

PROPOSED TEXT AMENDMENTS TO THE 2024 ZONING ORDINANCE

SECTION 2.02 DEFINITIONS

Existing text:

DWELLING - (Residence) means one or more rooms with bathroom (privies included), bedroom, and kitchen facilities designed as a self-contained unit for occupancy for living, cooking and sleeping purposes.

Proposed amended text:

DWELLING - (Residence) means one or more rooms with bathroom (privies permitted by Chippewa County Health Department Environmental Health Division included), bedroom, and kitchen facilities designed as a self-contained unit for occupancy used for living, cooking and sleeping purposes.

Existing Text:

SHORT TERM RENTAL (STR) – The renting or leasing of an existing as of Township record December, 2023, home, cabin, or cottage for the traveling and vacationing public. Shall mean the renting of any dwelling for a term of twenty-seven (27) days or less. By permitted use, any habitable structure constructed for transient residential occupancy under the Michigan Building Code with occupancy permit. Such operation will be considered Commercial Use if rented more than 14 days in any one calendar year, mirroring both the Michigan Treasury Department and Federal IRS rules. See Section 6.10.

Proposed amended text:

SHORT-TERM RENTAL (STR) – The renting or leasing for a term of twenty-seven (27) days or less of an existing as of Township record December 31, 2023, home, cabin, cottage, yurt, residence, or any such habitable dwelling suitable for residential occupancy under the Michigan Building Code. Such operation will be considered Commercial Use if rented more than 14 days in any one calendar year.

SECTION 6.10 RENTING AND LEASING

Existing text:

PURPOSE: This section is intended to protect and promote the health, safety, and welfare of all the citizens of Whitefish Township, as well as those visiting the area, by requiring the licensing of Short-Term Rentals with the Township. The Township wishes to preserve and retain the residential community character of the Township. It is the intent of Whitefish Township to make Short-Term Rental activity permitted through this ordinance resemble the existing traditional residential uses made by resident owners and lessees. Short-Term Rentals provide a community benefit by expanding the number and type of lodging facilities available, however the transient nature of occupants of Short-term Rentals makes continued enforcement regarding the occupants difficult. The provisions of this ordinance are necessary to prevent the continued burden placed upon Township services and impacts on residential neighborhoods posed by Short-Term Rentals properties.

All Short-Term Rentals application shall meet the following requirements.

- a. Short-Term Rental applications shall follow this section (6.10) and Article 8, Special Approval Use Review.
- b. There will be a cap of 35 short term rental operating licenses allowed in the Township.
- c. Short-term rental operating license shall not be granted to properties with deed restrictions, Homeowners Association or Condo rules preventing such commercial use.
- d. Annual operating license will be from March thirty (30) to expire April first (1), Operating licenses shall be non-transferable with property sale.
- e. Renewal applications and supporting documents shall be provided to Zoning Administrator by January 3 of each year for Planning Commission review and processing at the January meeting.
- f. The Planning Commission shall address and document in the January meeting minutes the total number of approved short-term rentals and available operating license to meet the 35 approved cap.
- g. Special use application and supporting documentation for available Short-Term Rental operating License shall be completed and provided to Zoning Administrator by February 25th and forwarded to Planning Commission to be reviewed at the March regular meeting.
- h. Applications for special use "short term rental" shall have included a home inspection completed by a State of Michigan Certified Home Inspector stating the proposed property meets the State of Michigan building code for transient residency and building occupancy permit from Chippewa County for the property.
- i. The owner or operator of a Short-Term Rental property shall maintain running water and a functioning septic system. A septic inspection report shall be completed every three years and quarterly (bacteria) water certificate of analysis and annual nitrate analysis shall be maintained/provided with application and renewal of operating licenses process.
- j. Shall not be more than one (1) dwelling unit per property eligible for a Short-Term Rental operating license.
- k. All lodging on a property with a Short-Term Rental operating license is to be within the dwelling unit and not in an accessory building, accessory dwelling unit, recreational vehicle, camper or tent.
- l. Owner shall have notarized written permission from neighbors whose occupied dwelling is within 100 feet of the proposed Short-Term Rental dwelling. Such permission would remain effective with the rental property for all continued renewal of approved operating licenses.
- m. All parking associated with a Short-Term Rental property shall be out of the roadway and entirely on-site, in a garage, driveway or other designated area.
- n. The number of guests shall not exceed two (2) times the number of bedrooms in the dwelling unit, unless that applicant can show that the dwelling unit is suited to accommodate more guests. If the Township Board finds that the applicant has proved that the dwelling unit is suited, it may at its sole discretion allow additional guests.
- o. A point of contact person shall be available to respond to emergencies, issues, questions or concerns, of the guest, the Township, or another person or entity that may need to address a person with authority to make remedial action and respond to any violation of this ordinance, or other matters.
- p. Any pets that may be staying at a Short-Term Rental property must be in compliance with Chippewa County Animal Control Ordinance. Whitefish Township is not responsible for enforcing the ordinances of Chippewa County, however any verified citations by Chippewa County may be taken into consideration in the application approval process and renewal process.
- q. One sign may identify the STR shall not exceed six (6) square feet and shall not be illuminated or have working parts. It shall abide by Article 10, Sign Regulations.

r. Owner shall provide secure trash receptacles accessible by weekly trash removal services for occupants.

Proposed amended text:

PURPOSE: The intent of this Ordinance is to preserve and retain the residential community character of the Township, so that Short-Term Rental activity permitted and regulated through this Ordinance resembles the existing traditional residential uses by resident owners and lessees, and protects and promotes the health, safety, and welfare of all citizens of Whitefish Township, as well as those visiting the area, by requiring the Registration and Licensing of Short-Term Rentals (STRs).

Short-Term Rentals provide a community benefit by expanding the number and type of lodging facilities, however, the transient nature of occupants of Short-Term Rentals can impact any neighborhood. The provisions of this Ordinance are necessary to prevent negative impacts on residential neighborhoods posed by Short-Term Rental properties, and to minimize burdens placed upon Township services.

Reference: (from SECTION 2.02 DEFINITIONS:)

- SHORT-TERM RENTAL (STR) – The renting or leasing for a term of twenty-seven (27) days or less of an existing as of Township record December 31, 2023, home, cabin, cottage, yurt, residence, or any such habitable dwelling suitable for residential occupancy under the Michigan Building Code. Such operation will be considered Commercial Use if rented more than 14 days in any one calendar year.

- DWELLING - (Residence) means one or more rooms with bathroom (privies permitted by Chippewa County Health Department Environmental Health Division included), bedroom, and kitchen facilities designed as a self-contained unit for occupancy used for living, cooking and sleeping purposes.

a. The Whitefish Township Board shall, by resolution from time to time, establish a Schedule of Fees for the administration of this Ordinance, and the Schedule of Fees shall be on public display in the office of the Zoning Administrator and within the Township website. Such Fees may be established and changed only by the Whitefish Township Board. No Certificate, Permit or Operating License shall be issued or renewed unless required Fees have been paid in full.

b. A cap placing a limit upon the number of Short-Term Rental Operating Licenses to be issued in the Township at thirty-five (35) is established by the 2024 Amended Zoning Ordinance SECTION 6.10. The Whitefish Township Board may, by resolution from time to time, change that number at the sole discretion of the Township Board.

c. Any Special Land Use Approval by the Planning Commission granting a Short-Term Rental Annual Operating License under SECTION 8, SPECIAL APPROVED USE REVIEW, Approves With Conditions a Special Land Use Permit for a Short-Term Rental Annual Operating License only. Operating Licenses shall be non-transferable with any arm's length change of ownership of the parcel, shall be renewed annually, and shall be subject to Application and Annual Renewal requirements per this SECTION 6.10, and Fees per paragraph a. above.

d. Applications for Special Land Use Approval for Short-Term Rental Annual Operating License shall meet all requirements within this SECTION 6.10 RENTING AND LEASING, SECTION 4 ZONING DISTRICT REGULATIONS, and SECTION 8 SPECIAL APPROVED USE REVIEW.

e. A Short Term Rental Operating License shall not be granted or approved by the Planning

Commission for any dwelling on a parcel with Recorded Deed Restrictions prohibiting such commercial use, whether by Subdivision, Condominium, or Homeowners Association Covenants, Conditions, and Restrictions, or any Recorded Deed Restrictions that prohibit commercial use of the parcel.

f. A home inspection report completed by a certified home inspector stating that the proposed Short-Term Rental dwelling meets the State of Michigan Building Code for transient residential occupancy shall be required with all Applications, including documentation of the presence and operation of smoke detectors, CO detectors, and a minimum of one rated fire extinguisher on each floor of the dwelling.

g. A current Water Certificate of Analysis, including bacteria and nitrate analysis results shall be provided with all Applications.

h. Running water and a functioning septic system shall be provided, maintained, monitored, and reported as specified herein to the Township by any Licensee owner or operator of a Short-Term Rental dwelling.

i. A septic inspection report shall be completed every three years and provided by the Licensee during the appropriate year's annual renewal.

j. Quarterly Water Certificate of Analysis, (bacteria) and annual nitrate analysis shall be maintained by the Licensee owner or operator, and provided at each annual renewal. Seasonal rental parcel owners missing winter reports must state so at annual renewal. Failure to maintain or to provide quarterly water test reports at annual renewal may result in suspension or non-renewal of an Annual Operating License.

k. Only one (1) dwelling unit per parcel shall be eligible for a Short-Term Rental Operating License. All lodging by renters on a parcel with a Short-Term Rental Operating License must be within the dwelling unit and not in an accessory building, accessory dwelling unit, recreational vehicle, camper or tent.

l. All parking associated with a Short-Term Rental parcel must be out of the roadway and entirely on-site.

m. There shall be no more occupant renters than two (2) times the number of sleeping rooms or bedrooms in the dwelling unit, unless an Applicant demonstrates that the dwelling unit is suited to accommodate more guests.

n. A local point of contact person shall be specified in Applications and Annual Renewals to respond to emergencies and questions or concerns of the guest, the Township, or another person or entity that may need to address a local person with the Licensee's authority to take remedial action and respond to any violation of this Ordinance, or other matters.

o. Pets or other animals of renters of a Short-Term Rental parcel must be in compliance with Chippewa County Animal Control Ordinance, and SECTION 6.04 REGULATION OF ANIMALS. Whitefish Township does not enforce the Ordinances of Chippewa County. However, any verified citations by Chippewa County may be taken into consideration in the Application approval and renewal process.

p. One sign on the parcel may identify the STR, shall not exceed six (6) square feet, and shall not be illuminated or have working parts, in accordance with SECTION 10 SIGN REGULATIONS.

q. Secure trash receptacles and weekly trash removal services must be provided by the owner Licensee, and the method of disposal (transfer station or commercial pickup) specified in Applications.

r. Annual Renewal Applications including required documentation, and the Annual Renewal Fee shall be provided by Licensees to the Zoning Administrator by December 31st of each year. The STR Operating License form is available in the Township Office and website,

Departments > Planning and Zoning > Zoning Forms and Ordinances > Short-Term Rental Operating License Annual Renewal.

s. The Zoning Administrator shall furnish the Planning Commission, at it's first Regular Meeting of each year, with information detailing the status of all Short-Term Rental Operating Licenses, to include: The total number of STR Operating Licenses; The Annual Renewals received to date; Licensees delinquent or late in Annual Renewal, or lacking required water test reports; The number of STR Operating Licenses available under the present cap; A summary of documentation of all STR Ordinance Violation Complaints received the previous year; and, The outcome of investigations of complaints. The Planning Commission shall review the documentation and take lawful action as it may determine.

t. The Planning Commission shall identify, document, and report to the Whitefish Township Board in the Meeting Minutes of the first Regular Meeting of each year the number of Licensed Short-Term Rentals and the number of available Operating Licenses.

u. Each of the above SECTION 6.10 requirements of this Ordinance shall apply as Conditions of Approval for any new Application for Special Land Use Approval for STR Annual Operating License Granted or Approved by the Planning Commission beyond the date of this Ordinance amendment.