



AGENDA - Planning Commission

DATE: July 22, 2024 7:00 PM City Council Chambers

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes
 - I. Approval of June 17, 2024 Minutes
- IV. Unfinished Business
 - I. Zoning Ordinance Advisory Public Hearing
 - II. Short-Term Rental Ordinance Discussion
- V. New Business
- VI. Public Comment
- VII. Adjournment

Public Comment: Public Comments are limited to three minutes.

Live Stream: The meeting will be livestreamed to the Official City of Grosse Pointe Park YouTube Channel.

Planning Commission MEETING - June 17, 2024
7:00 PM

CALL TO ORDER

Vice-Chair Vethacke called the meeting to order at 7:05 PM.

ROLL CALL

MEMBERS PRESENT: Saros, Stachecki, Taylor, Vethacke, and Chair Coletta (arrived at 7:07 PM).

MEMBERS EXCUSED: Evans, and Hodges

ALSO PRESENT: Warren Rothe, Secretary and Assistant City Manager

APPROVAL OF MEETING MINUTES

APPROVAL OF MEETING MINUTES:
APPROVAL OF MAY 20, 2024 MINUTES

Motion by Stachecki, seconded by Saros to approve the minutes from May 20, 2024 meeting.

The motion carried on a unanimous voice vote.

PUBLIC COMMENT (AGENDA ITEMS)

Two public comments were given.

UNFINISHED BUSINESS

UNFINISHED BUSINESS:
ZONING ORDINANCE DRAFT 3 REVIEW

The Commission reviewed draft 3 of the Zoning Ordinance. The Commission discussed holding an advisory public hearing at the July 22, 2024 Commission meeting.

NEW BUSINESS

The Commission discussed scheduling another Commission meeting for July 2024 and selected July 22, 2024 as the date.

PUBLIC COMMENT (NON-AGENDA ITEMS)

One public comment was given.

ADJOURNMENT

Motion by Vethacke, seconded by Taylor to adjourn the meeting.

The meeting adjourned at 8:10 PM.

DRAFT PENDING APPROVAL



PLANNING COMMISSION MEETING

DATE: July 22, 2024

SUBJECT: Zoning Ordinance Advisory Public Hearing

SUMMARY: The Planning Commission will conduct an advisory public hearing on the current draft of the Zoning Ordinance (draft #3). The draft ordinance and map are available at this [link](#).

This public hearing is advisory and is not the "final" public hearing before the ordinance can be recommended to the City Council for their consideration.

FINANCIAL IMPACT:

RECOMMENDATION: Conduct the advisory public hearing.

PREPARED BY: Warren Rothe, Assistant City Manager



PLANNING COMMISSION MEETING

DATE: July 22, 2024

SUBJECT: Short-Term Rental Ordinance Discussion

SUMMARY: Updated ordinances concerning short-term rentals have been prepared for the Planning Commission's consideration:

1. Proposed Zoning Ordinance language regulating short-term rentals as a specific land use. These pages are excerpts taken from Draft 3 of the proposed ordinance, and are unmodified from the June Commission meeting. Language and definitions specifically related to short-term rentals have been highlighted.
2. Proposed police-power ordinance which establishes licensing processes and operational requirements for short-term rentals. Attached is both a red-line and clean copy highlighting changes made from draft 2 (presented in April) to the third and current draft. While the entire ordinance is a draft, the highlighted sections represent major parts where discussion and further review is desired.

FINANCIAL IMPACT:

RECOMMENDATION: Review the current drafts. A presentation will be given at the meeting on both ordinances.

PREPARED BY: Warren Rothe, Assistant City Manager



Section 2.07 Table of Land Uses by Zoning District

- A)** Throughout this table, “P” means permitted “Use by Right”, and “S” means permitted by “Special Land Use”. An asterisk (*) next to the letter indicates that additional use standards must be met.
- B)** The Planning Commission has the authority to determine that a use (including a temporary use) not listed within this Zoning Ordinance is similar in character and intensity to the uses permitted in a given district. Uses determined to be similar to uses permitted in a given district are permitted in that district. Uses determined to be similar to uses permitted by special land use are permitted by special land use approval (in accordance with the process established in Article 13). In determining the “character and intensity” of a use, the Planning Commission must determine that the use is consistent with the uses permitted in the district per the following:
- 1) Noise, odor, dust, and vibration.
 - 2) Traffic generation and the number of people likely to gather onsite.
 - 3) The scale and massing of buildings.
 - 4) Impact on natural features and the environment.
 - 5) Views from adjacent properties.
 - 6) Duration of uses, if not permanent.
 - 7) Any other criteria deemed applicable by the Planning Commission.

| Land Use | ER | NR-1 | NR-2 | NR-3 | NMU | CBD | CMU | CIVIC |
|------------------------------------------------------------|----|------|------|------|-----|-----|-----|-------|
| Accessory Uses | | | | | | | | |
| Boat Well | S | | | | | | | |
| Home Occupation | P* | P* | P* | P* | P* | P* | | |
| Solar Energy System | P* | P* | P* | P* | P* | P* | P* | P* |
| Accessory Structures | P* | P* | P* | P* | P* | P* | P* | P* |
| Voting Place | P | P | P | P | P | P | P | P |
| Dwelling Units | | | | | | | | |
| Accessory Dwelling Unit (ADU) | P* | P* | P* | P* | | | | |
| Duplex (Side-By-Side or Stacked) | | | P* | P | | | | |
| Economy Efficiency Dwelling (EED) | | | | P | | | | |
| Live-Work | | | | | P | P | P | |
| Dwelling Units Above Commercial Use | | | | | P | P | P | |
| Single-Family Dwelling | P | P | P | P | | | | |
| Single-Family Dwelling, Manufactured | | P | P | P | | | | |
| Multi-Family Dwelling, Low-Density (up to four units) | | | P* | P | S | S | S | |
| Multi-Family Dwelling, Medium Density (five or more units) | | | | P* | S | S | S | |



| Land Use | ER | NR-1 | NR-2 | NR-3 | NMU | CBD | CMU | CIVIC |
|----------------------------------------------------|----|------|------|------|-----|-----|-----|-------|
| Group Homes | | | | | | | | |
| Adult Foster Care, Family Home (1-6 persons) | P | P | P | P | | | | |
| Adult Foster Care, Small Group Home (7-12 persons) | | | | S | | | | |
| Childcare Home, Family (1-6 children) | P | P | P | P | | | | |
| Childcare Home, Group (7-12 children) | | | | S | | | | |
| Foster Care, Family Home (1-6 children) | P | P | P | P | | | | |
| Foster Care, Group Home (7+ children) | | | | S | | | | |
| Transitional Housing | | | | | | | S | |
| Senior Living | | | S | S | | | S | |
| Public / Quasi Public Uses | | | | | | | | |
| Parking Lot (Surface) | | | | | P* | P* | P* | |
| Parking Structure | | | | | P* | P* | P* | |
| Public / Municipal Building | P | P | P | P | P | P | P | P |
| Public Utility Building | S | S | S | S | P | P | P | P |
| Recreation, Indoor (Public or Private) | | | | | P | P | P | P |
| Recreation, Outdoor (Public or Private) | | | | | P | P | P | P |
| Religious Institution | | S | S | S | S | S | S | S |
| School, Elementary | | S | S | S | | | | P |
| School, Middle and High | | S | S | S | | | | P |
| School, College and University | | | | | S | S | S | S |
| Schools, Trade and Vocational | | | | | S | S | S | S |
| Wireless Communication Facility | | | | | S* | S* | S* | S* |
| Wireless Communication Facility, Small Cell | | | | | S* | S* | S* | S* |
| Commercial Uses | | | | | | | | |
| Artisan / Maker Space | | | | | P | P | P | |
| Bar | | | | | P | P | P | |
| Body Art / Tattoo Shop | | | | | P | P | P | |
| Catering | | | | | | | P | |
| Childcare Center | | | | | P | P | P | |
| Cultural Institution (e.g., museum, library) | | | | | P | P | P | P |
| Event Hall | | | | | | P | P | |
| Financial Institution | | | | | P | P | P | |
| Funeral Home / Mortuary | | S | S | S | P | P | P | |



| Land Use | ER | NR-1 | NR-2 | NR-3 | NMU | CBD | CMU | CIVIC |
|---------------------------------------------------------|----|------|------|------|-----|-----|-----|-------|
| Gas Station | | | | | | | S* | |
| Grocery Store | | | | | P | P | P | |
| Health or Fitness Club | | | | | P | P | P | |
| Home Improvement (e.g., Painting, Decorating, Plumbing) | | | | | P | P | P | |
| Hotel / Motel | | | | | | | S | |
| Hotel, Boutique | | | | | | P | P | |
| Kennel / Pet Grooming / Pet Boarding | | | | | P | P | P | |
| Laundry / Dry Cleaner | | | | | P | P | P | |
| Medical Office | | | | | P | | P | |
| Microbrewery / Distillery / Winery | | | | | P | P | P | |
| Outdoor Dining | | | | | P* | P* | P* | P* |
| Outdoor Sales | | | | | P* | P* | P* | P* |
| Personal Service Establishment | | | | | P | P | P | |
| Pharmacy | | | | | P | P | P | |
| Plant Material Retail | | | | | P | P | P | |
| Private Club | | | | | P | P | P | |
| Professional Office | | | | | P | P | P | |
| Restaurant, Café / Takeaway | | | | | P | P | P | |
| Restaurant, Full-Service | | | | | P | P | P | |
| Retail Sale Establishment | | | | | P* | P* | P* | |
| Secondhand / Rummage Shop | | | | | P | P | P | |
| Short-Term Rental, Investor-Owned | | | | | P* | P* | P* | |
| Short-Term Rental, Principal Residence | S* | S* | S* | S* | P* | P* | P* | |
| Spa | | | | | P | P | P | |
| Studio (Dance, Art, Photography) | | | | | P | P | P | |
| Temporary Use | P* | P* | P* | P* | P* | P* | P* | P* |
| Theatre / Entertainment Venue | | | | | S | S | P | S |
| Vehicle Repair Shop | | | | | | | S* | |
| Vehicle Sales (Establishment, Open Air, Showroom) | | | | | | | S* | |
| Vehicle Wash Facility | | | | | | | S | |
| Veterinary Clinic | | | | | P | P | P | |



Section 3.12 Gas Stations

- A) Must be located 300 feet away from a residential zoning district, measured by property line to the nearest gas station pump. This distance considers the possibility of spills, leaks, odors, and other accidents that can occur at a gas station.
- B) Must be located on a lot with at least 150 feet of frontage along arterial roads.
- C) Must be located on a lot with at least 15,000 SF.
- D) A traffic impact study may be required by the Planning Commission if the Commission determines that the traffic generated by the use could adversely affect the area.

Section 3.13 Retail Sales Establishments

- A) Businesses where packaged liquors or alcoholic liquors are sold for consumption off the premises.
 - 1) Businesses where packaged liquors or alcoholic liquors are sold for consumption off the premises, being SDD (Specially Designated Distributor) and SDM (Specially Designated Merchant) licenses issued by the state shall be deemed a special land use within the NMU, CBD and CMU zoning districts and shall require approval by the Planning Commission in accordance with Article 11 of this Ordinance.
 - 2) The Planning Commission shall not approve an SDD or SDM use within the NMU, CDB or CMU districts if such proposed use or establishment is within a 500-foot distance from
 - a) An existing SDD or SDM establishment;
 - b) A place of worship; or
 - c) An elementary, junior or senior high school site.
 - 3) The distances required under subsection 2(a) shall be measured along a road, street or place maintained by the City and generally open to the public as a matter of right for the purposes of vehicular traffic, not including an alley.
 - 4) The Zoning Board of Appeals may waive the distances required under subsection 2(a) as a Special Exception.
- B) A drive-thru facility may be permitted only as an accessory use in combination with a bank or financial institution.

Section 3.14 Reserved (for Short Term Rentals)

- A) An Investor-Owned Short-Term Rental established in a Residential Zoning District prior to (effective date of zoning ordinance) shall be considered a legal nonconforming use and may continue and be maintained subject to Section 8.06 of this Ordinance if the property owner obtains a license for the use with the City in accordance with Code Sec. ____ within 120 days of the adoption of this ordinance.
- B) A Principal Residence Short-Term Rental established prior to (effective date of zoning ordinance) shall be considered a legal nonconforming use and may continue and be maintained subject to Section 8.06 of this



Ordinance if the property owner obtains a license for the use with the City in accordance with Code Sec. _____ within 120 days of the adoption of this ordinance.

Section 3.15 Temporary Uses

- A) Purpose.** This section allows for the establishment of certain temporary uses of limited duration, provided that such uses do not negatively affect adjacent properties or municipal facilities, and provided that such uses are discontinued upon the expiration of a set time period. The construction or alteration of any permanent building or structure is not considered a temporary use.

The Director of Public Services may permit uses and the occupancy of structures that are consistent with the uses otherwise permitted in a zoning district, but which are temporary and do not require the construction of any capital improvement of a structural nature. In no case shall a use not otherwise allowable in a zoning district be permitted on a temporary basis.

- B) Overview of Temporary Uses.** Below is a table of temporary uses differentiating between those that require a temporary use permit from the Director of Public Services and those that do not require a permit.



Pawnbroker. A person, corporation or other entity that loans money on deposit or pledge of personal property or other valuable items, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable items on condition of selling the same back at a stipulated price.

Pawn Shop. A facility where a pawnbroker conducts business.

Personal Service Establishment. Establishments providing services, as opposed to products, to the general public, including financial services, pharmacies, insurance, real estate, dry cleaning, tailors, salons, spas, wellness, and similar uses. Personal services shall not include auto-related uses.

Pet Grooming and Boarding Facility. A pet grooming and boarding facility is a business for the temporary boarding and care of common household pets, including dogs and cats. Pet boarding facilities may provide related services, including grooming or training, but no animals may be bred or sold at a pet boarding facility unless the pet boarding facility is accessory to a principal retail use. Pet boarding facilities may be accessory to a veterinary office or hospital or pet supplies store. See also Kennel.

Permanent Resident. The person(s) occupying a dwelling unit as their Principal Residence.

Planned Unit Development. A development process that is intended to create a cohesive development plan for tracts of land, integrating transportation systems with a variety of housing types and other uses, like park and open spaces and commercial or retail uses. A key goal of PUD regulations is to allow flexibility in deciding how to integrate these various uses (e.g., allow different lot sizes and setbacks than those normally required) in exchange for a higher quality development that fulfills the city's Master Plan goals.

Plant Material Retail. A place where plants largely for gardening, forestry or conservation biology, rather than agriculture are propagated and grown to a desired size. They include greenhouses and retail nurseries, which sell to the general public; wholesale nurseries, which sell only to businesses such as other nurseries and to commercial gardeners; and private nurseries, which supply the needs of institutions or private estates. This includes florist shops for the sale of cut flowers and live plants as well.

Plat. A map, plan or layout of a city, section or subdivision, or any part thereof, including the boundaries of individual properties.

Plot Plan. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

Plug-In Electric Vehicle. For Vehicle generally, see Vehicle.

- 1) **Plug-In Electric Vehicle (PEV).** Any vehicle licensed and registered for operation on public and private highways, roads, and streets, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Includes an all-electric vehicle (EV) and a plug-in hybrid electric vehicle (PHEV).
- 2) **Plug-In Electric Vehicle (PEV) Charging Station.** A public or private electrical component assembly or group of assemblies designated specifically to charge batteries within electric plug-in electric vehicles. Also known as electric vehicle supply equipment (EVSE). PEV charging stations include Level 1, Level 2, and Level 3 charging, as follows:



- a) PEV Charging Station Level 1: A PEV charging station that charges a PEV via a 120-volt AC outlet (a standard household electrical outlet).
- b) PEV Charging Station Level 2: A PEV charging station that charges a PEV at a voltage between 208 and 240 volts on a dedicated circuit of 20 to 80 amps.
- c) PEV Charging Station Level 3: A PEV charging station that charges a PEV at a voltage greater than 240 volts. Also known as DC fast charging and best suited to a public fueling station.

3) Plug-In Electric Vehicle (PEV) Charging Space. Any public or private designated parking space that is served by a PEV charging station and identifies the use to be dedicated exclusively for the active charging of a PEV.

Porch. A covered projection on a building or structure containing a floor, which may be either totally enclosed or open, except for columns supporting the porch roof, and which projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Portable On-Demand Storage Structure. Any portable container, portable storage unit or other portable structure that is used for the temporary storage of personal property which is located outside an enclosed building. The storage unit is delivered to a lot, unloaded from a truck, and left on the lot to be packed or unpacked by the occupant of the lot over a period of time, with a truck returning at a later date to remove the storage container. The term does not include normal sheds. These structures are commercially known as "pods".

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

Principal Residence. The dwelling unit where an owner of property has their true, fixed, and permanent home to which, whenever absent, they intend to return and that shall continue as a Principal Residence until another Principal Residence is established. For purposes of determining if a dwelling unit is a Principal Residence, the chief determinant shall be if the property has been issued a principal residence exemption by the City Assessor.

Principal Use. The primary use of a lot, parcel of land, building or structure.

Professional Office. A structure or space which houses the business office of a person or persons who supply a professional service other than a financial service or personal service, as defined in this ordinance.

Property Line. See Lot Line.

Public Buildings. Buildings that are publicly owned and are available for public use, as distinguished from buildings that are publicly owned but are intended for private use, e.g. public housing.

Public Utility. "Public utility" means any person, firm, corporation or municipal department or board, duly authorized to furnish and furnishing, under State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water, sewerage or sewage disposal service.

R

Recycling Facility. A facility that collects, sorts, compacts, crushes, bales or reloads materials for reprocessing, reuse or remanufacture. See also "reuse facility."



2. **School, Middle.** A school intermediate between an elementary school and a high school, typically for children in the sixth, seventh, and eighth grades.
3. **School, High.** A school that typically comprises grades 9 through 12, attended after primary school or middle school.
4. **College or University.** An institution other than a trade school that provides full-time or part-time education beyond high school.
5. **Trade and Vocational School.** A facility whose principal use is teaching automotive, construction (cabinet making, carpentry, electrical, HVAC, masonry, plumbing, etc.), manufacturing or welding skills, generally in a shop setting.

Secondhand or Rummage Shop. A store where second hand or used household and personal goods are bought and sold and may include the minor repair and preparation of such goods. Secondhand stores do not include the sale of used vehicles, recreation craft, farm equipment, construction equipment, or industrial equipment. Secondhand stores include antique furniture stores, thrift shops and pawnshops.

Self-Storage Facility. A building consisting of individual self-contained units that are leased or owned for the storage of personal property and/or household goods.

Senior Living. A facility having as its primary function the housing of senior citizens. This may be defined as an independent living facility, where residents function independently, coming and going on their own. It may also be defined as an assisted living facility in a location other than a hospital, which renders 24-hour care for daily living for extended periods of time to persons afflicted with illness, injury, or an infirmity, including accessory uses that provide services to the residents, staff, and visitors. Such support may include meals, security, and housekeeping, daily personal care, transportation and other support services, where needed. Individual dwellings may contain kitchen facilities.

Setback. The minimum required horizontal distance between a building or structure and the front, side and rear lot lines. Setbacks are measured from the ROW to the building or the interior of the lot.

Short-Term Rental. The rental or subletting of any dwelling on a premises for a term of 28 days or less. Short-Term rentals include investor-owned and principal residence.

Short-Term Rental, Investor-Owned. A premises that is not the Principal Residence of the owner and where all or part of the on-premises dwelling is rented as a short-term rental. If the property has not been issued a principal residence exemption by the City Assessor, there shall be a rebuttal presumption that it is investor-owned for the purposes of this Ordinance.

Short-Term Rental, Principal Residence. A premises whose owner is the Permanent Resident and operates a short-term rental on the premises.

Sidewalk Café. Any accumulation of tables, chairs, and other appurtenances relates to or used for the sale of food and drink on public sidewalks or public parking spaces, not fully enclosed by a structure, in conjunction with a restaurant on an adjacent property.

Sign. See Article 10: Signs.

Sec 1 – Purpose

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

Sec 2 – Definitions

As used in this Article, the following words and phrases shall have the meanings herein ascribed to them:

a. Booking transaction means, any contractual agreement between a guest and an owner relative to a short-term rental.

a.b. Dwelling means any house, room, or apartment which is wholly or partly used or intended to be used for living, sleeping, cooking, and eating.

b.c. License means a short-term rental license issued by the City to the owner of a premises authorized to be used as a short-term rental. No licensee shall acquire by virtue of having been granted a license, a right of automatic renewal, nor shall any licensee have or acquire a property or liberty interest in or expectation of an initial or renewed license. All licenses terminate upon transfer of ownership, and may not be assigned, transferred, or hypothecated, in whole or in part.

c.d. Licensee means the owner(s) holding a license.

d.e. Maximum Occupancy means the maximum number of allowable occupants for the premises.

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

f.g. Occupant. Means a non-owner living in, sleeping in, or otherwise having possession of a premises.

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

h.i. Person means any individual, company, partnership, corporation, limited liability company, trust or other entity having the legal capacity to own or lease real property. For the purpose of this ~~Ordinance~~Article, a parent company, holding company, subsidiary, ancillary or auxiliary company or any related entity shall be considered the same entity as their related entities.

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

k. Platform means one or more portals, listing services, or websites through which a person may collect or receive a fee, directly or indirectly, for facilitating booking

transactions. A platform shall include a service that merely posts advertisements for short-term rentals.

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

k.m. *Short-term rental* means the rental or subletting of any dwelling on a premises for a term of 28 days or less.

~~l. *Short term rental, investor owned* means a premises licensed under this Article that is not the principal residence of the owner, meaning that it is a location where the owner does not reside for at least half the year. If the property has not been issued a principal residence exemption by the City Assessor, there shall be a rebuttal presumption that it is investor owned for the purposes of this Article.~~

m.n. *Special Event Venue* means the place where a meeting or event of a specific type takes place and/or is held (i.e. – weddings, showers, and other parties/gatherings) that exceed the defined building/room capacity of the dwelling and/or structure.

n.o. *Transfer of Ownership* has the meaning ascribed to it by MCL 211.27a or any subsequent sections or statutes of the same import.

Sec 3 – License Required

- a. *General Regulations*: It shall be unlawful for any person to offer any premises as a short-term rental or conduct or operate a short-term rental on any premises within the City without a short-term rental license issued by the City.
- b. *Specific Regulations*: Persons seeking to operate a short-term rental must be registered with and licensed by the City prior to the commencement of any short-term rental activity. All short-term rental operations shall comply at all times with the requirements of this Article.

Sec 4 – Exceptions

This Article shall not apply to the following:

- a. *Family Occupancy*. A member of the owner's family, as well as any guests of that family ~~member's guests~~member, may occupy a premises as long as a member of that family retains ownership of the premises. The family occupancy exemption also exempts family occupancy of guest houses or similarly separate dwellings lawfully located on the same premises, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without compensation to the owner.
- b. *House sitting*. During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.
- c. *Dwelling sales*. Occupancy following closing by a prior owner after the sale of a premises for the length of time agreed to by the parties to the dwelling sale agreement.
- d. *Estate representative*. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate of the owner, with or without compensation. The estate shall notify the City of the owner's name, date of death or incapacity, and name of the person occupying the premises.

Sec 5 – Licensing Procedure and Criteria

- a. Application

Applicants for a short-term rental license shall file an application to conduct a short-term rental operation with the ~~city~~City on a form provided by the City for that purpose~~the~~. The application shall include the following:

1. The name, mailing address, and phone number of the owner(s) of the premises to be licensed.
2. The name, mailing address, and phone number of the applicant if different than the owner.
3. A notarized letter of authorization from the owner to the applicant if the applicant is not the owner of the premises sought to be licensed.
4. If the owner of the property is a corporate entity, the application must identify all current members and their percentage ownership interests in the corporation or other entity. If the property owner is a trust, the application must identify all beneficiaries and trustees of the trust.
- 4.5. A description of the premises proposed to be used for short term rentals, including but not limited to:
 - a. Number of bedrooms
 - b. Number of bathrooms
 - ~~c. Maximum Occupancy~~
 - ~~d.c.~~ Tax parcel ID number
- 5.6. A non-refundable application fee in an amount set from time to time by resolution of the City Council or its designee. If a license is granted, the application fee will be applied towards payment of the license fee.
- ~~6. Written confirmation that the premises owner does not have an ownership interest in more than one premises for which a short term rental license has been issued or is being sought in the City of Grosse Pointe Park.~~
7. A statement whether the applicant and/or property owner has ever been cited for a violation of this ~~Ordinance~~Article or had a short-term rental license revoked.
8. A nuisance response plan containing the information required by this ~~Ordinance~~Article.
9. All applicants selected to receive a license shall also file the following with the City prior to the issuance of the license, ~~the following~~:
 - 1.a. A licensing fee in an amount set from time to time by the City Council or its designee.
 - 2.b. A Cash Bond in the amount of \$1,500.00 which shall be held in escrow by the City while the rental license is active. The bond must be a cash bond in the form of a cashier's check and made payable to the ~~to the~~ City of Grosse Pointe Park. In the event the license is terminated without any finding of a violation under this ~~Ordinance~~Article, the bond shall be released to the Licensee in full, without interest. In the event the Licensee is found to be in violation of this ~~Ordinance~~Article, the City may declare the cash bond partially forfeited in the amount of the then outstanding violation.
 - 3.c. A certificate of general liability insurance coverage with limits not less than one million dollars (\$1,000,000) per occurrence and aggregate combined single limit for Personal Injury, Bodily Injury, Property Damage issued by an insurance company licensed to do business in the State of Michigan

covering the premises and insuring the licensee against risks arising from commercial rental activities on the premises.

d. A list of platforms that will be used to solicit booking transactions for the short-term rental unit if any. At time of license approval and renewal, an updated list of platforms that are used to solicit booking transactions, and correlating printouts of the URL soliciting the short-term rental.

b. Inspections

1. Upon the selection of receiving a completed complete license application from the applicant pool, the City will schedule an inspection of the premises with the City Building Inspector. The Building Inspector will visit the premises and assess its fitness and safety for short-term rental operations using the standards contained in this Article and those required to obtain a Certificate of Occupancy pursuant to the City Code.
2. Each licensed premises shall be inspected annually, including at the time of renewal. An inspection fee shall be charged in an amount determined by the City Council from time to time.

c. License Duration and Limitations

- a.1. _____ The owner(s) of the premises described in the application shall be the only permitted short-term rental licensee but may designate ~~to the City~~ a local agent for purposes of receiving notices under this Article and shall do so if required by Section 6(b) of this Article. In the event a local agent is designated by the owner of the premises, the owner shall provide the City with the name, address, telephone number, and email address of the local agent at the time of the submission of an application.
2. Each licensed premises shall be inspected annually for the initial three-year license period described in Section 8 of this Article. Licenses Issued under this Article shall remain in effect for a period of one year from the date it was issued unless it is suspended or revoked by the City. Renewals shall be obtained in the same or substantially similar form and manner as the initial license.
2. Licenses are ~~An inspection fee shall be charged in an amount determined by the City Council from time to time. At the conclusion of the initial license period, inspections for licensed premises shall follow the City's current requirements for registered rental properties.~~

e. Limits on Issuance of Licenses

~~The City may issue up to (20) short term rental licenses, under the following conditions:~~

1. ~~No more than ten (10) licenses may be issued for investor owned short term rentals.~~
2. ~~There must be a 120 feet separation distance between the property lines of each investor owned short term rental. This distance shall be measured along the street.~~
3. ~~Regardless of the number of applicants, no person, including any related entities, may hold more than one license at the same time.~~
4. ~~Licenses are valid for a period of three (3) years commencing on _____ following the adoption of this Article, and expiring at midnight on _____ of the third year following the adoption of this Article. Licenses may be issued at any time, but~~

~~licensed issued after the first day of the first year of the three year licensing period will be valid only until the expiration of that licensing period, such that all short term rental licenses issued by the City will expire at the same time.~~

- ~~5. Licenses which terminate due to revocation by the City, death of the owner, a transfer of ownership of the premises, or any other reason will become available for re-issuance, but will expire at the end of the then three year licensing period.~~
- ~~6. Licensees will be initially issued on the basis of a blind, random drawing conducted by the City. All complete applications will be included in the pool from which the license selections are made. The City shall set by resolution the due date for License applications to be included in the pool from which the license selections are made. The City shall also set by resolution the date on which the license selection drawing will be conducted. All premises for which a license is drawn from the license application pool shall be inspected before a license is issued pursuant to Section 5 b of this Article. If the City receives more than 30 license applications by the due date, then licenses which become available due to termination or resignation of a license or failure of the premises to pass inspection may be granted on the basis of a blind, random drawing to qualified applicants who applied by the due date and who were not selected in the initial drawing. The City shall consider any license application submitted after the due date on a first-come first served basis.~~

~~7.3. _____ Licenses are non-renewable, non-transferrable, non-assignable and remain the sole property of the City. Death of licensee who is a natural person, or a transfer of interest of more than fifty percent (50%) or a lesser but controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the licensed premises, terminates a license immediately.~~

- ~~8. Notwithstanding any other provision of this Article, all licenses expire at the end of the three year licensing period. If the City chooses to continue issuing short term rental licenses pursuant to this Article, any person desiring to continue operating a short term rental must renew their license. Any person desiring to commence operating a short-term rental must apply for a license should the City choose to continue its short term rental program in order to have the opportunity to obtain a short term rental license.~~

Sec 6 – Short-Term Rental Regulations

Premises licensed for short-term rentals under this Article shall comply at all times with all of the following requirements:

- a) No licensee shall advertise a short-term rental unit, unless the advertisement includes the licensee's license number and the maximum occupancy permitted in the unit. If a licensee chooses to advertise the short-term rental online (for instance on Airbnb, VRBO, or a similar website) the license holder shall post their short-term rental license number within the listing.
- b) Licensees must be available to receive notices and respond to complaints from neighbors or the City, 24 hours per day, 7 days per week. Licensees who do not reside permanently in Wayne County or who do not maintain a permanent business location in Wayne County shall designate in writing to the City, as part of its application, the name, physical address, phone number(s), fax number (if available) and email address of a local agent. Notwithstanding the local agent's actual authority, the local agent shall be

deemed to be the licensee's authorized agent for purposes of serving notice under this Article, including service of a civil infraction citation.

- c) The address of the premises must be prominently displayed inside the main area of the dwelling so that occupants will have it available in case of an emergency,
- d) The licensee's name, address, phone number(s) and email address must be displayed prominently in the main part of the dwelling, along with the name, address, phone number(s), fax number and email address of a designated local agent, if any, and supplied in writing to all persons who rent the premises.
- e) Fire extinguishers, smoke detectors and carbon monoxide detectors adequate for the dwelling, as determined by the City Building Inspector as part of the inspection of the premises, shall be provided, properly mounted and kept fully charged and in good working order at all times. Notwithstanding any inspection by the City building inspector, the fire inspector may inspect any building pursuant to the City Code.
- f) Dwellings may not be sublet by any tenant of the licensee.
- g) ~~Licensee~~The licensee shall provide secure trash receptacles and must make those receptacles accessible by weekly trash removal services for occupants' use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. ~~Commercial~~Permanent commercial dumpsters are not allowed on any premises used for short-term rentals.
- ~~h) Licensee must ensure that the premises complies with all applicable parking regulations under the City Code.~~
- ~~h) One off-street parking space per four occupants must be provided.~~
- i) All short-term rentals shall be for the purposes of renting as a temporary dwelling only and may not include any commercial activities such as yard sales, festivals, retreats, class reunions, home occupations or similar uses. Short-term rentals shall not be marketed or used as a special event venue.
- j) The number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of two (2) occupants per bedroom plus two (2) additional occupants ~~per finished story meeting the applicable egress requirements for occupancy in the Michigan Residential Code~~, or the occupancy limitations set forth in Section 404 of Chapter 4 of the International Property Maintenance Code. Maximum Occupancy shall be calculated by the City.
- k) Licensees must maintain records of all bookings and rental activity. Such records shall include the actual dates of occupancy, and the total number of guests per party per stay. The licensee must submit these records at time of license renewal and shall provide them to the City upon request.

Sec 7 – Nuisance Prohibited

Licensed premises shall be maintained free from any nuisance. The use of any licensed premises under this Article in the creation of any nuisance is strictly prohibited and constitutes a violation of this Article. In the event the City is notified of any nuisance emanating from a licensed premises, the City will follow the enforcement provisions set forth in Sec 11 below.

Sec 8 – Licensee Responsibility

The licensee and/or the licensee's local agent shall ~~have the duty to remedy~~be responsible for remedying any violations of this Article, or any violation of State law or City ~~Ordinance, Code,~~ including, but not limited to, any violations by the occupants of a short-term rental and/or guests

of such occupants. For any violation of the foregoing provisions of the City Code, the City may (in addition to other remedies) notify the licensee and/or local agent of such violation by telephone or return receipt email at the phone number and email address posted on the interior notice or supplied in the licensee's application. The licensee and/or local agent shall be considered to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the City, whichever is soonest. Upon receiving notice of the violation, the licensee and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice. Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a material violation of this Article and may subject the licensee to a municipal civil infraction citation and court enforcement proceedings and the penalties imposed by law. Nothing in this Section limits the City or its authorized designee's right or ability to enforce violations of the City Code against occupants.

Sec 9 – Nuisance Response Plan

- a) Content of Nuisance Response Plans. Each nuisance response plan accompanying an application for a license required by this Article shall contain the following information and otherwise be in a form required by the City:
 - a. The mailing address and telephone number of the owner or owners of the property to be used as a short-term rental.
 - b. The name, address, and telephone number of the person or persons who will be available by telephone, and who will be responsible for promptly responding to or causing a prompt response to a nuisance complaint arising out of the occupancy or use of the short-term rental unit by tenants, their visitors, and/or their guests. For the purposes of this Article a return telephone call to a complainant within 45 minutes of the initial complaint shall be deemed "prompt."
 - c. The manner of responding to or causing a response to a nuisance complaint, including but not limited to the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
 - d. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this Article, "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the short-term rental within 30 minutes of the initial nuisance complaint.
 - e. The proposed maximum number of overnight occupants, with supporting documentation identifying unusual size, interior layout, parking or other physical characteristics, if any.
 - f. The number of off-street parking spaces and number of bedrooms available at the short-term rental.
- b) Amendment of Nuisance Response Plans. At any time following the issuance of a license required by this Article, the owner or owners of a short-term rental being operated pursuant to such license may change the content of the nuisance response plan approved incident to the issuance of the license by filing an amended response plan with the Building Department. Such amended response plan shall contain all of the information required by subsection (a) and shall be accompanied by an amended response plan fee in an amount established by resolution of the City Council.

- c) Notice of Nuisance Response Plan. Promptly following the approval and issuance of a license required by this Article, or the approval of an amended response plan in the manner provided for by this Article, the Building Department shall cause notice of the availability of the nuisance response plan provided to the City by the licensee to be:
 - a. Mailed by first class mail addressed to the owner or occupant of every property, any part of which is located within a 300-foot radius of the property that is to be used and occupied as a short-term rental; and
 - b. Posted on the city's internet website for short-term rental nuisance response plans, so that all such plans are available to all members of the public on the city's website.

§Sec 10 – Violations and Penalties.

- a. Violation. A violation of this Article is hereby declared to be a public nuisance and a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
- b. Penalties. Any person who violates any provision of this Article shall be responsible for a municipal civil infraction and shall be subject to the penalties or sanctions stated in this subsection, plus the costs of attorney fees of the City in the enforcement. In addition, this Article shall be specifically enforceable by order of the Court to prohibit or enjoin future activities on or about the premises in violation of this Article. Each day this Article is violated shall be considered as a separate violation:
 - a. First and Second Violations: Fine in the amount as established by resolution of the City Council.
 - b. Third Violation: A fine in the amount as established by resolution of the City Council and the permanent revocation of license. A person whose license has been revoked is ineligible to apply for or receive a license in the future. Appeal from revocation of a short-term license is allowed pursuant to the terms of this section.
- c. Revocation Appeal Procedure. Upon a finding by the City Code Enforcement Officer or his or her Designee of a third violation, the City Code Enforcement Officer or his or her Designee shall prepare or cause to be prepared a written notice specifying the alleged violation and the factual basis for this belief and a statement that the City intends to revoke the license within 14 days.
 - a. The written notice shall inform the licensee of a right to an appeal hearing to show cause as to why the license should not be revoked by filing with the City Clerk a written notice of appeal within 14 days of service of the written notice by the City Code Enforcement Officer or his or her designee.
 - b. If an appeal hearing is requested within 14 days of service of the written notice, the City Clerk shall refer a copy of this notice and the request for appeal hearing to an appeals panel consisting of the City Manager or their designee, Director of Public Safety or their designee, and the Chair of the Planning Commission or their designee. Upon receipt of the written notice and request for appeal, the City Clerk shall confer with the appeals panel to schedule a hearing. The hearing shall be held as soon as practical, but not later than 10 business days after the filing of the notice of appeal with the City Clerk. The hearing provided for shall be conducted by the appeals panel.

- c. Written notice of the appeal hearing including the time, date, and place of the hearing shall be served on the license or the licensee's designated agent either personally or by certified mail, restricted delivery and return receipt requested.
- d. At the hearing, the licensee shall be given an opportunity to present evidence and legal arguments. The licensee may also be represented by an attorney, and the appeals panel may request the assistance of the City Attorney. The appeals panel's decision shall be in writing and shall specify the factual evidence upon which it is based and shall be a final decision. A copy of the appeals panel's written decision shall be provided to the licensee.

Sec 911 – Enforcement

- a. The Code Enforcement Officer or his or her Designee/designee, any police officer having jurisdiction in the City, and other person as may be appointed from time to time by the City Council are hereby designated as the authorized local officials to issue municipal civil infraction citations for violation of this Article.
- b. In addition to enforcing this Article through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Municipal Court to abate or eliminate the nuisance per se or any other violation of this Article.
- c. The remedies provided in this Article are cumulative and the City's exercise of one remedy shall not bar the exercise of other remedies available to it.

Sec 11 – Review of short-term rental licensing program

~~The City Council or its designee shall review the short-term rental program described in this Article by the end of the initial three-year licensing period on the [REDACTED] of the third year following adoption of this Article. If the City Council does not renew the short-term rental licensing program by that date, the provisions of this Article shall expire such that no existing license shall be renewed, and no licenses shall be granted to applicants on the waiting list. No licensee shall acquire by virtue of having been granted a license, a right of automatic renewal, nor shall any licensee have or acquire a property or liberty interest in or expectation of an initial or renewed license.~~

Sec 1 – Purpose

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

Sec 2 – Definitions

As used in this Article, the following words and phrases shall have the meanings herein ascribed to them:

- a. *Booking transaction* means, any contractual agreement between a guest and an owner relative to a short-term rental.
- b. *Dwelling* means any house, room, or apartment which is wholly or partly used or intended to be used for living, sleeping, cooking, and eating.
- c. *License* means a short-term rental license issued by the City to the owner of a premises authorized to be used as a short-term rental. No licensee shall acquire by virtue of having been granted a license, a right of automatic renewal, nor shall any licensee have or acquire a property or liberty interest in or expectation of an initial or renewed license. All licenses terminate upon transfer of ownership, and may not be assigned, transferred, or hypothecated, in whole or in part.
- d. *Licensee* means the owner(s) holding a license.
- e. *Maximum Occupancy* means the maximum number of allowable occupants for the premises.
- f. *Nuisance* means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects an individual, or the generation of an excessive or concentrated effects from movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise from a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent premises which lacks sufficient parking and vehicle circulation facilities.
- g. *Occupant*. Means a non-owner living in, sleeping in, or otherwise having possession of a premises.
- h. *Owner* means a person holding legal or equitable title to the premises. An owner may designate an agent to perform duties or receive notice under this Chapter.
- i. *Person* means any individual, company, partnership, corporation, limited liability company, trust or other entity having the legal capacity to own or lease real property. For the purpose of this Article, a parent company, holding company, subsidiary, ancillary or auxiliary company or any related entity shall be considered the same entity as their related entities.
- j. *Premises* means real property, and all fixtures and improvements, including the dwelling, located on it.
- k. *Platform* means one or more portals, listing services, or websites through which a person may collect or receive a fee, directly or indirectly, for facilitating booking

transactions. A platform shall include a service that merely posts advertisements for short-term rentals.

- l. *Rent or Rental* means to permit, provide for, or offer possession or occupancy of a dwelling on a premises on which the owner does not reside for a period of time to a person who is not the owner, pursuant to a written or unwritten agreement.
- m. *Short-term rental* means the rental or subletting of any dwelling on a premises for a term of 28 days or less.
- n. *Special Event Venue* means the place where a meeting or event of a specific type takes place and/or is held (i.e. – weddings, showers, and other parties/gatherings) that exceed the defined building/room capacity of the dwelling and/or structure.
- o. *Transfer of Ownership* has the meaning ascribed to it by MCL 211.27a or any subsequent sections or statutes of the same import.

Sec 3 – License Required

- a. *General Regulations*: It shall be unlawful for any person to offer any premises as a short-term rental or conduct or operate a short-term rental on any premises within the City without a short-term rental license issued by the City.
- b. *Specific Regulations*: Persons seeking to operate a short-term rental must be registered with and licensed by the City prior to the commencement of any short-term rental activity. All short-term rental operations shall comply at all times with the requirements of this Article.

Sec 4 – Exceptions

This Article shall not apply to the following:

- a. *Family Occupancy*. A member of the owner’s family, as well as any guests of that family member, may occupy a premises as long as a member of that family retains ownership of the premises. The family occupancy exemption also exempts family occupancy of guest houses or similarly separate dwellings lawfully located on the same premises, when occupied by family guests, exchange students, visitors, medical caregivers, and child caregivers, without compensation to the owner.
- b. *House sitting*. During the temporary absence of the owner and the owner’s family, the owner may permit non-owner occupancy without remuneration to the owner.
- c. *Dwelling sales*. Occupancy following closing by a prior owner after the sale of a premises for the length of time agreed to by the parties to the dwelling sale agreement.
- d. *Estate representative*. Occupancy by a personal representative, trustee, or guardian (including family members) of the estate of the owner, with or without compensation. The estate shall notify the City of the owner's name, date of death or incapacity, and name of the person occupying the premises.

Sec 5 – Licensing Procedure and Criteria

- a. Application

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

1. The name, mailing address, and phone number of the owner(s) of the premises to be licensed.
2. The name, mailing address, and phone number of the applicant if different than the owner.
3. A notarized letter of authorization from the owner to the applicant if the applicant is not the owner of the premises sought to be licensed.
4. If the owner of the property is a corporate entity, the application must identify all current members and their percentage ownership interests in the corporation or other entity. If the property owner is a trust, the application must identify all beneficiaries and trustees of the trust.
5. A description of the premises proposed to be used for short term rentals, including but not limited to:
 - a. Number of bedrooms
 - b. Number of bathrooms
 - c. Tax parcel ID number
6. A non-refundable application fee in an amount set from time to time by resolution of the City Council or its designee. If a license is granted, the application fee will be applied towards payment of the license fee.
7. A statement whether the applicant and/or property owner has ever been cited for a violation of this Article or had a short-term rental license revoked.
8. A nuisance response plan containing the information required by this Article.
9. All applicants selected to receive a license shall also file the following with the City prior to the issuance of the license:
 - a. A licensing fee in an amount set from time to time by the City Council or its designee.
 - b. A Cash Bond in the amount of \$1,500.00 which shall be held in escrow by the City while the rental license is active. The bond must be a cash bond in the form of a cashier's check and made payable to the City of Grosse Pointe Park. In the event the license is terminated without any finding of a violation under this Article, the bond shall be released to the Licensee in full, without interest. In the event the Licensee is found to be in violation of this Article, the City may declare the cash bond partially forfeited in the amount of the then outstanding violation.
 - c. A certificate of general liability insurance coverage with limits not less than one million dollars (\$1,000,000) per occurrence and aggregate combined single limit for Personal Injury, Bodily Injury, Property Damage issued by an insurance company licensed to do business in the State of Michigan covering the premises and insuring the licensee against risks arising from commercial rental activities on the premises.
 - d. A list of platforms that will be used to solicit booking transactions for the short-term rental unit if any. At time of license approval and renewal, an updated list of platforms that are used to solicit booking transactions, and correlating printouts of the URL soliciting the short-term rental.

b. Inspections

1. Upon receiving a complete license application, the City will schedule an inspection of the premises with the City Building Inspector. The Building

Inspector will visit the premises and assess its fitness and safety for short-term rental operations using the standards contained in this Article and those required to obtain a Certificate of Occupancy pursuant to the City Code.

2. Each licensed premises shall **be inspected annually**, including at the time of renewal. An inspection fee shall be charged in an amount determined by the City Council from time to time.

c. License Duration and Limitations

1. The owner(s) of the premises described in the application shall be the only permitted short-term rental licensee but may designate a local agent for purposes of receiving notices under this Article and shall do so if required by Section 6(b) of this Article. In the event a local agent is designated by the owner of the premises, the owner shall provide the City with the name, address, telephone number, and email address of the local agent at the time of the submission of an application.
2. Licenses Issued under this Article shall remain in effect for a period of one year from the date it was issued unless it is suspended or revoked by the City. Renewals shall be obtained in the same or substantially similar form and manner as the initial license.
3. Licenses are, **non-transferrable**, non-assignable and remain the sole property of the City. Death of licensee who is a natural person, or a transfer of interest of more than fifty percent (50%) or a lesser but controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the licensed premises, terminates a license immediately.

Sec 6 – Short-Term Rental Regulations

Premises licensed for short-term rentals under this Article shall comply at all times with all of the following requirements:

- a) No licensee shall advertise a short-term rental unit, unless the advertisement includes the licensee's license number and the maximum occupancy permitted in the unit. If a licensee chooses to advertise the short-term rental online (for instance on Airbnb, VRBO, or a similar website) the license holder shall post their short-term rental license number within the listing.
- b) **Licensees must be available to receive notices and respond to complaints from neighbors or the City 24 hours per day, 7 days per week. Licensees who do not reside permanently in Wayne County or who do not maintain a permanent business location in Wayne County shall designate in writing to the City, as part of its application, the name, physical address, phone number(s), fax number (if available) and email address of a local agent. Notwithstanding the local agent's actual authority, the local agent shall be deemed to be the licensee's authorized agent for purposes of serving notice under this Article, including service of a civil infraction citation.**
- c) The address of the premises must be prominently displayed inside the main area of the dwelling so that occupants will have it available in case of an emergency,
- d) The licensee's name, address, phone number(s) and email address must be displayed prominently in the main part of the dwelling, along with the name, address, phone

number(s), fax number and email address of a designated local agent, if any, and supplied in writing to all persons who rent the premises.

- e) Fire extinguishers, smoke detectors and carbon monoxide detectors adequate for the dwelling, as determined by the City Building Inspector as part of the inspection of the premises, shall be provided, properly mounted and kept fully charged and in good working order at all times. Notwithstanding any inspection by the City building inspector, the fire inspector may inspect any building pursuant to the City Code.
- f) Dwellings may not be sublet by any tenant of the licensee.
- g) The licensee shall provide secure trash receptacles and must make those receptacles accessible by weekly trash removal services for occupants' use. Receptacles must be designed to prevent intrusion by animals and to ensure proper trash removal from the premises. Permanent commercial dumpsters are not allowed on any premises used for short-term rentals.
- h) One off-street parking space per four occupants must be provided.
- i) All short-term rentals shall be for the purposes of renting as a temporary dwelling only and may not include any commercial activities such as yard sales, festivals, retreats, class reunions, home occupations or similar uses. Short-term rentals shall not be marketed or used as a special event venue.
- j) The number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of two (2) occupants per bedroom plus two (2) additional occupants, or the occupancy limitations set forth in Section 404 of Chapter 4 of the International Property Maintenance Code. Maximum Occupancy shall be calculated by the City.
- k) Licensees must maintain records of all bookings and rental activity. Such records shall include the actual dates of occupancy, and the total number of guests per party per stay. The licensee must submit these records at time of license renewal and shall provide them to the City upon request.

Sec 7 – Nuisance Prohibited

Licensed premises shall be maintained free from any nuisance. The use of any licensed premises under this Article in the creation of any nuisance is strictly prohibited and constitutes a violation of this Article. In the event the City is notified of any nuisance emanating from a licensed premises, the City will follow the enforcement provisions set forth in Sec 11 below.

Sec 8 – Licensee Responsibility

The licensee and/or the licensee's local agent shall be responsible for remedying any violations of this Article, or any violation of State law or City Code, including, but not limited to, any violations by the occupants of a short-term rental and/or guests of such occupants. For any violation of the foregoing provisions of the City Code, the City may (in addition to other remedies) notify the licensee and/or local agent of such violation by telephone or return receipt email at the phone number and email address posted on the interior notice or supplied in the licensee's application. The licensee and/or local agent shall be considered to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the City, whichever is soonest. Upon receiving notice of the violation, the licensee and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice. Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a material violation of this Article and may subject the licensee to a municipal civil infraction citation and court enforcement proceedings and the

penalties imposed by law. Nothing in this Section limits the City or its authorized designee's right or ability to enforce violations of the City Code against occupants.

Sec 9 – Nuisance Response Plan

- a) Content of Nuisance Response Plans. Each nuisance response plan accompanying an application for a license required by this Article shall contain the following information and otherwise be in a form required by the City:
 - a. The mailing address and telephone number of the owner or owners of the property to be used as a short-term rental.
 - b. The name, address, and telephone number of the person or persons who will be available by telephone, and who will be responsible for promptly responding to or causing a prompt response to a nuisance complaint arising out of the occupancy or use of the short-term rental unit by tenants, their visitors, and/or their guests. For the purposes of this Article a return telephone call to a complainant within 45 minutes of the initial complaint shall be deemed "prompt."
 - c. The manner of responding to or causing a response to a nuisance complaint, including but not limited to the manner in which the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
 - d. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this Article, "timely corrective action" shall include, at a minimum, a telephone call to the primary adult occupant of the short-term rental within 30 minutes of the initial nuisance complaint.
 - e. The proposed maximum number of overnight occupants, with supporting documentation identifying unusual size, interior layout, parking or other physical characteristics, if any.
 - f. The number of off-street parking spaces and number of bedrooms available at the short-term rental.
- b) Amendment of Nuisance Response Plans. At any time following the issuance of a license required by this Article, the owner or owners of a short-term rental being operated pursuant to such license may change the content of the nuisance response plan approved incident to the issuance of the license by filing an amended response plan with the Building Department. Such amended response plan shall contain all of the information required by subsection (a) and shall be accompanied by an amended response plan fee in an amount established by resolution of the City Council.
- c) Notice of Nuisance Response Plan. Promptly following the approval and issuance of a license required by this Article, or the approval of an amended response plan in the manner provided for by this Article, the Building Department shall cause notice of the availability of the nuisance response plan provided to the City by the licensee to be:
 - a. Mailed by first class mail addressed to the owner or occupant of every property, any part of which is located within a 300-foot radius of the property that is to be used and occupied as a short-term rental; and
 - b. Posted on the city's internet website for short-term rental nuisance response plans, so that all such plans are available to all members of the public on the city's website.

Sec 10 – Violations and Penalties.

- a. Violation. A violation of this Article is hereby declared to be a public nuisance and a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
- b. Penalties. Any person who violates any provision of this Article shall be responsible for a municipal civil infraction and shall be subject to the penalties or sanctions stated in this subsection, plus the costs of attorney fees of the City in the enforcement. In addition, this Article shall be specifically enforceable by order of the Court to prohibit or enjoin future activities on or about the premises in violation of this Article. Each day this Article is violated shall be considered as a separate violation:
 - a. First and Second Violations: Fine in the amount as established by resolution of the City Council.
 - b. Third Violation: A fine in the amount as established by resolution of the City Council and the permanent revocation of license. A person whose license has been revoked is ineligible to apply for or receive a license in the future. Appeal from revocation of a short-term license is allowed pursuant to the terms of this section.
- c. Revocation Appeal Procedure. Upon a finding by the City Code Enforcement Officer or his or her Designee of a third violation, the City Code Enforcement Officer or his or her Designee shall prepare or cause to be prepared a written notice specifying the alleged violation and the factual basis for this belief and a statement that the City intends to revoke the license within 14 days.
 - a. The written notice shall inform the licensee of a right to an appeal hearing to show cause as to why the license should not be revoked by filing with the City Clerk a written notice of appeal within 14 days of service of the written notice by the City Code Enforcement Officer or his or her designee.
 - b. If an appeal hearing is requested within 14 days of service of the written notice, the City Clerk shall refer a copy of this notice and the request for appeal hearing to an appeals panel consisting of the City Manager or their designee, Director of Public Safety or their designee, and the Chair of the Planning Commission or their designee. Upon receipt of the written notice and request for appeal, the City Clerk shall confer with the appeals panel to schedule a hearing. The hearing shall be held as soon as practical, but not later than 10 business days after the filing of the notice of appeal with the City Clerk. The hearing provided for shall be conducted by the appeals panel.
 - c. Written notice of the appeal hearing including the time, date, and place of the hearing shall be served on the licensee or the licensee's designated agent either personally or by certified mail, restricted delivery and return receipt requested.
 - d. At the hearing, the licensee shall be given an opportunity to present evidence and legal arguments. The licensee may also be represented by an attorney, and the appeals panel may request the assistance of the City Attorney. The appeals panel's decision shall be in writing and shall specify the factual evidence upon which it is based and shall be a final decision. A copy of the appeals panel's written decision shall be provided to the licensee.

Sec 11 – Enforcement

- a. The Code Enforcement Officer or his or her designee, any police officer having jurisdiction in the City, and other person as may be appointed from time to time by the City Council are hereby designated as the authorized local officials to issue municipal civil infraction citations for violation of this Article.
- b. In addition to enforcing this Article through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Municipal Court to abate or eliminate the nuisance per se or any other violation of this Article.
- c. The remedies provided in this Article are cumulative and the City's exercise of one remedy shall not bar the exercise of other remedies available to it.

Short-Term Rental Ordinances

7-22-24 Planning Commission Meeting

1

Short-Term Rentals: Two Types

- **Investor-Owned:** A premises that is not the Principal Residence of the owner and where all or part of the on-premises dwelling is rented as a short-term rental.
- **Principal Residence:** A premises whose owner is the Permanent Resident and operates a short-term rental on the premises.

2

Draft Zoning Regulations: Investor-Owned

- New investor-owned short-term rentals would be allowed as a permitted use in mixed-use districts only.
- Existing investor-owned short-term rentals in residential districts would be considered a non-conforming use, provided the property obtains a license within 120 days of the enactment of the zoning ordinance amendment.

3

Draft Zoning Regulations: Principal Residence

- New Principal Residence short-term rentals would be allowed in residential districts as a special land use and mixed-use districts as a permitted use.
- Existing Principal Residence short-term rentals in residential districts would be considered a non-conforming use, provided the property secures a license within 120 days of the enactment of the zoning ordinance amendment.

4

Licensing Ordinance: Major Revisions

- Revised maximum occupancy to be two occupants per bedroom plus 2 additional occupants.
- One off-street parking space per four occupants must be provided.
- Licensees must maintain records of all bookings and rental activity. Records are submitted to the City at time of license renewal and at the request of the City.
- Language involving the three-year pilot program and initial allocation of licenses has been removed given the currently-proposed zoning ordinance approach.

5

Licensing Ordinance: Outstanding Items

- Cash bond requirement
- Insurance requirement(s)
- Availability of operator/local agent to be onsite within a set amount of time
- Transferability of licenses
- Inspection frequency

6

STR Zoning Language: Outstanding Items

- Develop standards for special land use approval of new Principal Residence STRs.
- During the proposed 120-day licensing process for grandfathered properties, does it make sense to hold off on new Principal Residence STRs altogether?