

LAKE TOWNSHIP PLANNING COMMISSION

Regular Meeting

APRIL 6, 2024

MINUTES

1. Meeting called to order by Chairperson Fox at 10:30am.
2. Members Present: Ruth Fox, John LaPointe, Kris Zeinstra, Bob Mateja.
Absent Neil Lynch, excused.
3. Motion by Zeinstra, 2nd LaPointe to approve February 22, 2024, minutes.
Motion Carried.
4. Motion to approve agenda as presented by Zeinstra, 2nd Lapoint. Motion carried.
5. **OLD BUSINESS:**

Short Term Rentals (STR). Chairperson Fox began by reading a correspondence received at the last meeting. Then stated that we need to start to develop a plan of action and how to implement it. Member Mateja showed the members a copy of proposed legislation pending in the Michigan Legislator. House Bill No. 5438. Mateja highlighted that under this proposed legislation townships would not be able to completely ban STRs. Discussion then focused on getting input from county building and health departments regarding inspection costs for STRs. The Zoning Administrator stated that possibly we need to attend a county planning meeting to give them input on what services may be required and how to pay for them as it seems the county has no funds for this. Chairperson Fox will get in contact with the building and health department. Members Zeinstra and Mateja will work on definitions and application forms respectively. Chairperson Fox to investigate the formation of an ad hoc committee to be able to formulate language into a draft for the commission to review.

6: NEW BUSINESS:

Master Plan Review. Mateja and Zeinstra have reviewed the Master Plan and recommend updating some of the data which is 30years old. Mateja and Zeinstra also recommend that some of the wording needs updating. The maps in the plan are accurate. Mateja will investigate updating the data points (census, etc.). Mateja and Zeinstra also recommend the plan be electronically updated (computer format) as this would allow for easy updating in the future as situations arise.

Storage Containers: The chairperson asked the members to think about the containers that are popping up for storage. These are shipping type containers and are unsightly.

FUTURE REGULAR MEETING DATES:

July 13, 2024, 10am.

October 5, 2024, 10am.

January 4, 2025, 10am.

April 12, 2025, 10am.

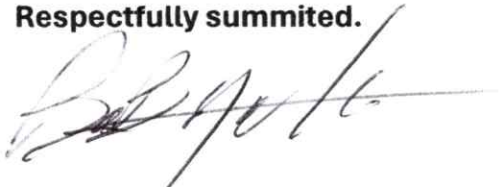
All meetings will be held at the Starlight Pavilion.

7. CORRESPONDENCE RECEIVED: Chairperson Fox read part of a letter sent in with several items pertaining to STR. The correspondence was unsigned. A copy of the letter is attached to the minutes.

8. CITIZENS TIME: Thirty-five citizens attended the meeting. Many expressed concerns about STRs as follows, large groups in one house, parking, are we considering banning altogether, lawsuits, full time residents who are just as bad as STR users, who will enforce STR ordinance, Zoning Admin is overworked now in the limited hours, can citizens participate more in the process, onsite managers, Airbnb vs Vrbo, insurance concerns. Many asked for the website to be updated and more information such as minutes and meeting times be placed on the site.

9. Zeinstra moved to adjourn the meeting, LaPointe 2nd meeting adjourned at 12:01pm. Next Meeting: July 13, 2024, 10am.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Bob Mateja', with a long horizontal flourish extending to the right.

Bob Mateja

Secretary

(Draft: not official until approved at next meeting)

Information, Comments, Concerns, and Suggested Regulation Ideas:

According to a ruling by the Michigan Supreme Court in 2019, Short Term rentals fall under the definition of a hotel or motel and not a dwelling.

For this reason, these types of properties, that are advertised as short term rentals (Air BnB, Vrbo, Craigslist, sign out front etc.) i.e. for profit whose owners operate an LLC or other commercial type business of renting out space for profit (regardless of name on deed), should be classified as commercial, and taxed accordingly. This would not be the casual neighbor who occasionally (3-4 weeks annually) provides space to another neighbor for family or friends to stay, i.e. they do not advertise as a short term rental.

If the township does decide to put zoning in place to allow these types of properties outside of the commercial zoning, currently not allowed by zoning in residential areas, but greatly in existence without zoning enforcement or regulation, there should be some oversight, regulation, and appropriate commercial property tax levied.

We would suggest several ideas -

- A registration with the township, to include the owner's name and contact phone number.
- A rental permit, similar to the land use permit, that would need to be visibly posted and renewed annually. A fee should be charged for the permit (\$200), to cover the cost of issuing the permit. (Violations - Civil Infraction First time: \$400, 2nd time: \$1,000 etc.)
- Building codes for commercial buildings would need to be met (i.e. ADA standards, fire codes etc.)
- Along with the annual permit, an annual safety/requirements inspection, performed by the zoning compliance officer or other qualified person. (This might involve hiring for this position) A fee would be charged for the inspection (\$300) to offset the inspecting person. Failure to have current inspection and found to be renting, (Civil Infraction First time: \$400, 2nd time: \$1,000 etc.) (City of Ferrysburg does these types of inspections with an enforcement officer.)
 - Safety items would include: working smoke detectors in every bedroom and hallway, carbon monoxide detectors near floor level (outlet style), proper fire escape size windows and doors for sleeping areas etc., Sprinkler systems for certain larger square footages, fire extinguishers hung accessible as required by commercial code - with valid inspections/charged, and not expired etc.
- Along with the registration, the requirement that there be an additional local contact that can be reached 24/7 to deal with any concerns, i.e. a local property manager

- A limit to the number of persons that can occupy the structure of 2 per habitable bedroom space - qualification for a bedroom space would be that which has sleeping furniture and meets building code for fire escape through window or door.
- Enforcement of the existing 4 cars (motorcycles, ATV etc.) limit at one property that are owned by unrelated persons of the owner.
- Enforcement of the (existing or recently modified?) zoning requirement that there not be a short term rental property within 500 ft of another short term rental property (who registers first by date each year)
- Requirement that the owner/property manager have visibly posted the zoning rules that are most often violated (noise etc.) and a note that indicates that authorities will be called if violations occur and could include immediate eviction.
- Requirement that any short term rental property be located on an improved and visibly maintained public or privately shared road with majority of private owners agreeing to the extra traffic/maintenance generated by rental, i.e. paved or gravel surface not affected by adverse weather conditions (i.e. mud/water filled holes/easily rutted, impassible when wet etc.), with a standard road width to allow two cars to visibly pass along side each other at the same time (and wide enough at all points for the new fire truck or a wider box style fire/rescue or ambulance to be able to gain access.
- Consider an occupancy requirement (similar to Government Lake) that the owner must visibly occupy the property at least 50% of the time during the time period of May to October. (i.e. maximum renting of ½ the summer)
- A requirement that a sign identifying the property as a short term rental with the address number and street name to be posted visible from the street with the 24/7 contact's phone number, minimum size 3" numbers/letters (like MC numbers on watercraft.)