

VILLAGE OF ELK RAPIDS – PLANNING COMMISSION



Village of Elk Rapids

315 Bridge Street
P.O. Box 398
Elk Rapids, MI 49629-0398

Phone: 231-264-9274
Fax: 231-264-6676

AGENDA

PLANNING COMMISSION REGULAR MEETING TUESDAY, MAY 25, 2021 AT 7:00 P.M. HELD REMOTELY VIA ZOOM PLATFORM

1. **CALL TO ORDER:**

A. PLEDGE OF ALLEGIANCE

- B. ROLL CALL:** Royce Ragland Kim Ranger Lauren Dake Julie Farrell
 Barb Mullaly Wallace Hibbard Matt Conrad

2. **APPROVE AGENDA:** Motion by _____, 2nd by _____ (Voice Vote)

3. **MINUTES:**

- A.** Approval of Minutes Regular Planning Commission meeting April 27, 2021.
Motion by _____, 2nd by _____ (Voice Vote)

4. **CONFLICT OF INTEREST:**

Any Commission member who believes that he or she has a conflict of interest regarding any item on this agenda shall so state that conflict at this time. Does any member believe they have a conflict of interest at this time?

5. **CITIZEN COMMENTS:**

Any Citizen who wishes to address the Planning Commission on a matter not listed on this agenda may speak at this time. The Planning Commission Chair should recognize the citizen before speaking. A three-minute limitation applies unless extended by the Chair. Citizens wishing to speak on matters listed on the agenda will be permitted, under the same limitations, to speak when the matter is brought before the Commission. Does any citizen wish to address the Planning Commission on a matter not listed on this Agenda?

6. **PUBLIC HEARING:**

- A.** Storage of Recreational Vehicles and/or Recreational Units (#518)
B. Lighting Ordinance (#527)

7. **UNFINISHED BUSINESS:**

- A.** Lighting Ordinance (#527)
B. Storage of Recreational Vehicles and/or Recreational Units (#518)
C. Short Term Rental (General Ordinance – Chapter 13)

8. **NEW BUSINESS:**

- A.** Election of Officers

9. **REPORTS:**

VILLAGE OF ELK RAPIDS – PLANNING COMMISSION

- A. Staff
- B. Planning Commission Chair
- C. Village Council Liaison

10. CALENDER REVIEW: Next Scheduled Planning Commission Meeting – June 22, 2021 at 7:00 P.M. Government Center, 315 Bridge St. Public encouraged to attend via Zoom.

11. ADJOURNMENT. Motion _____, 2nd by _____. (Voice Vote)

MEMBERS OF THE PUBLIC:

Please see the attached instructions for participating electronically in this meeting. The Village will be using Zoom webinar to conduct meetings through the end of May 2021 unless the State extends this deadline. Please read all instructions before joining the meeting.

Before the start of the meeting

1. Zoom virtual meeting will start 30 minutes before the posted meeting start time
2. All participants will be placed in a virtual waiting room until the meeting moderator (Host) starts the virtual meeting
3. Video/Audio Settings
 - a. Planning Commission members, the Planning and Zoning Administrator, and the City Manager will be unmuted immediately (by the meeting moderator) upon joining the meeting
 - b. Meeting attendees will have their video turned off and we will not see their faces.
 - c. The meeting moderator is the only person who is able to unmute meeting participants during the meeting
4. Information you need to know:
 - a. Recorded Meeting: This meeting is being recorded
 - b. Public Participants: All meeting participant's audio will be muted and their individual video broadcast will be turned off when they join the virtual meeting.
 - c. Violations: According to the Attorney General, disruptive behavior maybe be subject to criminal charges under MCL 752.797 and MCL 750.540. Disruptive behavior may result in being muted, being returned to the waiting room, or being removed from the meeting.
 - d. Public Comments:
 - i. The PC Chair will announce that we have reached public comment.
 - ii. Participants wishing to speak will "raise their hand"
 - iii. The PC Chair will greet the person, ask them to state their first/last name, home address and limit their comments to 3 minutes
 - iv. . The moderator will unmute them
 - v. After their comments have been concluded, the moderator will mute the participant

NOTE: We will complete steps 2-5 until all public comments have been heard.

After the meeting adjourns

1. Meeting Moderator will save the meeting recording to the Zoom cloud

How the public can participate in the meeting

Virtual meeting link is included with agenda materials (below) Options to join:

VILLAGE OF ELK RAPIDS – PLANNING COMMISSION

- o Copy and Paste the meeting link - no need to setup a FREE Zoom account
- o Use Zoom app or web site – only need meeting ID and password

You are invited to a Zoom webinar.

When: May 25, 2021 07:00 PM Eastern Time (US and Canada)

Topic: May Planning Commission Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84185156031?pwd=SkxRUTJtMFhwZ1k2dmtVeE1ubTFBZz09>

Passcode: 195897

Or One tap mobile :

US: +13017158592,,84185156031# or +13126266799,,84185156031#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128

Webinar ID: 841 8515 6031

International numbers available: <https://us02web.zoom.us/j/84185156031>

**+Village of Elk Rapids Planning Commission
Regular Meeting Minutes
April 27, 2020 at 7 P.M.
Held Remotely Via Zoom Platform**

1. **CALL TO ORDER** – Chair Royce Ragland
 - a. **PLEDGE OF ALLEGIANCE:** Led by Ragland.
 - b. **ROLL CALL:**
Commissioners Present: Royce Ragland, Matt Conrad, Lauren Dake, Richard Smith, Barb Mullaly, Wally Hibbard **Absent:** none.
Staff: Village Manager Bryan Gruesbeck
2. **MINUTES:** **Motion:** Mullaly **Second:** Hibbard to accept February 23, 2021 minutes.
Motion: Smith, **Second:** Hibbard to accept March 23, 2021 minutes.
3. **CONFLICT OF INTEREST:** None.
4. **CITIZEN COMMENTS:** None.
5. **PUBLIC HEARING:** None.
6. **UNFINISHED BUSINESS:**
 - a. **Review of Lighting Ordinance (#527)** – **Motion:** Mullaly **Second:** Conrad to approve amended language for the Zoning Ordinance #527 and schedule a public hearing for May 25, 2021 to hear proposed changes to Zoning Ordinance #527 (Lighting).
 - b. **Affordable Housing** – Planning Commissioners discussed how affordable housing fit within the Redevelopment Ready Communities (RRC) and agreed to continue to address the issue. No action taken.
7. **NEW BUSINESS:**
 - a. **Short Term Rental Ordinance (#502)** – **Motion:** Mullaly **Second:** Smith to amend section #502 of the General Code to add language to allow short term rentals in “business zoned districts”.
 - b. **Review Planning Commission Bylaws** – The Planning Commission discussed the importance of new member training and the need for consistent attendance at Planning Commission meeting. No action taken
8. **REPORTS:**
 - a. **Staff** – Bryan Gruesbeck mentioned that the vacant Planning & Zoning Administrator position has been posted and applicants will be interviewed. Meetings will be in-person as of April 1, 2021.
 - b. **Planning Commission Chair** – Royce Ragland, Chair, encouraged Planning Commission members to attend an upcoming affordable housing webinar.

- c. **Village Council Representative** – Barb Mullaly mentioned that the Village Council will be holding a retreat on May 8, 2021 from 8am-11am via zoom and in-person at the Government Center.

9. **CORRESPONDENCE:** None.

10. **CALENDAR REVIEW:** The next scheduled Planning Commission meeting is tentatively scheduled to be held via Zoom on Tuesday, May 25, 2021 at 7:00 P.M. at the Government Center located at 315 Bridge Street, Elk Rapids, Michigan.

11. **ADJOURNMENT:**

Motion: Hibbard **Second:** Conrad. By unanimous consent, **Motion Carried.**



Village of Elk Rapids

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P.O. Box 398
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Phone: 231-264-9274
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MEMORANDUM

TO: Planning Commission
FROM: Village Manager, Bryan Gruesbeck
DATE: May 25, 2021
RE: Meeting Materials

Happy spring! Below, please find a few notes on the meeting materials for this month's agenda packet. I can provide additional narrative during the meeting.

Public Hearing: Storage of Recreational Vehicles: In February you approved the language for Section 518 of the Zoning Code to regulate recreational vehicles. A public hearing is required before passing the revised text to the Village Council for their review. Attached is the revised language that you approved.

Public Hearing: Lighting Ordinance: Over the past couple meetings you have been reviewing the Lighting ordinance (Section #527). The attached version reflects suggested language that was made near the end of the April 27, 2021 discussion. This public hearing is required before you can pass it to the Village Council for review.

Short Term Rental Ordinance Language Change: During the April 27, 2021 meeting you discussed a proposed language change to General Ordinance #502 pertaining to short-term rentals. As you are aware, the proposed change would allow "business unit" short term rentals to operate in business districts. Your action approved the language change and scheduled a public hearing. However, public hearings are only required by the Village Council – the Planning Commission - prior to reviewing General Ordinances. Attached is the Ordinance text with the approved language on pages 3 and 6.

Zoning Permits: Attached please find a list of the zoning permits issued during calendar year 2021 in the Village of Elk Rapids as of last week.



EEO
Equal Opportunity Employer

§518. STORAGE OF RECREATIONAL VEHICLES AND/OR RECREATIONAL UNITS.

A. The storage of Recreational Vehicles and/or Recreational Units shall be allowed on lots in all zoning districts in accordance with the requirements noted below. For the purposes of this section, two-family dwellings are considered a single-family dwelling.

1. The storage of Recreational Vehicles and/or Recreational Units shall be allowed only on a lot used for a dwelling or a lot adjacent to a dwelling. In addition, the vehicle must be owned by the dwelling occupant.

2. The storage of Recreational Vehicles and/or Recreational Units shall be allowed if they are five (5) foot setback from the rear and side yard and behind the front plane of the principal structure.

3. Not more than two (2) Recreational Vehicles and/or Recreational Units shall be allowed per single-family dwelling.

B. No outdoor storage or parking of vehicles or trucks over one-ton rated capacity, or similar heavy equipment or construction equipment, shall be permitted in a yard or on a lot located in any Residential zoning district, other than for the temporary parking of trucks or equipment engaged in construction on the site or being used for pickup or delivery purposes.

C. Recreational equipment and vehicles may be used for living or lodging purposes on a parcel with a principal building.

1. Living or lodging allowed for no more than 7 consecutive days, not to exceed 14 days within a 30 day period.
2. Village approval and registration is required through the Village Planning and Zoning Administrator.
3. Recreational vehicles and units must be located within a back or side yard.
4. A Five-Foot setback from the rear and side yard must be adhered to for emergency vehicle access.
5. Parking of recreational vehicles and units must be behind the front plane of the principal structure.

VILLAGE OF ELK RAPIDS ZONING CODE

§527. LIGHTING.

- A. Purpose and Intent. The purpose of this Section is to preserve the restful nighttime enjoyment and use of all properties in the Village of Elk Rapids by establishing consistent and reasonable exterior lighting standards. Exterior lighting shall be designed, installed and maintained to control glare and light trespass; and prevent the degradation of the nighttime visual environment. The standards of this Chapter are intended to preserve the general welfare by permitting sufficient, but not excessive lighting for parking areas, walkways, building entrances and common site areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property within the Village of Elk Rapids.
- B. Scope. The standards of this section shall apply to all exterior lighting sources; all light sources visible from any road right-of-way; and all development projects subject to Site Plan review and zoning compliance approval, except as follows:
1. Residential accessory exterior lighting such as decorative porch lights and/or low level intensity lawn or walkway lighting, and special seasonal lighting such as for holiday decorating.
 2. Lighting for a permitted temporary circus, fair, carnival, or civic use, except that the Planning and Zoning Administrator may impose reasonable restrictions on the use of such lighting where necessary to protect public safety and welfare.
 3. Public street lighting, if determined by the Village Council it is not in the best interest of the public welfare.
 4. Shielded lighting of flags of the United States of America and/or State of Michigan.
 5. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
 6. Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this section; or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
- C. General Requirements. The following General Requirements shall apply to all light sources regulated by this section:
1. Fully-shielded. Exterior lighting shall be fully shielded using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, reflectors or other measures to prevent off-site glare and light pollution. (see illustration)

VILLAGE OF ELK RAPIDS ZONING CODE

2. Glare and Light Trespass. Exterior lighting shall be designed, constructed, and maintained in a manner that prevents off-site glare, light trespass on neighboring properties, and traffic hazards for motorists.

3. Lamp Illumination.

- a. Except as prohibited in §527.6., ~~below, fixtures in parking lots shall use low or high pressure sodium, metal halide or other similar lamp types with a maximum wattage of 250 watts per fixture up to 20 feet in height above grade.~~
- b. LED fixtures in parking lots shall have a maximum foot-candle output consistent with Table C.4-1 ~~wattage equivalent to that of 250 watts per fixture type noted in the previous paragraph~~ up to 20 feet in height above grade.
- c. Decorative exterior light fixtures or lamps shall be limited to lamps with a maximum foot-candle output wattage equivalent to of 100 watts incandescent per fixture.

4. Intensity.

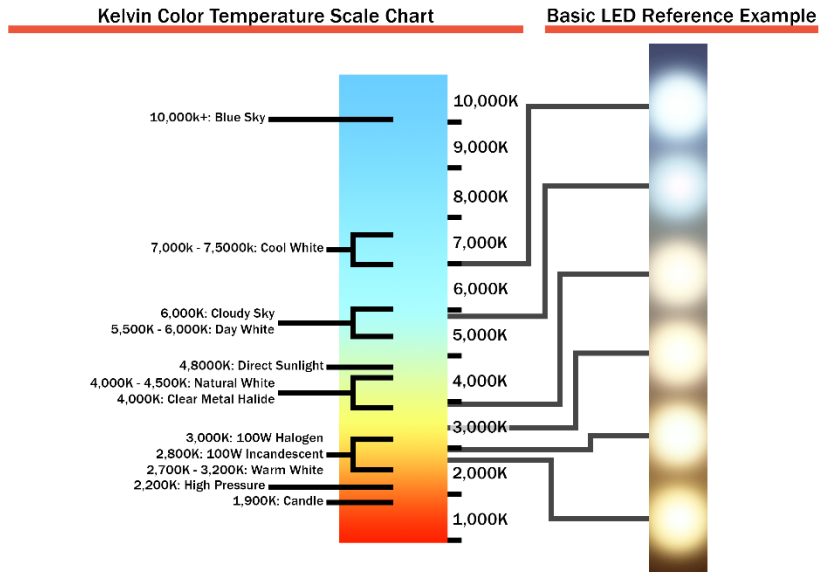
- a. The maximum intensity of light within any site shall not exceed the following standards:

Table C.4-1

Light Intensity	Foot-Candles
At any point within the site	10.0
General Site	1.5 Max Avg.
Parking Areas and Roadways	4 Max Avg.
Adjacent to residential or road right-of-way	0.2 Max
Adjacent to commercial or non-residential	1.0 Max

- b. Intensity Level Determination. Exterior lighting intensity levels shall be measured on the horizontal plane at grade level within the site; and on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade. Fixture height shall be measured from grade level to the highest point of the light source (see illustration below).
5. Lighting Color and Warmness Standards. Exterior lighting color shall not exceed 3,500k on the Kelvin scale.

VILLAGE OF ELK RAPIDS ZONING CODE



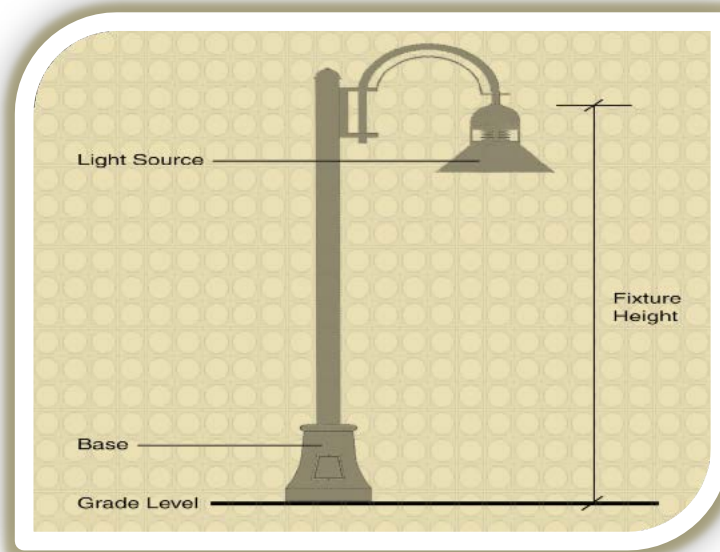
KELVIN SCALE

6. Fixture Type Standards. The following standards shall apply to specific types of exterior light fixtures, in addition to the provisions of §527.C., General Requirements, above:
- a. Freestanding Pole Lighting. The maximum height of all freestanding, pole-mounted fixtures shall be determined by the fixture’s proximity to the boundary of a lot or parcel in a Residential zoning district, as follows:

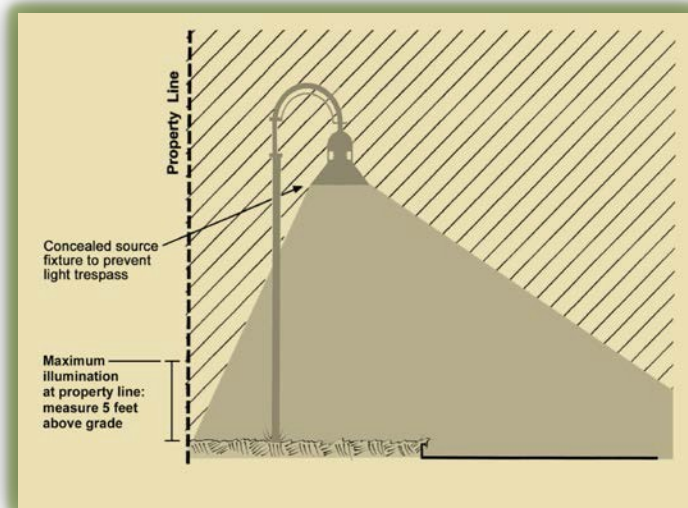
Fixture Location	Maximum Fixture Height
Less than or equal to 50 feet	15 feet
More than 50 feet	20 feet

- b. Architectural Lighting. Exterior illumination of building facades shall be limited to fully shielded fixtures directed toward the building façade. All light from such fixtures shall be concentrated on the wall surface. Luminous tube (neon) and fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings.

VILLAGE OF ELK RAPIDS ZONING CODE



LIGHT FIXTURE HEIGHT



LIGHT FIXTURE ORIENTATION AND SHADING

7. Prohibited Lighting. The following types of exterior light sources and activities shall be prohibited:
 - a. Mercury Vapor Lighting. The installation of mercury vapor fixtures shall be prohibited.
 - b. Animated Lighting. Lighting shall not be of flashing, moving, or animated type.

VILLAGE OF ELK RAPIDS ZONING CODE

8. Alternative Fixtures, Replacement Or Alteration. Alternative lighting design or specific fixture substitutions may be permitted in accordance with the following requirements:
 - a. Decorative Light Fixtures. The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light trespass.
 - b. Fixture Alteration or Replacement. Light fixtures regulated by this section shall not be altered or replaced unless approved by the Planning and Zoning Administrator after verification that the alteration or substitute fixture conforms to the requirements of this section.

(Ord. passed 3-2-15)

(Proposed revision 4-23-21)

ORDINANCE #502

Adopted: August 17, 2020
Published: August 27, 2020
Effective Date: September 12, 2020

An amendment to the General Code of the Village of Elk Rapids regulating various aspects of short-term rental properties.

The Village of Elk Rapids ordains:

Section 1: Purpose.

The Village Council finds that short term rentals of dwelling units in the Village provide value to our resort economy. Our Master Plan, amended in 2018, recognizes the increase in housing units (by 11.6% in the previous decade) as well as an increase in seasonal units (by 15.8% in the previous decade) with a corresponding decrease in population by 3.4%. These statistics reinforce the fact that Elk Rapids is increasingly a tourist destination and a seasonal community. These facts affect our housing supply for year-round residents, our school enrollment, our labor force, the residential character of our neighborhoods, and the health, safety, and welfare of our community.

To remain and grow as a year-round community, the Village has enacted this Ordinance to monitor short-term rental business and strike a balance in our multi-sector economy recognizing the interests of our Village residents, business owners, visitors, and property owners.

Section 2: Definitions.

As used in this chapter, the following words and phrases shall have the meaning hereafter ascribed to them:

Accessory Dwelling Unit (ADU): A second residential dwelling unit that may be contained within an existing single-family home, detached garage, or carriage house, and that meets all of the requirements of Section 431., of the Village of Elk Rapids Zoning Code of Ordinances.

Attrition: The reduction of concentration or total number of Short-Term Rental Business Units within a designated area, through a process such as, but not limited to, non-renewal of license, sale or transfer of property to non-immediate family member, or revocation of license.

As adopted on 8-17-20 by Village of Elk Rapids Council

Basement: That portion of a building, which is more than 50% below finished grade. A basement shall not be counted as a story.

Bedroom: A room intended for sleeping or placement of a bed separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: Kitchens; dining areas; gathering spaces such as living rooms, dens, family rooms, and attics or basements without egress meeting standards in applicable building, residential, and fire codes.

Business Unit: A residential dwelling unit that may be rented for more than 14 non-consecutive days in a calendar year. Monthly or yearly rentals are not classified as a Business Unit under this chapter.

Calendar year: January 1st to December 31st.

Cap: Maximum number of Short-Term Rental Business Units allowed within the Village limits.

Compensation: Money or other consideration given in return for occupancy, possession, or use of a property.

Concentration: The number of Short-Term Rental Business Units allowed per designated area.

Dwelling Unit: A self-contained unit within a building that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation. "Dwelling Unit" does not include Bed and Breakfasts, hotels and motels, and boarding houses.

Enforcement Officer: The person(s) appointed by the Village who shall carry out various functions of this chapter or cause other officials, inspectors, or relevant professionals to carry out various functions in order to implement and enforce the terms of this Ordinance.

Good Visitor Guide: Information prepared by the Village's Planning and Zoning Department for display at all Short-Term Rental Business Units.

Grandfathered: A Short Term Rental Business unit operating as such in 2018 through March 2, 2020. Properties used for a Short Term Rental Business prior to 2018 may be given "grandfathered" status through an appeal to the Village Manager as provided in Section 9 of this Ordinance. The appeal must establish that the use of the property for short term rentals was a prior existing lawful non-

conforming use and that the use has not been abandoned due to lack of use as a short term rental in the time period of 2018 through March 2, 2020.

Occupant: Individual 24 months of age or older.

Personal Unit: A principal residential dwelling unit rented for no more than 14 days per calendar year. A person or entity may only have one Personal Unit.

Short-term rental business: The rental of a dwelling unit for compensation for more than 14 days total per calendar year for terms no greater than 28 consecutive nights in all residential and business zoned districts.

Short-term rental business Representative: An individual designated to oversee the operations of the short-term rental of a dwelling unit in accordance with this Ordinance, and to respond to calls and complaints from renters, citizens, and the Village's representatives within 60 minutes either in person or by telephone. If necessary, a representative must be able to be on site within 60 minutes.

Transfer: The transferal of a short-term rental business property via deed.

Section 3: Registration and licensing required.

- A. All Short-Term Rental units shall be registered annually with the Village as stipulated in this Ordinance.
 - 1. All Short-Term Rental Business Units shall be licensed annually.
- B. All Short-Term Rental Business Units operating as such in 2018 through March 2, 2020 will be considered "grandfathered" and are able to continue operating as such with registration and licensing provided the operation of the Short-Term Rental Business Unit adheres to all sections of this Ordinance. Registration of "grandfathered" Short-Term Rental Business Units must be completed by Dec. 1, 2020.
- C. The advertisement or rental of an unregistered or unlicensed Short-Term Rental Business Unit is prohibited.
- D. Registration and licenses shall be issued by calendar year after the initial registration period has been implemented.
- E. Initial registration period begins at the time of the adoption of this Ordinance and runs until December 1, 2021.

- F. All short-term rental licenses shall expire at the end of each calendar year beginning in 2021 and must be renewed on or before the end of the current calendar year.
- G. The Enforcement Officer shall develop a form(s) to properly carry out this Ordinance. The registration form(s) shall collect not less than the following information and other items as the Enforcement Officer may deem necessary for implementation of this Ordinance:
 - a. Name, permanent address, email, and telephone number of the property owner and Short-Term Rental Business representative for the dwelling unit;
 - b. The street address of the dwelling unit, along with other identification if more than one dwelling unit shares the same street address;
 - c. The number of bedrooms in each dwelling unit, a current floor plan, and total number of allowable occupants per this Ordinance;
 - d. The number of days the dwelling unit is available for short term rental each calendar year;
 - e. The identification of the number of available parking spaces in accordance with village parking ordinance and a diagram of parking available for guests of the Short-Term Rental Business Unit. Overflow parking locations outlined in Good Visitor Guide;
 - f. A signed statement certifying the following:
 - i. Each bedroom has a working smoke alarm, each floor has a working carbon monoxide detector, and that the Short-Term Rental Business Units representative will check those devices no less than every 6 months;
 - ii. The property has all necessary insurance paperwork for the rental unit;
 - iii. The property owner or Short-Term Rental Business representative will provide at least one copy of the required information provided in the Village's Good Visitor Guide materials to the renters each time the dwelling unit is rented;
 - iv. How many days it was rented in the previous calendar year, and documented proof of operation as a short-term rental. Documentation may be provided in the form of proof of listing or a signed affidavit of the property owner;
 - g. A list of all websites and other media where unit is advertised.
- H. Upon determination that a Short-Term Rental applicant has met all registration and regulation requirements, a license shall be issued by the Village;

- I. There shall be a fee for registration collected at the time of registration. An additional fee shall be collected at time of licensing. Village Council shall set fee(s) from time to time by resolution.

Section 4: Registration process and procedure.

- A. Upon adoption of this Ordinance, registrations for new Short-Term Rental Businesses shall be determined as follows:
 - a. First, properties whose principal owner at the time of registration was and remains a person whose principal residence is in the Village of Elk Rapids.
 - b. Second, properties whose principal owner at the time of registration was not or is not currently a person whose principal residence is in the Village of Elk Rapids.
- B. New applications will be placed on a waiting list when the current cap and/or concentration has been reached. New applications will be placed on the waiting list in order when a complete application is received by the Village.
 - a. An applicant whose principal residence exemption, as determined on the tax roll, is for a property located in the Village of Elk Rapids will receive priority.
 - b. If the applicant is contacted and offered to register and refuses, they will be removed from the waiting list.
- C. A non-refundable deposit, to be set by the Village Council from time to time, is required in order to be placed on the waiting list.
- D. All “grandfathered” units (as defined in Section 3.B) may apply for a license upon transfer of ownership and shall not be required to be on the wait list for new applications so long as the application for a license is received by the Village no later than forty-five (45) days from the date of the transfer of property.

Section 5: Types of Short-Term Rentals.

- A. *Personal Units.* Personal Units may be rented for up to 14 days per calendar year in all residential zones and may not count toward the cap of units for purposes of determining Concentration.
 - a. An owner may register only one Personal Unit. Additional units under one ownership must be registered as a Business Unit.

- B. *Business Units*. Business Units may be rented without restriction on the number of days rented per year in all residential ~~and business districts.zones.~~
- a. No restriction is placed by the Village on properties within a homeowner's association; however, Short-Term Rental Units within a homeowner's association must go through the registration process and procedure outlined in Sections 3 and 4 of this Ordinance.
 - b. The initial cap shall be set at zero new STR licenses to be issued prior to December of 2020. Subsequently a cap shall be considered and set on total units by resolution of the Village Council on or before the first Village Council meeting of December 2020, and any changes shall be made on or before the first Village Council meeting of December in subsequent years.

Section 6: Regulations.

- A. *Short-Term Rental Business Unit representation required*. All dwelling units used for short-term rental businesses shall have a designated representative, as defined by this Ordinance.
- B. *Contact information posted*. A notice shall be posted in a prominent location within any dwelling unit used for short-term rentals stating in easily readable font the name of the Short-Term Rental Business representative, a 24-hour telephone number at which the representative can be reached, and a copy of the Short-Term Rental Business License.
- C. *Compliance with codes*. The dwelling unit must meet all applicable Residential Building, Health Department, Nuisance, and Safety Codes as necessary to protect the safety of occupants.
- D. All Short-Term Rental owners and tenants are subject to the Village of Elk Rapids General Code of Ordinances.
- E. *Maximum occupancy*. Short-Term Rental Business Units shall be permitted maximum occupancy of 2 persons per bedroom plus two persons per finished and legal floor for dwelling as described in this Chapter and as may be verified by inspections from time to time.
 - a. No Short-Term Rental Business Unit shall be permitted for occupancy by more than 10 persons.
 - b. Notwithstanding part a, those units in validated operation and registered with the Village prior to the date of the first registration deadline which may have clearly indicated occupancy exceeding 10, but not exceeding two per bedroom plus two persons per finished and legal floor for dwelling may continue with said occupancy limit,

assuming all other conditions in this Ordinance and other applicable Village Ordinances, such as parking, are met.

- c. No dwelling unit used as a short-term rental may be built or modified hereafter to exceed the limitation of 10 persons as described above.
- d. No overnight lodging outside of dwelling allowed, including but not limited to travel trailers, pickup campers, motorized homes, tents, folding tent trailers, private buses, boats and boat trailers, utility trailers, recreational vehicles.
- e. *Accessory Dwelling Units.* An Accessory Dwelling Unit shall not be rented either separately or as part of the principle residence's short term rental booking.
 - i. Bedrooms and living space in an Accessory Dwelling Unit shall not be included in the principle residence's available rental space for occupancy limits.
- F. *Parking Restrictions.* Vehicle parking must comply with the Village Code of Ordinances and as outlined in Good Visitor Guide for overflow parking.
- G. *Advertising.* No person shall advertise a short-term rental business unit, unless the advertisement includes the license number and the maximum occupancy permitted in the unit.
- H. *Fees.* Short-Term Rental Business units shall pay registration and licensing fees, and waiting list deposit fee, if applicable. Village Council may, from time to time, establish by resolution, to account for costs related to enforcement, community impact, and other customary fees and costs associated with short-term lodging which may already be allowed within the Village.
- I. *Inspections and conditions.* The Enforcement Officer may make coordinated and scheduled inspections of a short-term rental to ensure continuing compliance with the standards specified in this Ordinance.

Section 7: Concentration.

- A. Concentration will be determined through the collection of data during the initial registration period.
- B. Council may set area concentration limits based on the data on or before the first Village Council meeting of December.
- C. Any area exceeding concentration, as defined herein, will be reduced through attrition.

Section 8: Violations and Penalties.

- A. A person who violates any provision of this Chapter is responsible for a municipal civil infraction. Each day on which any violation of the Chapter continues constitutes a separate offense and shall be subject to penalties as a separate offense.
- B. Tenants are responsible for Village of Elk Rapids General Code of Ordinance violations, such as but not limited to noise, fireworks, trash, pets, and parking.
- C. Property owners are responsible for violations relating to false or misleading statements in the registration process, and such items as, but not limited to, Short-Term Rental Business representative not responding to complaint/call within specified time period; and advertising and/or hosting greater occupancy than permissible. Additionally, an owner will receive one violation anytime tenant(s) receive three total violations within one calendar year. Any of the following conduct is also a violation of this Ordinance:
 - i. Any advertising or renting of a short-term rental unit without first having registered and/or obtained a short-term rental license.
 - ii. The property owner or tenant has failed to comply with any of the provisions within this Ordinance, specifically Section 6: Regulations.
 - iii. Provision of false or misleading information in the registration process.
- D. The penalties for violations specified in subsection (A) above, are as follows:
 - i. A first owner violation within any calendar year, shall result in a written warning.
 - ii. A second owner violation within the same calendar year, shall result in a municipal fine as set by resolution of the Village Council from time to time.
 - iii. A third owner violation within the same calendar year shall result in revocation of the license until the end of the calendar year. A minimum 14-day notice will be given to an owner for any revocation. As of one day following the notice of the third violation, no additional bookings may be made of the rental through the year-end. If there is a short-term rental license waiting list, revocation of a license will cause the property owner to be placed at the bottom of the waiting list.
 - iv. If a property owner receives one or more violations each year during any three consecutive years, the license may be revoked permanently.
 - v. An owner may appeal any owner violation or decision to revoke a permit as listed in Section 9.
- E. If a complainant files a false report, they are subject to the applicable municipal civil infraction for filing a false report. For all complaints not requiring immediate police response,

complainants are encouraged to document the violation, with photographs and/or recorded video, without encroaching on people or property and to report the violation, including any documentation, during the same or following business day, and to utilize the 24/7 Hotline, as outlined in the Good Visitor Guide.

Section 9: Appeals.

- A. Appellant may appeal any decision made by the Enforcement Officer to the Village Manager who will conduct, review, and dispose of the appeal accordingly on the basis of competent, material, and substantial evidence.
- B. The Village shall adopt by resolution the procedural rules and standards for the Village Manager’s review of the decision made by the Enforcement Officer.

Section 10: Conflict and Severability Clause.

All ordinances, resolutions and orders or part thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 11: Enactment.

This Ordinance is hereby determined by the village council to be immediately necessary for the interest of the village and shall be in full force and effect from and after its passage and 15 days after publication.

Ordinance #502 – Short-term Rental Businesses

I do hereby certify that the above ordinance to amend the Village of Elk Rapids General Code of Ordinances is a true and correct copy of that recorded in the official minutes of the August 17, 2020 Elk Rapids Village Council Meeting.

James Janisse,
Village President

As adopted on 8-17-20 by Village of Elk Rapids Council

Caroline Kennedy,
Assistant Village Manager/Clerk

2021 ZONING COMPLIANCE PERMITS (AS OF MAY 2021 MEETING)

VILLAGE OF ELK RAPIDS

PERMIT #	NAME OF APPLICANT	PARCEL #	ADDRESS	REASON FOR PERMIT
2021-001	LARK	022-017-40	111 IROQUOIS ST	MOVING HOUSE
2021-002	NOVAKOVA	100-066-01	234 CHARLES	DUPLEX
2021-003	PONTANEN	010-294-00	8692 CAIRN HWY	RENOVATION
2021-004	COOPER-ER MARINA-LANCE	900-111-00	118 BRIDGE ST	DEMO
2021-005	COOPER-ER MARINA-LANCE	900-111-00	118 BRIDGE ST	DEMO
2021-006	FAY, RICHARD	010-054-00	111 SPRUCE ST	HANDICAP RAMP
2021-007	EHLERS - HIBBARD	425-004-00	131 LAKELAND PL	REMODEL
2021-008	KAIDEN, DANIEL	500-001-00	115 DEXTER UNIT 1	SPLIT
	KAIDEN, DANIEL	500-003-00	115 DEXTER UNIT 3	
2021-009	COOPER-ER MARINA-LANCE	900-111-00	118 BRIDGE ST	DEMO
2021-010	LEFEBRE, NICK	275-003-10	127 AMES	ADDITION - OUTDOOR BAR
2021-011	COOPER-ER MARINA-LANCE	900-111-00	118 BRIDGE ST	DEMO
2021-012	NGI INVESTMENTS	275-003-00	125 AMES ST	COMBINE
2021-013	RE2 CARPENTRY-BRABRANT	010-166-00	614 CHIPPEWA	NEW CONSTRUCTION
2021-014	FUNNELL, KRISTI	200-036-11	140 CENTER ST	NEW GARAGE
2021-015	CRAMPTON-MCAVOY-LMP	200-030-10	25 RIVERSHORE	FENCE
2021-016	ORTON-ATTITUDE & EXP-SHELL	021-031-00	111 AMES	SIGN
2021-017	FOLLETT/MILLER	021-061-00	125 LAKE ST	NEW BUILD
2021-018	DUFRESNE	010-068-00	108 TRAVERSE	FENCE
2021-019	HUSBAND, DEBBIE	375-002-00	112 MITCHELL	GAZEBO
2021-020	HERTLER,	125-002-00	503 AMES	LOT SPLIT
2021-021	DELICKTA, JOSH	150-008-00	620 WILBUR	DECK
2021-022	CHRISTIE, RONALD	020-015-00	714 S BAYSHORE	SHED
2021-023	MIXER, DAN	010-196-00	510 BRIDGE	PORCH/SHED
2021-024	SLC REAL ESTATE (COOPER)	021-076-00	603 BRIDGE ST	FENCE
2021-025	FORTE BLDG	200-024-20	BRAND ST	NEW CONSTRUCTION
2021-026	LE BOS LLC	275-005-00	135 AMES ST	SIGN
2021-027	LE BOS LLC	275-005-00	135 AMES ST	WALK IN COOLER
2021-028	FARRELL, JERMOME	N/A	OAK/OTTAWA	NEW CONSTRUCTION
2021-029	WILLETTE, JUDITH	010-161-01	711 OTTAWA	FENCE