

**VILLAGE OF ONEKAMA
PLANNING COMMISSION MEETING AGENDA
Tuesday, September 10, 2024
6:00 P.M.
Location: Farr Center
5283 Main Street, Onekama, MI
(231) 889-3171**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ACCEPT/AMEND AGENDA

APPROVAL OF MEETING MINUTES

1. July 9, 2024
2. August 13, 2024

PUBLIC HEARINGS

1. Proposed Short-term Rental Ordinance

NEW BUSINESS

1. Village Master Plan Update
 - Next Steering Committee meeting date
 - On-line survey
 - Next steps

OLD BUSINESS

PUBLIC COMMENT (3 MINUTES)

ADJOURNMENT

Village of Onekama Planning Commission
Meeting Minutes—DRAFT
5283 Main Street, Onekama, MI 231-889-3171
July 9, 2024

Members present: Chair Christopher Forth, Vice Chair Deborah Storms, Tom Foster, Susan Halloran.

Meeting called to order at 6:00 p.m.

Motion to approve the agenda as presented by Halloran, seconded by Foster. All in favor, motion carried.

Motion to approve the June 11, 2024, meeting minutes as presented by Storms, seconded by Halloran. All in favor, motion carried.

New Business:

The members discussed the Short-Term Rental ordinance draft and comments they received from Council members. Chair Forth made changes to the draft, and shared the new draft with the members. He will send the new draft to Village President Burger tomorrow. The Committee agreed to have the Village attorney look at the draft ordinance. The public hearing will likely be scheduled for the Planning Commission meeting on September 10th.

The August meeting may need to be cancelled due to lack of quorum.

There was discussion regarding pursuing someone to build and host a new website for the Planning Commission.

Old Business:

The next Master Plan Steering Committee meeting is scheduled for August 7th, to include new information from CIB regarding data gathering and analysis. Almost 100 surveys have been received so far. Halloran reports they have not found a high school student to sit on the Steering Committee. Halloran to get it posted to the Community Connection page on Facebook. Halloran asked if they could be represented at the Monday Night Concerts to pass out surveys. Foster offered to be the point person for the next concert. There was discussion about putting a survey announcement in the newspaper, as well as having a table at the upcoming Block Party.

Halloran brought up revisiting a business signage ordinance after the Short-Term Rental ordinance and the Master Plan update are completed. Chair Forth said it's a huge undertaking, but doable. Halloran would like to see continuity in signage.

Motion to adjourn by Halloran, seconded by Storms. All in favor, motion carried.

Meeting adjourned at 6:46 p.m.

Respectively submitted,

Tom Foster, Secretary

Village of Onekama Planning Commission
Meeting Minutes—DRAFT
5283 Main Street, Onekama, MI 231-889-3171
August 13, 2024

Members present: Vice Chair Debby Storms, Tom Foster, Susan Halloran. Excused absence: Chair Chris Forth.

Meeting called to order at 6:02 p.m. by Vice Chair Storms.

There was no agenda to approve.

The draft minutes from the July meeting will be voted on for approval at the September monthly meeting.

New Business: none

Old Business: none

Public comment:

Greg Carlson of Five Star Real Estate Leaders spoke to the Committee about an email he sent recently regarding how changing some of the current land use ordinance requirements would make it easier for new home construction in the village, addressing the lack of available affordable housing. There was discussion regarding many aspects of the idea, including availability, affordability, size of homes allowed, unintended consequences, availability of acceptable lots to develop on, and long-term vs short-term use.

Resident Nola Teye expressed support, and wondered if there are ways to incentivize owners to develop their properties.

Halloran noted that the ordinance is not updated online, and needs to be addressed.

Carlson also offered comments about sewer access, storm runoff, and construction of road shoulders to direct storm runoff.

Motion to adjourn by Foster, seconded by Halloran. All in favor, motion carried.

Meeting adjourned at 6:52 p.m.

Respectively submitted,

Tom Foster, Secretary

**STATE OF MICHIGAN
COUNTY OF MANISTEE
VILLAGE OF ONEKAMA**

SHORT-TERM RENTAL ORDINANCE

ORDINANCE NO. XXXXXX

AN AMENDED ORDINANCE TO REGULATE THE SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN THE VILLAGE OF ONEKAMA AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF ONEKAMA ORDAINS:

SECTION 1: PURPOSE

The Village of Onekama Council finds and declares as follow:

- A. Like many other lakefront communities in Northwest Michigan, the Village of Onekama wishes to reconcile the many different land use interests and concerns that are involved in the short-term rental of single-family residential properties.
- B. Short-term rentals can provide a community, and even a state-wide benefit, by expanding the number and type of lodging facilities available near the lakeshores and other recreational features. They can assist owners of homes by providing revenue that may be used for mortgage, operations, maintenance, upgrades and deferred costs.
- C. However, short-term rental of single-family dwellings can also cause difficulty where the character of the use takes on a more transitory and commercial character akin to a motel or similar use.
- D. It is with these findings and rulings in mind, that it is the intention of the Village that, to the extent that the short-term rental of single-family homes is permitted in the Village, such rental occurs in a manner that remains consistent with the single-family character of the residences and neighborhoods where they are located.

- E. For the foregoing reasons, the purpose of the following regulations is to make the short-term rental activity permitted by this ordinance resemble the existing and traditional single-family residential uses. The regulations are intended to be strictly construed and enforced with this goal in mind.

SECTION 2: DEFINITIONS

Bedroom – A separate room that is used or intended to be used specifically for sleeping purposes, having a door for ingress and egress, and a current Fire and or Residential Building Code approved egress window of sufficient size to allow a person to exit the window in the event of Fire and to enable Fire Department response personnel to extract a person from such a window. A bedroom must be a habitable space intended for sleeping purposes and not a room by design intended to serve another purpose including but not limited to a kitchen, dining area, den, family rooms, porch or living rooms

Capacity - Rental capacity is the number of overnight occupants permitted under this ordinance and as listed on the Certificate. The maximum number of overnight occupants shall be limited based upon the number of Bedrooms, or Other Sleeping Areas, as defined in this Ordinance

Dwelling Unit - A structure designed for single-family habitation, located within a building and forming a single habitable unit having facilities that are used or intended to be used for sleeping, cooking, eating and bathing purposes.

Local Contact Person - An owner, local property manager, agent, or caretaker who is authorized to respond to tenant, Village and neighborhood questions or concerns; or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance.

Occupant - Any person who is an overnight guest in the short-term rental, including the renter, and does not include guests who are visiting between the hours of 7:00 am and 11:00 pm.

On-site parking area - A designated area within the property boundaries of the premises of a short-term rental that is legally available for use by the occupants of the short-term rental for overnight parking of motor vehicles.

Other Sleeping Areas – These constitute living rooms, dens, porches, dormers or

other locations, used for sleeping, that are distinct from Bedrooms, but which have a door for ingress and egress, and a current Fire and or Residential Code approved egress window of sufficient size to allow a person to exit the window in the event of Fire and to enable Fire Department response personnel to extract a person from such a window

Owner – The legal owner of record of the lot or parcel where the Dwelling Unit that is subject to the Short-Term Rental is located. The term owner is intended to be the same as the term applicant for a license, and the licensee of an issued license.

Parking Space - An area at least 9' wide by 20' long for the parking of one motor vehicle within an on-site parking area.

Rental Certificate - A Short-Term Rental Certificate ("Certificate") duly issued by the Village.

Short-Term Rental - Rental of a Dwelling Unit for overnight occupancy for a period less than 30 days.

Special Events – Means an event in association with a short-term rental, a wedding, outdoor party, family reunion, bachelor or bachelorette parties, or similar gathering or activity that exceeds the maximum number of occupants allowed under the short-term rental certificate.

Village – The Village of Onekama or its designee.

SECTION 3: APPLICABILITY

- A. This ordinance applies to all residential Dwelling Units located in the Village of Onekama Residential zoning district and to the owners of those dwellings wherein the dwelling is rented for a period of less than 30 days.
- B. This ordinance does not apply to legally permitted or non-conforming Bed & Breakfasts, boutique hotels, motels, hotels or resorts, waterfront resorts, marinas or RV parks.
- C. No short-term rental may occur in the Village unless in conformity with the provisions of this ordinance.

SECTION 4: SHORT-TERM RENTAL REGISTRATION REQUIREMENTS

- A. A Certificate is required prior to the rental of any dwelling for a period of less than 30 days.

- B. The Village shall provide a Rental Certificate Application that must be filled out completely by the applicant to be considered for a short-term rental certificate. The application shall include the following at a minimum:
 - 1. Address of property and parcel number.
 - 2. Property owner name(s). If the owner is a business entity, this information shall be provided for that entity and for the primary individual officer/managing member of that entity.
 - 3. Local Contact Person name(s) (if different than owner).
 - 4. Contact information including: name, address, email and 24-hour contact cell phone number for the owner of the property and the Local Contact Person.
 - 5. Signature of property owner(s) and local contact person.
 - 6. Number of Bedrooms in the Dwelling Unit.
 - 7. Capacity of the Dwelling Unit based on the standards in this Ordinance.
 - 8. Number of on-site Parking Spaces as otherwise defined in this Ordinance.
 - 9. Sketch of the property indicating the location and layout of the Dwelling Unit, including the number of, and the size of, the Bedrooms, and Other Sleeping Areas, driveway or other point of access, and designated parking spaces meeting the definition of a Parking Space.

10. The applicant (owner) shall remit to the Village with each short-term rental license application a nonrefundable application fee. The amount of such fee and any subsequent changes shall be established by resolution of the Village Council.
11. A Certificate issued by the Village shall be valid thru December 31 of each year (January 1 – December 31) unless revoked for cause or until the dwelling is sold. A Certificate will be issued within 15 days of receipt of a complete and approved application and completed inspection by the Village. A Certificate issued by the Village is not transferrable.
12. The Certificate shall indicate the Capacity of Occupants that can be accommodated at the rental facility in accordance with the ordinance, and as attested to by the Owner.
13. A Certificate holder shall be subject to all the standards and penalties of this Ordinance.

SECTION 5: REQUIREMENTS OF THE SHORT-TERM RENTAL OWNER

- A. The Owner shall post the following information in a weather proof enclosure for the rental or in a location clearly visible from the street or road serving the property.
 1. Rental certificate number issued by the Village.
 2. Owner name.
 3. Local Contact name & 24-hour phone number.
- B. The short-term rental certificate number issued by the Village and certified Capacity shall be included in any advertisement for the rental unit.
- C. It is the certificate holder's responsibility to inform the Village of any change in caretaker or contact information for the certificate holder or caretaker, or Local Contact Person.
- D. Each short-term rental shall have an adequate supply of potable water from

a permitted private water well, and a properly sized and functioning private sanitary septic system, if not connected to the public sewer system. If there is an on-site sewage waste disposal system, the Village shall require the applicant to provide documentation of compliance with these requirements by District Health Department #10. Portable toilets are not permitted on the premises of a short-term rental. Failure or operational deficiency of the on-site sewage waste disposal system shall be grounds for denial and/or immediate revocation of the Certificate authorizing short-term rental of the dwelling.

- E. Notice to Occupants. This ordinance shall be provided to the short-term rental occupants. In addition, a placard in at least 60-point print shall be posted in a prominent place in the Dwelling Unit describing the foregoing regulations, including, but not limited to, the Capacity of the Dwelling Unit, the name and contact information for the Local Contact Person, the Quiet Hours and Noise regulations, the location of fire extinguishers, and map showing dwelling exits.
- F. Only one (1) Dwelling Unit per parcel shall be eligible for a short-term rental Certificate.
- G. Local Contact Person: The Local Contact Person must be available 24 hours per day during the rental period and be within a two-hour travel time of the property used for a short-term rental.

SECTION 6: CAPACITY, OCCUPANCY AND FIRE SAFETY REGULATIONS

- A. Fire Protection Devices: A minimum of two type ABC fire extinguishers and the minimum number of battery-powered or hard-wired smoke/carbon monoxide/fire alarms as may be required by State law or Village regulations, annually tested and certified by the owner as functional, shall be properly installed and placed in Code mandated locations in the Dwelling Unit.
- B. Capacity: The maximum allowable number of Occupants in a short-term rental shall be based upon the number of bedrooms in the Dwelling Unit, in accordance with the following:
 - 1. The maximum number of Occupants in a Dwelling shall be calculated based on a formula which reflects three (3) persons for each Bedroom in the

Dwelling Unit, and as otherwise discussed in Subsection 4 below.

2. In no case shall the Occupants exceed 12 persons within the Dwelling Unit.
 3. This standard does not impose or imply any limit on the number of Occupants allowed in any single bedroom.
 4. This standard does not prohibit the use of Other Sleeping Areas for sleeping purposes, and these can be used, in addition to Bedrooms, to determine capacity, if sufficiently identified within the sketch included with the short-term rental application under Section 4.B.9. of this Ordinance
- C. Occupancy and Fire Safety: Any room intended for and used for sleeping purposes, including a Bedroom, and Other Sleeping Areas, shall have a door for ingress and egress, and a current Fire and or Residential Building Code approved egress window of sufficient size to allow any person to exit the window in the event of Fire, and to enable Fire Department response personnel to extract any person from such a window.

SECTION 7: SHORT-TERM RENTAL REGULATIONS PERTAINING TO OCCUPANTS

- A. Parking: Guests in a short-term rental shall only be allowed to park in identified on-site area as defined in this Ordinance and as shown on the application site sketch. The parking spaces shall be located off-street, on the lot or parcel where the Dwelling Unit is located.
- B. Trash: Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids, or bagged and secure in caged enclosures, and shall be regularly picked up weekly by curbside service with a licensed waste hauler.
- C. Special Events: Special Events are not allowed on the property where the Dwelling Unit is located for more than the number of Occupants permitted under this ordinance.
- D. Capacity Limit: The number of Occupants shall not exceed the Capacity indicated on the Certificate

- E. Occupants limited to the Dwelling Unit: Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on the rental dwelling parcel shall not be included in any calculation of the claimed rental capacity of any dwelling or parcel. All overnight lodging of occupants is to be exclusively within the Dwelling Unit. Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on the property of the Dwelling Unit shall not be used in any manner for overnight occupancy.

Quiet Hours and Noise: Quiet Hours for short term rentals shall be observed every night from 11 p.m. to 7 a.m. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. One indicator of this standard is whether the level of noise interferes with the sleep of neighboring property owners based upon a reasonable person of normal sensitivities. The terms of the Village's general Nuisance Ordinance #23, as amended, also apply, but these standards supersede the Nuisance Ordinance where they are more restrictive.¹

- F. Fireworks: No fireworks shall be used on the property and in the Village unless in complete conformance with the Onekama Township Ordinance Number 2019-02 and the Michigan Act 256 of 2011.
- G. Pets: Pets shall be secured on the premises or on a leash at all times.
- H. Campfires: Any campfires at a short-term rental property shall comply with General Nuisance Ordinance #34 in addition to the following:
1. Be contained within a fire ring or other comparable container and only burn clean dry wood.

¹ One of the most cited nuisance aspects of a short-term rental in a single-family residential setting is noise generated by the Occupants. This noise is often related to late-night outdoor or indoor gatherings, or electronic devices. Recognizing that a short-term rental has a commercial character in a single-family residential setting, the quiet hours, noise regulations and exclusion of Special Events, are intended to ameliorate these potential negative impacts. Correspondingly, these noise and related standards may be more restrictive than such regulations generally applicable in the Village, including those of the Village's general Nuisance Ordinance #23, as amended.

2. Be located no less than 10 feet from any structure or any combustible material, be located away from overhanging tree branches and be located such that the prevailing winds will not deliver smoke to adjacent residences.
3. Be under the direct supervision of an adult at all times.
4. Be fully extinguished prior to leaving the fire.

SECTION 8: SIGNS.

A short-term rental dwelling unit is permitted an on-site identification sign no larger than two (2) square feet in area.

SECTION 9: VIOLATIONS AND REVOCATION OF CERTIFICATE

- A. Violations. Any of the following will be considered a violation of this Ordinance:
 1. Failure to update information with the Village such as the caretaker or owner contact information in a timely manner.
 2. Advertising a short-term rental for a Capacity in excess of that allowed under the Certificate issued by the Village.
 3. Failure of the certificate holder or his/her designated Local Contact Person to be available at any time during the tenure of an active short-term rental.
 4. Providing false or misleading information on the application for a short-term rental certificate.
 5. Failure to obtain a short-term rental certificate when operating a short-term rental.
 6. Failure to comply with any other provision of this Ordinance.
- B. A short-term rental certificate may be revoked following two separate violations on the same property under the same ownership within any

single calendar year. The property owner may reapply for a certificate the following calendar year and receive a short-term rental certificate if all violations have been resolved.

SECTION 10: ENFORCEMENT OFFICIAL.

The Village ordinance enforcement officer, Village President, any police officer, or any person officially authorized by the Onekama Village Council are hereby designated as authorized officials empowered to issue municipal civil infraction citations to alleged violators of this Ordinance.

SECTION 11: ENFORCEMENT PROCEDURE & PENALTIES

- A. The Local Contact Person or Owner shall act forthwith to address complaints made about violations of this Ordinance. When the Local Contact Person or Owner has not acted forthwith to address complaints made about violations of this Ordinance, a complaint may be made to an Enforcement Official identified in Section 10. If the Enforcement Official determines that a violation has occurred, the Official shall send a written notice to the property Owner and/or Local Contact Person of the property in violation.
- B. The notice shall describe the location of the property, describe the nature of the violation and the specific provisions of this Ordinance being violated. The Owner or Local Contact Person shall respond to the Official within seven (7) days. If the Owner and/or Local Contact Person fails to respond within seven (7) days, or the response does not adequately address the violation, the Official shall cite the Owner for a municipal civil infraction (or "MCI"), and if found responsible for the MCI, the Owner shall be subject to the following penalty schedule:
1. First violation: \$250.
 2. Second violation within the same calendar year: \$500.
 3. Third violation within the same calendar year: \$750.
 4. In addition, with respect to any violation, the Village may recover all of its costs, including attorney fees, incurred by the Village related to

enforcement of the violation, and/or revocation of the owner's Rental Certificate.

5. Tenants of the rental dwelling and/or visiting guests may be separately cited for violations of any ordinance or law, such as excessive noise/violation of quiet hours as defined in this Ordinance, the Village's general Nuisance Ordinance #23, as amended, and/or for violation of any other ordinance or law regulating personal behavior.
- C. The Village shall also have the right to seek an injunctive order to enforce compliance with this Ordinance as part of a MCI enforcement action in District Court. Each day that this Ordinance is violated shall be considered a separate violation. A violation of this Ordinance is considered a nuisance per se.

SECTION 12: CIRCUIT COURT ACTION AND PRIVATE CIVIL ACTION

In addition to enforcing this Ordinance using a municipal civil infraction proceeding, including injunctive relief in District Court, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance by injunctive relief. Further, nothing in this Ordinance shall prevent any person who has suffered, or alleges to have suffered, damage to a person's property for a violation of this Ordinance, from seeking relief in a Court of competent jurisdiction against the Owner of the Short-Term Rental Ordinance.

SECTION 13: VALIDITY.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION 14: EFFECTIVE DATE

This ordinance shall take effect 30 days following the date of its publication.

Village of Onekama Zoning Ordinance STR Language

General Regulations, Article 10, (New Section)

Short-Term Rentals: The use of a short-term rental is permitted in the Residential Zoning District in conformance with the codified Short-Term Rental Ordinance No. XXXXXX

Definition of a Short-Term Rental, Article 5, Section 503

Short-Term Rental: Rental of a Dwelling Unit for overnight occupancy for a period less than 30 days.

Addition to Permitted Uses in the Residential District, Article 40, Section 4002

Short-term rentals will be included as a permitted use under Article 40, Section 4002, of the Village of Onekama Zoning Ordinance.