Agenda

Parchment Planning Commission

July 26, 2023 – 6:00 pm

Kent DeBoer, Chairperson Sandy Bliesener

Cheryl Lyon-Jenness

Sara Dean

John Tecca

Nancy Stoddard, City Manager

Rebecca Harvey, Zoning Administrator

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes
 - a. Minutes from June 13, 2023
- 4. Citizen Comments When called upon by the Chairperson, state your name, address, and you will be allowed up to 5 minutes for your comments. Reminder: You will be making a statement, without discussion from the Planning Commission.
- 5. Old Business
 - A. Short Term Rentals (STRS)
 - Draft #1 Definition of STR
 - Sample Registration Policy/Application
 - B. Article 15 Signs
 - PC Memo Zoning Ordinance Review
- 6. New Business
 - A. Review of Article 15 Signs (this is in progress and will be sent electronically on Monday with hard copies being placed on the dais for the meeting. Becky will present the review at the meeting)
- 7. Next Meeting August 23, 2023 at 6pm
- 8. Adjournment

Planning Commission Meeting Minutes June 13, 2023

1. Call to Order at 6:01pm

- 2. Roll Call Chairperson DeBoer, Commissioners Dean, Tecca, and Bliesener, City Manager Stoddard, and Zoning Administrator (ZA) Harvey.
 - Motion to excuse Commissioner Lyon-Jenness by Chairperson DeBoer and supported by Commissioner Bliesener. All ayes.

3. Approval of Minutes - May 24, 2023

Motion to accept the minutes by Bliesener and supported by Tecca. All ayes.

4. Citizen Comments

No comments

5. Old Business

- A. Short Term Rentals (STRs)
 - DeBoer reopened the discussion by having Zoning Administrator (ZA) Harvey reintroduce STRs for those that did not hear it at the last meeting.
 - ZA Harvey The STRs topic came up to consider as it may already be happening in Parchment. Last month was the PCs first opportunity to discuss the STRs. A basic approach is for the PC to use the zoning ordinances to say where STRs are allowed and the general ordinances for regulation of it.

There could be a required program and she gave two examples: 1) Some cities say that it is not a problem and they only acknowledge STRs as accessory use. Not a violation, as it relieves the position of the PC by providing for STRs in the ordinance. 2) If not a problem, then just amend the ordinance to include STRs. Degrees of STR placement could be added.

The PC has had time to read about Three Oaks that has a cap on its STRs. They look at a general ordinance approach for standards.

- DeBoer said that the PC needs to be mindful that there are administrative and financial obligations imposed on the City if a detailed rental registration program was proposed. He asked the City Manager to speak to her history with rental registration programs.
- Manager Stoddard explained that she was hired 3 days a week to specifically
 work on the Rental Registration Program. It consisted of initial inspections for
 the first year (\$500 cost to landlord). If there were few/no violations, the
 landlord was allowed to make corrections and they were not required to get
 another inspection for three years. If a landlord was found to have multiple
 violations they were given a deadline to correct them and then another

- inspection was performed. A landlord with multiple violations had to be inspected again after one year. This program had to be closely monitored for deadlines, renewals, inspections, and follow-up inspections by the staff.
- Bliesener remarked that if we allow STRs and add them in, then they would not be in violation. Or should we continue until this becomes a problem. Perhaps using the amount of 10, or when it becomes an issue.
- DeBoer asked if we would allow for enforcement. Would it be complaint based?
- ZA Harvey stated that if there is no permitting, then there is no enforcement. We just allow for it.
- Tecca asked if we register bed and breakfast (B & B) establishments and boarding houses; he asked if we have any.
- ZA Harvey said that site plan reviews are required as it is a special use by right. There are specific standards and a review process.
- Tecca asked what the difference is between B & Bs and Air BnBs. If we do not have any why should we treat them differently?
- Bliesener said that a B & B would be different because food is served. If I was to let my house for a month, I would not want to have a site plan review.
- Dean views it as a homeowner could be away for a month and rent their house as an Air BnB for that month, because there is nothing in place to prevent it.
- ZA Harvey stated that the ordinance does not speak to STRs, so they are not allowed.
- Dean said that she does not think that it will be a huge issue, not like Saugatuck.
 There should be some sort of registry to handle rentals if the volume increases.
 There should be a middle ground like charging \$50 to register so that the City knows where they are located.
- ZA Harvey said that some cities are destination and STRs are a good option for them. In a more urban area, STRs are an alternate to hotels. Some Planning Commissions, just outside of Kalamazoo, have fallen into this need to make a decision. She does not see the demand overcoming the City of Parchment. Most communities have nuisance ordinances that help police with weekend renters. A community could rely on those ordinances. The PC could identify what needs to be monitored.
- Bliesener asked how the City would make sure that the STRs are registered.
- Dean said that she would personally like to know if a rotating bunch of strangers are next door. Trying to monitor in some way would provide middle ground.
- Bliesener asked if ZA Harvey could work on the wording.
- ZA Harvey said that she would, stating that STRs would be a single family home with accessory use, and some sort of registration language.
- Dean looks at a registration program as a benefit to the City residents, especially if they were listed on the City's website.
- DeBoer asked if it would bother Dean to not know who is next door.
- Dean said a registration program would help so a person would know what is going on next door.

- DeBoer asked if the PC had the option to do nothing.
- ZA Harvey stated that 1) If the ordinance does not allow for it, then a complaint would have to be filed. 2) The broader issue would be by not providing for STRs at some level, the City cannot use the zoning ordinances to prevent reasonable use of property.
- DeBoer asked if STR usage would be a commercial rental operation in a residential area.
- ZA Harvey said that some local units of government say STRs are a commercial use. Others would argue that, Rent to Live is the same as residential use. It is occupancy of a residential building.
- DeBoer said that STRs are like little hotels in a community.
- Dean said that her family chooses STRs because of the kitchen and bedrooms.
- DeBoer stated that a convention downtown could bring anybody into town; it's a business.
- ZA Harvey said that a person could rent an STR for 6 weeks, 4 days, or a month. All of these have been seen in legislation. The PC can put a time frame into the ordinance if it so chooses. Wisdom is where you started with this conversation because STRs in the community were suspected. It was not a complaint that brought up the conversation. If the PC wants to wait until it needs to address it that is an option. New Buffalo spoke to pre-existing STRs in their ordinance. The City could find out who is using their property as an STR.
- Dean stated that she would like to know who is doing STRs in the community, including those that rent out their homes for a year until they sell them.
- DeBoer stated that he cares about who is staying in the city, not those that move away.
- Dean said that there are benefits to businesses like Twisters and the grocery store with STRs. She would still like to have some monitoring of STRs so that we know who is renting their homes out.
- Bliesener said that she does not want to interfere with supplemental income. She would like to see a statement to review at the next meeting.

6. New Business

A. Letter of Intent - Fidel Coronado

- Manager Stoddard was invited to explain the role of the PC when they are
 considering a Letter of Intent. 1) Make sure that the business that is being
 proposed for the building/property aligns with the City's Master Plan (MP)
 and Planned Unit Development (PUD) 2) Is the business appropriate for the
 building/property for which it is being proposed.
- DeBoer invited Mr. Fidel Coronado to the podium to explain his interest in the property.
- Fidel Coronado explained that he is looking to expand his current business which is fabrication of construction materials and the storage of work

- products and material stock. The buildings have a lot of space including bathrooms, offices, and a break room area.
- DeBoer asked what a job specific partition is.
- Fidel Coronado stated that it was a fire rated wall to secure a section in the inside of a building.
- DeBoer asked what would be built on the site.
- Fidel Coronado said that you see these walls in malls. His workers build them (pre-fab) at the business and then transport them to the site.
- DeBoer asked about the time table from start to finish.
- Fidel Coronado said that it may take time to clean up. He has also talked with the City Manager about the brush and debris. The clean-up will impact their time line but they do want to aggressively work on the project.
- DeBoer suggested that Coronado gets to know the building inspector at KABA.
- Coronado stated that they have created a good relationship with the building inspector. He also asked about some steel that was being stored alongside of the building that he is interested in purchasing.
- Tecca asked if Coronado would be the sole owner or would he be subletting.
- Coronado replied that he will occupy a good portion of the building for his business. He does see that there will be a renter in a smaller portion of the building.
- Bliesener asked what he did through his business.
- Coronado replied that he does commercial construction and needs more storage for his materials and equipment, also, a bigger workspace to construct walls.
- Bliesener confirmed that it was an extension of his existing business.
- Coronado said he has been thinking about expanding into roofing and siding.
- Dean asked about the business hours; would there just be a first shift or others.
- Coronado said that he works for an insurance adjuster six days a week, 8 hours a day. They get materials, construct, and deliver items to workspace.
- Dean asked if any hazardous materials are on site.
- Coronado replied that there are no hazardous materials, not even paint, just drywall and studs.
- Bliesener asked Dan Bussema if he had anything to add.
- Bussema explained his part in the process.
- Motion was made by Tecca to pass the Letter of Intent from Fidel Coronado on to the City Commission, Bliesener supported the motion. Roll Call: All Ayes.

B. Sign Ordinances

 ZA Harvey stated that this discussion was not slated, however it came about because of a question that was asked regarding a sign permit. The language was tripping up the decision. The PC should clarify the ordinance language when the PC has a break in business. This seemed like a good time to look at the sign ordinance.

- 1) Section 15.7 Regulating sign size based on a single side of sign and on the other side. If it's a V sign then its two signs. The City's ordinance used total surface area (both sides). This is not a problem, just different in one section as it speaks to single face of sign and used single side with an increase. All the language should be looked at. Total sign area is used 75% of the time. The PC will need to be consistent in its use of words.
- 2) Fixing the wording to be content neutral in the ordinance is what is needed. If the PC wants to expand, then they may review the ordinances for inconsistencies.

The PC may use a comprehensive approach, amending all ordinances at once or just fix the two areas of concern. She could draft language for the July meeting. She asked if there were any questions about the fixes.

- Tecca asked if the ordinance spoke to lighting.
- ZA Harvey replied that some areas allow for internal lighting. Lights can't shine onto roadways.
- DeBoer asked if the PC pursued the two objections, are they going to have future problems. He was thinking about businesses that would be moving to the mill site.
- ZA Harvey said that is what she would be reviewing it for, ordinance construction — as she noticed that those ordinances needed to be fixed. The PC may want to do the fixes all at once.
- DeBoer said that he would like the ZA to add her comments as well as fixing the language.
- ZA Harvey stated that when a term is used, it's distinguished in the ordinance. We must use the same wording.
- Bliesener said that since the inconsistencies were uncovered, the PC should do a deep dive in to correct them.
- ZA Harvey said that she would do a review to show inconsistencies. She also noted that the City of Parchment's temporary sign ordinance established a temporary sign standard for the district.
- DeBoer requested the ZA to move forward with the corrections to the ordinance language.

7. Comments from Planning Commissioners

• Dean asked the PC to follow the news about the Graphic Packaging air quality. Although the air is not directly affecting us, but we have schools and day care providers only 1½ miles from the business. She said that she reached out to the schools. She asked if the air quality should be monitored in Parchment. She would like everyone to continue to follow the progress with these concerns.

- DeBoer asked Dean if she would be willing to provide updates to the PC every month.
- Dean agreed to update the PC. She also stated that there was a meeting of the school superintendents regarding the air quality in the communities.
- Bliesener was appalled by the articles Graphic Packaging is pushing the envelope with their air quality. She asks that everyone be aware of what is going on with this business.
- Dean encouraged everyone to be aware of what is going on at Graphic Packaging.
- 8. Next Meeting July 26, 2023 at 6pm
- **9.** Adjournment Motion by Dean, supported by Bliesener. All ayes. Meeting ended at 7:08 pm.



MEMO: Short Term Rentals (STRs)

Summary of Findings

- Short-term rentals do not appear to be problematic in the City at this time; there is no history of complaints nor receipt of negative feedback on the issue from residents.
- It is generally understood that short-term rentals do exist in the City, though how many there may be and where they generally are located are unknown.
- The Zoning Ordinance does not specifically reference 'short-term rentals'. It is understood that the Zoning Ordinance is 'permissive', suggesting that where short-term rentals are not specifically 'permitted', they are prohibited.
- A form of 'short term rental' activity is currently provided for through the 'bed and breakfast operations' provision. This suggests that the Zoning Ordinance does not fail to provide for a lawful land use somewhere in the community. However, the current Ordinance has the effect of rendering existing short-term rentals as zoning violations.
- The Planning Commission determined it is appropriate to amend the Zoning Ordinance to allow short-term rentals in those zoning districts where residential dwellings are allowed . . with no further regulation necessary at this time.
 - An amendment of the Zoning Ordinance will render existing short-term rentals as lawful uses instead of violations of the Zoning Ordinance.
 - o If at some time in the future the short-term rental picture in the City changes and issues surface, additional regulations can be considered.



Text Amendment Options

Section 2.2 - Definitions

Option #1 Short Term Rental: A residential accessory use defined as the rental of a single-family residence, a dwelling unit in a two-, three- or four-family building, or any dwelling unit or group of dwelling units in a condominium, for terms of not more than 30 consecutive days.

Option #2 Short Term Rental: The rental of a dwelling unit, as defined herein, for terms of not more than 30 consecutive days. Short term rental shall be considered a residential accessory use.

Option #3 Short Term Rental: The accessory use of a residence defined as the rental of a dwelling unit for terms of not more than 30 consecutive days.

Sample Registration Ordinance/Application

- The Planning Commission expressed interest in a registration mechanism to allow the monitoring of STR activity in the City.
- To that end, the Village of Three Oaks STR Ordinance, which includes a registration component (Section III.), and the Village's Registration Application, are provided for your reference.



SHORT TERM RENTAL REGISTRATION

Property Address:
Property Owner:
Property Owner Address:
Property Owner phone:
Landline Phone Number :
Agent Authorized to Act On Behalf of Owner:
Name:
Phone:
Address:
Number of Units in the Building:
Number of Bedrooms in each unit:
Number of Intended Occupants in each unit:

Short Term Rental Registration Page 2 of 2

I hereby certify the following:

- Each bedroom has a working smoke alarm, there is a working carbon monoxide detector on each floor, and that the owner or agent will check these devices at least every 90 days;
- Each kitchen has a working fire extinguisher and that a working fire extinguisher is located near each outdoor cooking device;
- I will include in my lease agreements the maximum occupancy load as determined by the Village, off street parking requirements, the local landline telephone number, noise regulations and other ordinance requirements. A copy of the lease agreement is attached hereto.
- I consent to inspections by the Village of Three Oaks and will make the dwelling unit available for inspections upon request.
- I will notify the Village within 30 days of any change in the information provided above.
- I hereby acknowledge receipt of Ordinance 210 & Short-Term Rental Self Inspection form.

	Date	
(Owner/Agent Sig	nature)	
(Owner/Agent print	ed name)	
Fee paid		
(date)	(Village representative)	(amount)

ORDINANCE 210

AN ORDINANCE TO REGULATE SHORT-TERM RENTALS, PROVIDE FOR THE INSPECTION AND REGISTRATION THEREOF WITHIN THE VILLAGE OF THREE OAKS; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE VILLAGE OF THREE OAKS ORDAINS:

I. PURPOSE

The Village of Three Oaks recognizes that one of our largest industries is tourism. The tourism market supports many different types of businesses including the hospitality market, the restaurant/dining market, the shopping and retail market as well as a host of others. The Village of Three Oaks believes that the tourism industry will continue to grow.

The Village of Three Oaks recognizes that a major part of the tourism industry is the short-term rental or vacation rental marketplace. The short-term or vacation rental marketplace within the Village of Three Oaks has grown exponentially in the past 5, 10, 15 and even 20 years and it will most likely continue to grow as surrounding municipalities limit, restrict and eliminate the practice.

The Village of Three Oaks needs to take action to ensure that the operation of short-term rentals is done so in a safe and controllable manner for the well-being of all in the community. The intent of these regulations is not to restrict or eliminate short-term rentals; rather the intent is to have safeguards in place to protect the consumer as well as the property owner, surrounding neighbors and our emergency responders.

II. DEFINITIONS

Local agent - An individual designated to oversee the short-term rental of a rental unit in accordance with this article and to respond to calls from renters, concerned citizens, and representatives of the Village. The local agent must live or maintain a physical place of business within 45 miles of the rental unit used for short-term rentals. A property owner who meets these criteria may be the local agent.

Owner - shall mean the individual or entity who is the legal or equitable titleholder and/or who controls the premises occupied by one or more rental units.

Rental unit - Any residential dwelling which is in whole or in part occupied by one or more person(s) pursuant to an oral or written agreement for monetary or any other consideration, but which persons are not acquiring an ownership interest in the dwelling. This shall include single-family, two-family and multiple-family dwellings, short-term rentals and rooming or boarding houses. ARental unit@ shall not include transient dwelling structures such as bed and breakfasts, and shall not include dwellings that are occupied only by members of the owner=s immediate family.

Short-term rental unit permit - A written document issued by the Village indicating that the rental unit identified thereon is then in compliance with the housing and property maintenance code. A short-term rental unit permit shall be valid for one year from the date of the inspection that found the rental unit in compliance, absent newly- or later-detected violations of the housing and property maintenance code, this ordinance or other applicable laws, rules or regulations, or a revocation of the permit pursuant to this ordinance within that time, and the expiration date shall be shown on the permit. A permit shall be valid for one year from date of issuance unless terminated due to a violation and shall be renewed annually.

- D. An owner shall notify the Village in writing within 30 days if any of the items inspected pursuant to this article are altered after inspection by the Village.
- E. No registration under this section will be accepted or processed for a property if an owner has been issued a civil infraction citation for a violation of this ordinance regarding that property, pending final adjudication of that citation.

IV. RENTAL REQUIREMENTS

- A. No short-term rental unit may be occupied or advertised for rent unless the Village has issued a valid short-term rental unit permit pursuant to this ordinance.
- B. A short-term rental unit permit shall be granted only when all of the requirements in this article for short-term rental units and applications for a short-term rental unit permit are met.
- C. Permit contents and requirements.
 - 1. Each short-term rental unit permit shall indicate the maximum occupancy load. No owner, local agent, or tenant shall allow a rental unit to be occupied by more tenants than the number stated on the permit. The maximum occupancy load shall be stated in the lease and other rental documents.
 - 2. No rental unit permit shall be valid until the appropriate fee is paid, in the amounts as established from time to time by resolution of the Village council.
 - (3. No permit shall be issued to any owner unless that owner is current on the payment of all real property taxes, utility rates, fees, charges, special assessments and other amounts due the Village. Delinquencies on any such payments to the Village, regardless of whether they relate to the rental unit for which a rental unit permit is sought shall result in denial of the permit,
- D. Upon request by any tenant or prospective tenant, the owner or agent shall provide the tenant or prospective tenant with a copy of the short-term rental unit permit, as well as a copy of the lease containing the required disclosures.
- E. A valid short-term rental unit permit may be transferred to a new owner of a short-term rental unit upon the Village=s prior written consent once the new owner files an application meeting all the requirements of this ordinance.
- F. Compliance with applicable zoning, construction, building and property maintenance codes shall be a condition of all rental unit permits. Violations of any of those codes shall also be a violation of this ordinance.
- G. If the owner of a short-term rental unit does not qualify as a local agent, the owner shall designate a local agent and authorize the agent in writing to act as the owner=s agent for any acts required of the owner or the owner=s agent under this ordinance.
- H. Each short-term rental unit shall have a landline telephone with free local calls, which will appear at the 911 dispatch center. The owner of each short-term rental unit, must prominently display in the unit a notice indicating the unit=s street address, municipality, and other such descriptive information which, if relayed to the 911 dispatch center, would allow emergency responders to quickly locate and enter the rental unit, and further recommending that tenants who use communication devices that may be used to summon aid in an emergency, register those devices to the rental unit=s location if appropriate.
- I. Each short-term rental unit must have a minimum of one off-street parking space for each occupant=s vehicle in addition to any other spaces required under applicable laws, rules and regulations for any other uses in the building or on the premises.
- J. The owner of each short-term rental unit must prominently display a full-sized copy of the short-term rental unit permit in each short-term rental unit.

shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

- C. The owner of each short term rental unit shall be responsible for the installation of a carbon monoxide detector in each rental unit. All carbon monoxide detector shall be of the type described in MCL 125.1504d.
- D. The owner of each short term rental unit shall be responsible for the installation of a fire extinguisher in the kitchen of each unit and near each outdoor cooking device.
- E. No person shall tamper or interfere with the effectiveness of a smoke detector, carbon monoxide detector or fire extinguisher required by this section.

VII. VIOLATION; REVOCATION OF PERMIT

- A. Violations as municipal civil infractions. Any person who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:
 - (1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.
 - (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any three (3) month period and (ii) for which the person admits responsibility or is determined to be responsible.

- B. Revocation of registration.
 - 1. Offenses warranting revocation. The Village may revoke the short-term rental permit for any short-term rental which is the site of at least 3 separate incidents (occurring on 3 separate days) within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court=s determination of responsibility or guilt by the owner, local agent, or any renter for a violation of one or more of the following:
 - (A) Any provision of this ordinance.
 - (B) The Village Noise and Nuisance Ordinance.
 - (C) Any violation of the Zoning Ordinance or any permit or approval issued pursuant to the Zoning Ordinance.
 - 2. Revocation Procedure. Upon a determination by the Village that the short-term rental permit is subject to revocation pursuant to subsection (b)(1), the Village shall issue a notice to the property owner and the local agent stating that the Village intends to revoke the short-term rental permit. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the short-term rental permit should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the Village shall schedule the hearing before the Village Manager and notify the owner and local agent in writing of a time and place for that hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances. Extenuating circumstances may include circumstances such as: (i) the violation was committed by a non-renter and the renter(s) attempted to prevent or halt the violation; (ii) the violation resulted from an act of God; or (iii) other circumstances that the owner or the owner's agent could not reasonably anticipate and prevent, and could not reasonably control.
 - 3. Revocation Period and Effect. Upon revocation of registration, a dwelling unit cannot be re-registered for a period of 1 year, and cannot be used for short-term rentals until re-registered.

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 210, duly adopted by the Village Council of the Village of Three Oaks, Berrien County, Michigan, at a regular meeting held on the 14th day of June, 2017.

i further certify that Council member Kramember Zebell supported said motion.	amer moved the adoption of said Ordinance and Council
I further certify that the following Counc	ril members voted for the adoption of said Ordinance: Capiak, Kr
The following Council members voted a	gainst the adoption of said Ordinance: Graziano, Pappa
The following Council members were ab	sent: Heemstra
The following Council members abstained	ed:
I further certify that the foregoing Ordina or another newspaper circulating in the Village of	ence was published in full in The Harbor Country News, of Three Oaks on the 22day day of June, 2017.
I further certify that the Ordinance has be Village of Three Oaks and that such recording he the Village Clerk.	een recorded in the official Ordinance Book for the as been authenticated by signatures of the President and
Date:, 2017	Cynthia E. Moynihan, Clerk Village of Three Cake