, or re-distributed among living, sleeping, eating, or cooking areas.
 - (2) This Ordinance is amended to alter the standards for approval contained in Section 4.
- (a) If a license is no longer in effect as a result of subsection above, the operator shall re-apply for a new license following the same procedures for a new license.
 - (b) A Short-Term Rental Use license may not be transferred or assigned to any third party except heirs and assigns, and the license shall be void upon transfer of ownership of the property where the Short-Term Rental Use is located. Upon change of ownership, the new owner must apply for a new Short-Term Rental Use License in order for Short-Term Rental Use activity to be authorized.

Section 6. Inspections and Conditions.

Upon written complaint, the zoning administrator may make periodic inspections of a short-term rental to ensure continuing compliance with the approval standards specified in Section 4 of this Ordinance. In addition, the zoning administrator may impose reasonable conditions on a license issued under this Ordinance which are reasonably necessary to ensure compliance with the approval standards provided in Section 4 of this Ordinance.

Section 7. Suspension or Revocation of Short Term Rental License.

Grounds 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.

- 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.
- 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.
- 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.

Section 8. Appeal.

Any applicant for short term rental license whose application was denied by the Zoning Administrator, and any licensee whose short term rental license is suspended or revoked by the Zoning Administrator, may, within ten (10) days following such decision, appeal such decision to the Zoning Board of Appeals, in which event the decision of the Zoning Administrator shall be vacated the Zoning Board of Appeals shall determine whether to affirm, reverse, or modify the decision of the Zoning Administrator in accordance with the requirements for short term rentals set forth in this section. At least fourteen (14) days prior to the Zoning Board of Appeals meeting to consider the appeal of the applicant or licensee, the Zoning Administrator or authorized designee, shall send, by United States mail, certified, written notice to the applicant or licensee of the time and place at which the Zoning Board of Appeals will consider the application, suspension or revocation, and the applicant or licensee shall be provided an opportunity to be heard by the Zoning Board of Appeals prior to its decision being made. All neighbors within 300 feet must also be notified by United States mail the date, time and location of the Zoning Board of Appeals meeting. The decision of the Zoning Board of Appeals shall be final. The Zoning Board of Appeals Secretary shall notify the applicant or licensee, as applicable, in writing of the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals affirms the decision of the Zoning Administrator denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision to the circuit court. The decision of the Zoning Board of Appeals shall not be vacated during the

pendency of any appeal to Circuit Court.

The applicant for a short term rental license has the right to seek a stay in Circuit Court.

Section 9. Prohibited Activities.

A tenant shall not violate any of the approval standards specified in Section 4 of this Ordinance.

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.

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.

Section 12. Enforcement Officials.

The Zoning Administrator and other persons designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

Section 13. Civil Action.

In addition to enforcing this Ordinance 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 Ordinance.

Section 14. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 15. Effective Date

This Ordinance shall become effective thirty (30) after being published in a newspaper of general circulation within the township.

Chapter 868 - Tourist Homes^[22]

Footnotes:

--- (22) ---

State Law reference— Lodging houses, hotels, motels, tourist cabins and temporary camps, M.C.L.A. § 427.1 et seq.

Cross reference— Lodging houses, Ch. 836; Application of rental housing regulations to tourist homes, § 1482.16; Smoke detectors in lodging houses, § 1610.14(b)

868.01 - Definitions.

As used in this chapter:

- (1) *Owner* means any person who has equitable or legal title to any premises, dwelling or dwelling unit.
- (2) *Tourist home* means a single-family building owned and occupied by a person renting out not more than three rooms for compensation to persons who do not stay for more than seven consecutive days.

(Ord. 245. Passed 2-1-88.)

868.02 - License required.

No person shall operate a tourist home without first obtaining a license therefor as required by this chapter. Only an owner shall be allowed to hold a license under this chapter.

(Ord. 245. Passed 2-1-88.)

868.03 - Conditions for issuance.

A tourist home license shall be issued subject to the following conditions, which conditions, are in addition to conditions contained elsewhere in these Codified Ordinances:

- (1) The home is occupied and operated by the owner and is a single-family residential dwelling.
- (2) A guest room shall not be located in the basement.
- (3) Not more than three occupants per room shall be allowed.
- (4) A person who does not reside at the home shall not be employed to assist in the conduct of a tourist home, except as usual for a single-family residence.
- (5) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
- (6) A list shall be maintained of all guests and their places of residence.
- (7) A fire escape plan shall be developed and graphically displayed in each guest room.

(Ord. 245. Passed 2-1-88.)

868.04 - Notice of license application.

Upon receipt of a completed tourist home license application, the City Clerk shall notify all persons to whom real property is assessed within 300 feet of the proposed tourist home location. There shall be a 14-day period for comment to the City Clerk regarding the proposed operation, which comment period shall be stated in the notice.

(Ord. 245. Passed 2-1-88.)

868.05 - License fee.

The annual license fee shall be established by resolution of the City Commission.

(Ord. 245. Passed 2-1-88.)

868.06 - Inspections.

A tourist home shall meet all conditions of this chapter and other applicable ordinances and laws. There shall be an annual inspection of the premises by the City.

(Ord. 245. Passed 2-1-88.)

868.07 - Lapse of operation.

The active operation of a tourist home shall not lapse for more than nine months.

(Ord. 245. Passed 2-1-88.)

868.08 - Municipal civil infraction.

A person who violates any provision of this chapter is responsible for a municipal civil infraction.

(Ord. 657. Passed 12-6-04.)

868.99 - Penalty.

Editor's note— See § 202.99 for general Code penalty if no specific penalty is provided.

CITIZEN PLANNER CLASSROOM SERIES

Grand Traverse County

MAY 16 — JUNE 15, 2017 6:00 PM — 9:00 PM (see schedule on back)



Citizen Planner Program

A Land Use Training and Certificate Course for Community Land Use Decision Makers
MICHIGAN CITIZEN PLANNER IS AN MSU EXTENSION PROGRAM

ABOUT CITIZEN PLANNER

Michigan Citizen Planner provides time-tested educational programs on important local issues that are proven to be comprehensive without being overwhelming. The program is offered locally to provide a convenient way for busy volunteer community leaders to obtain the latest technical knowledge and information they need to perform their duties more effectively and responsibly.

WHY CITIZEN PLANNER?

The simple truth is that communities need to change the way they do community planning. Local officials have a responsibility to help their communities manage the impacts of economic change and be part of the solutions to challenges and issues their communities face. Local communities that proactively plan to succeed in the New Economy can improve their quality of life and lead Michigan's recovery and transformation. Michigan Citizen Planner empowers local officials to shape the future of their communities by providing them with the tools and education they need to lead.

Michigan Citizen Planner offers the Fundamentals of Planning and Zoning, a seven-session course leading to a certificate of completion awarded by Michigan State University Extension. The course is intended for local appointed and elected officials, zoning administrators and interested citizens.

Participants may also choose to continue on with the program and earn the Master Citizen Planner (MCP) credential by completing the Fundamentals of Planning and Zoning, an examination and a capstone project. Master Citizen Planners receive course discounts, exclusive training opportunities and other incentives.

CURRICULUM: CITIZEN PLANNER CLASSROOM PROGRAM

Instructors for the training program include MSU Extension educators, planners, attorneys and MSU faculty.

1. **Introduction to Planning and Zoning:** Smart Growth and the New Economy, Conflict of Interest and Planning Resources
2. **Legal Foundations of Planning and Zoning:** Cases, Statutes and other Planning Authority
3. **Roles and Responsibilities, Part I:** Master Plan and Planning Process, Sub-Area Plans, and Working with the Public
4. **Roles and Responsibilities, Part II:** Zoning, Site Plans and Zoning Board of Appeals Process
5. **Plan Implementation and Development Controls:** Subdividing Land, Zoning Controls and Non-Regulatory Techniques
6. **Best Practices for Innovative Planning and Zoning:** Green Development, Form-Based Code, Traditional Neighborhood Design and Conservation Design
7. **The Art of Community Planning:** Participation, Effective Meetings and Managing Conflict



Grand Traverse County

MAY 16 — JUNE 15, 2017 6:00 PM — 9:00 PM

COURSE SCHEDULE

Introduction to Planning and Zoning
Tuesday, May 16, 2017
6:00 PM — 9:00 PM

Legal Foundations of Planning and Zoning
Thursday, May 18, 2017
6:00 PM — 9:00 PM

Roles and Responsibilities, Part I
Thursday, May 25, 2017
6:00 PM — 9:00 PM

Roles and Responsibilities, Part II
Thursday, June 1, 2017
6:00 PM — 9:00 PM

Plan Implementation and Development Controls
Wednesday, June 7, 2017
6:00 PM — 9:00 PM

Best Practices for Innovative Planning and Zoning
Tuesday, June 13, 2017
6:00 PM — 9:00 PM

The Art of Community Planning
Thursday, June 15, 2017
6:00 PM — 9:00 PM

COURSE LOCATION

Grand Traverse Governmental Center
400 Boardman Ave.
Traverse City, MI 49684

DIRECTIONS

Coordinates: N 44° 45' 38.4", W 85° 36' 59.2"
(44.760666, - 85.616433)

*Please note classes
are on varying
week nights.*

LOCAL CONTACT PERSON

John Sych, Director
Grand Traverse Planning Department
(231) 922-4677
jsych@grandtraverse.org

COURSE FEE

The course fee is \$295 per participant for the complete core program. Group discounts are available for four or more. The fee covers registration, course materials and refreshments. Participants that complete all seven sessions will receive a certificate of completion.

HOW TO REGISTER

Online registration is available at <https://events.anr.msu.edu/CPGT17>. Payment can be made by credit card, check, or invoiced for payment. Group registration is also available online. The registration deadline is May 9, 2017 at midnight. Late registrations will be charged an additional \$45 each. Cancellations after May 9 will be charged \$45.

GRANTS/SCHOLARSHIPS

A grant program, Risk Reduction Grant Program (RRGP), may be available from your community's liability insurance provider. Michigan Township Participating Plan offers to its municipal members one per community, which covers the complete registration cost for participation in the Michigan Citizen Planner Program. Contact **Rita Evans at 800.783.1370** for more information. For member governments of the Michigan Municipal Risk Management Authority (MMRMA), contact **Cara Kowal at 800.243.1324** for more information regarding grants for education and training through the Risk Avoidance Program (RAP). For municipalities obtaining insurance through Nickel & Saph, Inc. Insurance Agency contact Stephen R. Saph, Jr. at 586. 463.4573 or stephenjr@nickelsaph.com. Contact your local community liability risk insurance carrier to see if similar grants or scholarships are available.

PERSONS WITH DISABILITIES

Persons with disabilities may request accommodations by calling **Janean Danca (269) 657-8213** two weeks prior to the event to ensure sufficient time to make arrangements. Requests made less than two weeks prior to the event will be met when possible.

Sponsored by Grand Traverse County Planning and Development Department.

MSU is an affirmative-action, equal-opportunity employer. Michigan State University Extension programs and materials are open to all without regard to race, color, national origin, gender, gender identity, religion, age, height, weight, disability, political beliefs, sexual orientation, marital status, family status, or veteran status.