



Wexford Joint Planning Commission

4830 E. M – 55 Highway

Cadillac, Michigan 49601

231-775-1138 x 6

planningandzoning@wexfordjpc.org

www.wexfordjpc.org

FEBRUARY 2024 STAFF REPORT

BUDGET

This staff report includes a budget to be presented for consideration by the WJPC for presentation to the participating municipalities for the 2024/2025 fiscal year. **EXHIBIT-A** has several detailed line-item explanations to assist in understanding the *numbers*. Keep in mind the many ‘unknowns’ that will be associated with the Rural Readiness grant as well as an increased demand on staff for various administrative and enforcement / compliance issues.

EXHIBIT-B is the ‘proposed’ budget for reference while reviewing Exhibit-A

Note: *Staff (ZA Hall) is offering additional service hours to meet perceived demand to focus on compliance issues related to zoning. The WJPC should document if this is acceptable for the current budget year.*

Land Use Permit Activity (since last report)

Permit #	Parcel #	Applicant Information	Use Type	ZONE	TWP	Zoning Comments
2024-01	2212-12-1403	Hoffert, Corey	RA	RR	SLA	Residential Accessory
2024-02	2412-01-4121	Smith, Ronald	ND	R1	WEX	New Dwelling
2024-03	2311-09-2301	Ford, Ronald	Greenhouse	RR	ANT	Greenhouse
2024-04	2210-12-2104	Hanson, Donald -	RA	RR	SEL	Residential Accessory
2024-05	2210-21-3303	Leaf, Gary	RA	RR	SEL	Residential Accessory

ND = New Dwelling RAD = Residential Addition RA = Residential Accessory

****ACTION REQUEST** | JUNK | BLIGHT** – as a kick-off to the Rural readiness work, staff has verified that a training and documentation program proposal by Grobbel Planning and Environmental is eligible for reimbursement. **Staff recommends the acceptance of the proposal marked as EXHIBIT-C in this report.** The Recording Secretary has indicated availability to facilitate ZOOM access to encourage wide participation by the participating municipalities. Staff will assist member Wendel [Slagle Township] with getting the word out with when this opportunity will be offered.

**** ACTION REQUESTS****

1. Michigan Townships Participating Plan – Grant Resolution | **EXHIBIT-D** | **Staff recommends pursuing the MTPP Grant marked as EXHIBIT-D in this report**
2. **EXHIBIT-E** – *staff seeks direction to engage (or not) in an agreement as described in this exhibit*



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“Police power ordinances avoid the non-conforming use problem inherent with the zoning approach, because they may regulate activities that are already underway regardless of their lawfulness under zoning.”

Staff has been working on a system that will be easier to maintain that tracks the membership / terms of the Planning Commission and ZBA members. We recognize that there have been appointment expirations / renewals that have 'not' been tracked as they should be. One possible solution being considered is a reappointment of 'all' positions and new documentation that will recognize this action. We are making every effort to cross-reference the applicable planning and zoning acts with our [Ordinance and Agreement](#) (see Section 4.f and 6.b (1,2, and 3) and [Bylaws](#) for consistency.

[MTA – Annual Educational Conference](#) (training days: Tuesday and Wednesday, April 23rd and 24th)

**** Action Item**** Member Michael Woodward | Hanover Township is requesting to attend the MTA conference | Registration cost is: \$390.00 | The WJPC has sufficient funds in the training budget to accommodate this request – **Staff recommends an approval to allow member Woodward | Hanover Township to attend the MTA Annual Educational Conference.**

Short-Term Rental [Cherry Grove and Selma Townships]

Cherry Grove Township has submitted a 'draft' ordinance (see Attached) – I have enclosed it for an informal review by the Wexford Joint Planning Commission. Any comments will be forwarded to Cherry Grove for their consideration. Selma Township (as far as staff is aware) is also nearing completion of a Short-Term Rental Ordinance.

Although the intent of Cherry Grove's Ordinance is to 'supersede' the WJPC Zoning Ordinance, working together cooperatively would benefit everyone. For example, under the zoning ordinance, a special use permit would still be required to operate a short-term rental. If a complaint were received, it may still be a violation of the zoning ordinance as well as any newly adopted Ordinance by Cherry Grove (or Selma) Township.

For your review,



Robert (Bob) Hall

Planning and Zoning Director





Wexford Joint Planning Commission

c/o Cherry Grove Township
4830 E. M-55 Highway
Cadillac, Michigan 49601

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EXHIBIT-A

**251.721.827.00
Planning and Zoning Director
Budget Proposal
2024/2025**

- Current base salary of \$1200 / month | average of 12 to 16 hours per week
- 2024/2025 Budget ‘proposes’ an additional average of 4 to 6 hours per week dedicated to compliance issues with an increase in base salary to \$1775 / month effective July 1st, 2024 (beginning of fiscal year)
- Could be available (within the 2023/2024 Budget) to begin as early as April 15th, 2024 with pro-rated pay – land use activity typically increases at this time of year

2024/2025 Budget = \$22,500

Projected = \$21,300¹

**251.727.827.05
Assistant Zoning Administrator
Budget Proposal
2024/2025**

- Current wage is \$14 / hour
- ‘proposed’ hourly wage for 2024/2025 is \$16 / hour
- Average 2023 calendar year wages were \$697.66 / month

2024/2025 Budget = \$11,000

Projected = \$9,419²

¹ Assumes minimum staff time for Rural Readiness Grant

² Assumes minimum staff time for Rural Readiness Grant



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251.721.827.705
WJPC | Per Diem
Budget Proposal

- Current Budget is \$3,600 annually
- 2024/2025 Budget 'proposes' \$9,000 assuming multiple workshops related to Rural Readiness Grant | Zoning Ordinance | Housing | Zoning Reform Toolkit

This could be accomplished via workshops to further reduce expenses – this would allow a 'committee' to bring recommendations back to the full commission membership for final action

2024/2025 Budget = \$9,000

Projected: \$5,750³

³ Based on annual average attendance and estimated participation | Partial reimbursement via Rural Readiness Grant





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EXHIBIT-B

This copy printed: February 7, 2024						<i>estimated</i>					
Budget Line	2017-2018 Budget for three fiscal years prior to this fiscal year	2018-2019 two fiscal years prior to this fiscal year	2019-2020 Budget for one fiscal year prior to this fiscal year	2020-2021 Budget for this fiscal year	Thru DEC '21 Spent, this fiscal year to date	2021-2022 Proposed Budget for coming fiscal year	2022-2023 Proposed Budget	2023-2024 Proposed Budget	2024-2025 Proposed Budget		
Budgeted Participating Municipality Share											
Budgeted Permit Fee Revenue + RR GRANT											
Total Budgeted Revenue							50,000.00	\$50,000.00	\$50,000.00		
705.0 Reg. Meetings Per Diem	\$ 3,400.00	\$ 6,500.00	\$ 6,500.00	\$ 4,620.00	\$ 1,190.00	\$ 4,620.00	3,500.00	\$ 3,600.00	\$ 9,000.00		
705.1 Spl. Meetings Per Diem	\$ 400.00	\$ -	\$ -	\$ -	\$ -	\$ -					
727.0 Office Supplies / Postage	\$ 1,800.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 158.00	\$ 2,000.00	3,000.00	\$ 2,000.00	\$ 3,000.00		
727.01 Admin. Fiduciary-Cherry Grove Twp.	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 1,250.00	\$ 2,500.00	2,500.00	\$ 2,000.00	\$ 2,000.00		
000-800 BANK FEES	\$ -	\$ 50.00	\$ 50.00	\$ 50.00	\$ -	\$ 50.00	50.00	\$ -	\$ -		
801.01 Audit - Baird Cotter Bishop	\$ 800.00	\$ 3,000.00	\$ 2,500.00	\$ 2,650.00	\$ 2,840.00	\$ 2,750.00	3,000.00	\$ 3,100.00	\$ 3,750.00		
827.0 Zone Admin - Contract	\$ 6,240.00	\$ 13,500.00	\$ 18,550.00	\$ 15,975.00	\$ 6,877.50	\$ 15,975.00	15,975.00	\$ 16,975.00	\$ 22,500.00		
827.01 WJPC_Recording Secretary	\$ 800.00	\$ 600.00	\$ 700.00	\$ 800.00	\$ 350.00	\$ 1,000.00	1,000.00	\$ 1,200.00	\$ 1,200.00		
801.0 Internet / Web / Office	\$ -	\$ 500.00	\$ 775.00	\$ 775.00	\$ -	\$ 1,250.00	1,250.00	\$ 7,000.00	\$ 3,000.00		
827.03 WJPC - Attorney - Legal	\$ 13,000.00	\$ 5,500.00	\$ 7,500.00	\$ 7,500.00	\$ 2,160.00	\$ 10,000.00	9,000.00	\$ 7,000.00	\$ 10,000.00		
827.04 WJPC - Planning Consultant	\$ 10,000.00	\$ 9,000.00	\$ 22,500.00	\$ 12,500.00	\$ -	\$ 10,000.00	10,000.00	\$ 5,000.00	\$ 10,000.00		
827.02 Asst. ZA	\$ -	\$ 9,000.00	\$ 10,000.00	\$ 9,950.00	\$ 2,990.00	\$ 9,950.00	9,950.00	\$ 10,550.00	\$ 11,000.00		
860.0 Mileage - Regular Meetings	\$ 2,000.00	\$ 4,625.00	\$ 4,625.00	\$ 4,625.00	\$ 870.00	\$ 4,100.00	3,900.00	\$ 3,500.00	\$ 3,500.00		
MDARD RURAL READINESS GRANT											\$0.00
											\$25,000.00
											\$0.00
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					\$0.00
900.0 Publishing	\$ 700.00	\$ 775.00	\$ 3,000.00	\$ 2,000.00	\$ 1,366.00	\$ 2,000.00	2,000.00	\$ 1,000.00	\$ 5,000.00		
910.0 Insurance	\$ 3,385.00	\$ 2,600.00	\$ 2,800.00	\$ 2,750.00	\$ 2,941.00	\$ 3,100.00	2,750.00	\$ 3,500.00	\$ 3,600.00		
940.01 Rent - Cherry Grove Twp.	\$ 1,200.00	\$ 1,200.00	\$ 2,400.00	\$ 2,400.00	\$ 1,200.00	\$ 2,400.00	2,400.00	\$ 2,400.00	\$ 2,400.00		
958.0 Dues - memberships	\$ 650.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ -	\$ 650.00	650.00	\$ -	\$ -		
960.0 Training - Conference - Education	\$ 850.00	\$ 1,000.00	\$ 2,250.00	\$ 2,250.00	\$ 3,000.00	\$ 3,000.00	4,000.00	\$ 3,775.00	\$ 4,000.00		
990.0 Contingency / Legal Defense	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,500.00	29,500.00	\$ -	\$ 37,980.00		
TOTALS	\$ 47,725.00	\$ 62,000.00	\$ 88,800.00	\$ 73,495.00	\$ 27,192.50	\$ 75,345.00	74,925.00	\$ 72,600.00	\$118,950.00		
Estimated Beginning Fund Balance								\$ 98,912.00	\$117,375.00		
Estimated Ending Fund Balance								\$ -	\$80,970.00		



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Grobbel Environmental & Planning Associates

PO Box 58 Lake Leelanau Michigan 49653

EXHIBIT-C

February 7, 2024

Wexford Joint Planning Commission
Bob Hall, Zoning Administrator
c/o Cherry Grove Township
4830 E. M-55 Highway
Cadillac, MI 49601

RE: Proposal for Blight & Junk Yard Ordinance Training Session, Wexford Joint Planning Commission (WJPC), Wexford County, Michigan.

Dear Mr. Hall,

Per your request, Grobbel Environmental & Planning Associates are pleased to provide this proposal for WJPC blight and junk yard ordinance training session.

This proposal is based on standard rates for contracting the professional services of Christopher Grobbel, Ph.D., Grobbel Environmental and Planning Associates, as outlined in Attachment A. This contract shall **not exceed the amount of \$1,250.00.**

If you wish Grobbel Environmental & Planning Associates to undertake this work, please complete the enclosed authorization form - also please keep a copy for your files.

If you have any questions regarding this estimate, please contact me at 231-499-7165 or grobbelenvironmental@gmail.com.

Sincerely,

Grobbel Environmental & Planning Associates

Christopher P. Grobbel, Ph.D.
Sr. Planner/Project Manager

enclosures

ATTACHMENT A

PROPOSAL FOR

Blight & Junk Yard Ordinance Training Session

**Wexford Joint Planning Commission
Wexford County, Michigan.**

1) Blight & Junk Yard Training Session

Professional consulting services	<u>\$1,250.00</u>
	\$1,250.00
GRAND TOTAL (not to exceed)	<u>\$1,250.00</u>

PROPOSAL ACCEPTANCE FORM

This is an Agreement, by and between Grobbel Environmental & Planning Associates, P.O. Box 58, Lake Leelanau, MI 49653 and Wexford Joint Planning Commission, Bob Hall, Zoning Administrator, c/o Cherry Grove Township, 4830 E. M-55 Highway, Cadillac, MI 49601 (hereinafter referred to as "Client").

RECITALS

1. Client desires to utilize the environmental consulting services of Grobbel Environmental & Planning Associates and Grobbel Environmental & Planning Associates agrees to provide such services on the terms and conditions set forth herein.

TERMS

2. Engagement. Client engages Grobbel Environmental & Planning Associates to perform the professional environmental consulting services set forth in Attachment A (hereinafter referred to as the "Services"). Services other than those set forth in the proposal shall be performed only pursuant to a written addendum to this Agreement signed by both Grobbel Environmental & Planning Associates and the Client. Unless otherwise specified in such addendum, additional Services shall be rendered by Grobbel Environmental & Planning Associates subject to the terms and conditions of this Agreement.
3. Compensation. Client shall pay Grobbel Environmental & Planning Associates for services rendered according to Attachment A and the attached terms and conditions.
4. Client's Authorized Agent. The Client has appointed the person named below as the authorized agent of the Client for purposes of this Agreement. As such, the agent is duly authorized and shall be responsible for the execution of any document pertaining to this Agreement or any amendment hereof, and for approving all change orders, addenda, and additional Services to be performed by Grobbel Environmental & Planning Associates, if any.
5. Terms and Conditions. The terms and conditions of this Agreement shall include the provisions printed on the reverse side hereof and are hereby incorporated into this Agreement by reference.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date indicated below.

Grobbel Environmental & Planning Associates:

CLIENT:

Christopher P. Grobbel
Christopher P. Grobbel, Ph.D.

(signature)

February 7, 2024
(date)

(printed name)

(date)



Wexford Joint Planning Commission

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EXHIBIT-D

**Resolution of Support
Michigan Township Participating Plan Grant Application**

WHEREAS the **Wexford Joint Planning Commission** wishes to apply for a Risk Reduction Grant through the Michigan Township Participating Plan (Par Plan) to assist in purchasing/funding **Zoning Board of Appeals Online Certificate Courses for 5 regular and up to 5 alternate Zoning Board of Appeals members**; and

WHEREAS the **Wexford Joint Planning Commission** is seeking a grant contribution not to exceed \$1250.00 for reimbursement upon successful completion of the courses by the participants.

NOW, THEREFORE, BE IT RESOLVED, that the **Wexford Joint Planning Commission** supports submittal of an application to the Michigan Township Participating Plan for a **\$1250.00** grant to assist in funding **Zoning Board of Appeals Online Certificate Courses through Michigan State University Extension**.

Motion by member _____ seconded by member _____, the **Chair called the question with the following votes recorded:**

Yeas:

Nays:

Absent:

The motion to request grant funding through the Michigan Township Participating Plan was declared adopted.

CERTIFICATION

I, _____, **Wexford Joint Planning Commission Secretary**, hereby certify that the foregoing is a true and original copy of the resolution adopted by the **Wexford Joint Planning Commission** at a **regular** meeting on **February 26, 2024 at 7:00 pm**, which was held in accordance with the Open Meetings Act of the State of Michigan.

Beverly Monroe
Wexford Joint Planning Commission
Secretary



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STATE OF MICHIGAN
COUNTY OF WEXFORD
TOWNSHIP OF CHERRY GROVE
SHORT-TERM RENTAL ORDINANCE
ORDINANCE NO. 2024-

AN ORDINANCE TO REGULATE THE SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN CHERRY GROVE TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF. THIS ORDINANCE SUPERSEADS EXISTING SHORT TERM RENTAL ORDINANCE OF THE JOINT PLANNING COMMISSION.

THE TOWNSHIP OF CHERRY GROVE ORDAINS:

SECTION 1: PURPOSE

The Cherry Grove Township Board finds and declares as follows:

- A. Like many other lakefront communities in Northwest Michigan, Cherry Grove Township 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 Township that, to the extent that the short-term rental of single-family homes is permitted in the Township, 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 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 Permit/Certificate. The maximum number of overnight occupants shall be limited based upon the number of Bedrooms, and inspection of the fire personal and fire code, 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, Township, and neighborhood questions, complaints, 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.

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.

Parking Space - For purposes of this ordinance, a parking space is a designated parking space for each of the Short-Term rental Occupants. The parking spaces shall be located off-street and set by fire personal upon inspection.

Rental Certificate/Permit - A Short-Term Rental Certificate (“Certificate”) duly issued by Cherry Grove Township.

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.

SECTION 3: APPLICABILITY

A. This ordinance applies to all residential Dwelling Units in Cherry Grove Township and to the owners of those dwellings where in 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, motels, hotels or resorts, waterfront resorts, marinas or RV parks.

C. No short-term rental may occur in the Township unless in conformity with the provisions of this ordinance.

SECTION 4: SHORT-TERM RENTAL REGISTRATION REQUIREMENTS

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

B. The Township 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).
3. Local Contact Person name(s) (if different than owner).
4. Contact information including: name, address, email and 24-hour contact 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.

C. A Certificate issued by the Township shall be valid thru December 31 of each year (January 1 – December 31) unless revoked for cause or until the dwelling is sold.

1. A Certificate will be issued within 15 days of receipt of a complete and approved application and completed inspection.
2. The Certificate shall indicate the Capacity of Occupants that can be accommodated at the rental in accordance with the ordinance, and as attested to by the Owner.
3. 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 on the mailbox for the rental or in a location clearly visible from the street or road serving the property.

1. Rental certificate number issued by the Township.
2. Owner name.
3. Local Contact name & 24-hour phone number.

B. The short-term rental certificate number issued by the Township and certified Capacity shall be included in any advertisement for the rental unit.

C. It is the certificate holder's responsibility to inform the Township of any change in caretaker or contact information for the certificate holder or caretaker, or Local Contact Person.

D. Unless connected to a public sewer system, the owner of the dwelling shall ensure that a properly sized and functioning septic system is maintained. Failure or operational deficiency of the sewage waste disposal system shall be grounds for denial and/or immediate revocation of the Certificate authorizing short-term rental of the dwelling. Porta-Jons and similar methods of handling waste are prohibited on short-term rental properties.

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 6 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. There is an exception where the parcel contains more than one Dwelling Unit that has been used for short term rental purposes historically prior to December 31, 2022. The attached Appendix A identifies the properties known to contain more than one Dwelling Unit where short term rentals have occurred prior to December 31, 2022. Each such Dwelling Unit is entitled to apply 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 forty (40) minutes 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 Township 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 two (2) persons for each Bedroom in the Dwelling Unit, or dictated by the fire inspection personnel.

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 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 Parking Spaces 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 Township's general Noise Ordinance also apply, but these standards supersede the Noise Ordinance where they are more restrictive.

F. Fireworks: No fireworks shall be used except in conformance with State of Michigan regulations.

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:

1. Be contained within a fire ring or other comparable container and only burn clean dry wood.
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.

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 Township, including those of the Township's general Noise Ordinance.

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 Township 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 Township.
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 Township ordinance enforcement officer, Township Supervisor, any police officer, or any person officially authorized by the Cherry Grove Township Board 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: Fine not less than \$100 nor more than \$250.
2. Second violation within the same calendar year: Fine not less than \$250 nor more than \$500.

3. Third violation within the same calendar year: Fine not less than twice the amount of the previous fine, but not more than \$500.

4. In addition, with respect to any violation, the Township may recover all of its costs, including attorney fees, incurred by the Township related to enforcement of the violation, and/or revocation of the owner’s Rental Certificate.

D. 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 Township’s Nuisance Ordinance (Ordinance 24 - 2012 & Ordinance 28 and 32 amendments of 2017, and 2018), and / or for violation of any other ordinance or law regulating personal behavior.

E. The Township 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 Township 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 property for a violation of this Ordinance, from seeking relief in a Court of competent jurisdiction against the Owner of the Short- Term Rental.

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.

Voted in Favor:

Voted Against:

Motion is declared _____ by Supervisor Ben Pearson.

_____ Ben Pearson, Supervisor / Date

CERTIFICATION

I certify that this Short-term Rental Ordinance was adopted by the Board of Trustees of Cherry Grove Township, Michigan at a regular meeting held on March ____, 2024

Maria Lynn Nixon, Clerk

DRAFT



Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 E. M-55 Highway
Cadillac, Michigan 49601

231-775-1138 Ext. 6

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planningandzoning@wexfordjpc.org

EXHIBIT-E

February 2, 2024

To: WJPC
From: Robert (Bob) Hall
Planning and Zoning Director

Re: Request for action

Background: On January 24, 2024, the Wexford Joint Zoning Board of Appeals rendered a decision and adopted a formal resolution upholding and affirming an administrative decision of the Zoning Administrator. The decision found that a certain parcel, and the uses and structures located on it were NOT nonconforming, but were actually a violation of the Wexford Joint Zoning Ordinance.

The ZBA decision was certified on January 24th, giving the appellant 30 days to appeal to the Circuit Court. The appellant desires to enter into negotiations for an 'agreement' with the Wexford Joint Planning Commission that would essentially acquiesce in the continued use of the parcel with the current uses(s) taking place in the current structure(s) and allow the mini-storage use to continue in its current state. After consultation with WJPC legal counsel, these negotiations should not lead to an agreement that recognizes the parcel, uses, or structures as *lawfully* nonconforming.

Any proposed agreement would also include the obligation of current and future owners to maintain the property and not let it fall into a state of disrepair. Even though there is no intent by staff to pursue this violation currently, that right will be reserved by the WJPC staff. Staff will also demand that all expenses associated with this agreement be borne by the appellant and that the appellant initiate the action after consultation with WJPC legal counsel.

Staff has no intention of allowing an agreement to nullify the decision of the Zoning Board of Appeals, but rather, simply recognize that allowing the 'use' to continue in its present state presents no clear and present threats regarding the health, safety, or welfare of the surrounding community, and therefore is not in such a critical state that the WJPC's limited enforcement resources have to be devoted to it.



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Appropriate Motion:

Motion to direct staff to enter into negotiations for an agreement for the subject property [2210-20-1101] that will allow the current property, structures, and uses to continue in their current state but will not recognize any lawful nonconformities, and an agreement that will transfer a majority of the risk to the appellant and will not interfere with possible future enforcement actions for violations of such an agreement. Any agreement negotiated by staff shall be subject to approval by the WJPC.

Respectfully submitted.



Robert (Bob) Hall
Planning and Zoning Director

Cc: property file | 2210-20-1101



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