

City of Munising

Ordinance 2019-1

An Ordinance to amend the City of Munising Zoning Ordinance, adopted August 4, 2004, by revising Section 202, paragraph 168, and to Section XV, Short-term rentals.

City of Munising Ordains:

Section 202, Definitions, Section 168 is hereby amended to remove the definition of Recreational Structure and replace it with the following:

168. Short-term Rental: A dwelling unit, or a group of rooms located within dwelling unit that may be subordinate to the principal use of a dwelling unit as a single family dwelling and forming a single habitable space having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing purposes, rented on a daily, weekly, or other basis for less than 30 days per rental period. A short-term rental is not a bed and breakfast, a motel or hotel, or a boarding house. A short-term rental may be an apartment, a two family dwelling, a multi-family dwelling, or an upper floor, commercial dwelling.

Section 310, R-2 Residential Two District, is hereby amended to remove Recreational Structure as a Conditional Use Authorized by Permit and renumber that Section accordingly.

Section 312, L-2, Lakeshore Two District, is hereby amended to remove Recreational Structure as a Conditional Use Authorized by Permit and renumber that Section accordingly.

Section 313, RR-IBZ, Rural Residential – Inland Buffer Zone District, is hereby amended to remove all Conditional Uses Authorized by Permit.

Section 314, H-1, Highland One District, is hereby amended to remove Recreational Structure as a Permitted Principal Use.

Section 315, H-2, Highland Two District, is hereby amended to remove Recreational Structure as a Permitted Principal Use and add Short-term Rental as a Conditional Use Authorized by Permit, at #52, provided that not more than five such permits shall be authorized, at any given time, in the District, including permits issued for Recreational Structures on the effective date of this Ordinance.

Section 316, D, Downtown District, is hereby amended to add Short-term Rental as a Conditional Use Authorized by Permit, at #14, provided such permits shall only be authorized for upstairs and/or downstairs dwelling units where not less than 50% of the ground floor space is designed and built for, or used as, commercial space on the effective date of this Ordinance.

Section 317, T, Transitional District, is hereby amended to remove Recreational Structure as a Conditional Use Authorized by Permit and replace it with Short-term Rental, provided that not more than ten such permits shall be authorized, at any given time, in the

District, including permits issued for Recreational Structures on the effective date of this Ordinance.

Section 318, LC, Lakefront Commercial, is hereby amended to remove Recreational Structure as a Permitted Principal Use and renumber that Section accordingly, and to add Short-term Rental as a Conditional Use Authorized by permit, at #11.

Section 320, I-1, Light Industrial District, is hereby amended to add Short-term Rental as a Conditional Use Authorized by Permit, at #7.

Section 1501: Findings and Determinations:

The City of Munising finds and determines:

- A. It is in the public interest to preserve and retain the residential community character of residential districts of the City;
- B. It is in the public interest that short-term rentals permitted by this ordinance resemble and be in harmony with existing and/or traditional residential uses made by resident owners and lessees.
- C. Allowing short-term rentals is in the public interest because doing so increases the number and type of lodging facilities available to members of the public.
- D. It is in the public interest to limit the number of short-term rentals available in the City so that rentals that are not short-term rentals continue to be available to members of the public.

Section 1502: Applicability

All requirements of this Ordinance are in addition to any other applicable requirements, regulations, and/or standards imposed in other ordinances of the City of Munising, the County of Alger, and laws of the State of Michigan including, without limitation, applicable building and fire codes and applicable health and sanitation regulations.

Section 1503: Definitions Specific to Short-term Rentals:

- A. Local Contact Person. A property manager, owner, or agent of the owner who is available to respond to concerns of a citizen, a tenant, a neighbor, the City Police Department, and/or City administrative personnel 24 hours a day, seven days a week, and who resides in the short-term rental property or not more than twenty five road miles from the short-term rental property. This person shall have full access to the short-term rental property and full authority to make and implement decisions about the property, remedial, managerial, or otherwise.
- B. Operator. The person in control of a short-term rental property, and legally responsible for the property, be it owner, lessee, mortgagee in possession, licensee, rental agent, or other agent. In any situation where a question exists as to who the operator of a short-term rental property is, the owner is deemed to be the operator.

- C. Owner. The person or entity that holds legal or equitable title to the property used as a short-term rental.
- D. Bedroom. A bedroom is defined as a space, not smaller than 100 square feet, with four walls, a heat run, an egress window, and a door.

Section 1504: Regulations Pertaining to Short-term Rentals.

All short-term rental properties must comply with the following regulations.

- A. All short-term rental space must be located entirely within the dwelling unit identified in the site plan referred to subsection N and not in a recreational vehicle, camper, tent or other temporary structure.
- B. If a property identified with a property tax identification number has more than one stand alone building housing a dwelling unit or dwelling units located upon it, and if the owner of that property intends to use more than one such structure as a short-term rental, on either a simultaneous or alternating basis, the owner shall submit a site plan for and obtain a conditional use permit for each structure to be so used. A property identified with a property tax identification number having only one building with a dwelling unit or dwelling units located upon it need only submit a site plan for and obtain one conditional use permit for the building and dwelling unit or units.
- C. A Conditional Use Permit shall not be granted for any building with more than four dwelling units in it and the operator of any building with more than four dwelling units in it shall not use any of the dwelling units as a Short-term rental.
- D. The operator of a short-term rental shall appoint a local contact person. The name, address, telephone number, and email address of this person shall be provided to the City of Munising, all neighbors within 300 feet of the short-term rental property, and shall be posted prominently in the short-term rental. An operator or owner can be a local contact person.
- E. The operator or owner of a short-term rental shall provide parking for the short-term rental that complies with Article IV of this ordinance; provided, however, that all such parking shall be off-street and located entirely within the boundaries of the property upon which the short-term rental is operated.
- F. Occupancy of a short-term rental is limited to not more than the number of bedrooms in the short-term rental unit multiplied by 3.
- G. Outdoor events, such as yard parties and weddings, are limited to the number of allowed occupants of the short-term rental.
- H. The operator shall keep complete, legible copies of City ordinances addressing the following matters in the short-term rental, make them readily available to tenants, and provide tenants with notice that the City will enforce violations of these ordinances against the tenant, operator, or owner, as is appropriate: Animals, Snowmobiles and ORVs, Noise, Open Burning, and Blight.
- I. The operator shall post phone numbers for the following emergency service providers in a prominent place in the Short-term Rental: 911, Munising Memorial Hospital, Alger County Sheriff's Department, Michigan State Police, Munising City Police.

- J. The exterior and grounds of the short-term rental shall be maintained in a manner that is harmonious and compatible with the character of the other buildings in the district and neighborhood where the short-term rental is located so that, from the exterior and grounds, it is not readily apparent that a short-term rental is being operated on the property.
- K. Overhead, flood-type yard lighting of a short-term rental is prohibited; provided, however, that safety lighting at entranceways, in character with other residential lighting in the neighborhood where the short-term rental is located, is not prohibited.
- L. Signs advertising the property as a short-term rental are prohibited.
- M. Any violation of State or County Building Codes, State or County Fire Codes, the City of Munising Water and Sewer Ordinance, or health and sanitation rules and regulations of the Luce, Mackinac, Alger, Schoolcraft District Health Department shall be a violation of this ordinance.
- N. An applicant for a Conditional Use Permit to operate a short-term rental shall file two site plans with the City: A preliminary plan identifying any improvements that are to be made; and a final, as built, site plan. The final plan shall not depart from the preliminary plan in any material way. A conditional use permit may be issued, provisionally, based on the preliminary plan. A conditional use permit so granted is rescinded if a final site plan is not submitted or if the final site plan submitted departs from the preliminary plan in a material way. Site plans shall include a floor plan of the short-term rental showing room sizes and uses, showing all exterior exits, including lawful egress windows, and identify and locate all fire extinguishers and exit signs in the short-term rental. Not filing a final site plan before renting the short-term rental is a violation of this ordinance and operating a short-term rental upon a rescinded conditional use permit is a violation of this ordinance.
- O. The operator of any short-term rental that exists on the effective date of this ordinance shall file a site plan that complies with subsection N and demonstrates the short-term rental property complies with this ordinance within 90 days of the effective date of this ordinance. Not filing such a site plan within that time frame is a violation of this ordinance.
- P. Providing false or intentionally providing misleading information on a site plan filed with the City pursuant to this ordinance is a violation of this ordinance.
- Q. By January 31st of each year, the operator or the owner of a property currently permitted under the City of Munising Zoning Ordinance as a short-term rental shall notify City, in writing, that the property will, or will not, be used as a short-term rental for that calendar year. If the operator or owner does not use the property as a short-term rental for two consecutive years any conditional use permit issued for the property shall expire without further action by City.
- R. The street address or fire number assigned to the property where a short-term rental operates shall appear in all advertising for the short-term rental.

Section 1505: Penalties

A. Penalties for violation of this ordinance are provided for in Article XIV of the City of Munising Zoning Ordinance. For purposes of expansion and clarification, the following apply to any violation of this ordinance:

1. The requirements of Section 1504 of this Ordinance are hereby deemed to be additional “conditions pertaining to the granting of the permit” and “conditions set by the Planning Commission” for purposes of Section 705(E), violation of which may thereby result in revocation of a Conditional Use Permit.
2. For any short-term rental operating pursuant to a conditional use permit issued under the City of Munising Zoning Ordinance, as an additional penalty for any third violation of this ordinance in the same calendar year the Planning Commission shall revoke the Conditional Use Permit.
3. A short-term rental operated in violation of this ordinance is “maintained” in violation of Section 1404(C) of the City of Munising Zoning Ordinance.
4. The City Police Department is authorized to issue civil infraction violation citations under this ordinance and the City Attorney is authorized to prosecute those civil infraction citations.
5. The operator and the owner of a short-term rental property are jointly and severally liable for civil fines, costs, and other sanctions resulting from violations of this ordinance.

Section 1506. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Date introduced, date adopted, date published, date effective and signature by the City Clerk.