

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP PLANNING COMMISSION VIRTUAL ONLY – <u>Special Meeting</u> 7:00 p.m. February 23, 2021 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> MINUTES Page 1 of 4 PC APPROVED: _____ Special PC Meeting – Short Term Rental Ord. Draft. Virtual (Zoom) ONLY 2-23-2021 </p>
<p> Meeting called to order at 7:00 PM by Planning Commission Acting Chair, Shana Bush. PLEDGE OF ALLEGIANCE Roll Call: Virtually Present: <u>Fiala</u> at Lakeridge Drive, <u>Kennedy</u> at Lakeridge Drive, <u>Beukema</u> at Payne Lake Rd., <u>Bush</u> in Grand Rapids, <u>L. Knowles</u> at Beatrice Ave, <u>Kooistra</u> at Lynn Dr. (<u>Frigmanski</u> joined meeting at 7:05 p.m. at Pine Meadows Dr. Late with Notice: Rebecca Harvey, Professional Planner R. Harvey joined the meeting at 7:45 p.m. (after a prior meeting this evening.) Staff Present: Sandy Marcukaitis, Rob Heethuis, Mike Cunningham, Dave VanHouten Visitors: Virtually 5 (not including staff present). <u>Host:</u> John R. Smith </p>	<p> CALL TO ORDER PLEDGE ROLL CALL </p>
<p> APPROVAL OF AGENDA: At 7:04 p.m. <i>Motion by <u>Fiala</u> with support from <u>Kennedy</u> to approve the agenda as is. Roll Call Vote: <u>Kooistra: Yes, Beukema: Yes, Bush: Yes, Kennedy: yes, Knowles: Yes, Fiala: Yes. Frigmanski: Absent (at 7:04 p.m.) Yes: 6, No: 0, Absent: 1. MOTION CARRIED.</u></i> </p>	<p> APPROVAL OF AGENDA </p>
<p> Sub-Committee Report: Karen Kennedy, Larry Knowles and Frank Fiala K. Kennedy commented that this group worked off of other ordinances and ended up mainly claiming one particular ordinance- Sutton’s Bay Township of Leelanau County, (Michigan). F. Fiala commented that the Township Board was asked for input of what was important for the PC to work on. At the last Board meeting, Fiala noted the board wanted to address Short Term Rentals with a two-prong approach. 1) The Noise and Nuisance ordinance (as a township ordinance) would be worked on as a board headed up by Rob Heethuis, Supervisor. 2) The PC was asked to look at ordinances regarding STR- Short Term Rentals. The committee of three (Kennedy, Knowles and Fiala (not a quorum)) looked at the 3rd cut of Sutton’s Bay Township’s 2017 Short Term Rental Ordinance. </p>	<p> BOARD REPORTS from REPRESENTATIVES </p>
<p> PUBLIC COMMENT: NONE </p>	<p> PUBLIC COMMENT </p>
<p> NEW BUSINESS: <u>Review of Proposed Short Term Rental Ordinance Draft for Yankee Springs Twp.</u> <u>Shared on ZOOM Screen. 6 of 6 pages reviewed.</u> <u>Proposed Ordinance reviewed by Sections:</u> </p>	<p> NEW BUSINESS </p>

Section 1: Purpose

Section 2: Applicability

Section 3: Definitions

Section 4: Short Term Rental Standards

Section 5: Owner Responsibilities

Section 6: Short Term Rental Permit

Section 7: Violation and Administrative Penalties

Section 8: Severability

Section 9: Effective Date: _____

Fiala noted the reasoning for the rapid pace of addressing STR's was the current advertising already taking place for the upcoming short term rental season in the township.

Regarding the Zoning ordinance, **Rebecca Harvey** commented "Unless you identify it as an allowed use, it is considered to be prohibited. So right now the YST Zoning Ordinance would be held to be prohibiting Short Term Rentals, which puts your ordinance in a position of not being appropriate..... You would have to go into your zoning ordinance and say, 'Here are the districts where we are allowing short term rentals', and then obviously your short term rental ordinance is dictating your other standards and administrative processes."

R. Harvey commented that the PC should put on their to do list- next time the Master Plan is opened up to make some amendments, and also make a point to amend the Master Plan to speak to Short Term Rentals.... "In this case, it would be fine for you to say, 'We're implementing the regulations, and the next time we amend our plan we're going to provide the foundational support for the offerings' ... "

K. Kennedy noted changes to the proposed ordinance that she had written down.

PC Members discussed the proposed ordinance.

Rebecca Harvey commented about what is going on regarding Short Term Rentals at the state level as related to local regulatory measures. **R. Harvey** commented on the status of the township in regards to future legislation coming down from the state on Short Term Rentals.

MOTIONS To Amend or Change Sections of Proposed YS Township

Short Term Rental Ordinance:

Section 1: Purpose

Motion by Bush with support from Knowles to approve Section 1: Purpose as is.

Roll Call Vote: Frigmanski: No, Kooistra: Yes, Beukema: Yes, Bush: Yes, Kennedy: Yes, Knowles: Yes, Fiala: Yes. Yes: 6, No: 1. MOTION CARRIED.

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APPROVED: _____

Special PC Meeting – Short Term Rental Ord. Draft.

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**PROPOSED
ORDINANCE
DISCUSSION**

**MOTIONS To Amend or
Change Sections of
Proposed YS Township
Short Term Rental
Ordinance**

Section 2: Applicability

Motion by Bush with support from Kennedy to approve Section 2: Applicability as is. Roll Call Vote: Knowles: Yes, Kennedy: Yes, Bush: Yes, Beukema: yes, Kooistra: Yes, Frigmanski: No, Fiala: Yes. Yes: 6, No: 1. MOTION CARRIED.

Section 3: Definitions

Motion by Bush with support from Kennedy to approve Section 3: Definitions as is. Roll Call Vote: Frigmanski: No, Kooistra: Yes, Beukema: Yes, Bush: Yes, Kennedy: Yes, Knowles: Yes, Fiala: Yes. Yes: 6, No: 1. MOTION CARRIED.

Section 4: Short Term Rental Standards

Motion by Bush with support from Beukema to approve Section 4: Short Term Rental Standards with the removal of “G” and modification to “I” to state that “the fires must comply with state outdoor burning regulations.” Roll Call Vote: Beukema: Yes, Bush: Yes, Kennedy: Yes, Knowles: No, Fiala: Yes, Frigmanski: No, Kooistra: Yes. Yes: 5, No: 2. MOTION CARRIED.

Section 5: Owner Responsibilities

Motion by Bush with support from Kennedy to approve Section 5: Owner Responsibilities as is. Roll Call Vote: Fiala: Yes, Knowles: Yes, Kennedy: Yes, Bush: Yes, Beukema: Yes, Kooistra: Yes, Frigmanski: Yes. Yes: 7, No: 0. MOTION CARRIED.

Section 6: Short Term Rental Permit

Motion by Bush with support from Knowles to approve Section 6: Short Term Rental Permit with modifying language to “Any dwelling rented for a total of two (2) rental periods up to one week each or less does not require a permit to be issued pursuant to this ordinance.” Roll Call Vote: Kooistra: Yes, Beukema: yes, Bush: Yes, Kennedy: Yes, Knowles: Yes, Fiala: Yes, Frigmanski: Yes. Yes: 7, No: 0. MOTION CARRIED.

Section 7: Violation and Administrative Penalties

Motion by Bush with support from Fiala to approve Section 7: Violation and Administrative Penalties with the following modifications: B.2 Fine will be \$250, B.3 Insert: “and any subsequent violations” between “third violation and within...”, B.4 Change: “revoked” to “denied” in “permit may be revoked”. ROLL CALL VOTE: Fiala: Yes, Knowles: Yes, Kennedy: Yes, Bush: Yes, Beukema: Yes, Frigmanski: No, Kooistra: Yes. Yes: 6, No: 1. MOTION CARRIED.

Section 8: Severability and Section 9: Effective Date:

Motion by Bush with support from Kennedy to approve Section 8: Severability and Section 9: Effective Date as is. Roll Call Vote: Frigmanski: Yes, Kooistra: Yes, Beukema: Yes, Bush: Yes, Kennedy: Yes, Knowles: Yes, Fiala: Yes. Yes: 7, No: 0. MOTION CARRIED.

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APPROVED: _____
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**MOTIONS To Amend or
Change Sections of
Proposed YS Township
Short Term Rental
Ordinance *continued***

Motion by Fiala with support from Beukema to submit proposed ordinance to R. Harvey to work with YS Twp. Attorney, Catherine Kaufman, with the resulting document going back to the Planning Commission and then submitting resulting document to Township Clerk. Roll Call Vote: Frigmanski: Yes, Kooistra: Yes, Beukema: Yes, Bush: Yes, Kennedy: Yes, Knowles: Yes, Fiala: Yes. Yes: 7, No: 0. MOTION CARRIED.

K. Kennedy will type up changes and will send out to all PC members and R. Harvey via email.

L. Knowles commented that he will make sure Catherine Kaufman, YS Attorney, gets the proposed ordinance, as well.

OLD BUSINESS ITEMS:

- Such other business as may properly come before the Planning Commission. (NONE)

PUBLIC COMMENT:

Dave VanHouten, 870 Rock Dr., commented that he liked what he had heard in the meeting tonight as a start. D. VanHouten suggested possibly adding (for rentals): working smoke and carbon monoxide detectors, and address numbers on the houses/mailboxes, as well as the fire department receiving a copy of the application that has all of the names and phone numbers.

Barry Paxton, Gun Lake Home Owner: commented, "Have we done any research on the actual number of units we are talking about here? Because if you search Air BNB or Vrbo online, there's a very limited number of properties in and around Yankee Springs Township. Some of the bigger issues would be around some of the trailer parks it looks like, Gun Colony, things like that, maybe have a little more interest on renting on a regular basis?.... Are we talking about a lot of properties or not?"

PLANNING COMMISSION COMMENTS:

L. Knowles: Thanked Lee Kooistra for the information he brought to the sub-committee noting there was a lot of good input tonight at tonight's meeting. Knowles appreciated information about the 14 day grace period and felt everyone did a nice job.

S. Bush thanked the sub-committee and Lee Kooistra for his research that helped the committee.

ADJOURNMENT:

Motion by Bush with support from Beukema to adjourn at 8:27 p.m. Roll Call Vote: Frigmanski: Yes, Kooistra: Yes, Beukema: Yes, Bush: Yes, Kennedy: Yes, Knowles: No, Fiala: Yes. Yes: 6, No: 1. MOTION CARRIED.

Approved by: Frank Fiala 3/23/21
 Frank Fiala, Planning Commission Secretary Date

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APPROVED: _____
 Special PC Meeting – Short
 Term Rental Ord. Draft.
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MOTION to submit proposed ordinance for professional work, then to PC, and Twp. Clerk

OTHER SUCH BUSINESS

PUBLIC COMMENT

PC COMMENTS

ADJOURNMENT

**Yankee Springs Township
Barry County, Michigan**

THIS ORDINANCE SHALL BE KNOWN AS THE SHORT
TERM RENTAL ORDINANCE.

Yankee Springs Township Ordains:

Section 1: Purpose

The Yankee Springs Township Board finds and declares as follows:

- A. The Township wishes to preserve and retain the residential community character of the Township.
- B. It is the intent of the Yankee Springs Township Short Term Rental Ordinance to make the Short Term Rental activity permitted by this ordinance resemble the existing and traditional residential uses made by resident owners and lessees.
- C. Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available and assisting owners of Short Term Rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- D. Township staff has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at Short Term Rental properties.
- E. The transitory nature of occupants of Short Term Rentals makes continued enforcement against the occupants difficult.
- F. The provisions of this ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residential neighborhoods posed by Short Term Rental homes.

Section 2: 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 other ordinances of the Township, including the Yankee Springs Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, restrictive covenants, associations rules, regulations or bylaws, or rental agreements.

Section 3: 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 building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing 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 the 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 property (or portion thereof) used for a Short Term Rental, or a person, firm or agency owning the property (or portion thereof) used for a Short Term Rental.

Operator. The person who is proprietor of a property (or portion thereof) used for a Short Term 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 property (or portion thereof) used as a Short Term Rental.

Parking space. An onsite 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.

Short Term Rental. The commercial use of renting a dwelling unit for a period of time less than thirty (30) consecutive calendar days. Short Term Rental does not include a bed and breakfast permitted and operated in accordance with the Yankee Springs Township Zoning Ordinance.

Section 4: Short Term Rental Standards

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

- A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.
- B. A separate permit is required for each Short Term Rental property.
- C. Yankee Springs Township will limit the number of Short Term Rental Permits to one hundred-fifty (150) per calendar year. There are no restrictions on the number of units operated by a single individual.
- D. Local Contact Person:
 1. Each owner of a Short Term Rental must designate 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 twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
 3. The Township will provide the phone number of the local contact to all neighbors within a two hundred (200) foot radius of the subject property boundaries.
 4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local contact person.
- E. This ordinance applies to all Residential Zoning Districts.
- F. All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area.
- G. Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
- H. The Animal Control Enforcement Ordinance of Barry County shall have authority over pets. Pets shall be secured on the property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten minutes or longer, as per the Animal Control Enforcement Ordinance of Barry County.

- I. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.
- J. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- K. The owner shall maintain a septic system or sewer connection that is in substantial compliance with the Barry/Eaton District Health Department standards.
- L. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 PM to 7:00 AM. The Yankee Springs Township Noise Ordinance shall also apply.
- M. The owner shall require these standards be met by renters as part of all rental agreements.

Section 5: Owner Responsibilities

- A. The owner must ensure all required standards are met.
- B. The owner must use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any other local or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violative conduct 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.

Section 6: Short Term Rental Permit

- A. Any dwelling rented for a total of two (2) or fewer weeks during a calendar year does not require a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each Short Term rental property.
- C. The following application elements are required prior to receipt of a Short Term Rental Permit or permit renewal.
 - 1. A fully completed and signed Short Term Rental Permit Application form provided by the Township including all the required supplemental documents.
 - 2. A local contact available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.

3. A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.
- D. A Short Term Rental Permit shall be issued by calendar year. All Permits shall expire at the end of the calendar year and must be renewed each year. If current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for as provided for in the Short Term Rental Application Policy.
- E. There will be an annual fee of \$100.00 for each Short Term Rental Application.

Section 7: Violation and Administrative Penalties

- A. Any of the following conduct is a violation of the Short Term Rental ordinance:
 1. Any advertising or leasing of a short term rental without first having obtained a short term rental permit.
 2. The permit holder has failed to comply with the standard conditions specified in the Short Term Rental Standards section of this ordinance.
 3. The permit holder has failed to comply with any of the provisions within this Ordinance, specifically Section 5: Owner Responsibilities.
 4. The permit holder has violated any of the provisions of this ordinance.
 5. Any false or misleading information supplied in the application process.
- B. The penalties for violations specified in subsection (A) above are as follows:
 1. For a first violation within any calendar year, the penalty is a warning notice of violation which may be verbal and/or written.
 2. A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty (250) dollars nor more than five hundred (500) dollars. 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.
 3. A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred (500) dollars, and the permit shall be revoked. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a permit.

- 4. If there are one or more violations each year during any three (3) consecutive year period, the permit may be revoked. An owner may appeal a decision to revoke a permit to the Yankee Springs Township Board.
- C. 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.
- D. The Yankee Springs Township Zoning Administrator is authorized to issue all permits under this Ordinance. The Yankee Springs Township Code Enforcement Officer, the Yankee Springs Township Supervisor, the Barry County Sheriff Department, or the Michigan State Police are authorized to issue civil infraction violation notices and/or civil infraction citations for violations of this Ordinance.

Section 8. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. Effective Date: _____

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

Ordinance No. ___ of 2021 was adopted on _____ by the Yankee Springs Township Board of Trustees, as follows:

Date of Township Approval: _____
 Date of Publication: _____
 Effective Date: _____

Date: _____ By: _____

Michael Cunningham,
 Yankee Springs Township Clerk

Motion by: _____
 Support by: _____
 Roll Call Vote:
 Yeas:
 Nays:
 Absent: None
 Motion Carried.