

DRAFT
(April 24, 2023)

LAKE TOWNSHIP
HURON COUNTY, MICHIGAN

(Short-Term Rentals)

ZONING ORDINANCE AMENDMENT

(Ordinance No. _____)

At a _____ meeting of the Township Board for Lake Township held at the Township offices on _____, 2023, beginning at ____ p.m., this Ordinance/ordinance amendment was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____:

**AN ORDINANCE/ORDINANCE AMENDMENT TO AMEND
THE LAKE TOWNSHIP ZONING ORDINANCE, AS
AMENDED, REGARDING SHORT-TERM RENTALS AND
SIMILAR MATTERS.**

THE TOWNSHIP OF LAKE (the “TOWNSHIP”) ORDAINS:

Article 1 – Intent and Legislative History.

The current Lake Township Zoning Ordinance (the “Zoning Ordinance”), and the past zoning ordinances for Lake Township, have only allowed short-term rentals (“STR’s,” as defined below) in the commercial/business zoning districts (which are the B-1 Local Business and the RB Residential Business zoning districts in the current Zoning Ordinance). Therefore, STR’s have not been lawfully allowed within the Township (except in the commercial/business zoning districts) since the first zoning regulations were enacted by the Township over fifty years ago. Absent an STR located in a commercial or business zoning district, the only way that an existing STR could be lawful is if it is a lawful nonconforming use (i.e. it lawfully existed before 1970, has been in constant operation or use ever since and has not been expanded, abandoned, etc.). To the best of the knowledge of current Township officials and after a review of Township

records, the Township cannot locate any records, documents, minutes or evidence that an STR has ever been approved by the Township within the Township (at any zoning district) by the Lake Township Zoning Administrator, code official or any other Township official. It is also likely that some or all of the STR's that may currently exist within the Township do not meet all of the applicable building codes, fire codes and/or similar codes or laws. Accordingly, the Township Board finds that any STR that currently exists in Lake Township (except for any lawful STR's within the B-1 Local Business and the RB Residential Business zoning districts or any lawful nonconforming use) are unlawful under the Zoning Ordinance (and potentially, the building code and/or fire code as well) and that the STR use of such unlawful operations must cease. That should not constitute a hardship for any property owner, because the dwelling involved likely can still be used for non-commercial single-family non-rental residential use.

Article 2 – Findings.

The Township Board hereby finds that there are potentially many problems and negative consequences associated with STR's that are not located within the B-1 Local Business and the RB Residential Business zoning districts. Such negative and adverse impacts can include, but are not necessarily limited to, the following:

- (a) The Township Board expressly finds that STR's are a commercial or business activity which is generally incompatible (and often in conflict) with non-commercial nearby single-family residential uses, neighborhoods and areas. That is particularly true with regard to dwellings that are rented or leased out entirely or for most of the calendar year or the majority of days during the summer season.
- (b) Although the ability to utilize a dwelling as an STR may enhance the value of the specific property being rented or leased out, the same is not true with regard to

adjoining and nearby properties. An STR tends to devalue other single-family residential dwelling lots adjoining the STR and for some distance away from the STR due to the real or perceived negative impacts caused by the STR. It is not a reasonable policy or trade off to enhance the value of one property (which is utilized for STR use) while causing the devaluation of half a dozen or more adjoining or nearby residential lots or parcels in the area.

- (c) Even though most STR's in residential or agricultural zoning districts are supposed to be used for occupancy by only one family at a time, that often is not the case. STR's are frequently rented by two or more families at the same time, which constitutes a multi-family use that is inconsistent with the zoning districts allowing only single-family residential use.
- (d) The transient nature of STR's and the constant "coming and going" of new renters (and their invitees) potentially causes many problems and is inconsistent with adjoining and nearby conventional noncommercial single-family residential uses.
- (e) In most cases, people who rent or lease a residential property do not take the same level of care of that property as the owner of a property who resides thereon.
- (f) Rural and semi-rural townships (such as Lake Township) simply do not have the staff or resources to fully police STR properties and situations. Lake Township does not have its own police department and is served by a fire department with part-time on-call firefighters. The Lake Township Zoning Administrator is part-time only.
- (g) Although many advocates for STR's assert that problems with STR's can be minimized by the enactment and enforcement of local noise ordinances, blight

ordinances, barking dog ordinances, etc., the enactment or full enforcement of such ordinances is frequently not feasible or practical for rural or semi-rural townships. Furthermore, to the degree that such ordinances can be enforced and might help in some situations, it is an “after-the-fact” solution after a problem has already arisen.

- (h) In general, STR uses are more intensive, transitory and problematic than conventional single-family residential uses.
- (i) Persons renting or leasing an STR property are rarely familiar with the area involved, do not know local customs and rarely know about local government ordinance requirements.

Article 3 – Enforcement

Although Township officials do not believe that there are any lawful STR uses anywhere within the Township apart from potentially within the B-1 Local Business and the RB Residential Business zoning districts, the Township also recognizes that property owners who have been conducting unlawful STR uses within houses, cottages and cabins may need some time to cease such STR operations, particularly if third-parties have made arrangements for reservations ahead of time to rent or lease those premises. Accordingly, absent a health or emergency situation for a specific property, the Township will generally not enforce these new Zoning Ordinance amendments regarding STR’s or existing regulations or prohibitions in the Zoning Ordinance prohibiting STR’s prior to December 31, 2024. It is anticipated that Township officials will attempt to find and ascertain the properties within the Township on which unlawful STR’s are occurring and to notify the owners of those properties about these Zoning Ordinance amendments and the December 31, 2024 deadline. The Township Board

expressly finds that such “wind down” period regarding enforcement is reasonable and still protects the health, safety and welfare of residents, property owners and visitors in and to the Township.

Article 4 – The following definition of a “Short-Term Rental” is hereby added to Section 2.12 of the Lake Township Zoning Ordinance, as amended:

Short-Term Rental (“STR”): A dwelling unit, cabin, cottage or house that is available for rental, leasing, or use for habitation, accommodation or lodging of guests paying a fee or other compensation, for a period of less than 30 consecutive days and nights at a time.

Article 5 – The following new and additional Section 20.31 is hereby added to Chapter 20 (entitled “Supplemental Provisions”) of the Lake Township Zoning Ordinance, as amended:

Section 20.31 - Short- Term Rentals.

Short-Term Rentals are prohibited in all zoning districts except for the B-1 Local Business and RB Residential Business zoning districts. Notwithstanding such prohibition, a lawful single-family dwelling may be rented or leased to one (1) family at a time, with the total of such rentals or leasing not to exceed fourteen (14) consecutive days during a calendar year for the lot or parcel involved (i.e. in no event shall a lot or parcel be rented or leased for more than fourteen (14) days in total during a calendar year and such fourteen (14) days must be done in a row or consecutively).

Article 6 – The following is hereby added to the Use Table 3-3 of the Lake Township Zoning Ordinance, as amended, for the B-1 Local Business zoning district:

Permitted use (in the B-1 Local Business zoning district) – Short-Term Rentals.

Article 7 – The following is hereby added to the Use Table 3-3 of the Lake Township Zoning Ordinance, as amended, for the RB Residential Business zoning district:

Permitted use (in the RB Residential Business zoning district) – Short-Term Rentals.

Article 8 – Severability.

If any section, clause, or provision of this Ordinance/ordinance amendment is declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall not affect the remainder of the Ordinance/ordinance amendment. The Township Board hereby declares that it would have passed this Ordinance/ordinance amendment and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Article 9 – The Balance of the Lake Township Zoning Ordinance (as amended) Remains Unchanged and in Effect.

Except as expressly amended by this Ordinance/ordinance amendment, the balance of the Lake Township Zoning Ordinance, as amended, remains unchanged and in full force and effect.

Article 10 – Effective Date.

This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: _____

NAYS: _____

ABSTAIN/ABSENT: _____

THIS ORDINANCE/ORDINANCE AMENDMENT IS HEREBY DECLARED
ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/Ordinance amendment adopted by the Township Board for Lake Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: _____
James Deming
Lake Township Clerk