

Ordinance Number \_\_\_\_\_

**Amendment to the Au Train Township Zoning Ordinance  
for Short-Term Rental Regulations**

THE TOWNSHIP OF AU TRAIN, ALGER COUNTY, ORDAINS:

**Section 1:** The following terms and definitions are amended in Article II, Section 202 to include them in the correct alphabetical location:

Local Contact Person: A property manager, owner or agent of the owner who is available to respond to rental and neighborhood questions or concerns, or any agent of the owner authorized to take remedial action and respond to any violation of this Ordinance and/or complaints.

Recreational Structure: A cabin, cottage, yurt, or other building used as living quarters intermittently for recreation or vacation purposes which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs, or assigns.

Short-term Rental: A single-family dwelling or ~~permanent~~ recreational structure rented for ~~transient use temporary use and accommodation of 14 days or less.~~ A short-term rental is not occupied by the owner or manager of the dwelling during the rental period.

Short-term Rental Occupant: Any person or persons authorized by the owner or manager of a short-term rental property to be a temporary lodger, tenant, or guest for the rental period.

Site Plan: A blueprint, architectural drawing, or detailed sketch showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

**Section 2:** The following wording of Article III, Section 306 – District Residential One/Two, (E) Conditional Uses is repealed:

**7. Short-term rental**

**Section 3:** The following wording of Article III, Section 307 – District Rural Residential One/Two, (D) Conditional Uses is repealed:

**8. Short-term rental**

**Section 4:** The following wording of Article III, Section 310 – District Lakeshore and River Two, (D) Conditional Uses is repealed:

**2. Short-term rental**

**Section 5:** The wording and phrases of Article IV, Section 421 – Short-term Rentals, and its subsections are repealed.

**Section 6:** The wording and phrases of Article VIII, Section 801 – Intent, subsection (G) are amended to read as follows:

**Commented [RC1]:** Per 6/11 PC meeting, add the previously approved (6/6/24) definition of Recreational Structure to close loophole in uses.

**Commented [RC2]:** Per 6/11 PC meeting, strike “permanent” in favor of falling back on the definition of recreational structure. Strike 14-day accommodation in favor of “transient use” and therefore subject to use tax requirements for stays less than 30 days- alternatively add “for stays of less than 30 days” to the end of that sentence for clarity.

The difference in Michigan law between transient (less than 30 day periods) and monthly (landlord-tenant agreements) is related to the use tax requirement to be collected on lodging less than 30 days. I can't find a readily applicable requirement to specify 14-day stays. A quick review of other local ordinances: City of Marquette (*rented by a single lessee or renter for overnight accommodations, for periods as short as one overnight stay- no upper limit*); City of Munising (*for less than 30 days per rental period- no lower limit*); Munising Township (*rented for transient use less than fifteen (15) consecutive days- specifies "transient use" and therefore those rental periods subject to use tax requirements.*)

**Commented [RC3]:** Per 6/11 PC meeting, add the removal of short-term rentals in the LS/R2 District.

G. In order to address potential questions and concerns of the Planning Commission, the applicant for a Conditional Use Permit or their representative ~~shall~~ is encouraged to attend the Planning Commission meeting(s) at which their application is being considered. Failure to attend ~~shall~~ may result in a denial of the application.

**Commented [RC4]:** Per 6/11 PC meeting, remove the “shall” requirements and fall back on the original wording encouraging attendance, and “may” result in denial of an application which provides some leeway in terms of discretion on approval.

**Section 7:** A new subsection in Article VIII, Section 801 – Intent, as subsection (I) shall be inserted as follows:

I. No application for a Conditional Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one year from the date of the denial, except on appeal or on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration.

**Section 8:** The wording and phrases of Article VIII, Section 802 – Basis of Determination / General Standards, subsection (A)(1) et seq. are repealed and replaced with the following:

1. The conditional use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The conditional use shall not be hazardous to adjacent property.
3. The conditional use shall be compatible with adjacent uses of land and the natural environment.
4. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the services and facilities deemed essential to the conditional use under consideration.
5. The conditional use shall not place demand on public services and facilities in excess of current or immediately planned capacity.
6. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of ~~any adopted county or township development plan~~ the Au Train Township Master Plan.

**Commented [RC5]:** Per 6/11 PC meeting, strike development plan in favor of “Au Train Township Master Plan” for clarity, and to mirror wording already used in Section 1204(B)(2).

**Section 9:** The wording and phrases of Article VIII, Section 802 – Basis of Determination / General Standards, subsection (F), and its subsections are repealed and replaced with the following:

#### Section 802(F) Short-term Rentals

1. An application for the use of a property as a short-term rental shall include:
  - a. A site plan consistent with the requirements of Section 1004 of this Ordinance.
  - b. A sketch of the short-term rental’s floor plan, including the location of available bedrooms.
  - c. A statement calculating the occupancy capacity of the short-term rental based upon a formula of two (2) persons per legal bedroom, plus two (2) persons per occupied finished floor. Accessory structures, recreational vehicles, or tents placed upon a parcel hosting a short-term rental shall not be included in any calculation of capacity.

- d. A statement of the sizing and occupancy capacity of any individual or communal septic system, certified by the signature of an authorized representative of the local Health Department.
  - e. The name, address, telephone number, and email address of the property owner.
  - f. The name, address, telephone number, and email address of at least one local contact person who shall be responsible for handling any problems that arise with the rental property.
  - g. A short-term rental accessed by a shared easement or private roadway shall document by statement or signature that all owners of the shared access approve of its use for such purpose.
2. The operation of a short-term rental shall comply with the following requirements:
- a. The operation and occupancy of a short-term rental shall be maintained in compliance with any statute, ordinance, law, or regulation.
  - b. The name, address, telephone number, and email address of at least one (1) local contact person shall be prominently displayed within the structure used as a short-term rental.
  - c. Pets shall be secured on the premises or on a leash at all times.
  - d. Unless otherwise connected to a public or community sewer system, the owner of the property shall ensure that a properly sized and functional septic system is maintained in accordance with local health department regulations.
  - e. Refuse and recyclables shall be stored and fully contained in appropriate containers with tight fitting lids, or bagged and secured in caged enclosures, and shall be disposed of in a timely manner.
  - f. Adequate off-street parking shall exist for the short-term rental occupant's vehicles and trailers (e.g. boats, ATVs, snowmobiles, etc.). At no time will an occupant's vehicle be parked within the road right-of-way. Occupants and their guests shall not park on adjacent private property nor unreasonably impede the ingress and egress of adjacent private properties.

**Commented [RC6]:** Per 6/11 PC meeting, add an application requirement for statement of capacity from LMAS. Fell back on "local health department" in case of any potential change to agency name. The occupancy and septic requirements will be used to establish upper limits of occupancy that can be used by the Planning Commission to apply additional conditions for occupancy, on the basis of undue environmental impact from failure of a septic system. (Example- floor calculation is 12, septic calculation is 6; while the zoning requirement says 12, the planning commission applies a condition limiting occupancy to 6 based on the potential impact to the septic system; an application may construct a higher capacity septic system to meet the upper zoning requirement.)

**Section 10:** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 11:** The amendments to the Au Train Township Zoning Ordinance shall be in full force and effect seven days following the publication of the notice of adoption in the Munising Beacon.

ORDINANCE ADOPTED BY TOWNSHIP BOARD: \_\_\_\_\_

PUBLICATION OF NOTICE OF ADOPTION: \_\_\_\_\_

ORDINANCE EFFECTIVE: \_\_\_\_\_