

Millington Township
(Draft) Ordinance to Amend the Zoning Ordinance
To Regulate Bed and Breakfast Establishments, Short-Term Rentals, and
Long-Term Rentals as Principal Uses Permitted

MILLINGTON TOWNSHIP ORDAINS:

Section 1. Purpose.

Millington Township adopts the following amendments to the Tuscola County Zoning Ordinance for the health, safety, and welfare of Tuscola County residents.

Section 2. Amendment of Section 23.01 of Zoning Ordinance.

Section 23.01 of the Zoning Ordinance entitled "Definitions" is amended to add a definition entitled "Bed and Breakfast Establishment Rental." The definition reads as follows:

Bed and Breakfast Establishment Rental – The renting or leasing of a dwelling unit (including any primary dwelling, seasonal dwelling, cabin, or cottage; not to include busses, tents, or RV's as a Rental) for a period of fewer than 30 consecutive days in which the Property Owner resides at while renting the room(s) to the Renter(s); serving breakfast at no additional cost.

Section 23.01 of the Zoning Ordinance entitled "Definitions" is amended to add a definition entitled "Short-Term Rental - Property Owner Occupied." The definition reads as follows:

Short-Term Rental - Property Owner Occupied – The renting or leasing of a dwelling unit (including any primary dwelling, seasonal dwelling, cabin, or cottage; not to include busses, tents, or RV's as a Rental) for a period of fewer than 30 consecutive days in which the Property Owner resides at while renting the room(s) to the Renter(s).

Section 23.01 of the Zoning Ordinance entitled "Definitions" is amended to add a definition entitled "Short-Term Rental - Non-Property Owner Occupied." The definition reads as follows:

Short-Term Rental - Non-Property Owner Occupied – The renting or leasing of a dwelling unit (including any primary dwelling, seasonal dwelling, cabin, or cottage; not to include busses, tents, or RV's as a Rental) for a period of fewer than 30 consecutive days in which the Property Owner does not resides at while renting the room(s) to the Renter(s).

Section 23.01 of the Zoning Ordinance entitled "Definitions" is amended to add a definition entitled "Long-Term Rentals - Property Owner Occupied." The definition reads as follows:

Long-Term Rental - Property Owner Occupied – The renting or leasing of a dwelling unit (including any primary dwelling, seasonal dwelling, cabin, or cottage; not to include busses, tents, or RV's as a Rental) for a period of 30 consecutive days or more in which the Property Owner resides at while renting the room(s) to the Renter(s).

Section 23.01 of the Zoning Ordinance entitled "Definitions" is amended to add a definition entitled "Long-Term Rental - Non-Property Owner Occupied." The definition reads as follows:

Long-Term Rental - Non-Property Owner Occupied – The renting or leasing of a dwelling unit (including any primary dwelling, seasonal dwelling, cabin, or cottage; not to include busses, tents, or RV's as a Rental) for a period of 30 consecutive days or more in which the Property Owner does not resides at while renting the room(s) to the Renter(s).

Section 3. Amendment of Article 5 AR Agricultural - Residential District of Zoning Ordinance

Section 5.02 of the Zoning Ordinance, which identifies Special Land Uses in the AR Agricultural - Residential District, is amended to eliminate subsection "I".

Section 5.01 of the Zoning Ordinance, which identifies Principal Uses Permitted in the AR Agricultural - Residential District, is amended to include subsection "J", which reads as follows:

Bed and Breakfast Establishment Rental, Short-Term Rental - Property Owner Occupied, Short-Term Rental - Non-Property Owner Occupied, Long-Term Rental - Property Owner Occupied, and Long-Term Rental - Non-Property Owner Occupied, subject to Section 14.26.

Section 4. Amendment of Article 6 R-1 Single-Family Residential District of Zoning Ordinance

Section 6.02 of the Zoning Ordinance, which identifies Special Land Uses in the R-1 Single-Family Residential District, is amended to eliminate subsection "C".

Section 6.01 of the Zoning Ordinance, which identifies Principal Uses Permitted in the R-1 Single-Family Residential District, is amended to include subsection "H", which reads as follows:

Bed and Breakfast Establishment Rental, Short-Term Rental - Property Owner Occupied, Short-Term Rental - Non-Property Owner Occupied, Long-Term Rental - Property Owner Occupied, and Long-Term Rental - Non-Property Owner Occupied, subject to Section 14.26.

Section 5. Amendment of Article 7 LR Lake Residential District of Zoning Ordinance

Section 7.02 of the Zoning Ordinance, which identifies Uses Permitted After Special Approval in the LR Lake Residential District, is amended to eliminate subsection "A".

Section 7.01 of the Zoning Ordinance, which identifies Principal Uses Permitted in the LR Lake Residential District, is amended to include subsection "D", which reads as follows:

Bed and Breakfast Establishment Rental, Short-Term Rental - Property Owner Occupied, Short-Term Rental - Non-Property Owner Occupied, Long-Term Rental - Property Owner Occupied, and Long-Term Rental - Non-Property Owner Occupied, subject to Section 14.26.

Section 6. Amendment of Article 8 RM Multiple-Family Residential District of Zoning Ordinance

Section 8.02 of the Zoning Ordinance, which identifies Uses Permitted After Special Approval in the RM Multiple-Family District, is amended to eliminate subsection "B".

Section 8.01 of the Zoning Ordinance, which identifies Principal Uses Permitted in the RM Multiple-Family Residential District, is amended to include subsection "H", which reads as follows:

Bed and Breakfast Establishment Rental, Short-Term Rental - Property Owner Occupied, Short-Term Rental - Non-Property Owner Occupied, Long-Term Rental - Property Owner Occupied, and Long-Term Rental - Non-Property Owner Occupied, subject to Section 14.26.

Section 7. Amendment of Article 9 MHP Manufactured Housing Park District of Zoning Ordinance

Section 9.01 of the Zoning Ordinance, which identifies Principal Uses Permitted in the MHP Manufactured Housing Park District, is amended to include subsection “F”, which reads as follows:

Bed and Breakfast Establishment Rental, Short-Term Rental - Property Owner Occupied, Short-Term Rental - Non-Property Owner Occupied, Long-Term Rental - Property Owner Occupied, and Long-Term Rental - Non-Property Owner Occupied, subject to Section 14.26.

Section 8. Amendment of Article 10 C Commercial District of Zoning Ordinance

Section 10.01 of the Zoning Ordinance, which identifies Principal Uses Permitted in the C Commercial District, is amended to include subsection “K”, which reads as follows:

Bed and Breakfast Establishment Rental, Short-Term Rental - Property Owner Occupied, Short-Term Rental - Non-Property Owner Occupied, Long-Term Rental - Property Owner Occupied, and Long-Term Rental - Non-Property Owner Occupied, subject to Section 14.26.

Section 9. Amendment of Article 11 I Industrial District of Zoning Ordinance

Section 10.01 of the Zoning Ordinance, which identifies Principal Uses Permitted in the I Industrial District, is amended to include subsection “I”, which reads as follows:

Bed and Breakfast Establishment Rental, Short-Term Rental - Property Owner Occupied, Short-Term Rental - Non-Property Owner Occupied, Long-Term Rental - Property Owner Occupied, and Long-Term Rental - Non-Property Owner Occupied, subject to Section 14.26.

Section 10. Addition of Section 14.26 to Zoning Ordinance

The Zoning Ordinance is amended to add new Section 14.26, which reads as follows:

Section 14.26. Bed and Breakfast Establishment Rental, Short-Term Rental - Property Owner Occupied, Short-Term Rental - Non-Property Owner Occupied, Long-Term Rental - Property Owner Occupied, and Long-Term Rental - Non-Property Owner Occupied.

Rentals are permitted as Principal Uses Permitted in the AR, R-1, LR, RM, MHP, C, and I Zoning Districts. Rentals must comply with all of the following standards:

1. Rentals must meet all residential building, health department, and safety codes.
2. The Property Owner of the Rental must fill out the Millington Township Bed and Breakfast Establishment, Short-Term Rental, and Long-Term Rental Agreement document provided by the Millington Township Office.
 - a. The Zoning Ordinance Administrator will verify the zoning of the Rental Property and that the percentage in the district meets the Millington Township Zoning Ordinance before signing the Rental document.
 - b. A Property Owner may not own more than two Rentals within Millington Township LR Zoning District; total Rentals in the LR Zoning District shall not exceed 15% of total zoned dwellings.
 - c. The Millington Township Rental document will be active upon the Zoning Ordinance Administrator’s approval. Refusals of the Millington Township Rental Principal Uses

Permitted Agreement document will include reasons for refusal. A copy will be provided to the Property Owner of the Millington Township Rental document for their records.

d. At any time, the Zoning Ordinance Administrator and/or the Planning Commission may request proof of the past rolling twelve (12) months of rental documents from the LR Lake Residential Property Owner. If documentation cannot be provided or rental documents do not equal 25% of the past twelve (12) rolling month period, the rental agreement will be terminated by the Zoning Ordinance Administrator and/or Planning Commission.

e. If the Property Owners Rental agreement is no longer applicable, the next person who completed a Millington Township Bed and Breakfast Establishment, Short-Term Rental, and Long-Term Rental Agreement document and meets the current Zoning Ordinances in the LR district, will be contacted by the Zoning Ordinance Administrator to see if they are still interested in pursuing a Rental Agreement for Millington Township.

3. The Property Owner of the Rental must provide Millington Township with any changes regarding the Property Owner's current name(s), address, mailing address, emergency contact information such as a landline and/or mobile phone number, etc.

4. The Property Owner must provide ample off-street parking to accommodate vehicles and/or trailers used by renters.

5. The dwelling must be properly maintained and kept in good repair so that the use does not detract from the general appearance of the neighborhood. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.

6. The Property Owner must have a Designee nearby Millington Township to manage any issue(s) that may arise if the Property Owner is not available.

7. The Property Owner must provide each renter with the Property Owner's or a Designee's emergency contact information such as a landline and/or mobile phone number, and supply the Renter with the following information in writing:

MILLINGTON TOWNSHIP ORDINANCE REQUIREMENTS FOR RENTAL(S):

a. Pets must be kept inside; except while on a lead and under adult supervision or under the control of an adult. Pets must not be able to encroach on neighboring properties.

b. All land-based recreational activities are limited to the rented premises and must not encroach on neighboring properties.

c. Renters must comply with all local and state burning restrictions. Renter must supervise recreational fires, and fires are allowed only in designated pits, rings, or similar suitable devices. The burning of trash or other debris is prohibited.

d. Renters may not park vehicles or trailers along the street, road, or highway.

e. Upon receiving a Millington Township Zoning Ordinance Complaint Application, the Zoning Ordinance Administrator may inspect the complaint issue of a Rental to ensure compliance with the standards specified in this Section.

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9. The Property Owner may be held liable for any nuisance or other Zoning Ordinance violations that occur on the property, even if the nuisance or violation occurs while a renter is occupying the property.

10. If a Rental violates this Zoning Ordinance, then the Planning Commission may, following notice and a Public Hearing, revoke the Principal Uses Permitted Permit. Additionally, Millington Township may take any other action permitted in law and equity, including seeking an injunction from a court of competent jurisdiction.

11. The Property Owners Principal Uses Permitted Rental agreement is non-transferable.

Section 11. Validity and Severability.

If any portion of this Zoning Ordinance is found invalid for any reason, that holding will not be construed as affecting the validity of the remaining portions of this Zoning Ordinance. Except and unless expressly amended by the terms of this Zoning Ordinance, all other provisions of the Zoning Ordinance remain in full force and effect.

Section 12. Repealer Clause.

Any Zoning Ordinances or parts of Zoning Ordinances in conflict with this Zoning Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

Section 13: Effective Date.

This Zoning Ordinance becomes effective seven days after publication.

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