

LILLEY TOWNSHIP
NEWAYGO COUNTY, MICHIGAN

(Short-Term Rentals)

ZONING ORDINANCE AMENDMENT

(Ordinance No. 2024-1)

At a township meeting of the Township Board for Lilley Township held at the Township offices on Jan 8, 2024, beginning at 7:30 p.m., this Ordinance/ordinance amendment was offered for adoption by Township Board Member Howing and was seconded by Township Board Member Nelson:

**AN ORDINANCE/ORDINANCE AMENDMENT TO AMEND
THE LILLEY TOWNSHIP ZONING ORDINANCE, AS
AMENDED, REGARDING SHORT-TERM RENTALS AND
SIMILAR MATTERS.**

THE TOWNSHIP OF LILLEY (the "TOWNSHIP") ORDAINS:

Article 1 – Intent and Legislative History.

The current Lilley Township Zoning Ordinance (the "Zoning Ordinance"), and the past zoning ordinances for Lilley Township, have only expressly allowed short-term rentals ("STR's," as defined below) in the GC-General Commercial zoning district. Therefore, STR's may not have been lawfully allowed within the Township (except in the GC zoning district) since the first zoning regulations were enacted by the Township decades ago. Absent an STR located in a commercial zoning district, the only way that an existing STR would clearly be lawful would be if it is a lawful nonconforming use (i.e. it lawfully existed before the first Zoning Ordinance was enacted for Lilley Township, has been in constant operation or use ever since and has not been expanded, abandoned, etc.). To the best of the knowledge of current Township officials and after a review of Township records, the Township cannot locate any

records, documents, minutes or evidence that an STR has ever been approved by the Township within the Township (or within any zoning district) by the Lilley Township Zoning Administrator, code official or any other Township official. It is also likely that some or all of the STR's that may currently exist within the Township do not meet all of the applicable building codes, fire codes and/or similar codes or laws. Accordingly, the Township Board finds that any STR that currently exists in Lilley Township (except for any lawful STR's within the GC zoning district or any lawful nonconforming use) may be unlawful under the Zoning Ordinance (and potentially, the building code, maintenance code and/or fire code as well).

Article 2 – Findings.

The Township Board hereby finds that there are potentially many problems and negative consequences associated with STR's that are not located within the GC zoning district. Such negative and adverse impacts can include, but are not necessarily limited to, the following:

- (a) The Township Board expressly finds that many STR's are a commercial or business activity which is generally incompatible (and often in conflict) with non-commercial nearby single-family residential uses, neighborhoods and areas. That is particularly true with regard to dwellings that are rented or leased out entirely or for most of the calendar year or the majority of days during the summer season.
- (b) Although the ability to utilize a dwelling as an STR may enhance the value of the specific property being rented or leased out, the same may not be true with regard to adjoining and nearby properties. In rural and semi-rural areas, An STR tends to devalue other single-family residential dwelling lots adjoining the STR and for some distance away from the STR due to the real or perceived negative impacts caused by the STR. It is not a reasonable policy or trade off to enhance the value

of one property (which is utilized for STR use) while causing the devaluation of half a dozen or more adjoining or nearby residential lots or parcels in the area.

- (c) Even though most STR's in residential or agricultural zoning districts are supposed to be used for occupancy by only one family at a time, that often is not the case. STR's are frequently rented by two or more families or unrelated persons at the same time, which constitutes a multi-family use that is inconsistent with the zoning districts allowing only single-family residential use.
- (d) The transient nature of STR's and the constant "coming and going" of new renters (and their invitees) potentially causes many problems and is inconsistent with adjoining and nearby conventional noncommercial single-family residential uses.
- (e) In most cases, people who rent or lease a residential property do not take the same level of care of that property as the owner of a property who resides thereon.
- (f) Rural and semi-rural townships (such as Lilley Township) simply do not have the staff or resources to fully police STR properties and situations. Lilley Township does not have its own police department and is served by a fire department with part-time on-call firefighters. The Lilley Township Zoning Administrator is part-time only.
- (g) Although many advocates for STR's assert that problems with STR's can be minimized by the enactment and enforcement of local noise ordinances, blight ordinances, barking dog ordinances, etc., the enactment or full enforcement of such ordinances is frequently not feasible or practical for rural or semi-rural townships. Furthermore, to the degree that such ordinances can be enforced and

might help in some situations, it is an “after-the-fact” solution after a problem has already arisen.

- (h) In general, STR uses are more intensive, transitory and problematic than conventional single-family residential uses.
- (i) Persons renting or leasing an STR property are rarely familiar with the area involved, do not know local customs and rarely know about local government ordinance requirements.

Based on all of the above, the Township Board finds that Lilley Township should adopt these amendments to the Lilley Township Zoning Ordinance to protect the public health, safety and welfare.

Article 3 – The following definition of a “Short-Term Rental” and “STR Lot” are hereby added to Section 2.19 of the Lilley Township Zoning Ordinance, as amended:

Short-Term Rental (“STR”): A dwelling unit, cabin, cottage or house that is available for rental, leasing, or use for habitation, accommodation or lodging of guests paying a fee, charge or other compensation or consideration, for a period of less than 30 consecutive days and nights at a time.

STR Lot: Any lot or parcel with an STR dwelling or use present or occurring thereon.

Article 4 – The following new and additional Section 3.32 is hereby added to the Lilley Township Zoning Ordinance, as amended:

Section 3.32 - Short- Term Rentals.

- A. There shall be no more than 25 STR Lots in total within Lilley Township. The permissible STR Lots shall be allowed, allocated and located as follows:

- (1) Pettibone Lake - For properties with frontage on Pettibone Lake and the area within one (1) mile of the waters of Pettibone Lake, there shall be no more than four (4) STR Lots in total.
- (2) Pickerel Lake - For properties with frontage on Pickerel Lake and the area within one (1) mile of the waters of Pickerel Lake, there shall be no more than four (4) STR Lots in total.
- (3) Mawby Lake - For properties with frontage on Mawby Lake and the area within one (1) mile of the waters of Mawby Lake, there shall be no STR Lots.
- (4) Bitely Lake - For properties with frontage on Bitely Lake and the area within one (1) mile of the waters of Bitely Lake, there shall be no more than one (1) STR Lot in total.
- (5) Sisson Lake - For properties with frontage on Sisson Lake and the area within one (1) mile of the waters of Sisson Lake, there shall be no more than two (2) STR Lots in total.
- (6) Lilley Lake - For properties with frontage on Lilley Lake and the area within one (1) mile of the waters of Lilley Lake, there shall be no more than four (4) STR Lots in total.
- (7) Isaac Lake - For properties with frontage on Isaac Lake and the area within one (1) mile of the waters of Isaac Lake, there shall be no STR Lot.
- (8) Greening Lake - For properties with frontage on Greening Lake and the area within one (1) mile of the waters of Greening Lake, there shall be no STR Lot.

- (9) WalkUp Lake (also called "Atodd Lake") - For properties with frontage on WalkUp Lake and the area within one (1) mile of the waters of WalkUp Lake, there shall be no more than two (2) STR Lots in total.
- (10) Nichols Lake - For properties with frontage on Nichols Lake and the area within one (1) mile of the waters of Nichols Lake, there shall be no more than three (3) STR Lots in total.
- (11) Areas zoned as GC-General Commercial - For properties in areas zoned as GC-General Commercial (and not located within one mile of any lake), there shall be no more than five (5) STR Lots in total.
- (12) There shall be no other STR Lots on any other lake within Lilley Township (or within one mile thereof) except for the lakes as expressly allowed above.

B. For purposes of which STR Lots come within the allocated or allowed totals specified in Subsection A hereof above, priority shall be given to those STR Lots (and the STR activities and usage on such lots) which have been lawfully operating within the Township for the longest consecutive and continued period of time. Any STR Lot with an existing STR use, activity or structure which has had any of the following characteristics shall not be deemed lawfully in existence for purposes of the allowed or allocated total number of STR Lots:

- (1) The STR dwelling or living unit has been a shed or a trailer, boat, tent, yurt, mobile home or other non-stick built dwelling.
- (2) The STR dwelling has been rented to or used by more than one family at a time.

- (3) The dwelling or lot has been used as or for a commercial wedding venue, reunion, party or other gathering or activity which is commercial in nature or for profit.
- (4) The dwelling has not met applicable building codes, fire safety codes or the maintenance code.

* * *

After the effective date of the amendment that added this section to this Ordinance, if any STR Lot has not actually been rented or leased as an STR for three (3) consecutive years or longer, it shall lose its priority for purposes of Subsection A and B, above.

C. None of the following shall be used as an STR Lot nor be rented or leased for use, habitation or lodging as an STR (or otherwise) unless it is part of an approved lawful campground (and such campground use was or is expressly approved pursuant to a Township zoning approval):

- (1) Any tent, bunkhouse, yurt, shed, barracks or similar item.
- (2) Any boat, pontoon, houseboat, barge or other water vessel or watercraft.
- (3) Any "tiny house" or any dwelling that does not meet the minimum size requirements of this Ordinance.
- (4) Any house, dwelling, cottage or cabin that was unlawfully built, expanded or modified.
- (5) Any camping trailer, recreation vehicle, popup trailer, bus, motorhome or similar item or vehicle.
- (6) Any lot or parcel with two (2) or more dwellings thereon.

(7) Any lot or parcel accessed by or on a private road, joint drive or access easement.

(8) Any dwelling or structure that does not comply with all applicable Zoning Ordinance requirements, building codes, fire safety codes and the maintenance code.

D. Every STR and STR Lot shall fully comply with any other Lilley Township ordinance that licenses or regulates STR's and STR Lots.

E. No STR Lot shall be occupied or used by more than one (1) family at a time.

Article 5 – The following new subsection is hereby added to Section 7.02 of the Lilley Township Zoning Ordinance, as amended for the AG-Agricultural zoning district:

G. Short-Term Rentals (with limits as set forth elsewhere in this Ordinance).

Article 6 – The following subsection is hereby added to Section 8.02 of the Lilley Township Zoning Ordinance, as amended, for the RR-Rural Residential zoning district:

E. Short-Term Rentals (with limits as set forth elsewhere in this Ordinance).

Article 7 – The following subsection is hereby added to Section 9.02 of the Lilley Township Zoning Ordinance, as amended, for the LDR-Low Density Residential zoning district:

E. Short-Term Rentals (with limits as set forth elsewhere in this Ordinance).

Article 8 – The following subsection is hereby added to Section 10.02 of the Lilley Township Zoning Ordinance, as amended, for the MDR-Medium Density Rural Residential zoning district:

E. Short-Term Rentals (with limits as set forth elsewhere in this Ordinance).

Article 9 – The following subsection is hereby added to Section 13.03 of the Lilley Township Zoning Ordinance, as amended, for the GC-General Commercial zoning district:

N. Short-Term Rentals.

Article 10 – Severability.

If any section, clause, or provision of this Ordinance/ordinance amendment is declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall not affect the remainder of the Ordinance/ordinance amendment. The Township Board hereby declares that it would have passed this Ordinance/ordinance amendment and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Article 11 – The Balance of the Lilley Township Zoning Ordinance (as amended) Remains Unchanged and in Effect.

Except as expressly amended by this Ordinance/ordinance amendment, the balance of the Lilley Township Zoning Ordinance, as amended, remains unchanged and in full force and effect.

Article 12 – Effective Date.

This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Nelson Bauwens Having
Anderson

NAYS: 1 Way

ABSTAIN/ABSENT: 0

THIS ORDINANCE/ORDINANCE AMENDMENT IS HEREBY DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/Ordinance amendment adopted by the Township Board for Lilley Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: *Fran Nelson*
Fran Nelson
Lilley Township Clerk