

**Village of Lexington
Planning Commission
7227 Huron Avenue, Lexington MI
Monday, November 4, 2019
7 PM**

Call to Order Regular Meeting: Mike Ziegler

Roll Call: Beth Grohman

Members: Ziegler Stencil McCombs Reinhard Macksey
 Kaatz Picot Morris Huepenbecker

Approval of Agenda:

Approval of Minutes: Minutes of October 7, 2019 **Pages 1-2**

Public Comment: (3 minute limit)

Zoning Administrator's Report Page 3

Old Business

Updates:

- A. Progress on Master Plan
- B. Progress on Zoning Ordinance Update
- C. Capital Improvement Plan – RRC Resource

New Business

1. Review Short Term Rental Ordinance (Pages 4-13)

(Our ordinance requires us to review the Short Term Rental Ordinance annually.)

Public Comment: (3 minute limit)

Adjournment:

VILLAGE OF LEXINGTON
Planning Commission Regular Meeting
Monday, October 7, 2019
7 p.m.

Public Hearing Called to Order: 7:00 p.m. by Chairperson Mike Ziegler

Roll Call by Beth Grohman, Clerk

Present- Stencel, McCombs, Reinhard, Macksey, Picot, Morris, Huepenbecker, Ziegler

Absent – Kaatz

Others Present –Beth Grohman, Holly Tatman, Jerry Dawson, and three citizens

Approval of Agenda: Motion by Macksey, seconded by McCombs, to approve the agenda as presented.

All Ayes

Motion carried

Approval of Minutes – Motion by Picot, seconded by Stencel, to approve the minutes of September 9, 2019 as presented.

All Ayes

Motion carried

Public Comment – None offered

Zoning Administrator Report – Motion by Morris, seconded by Stencel, to accept the Zoning Administrator report as presented.

All Ayes

Motion carried

Kaatz arrived 7:03 p.m.

Old Business: None

New Business:

- 1. Progress on Master Plan** – Huepenbecker reported progress in being made. The Steering Committee met with Kathleen Duffy (SmithGroup) last month to discuss future land use and the future land use zoning map. She took their comments and sent back a revised map and descriptions. The steering committee will review it on October 8th and send her back a response. They will be meeting with her again at the end of October.

Currently waiting on documents from Bob Doyle (SmithGroup) from the charrette held in the park in July. Updated information for website should be available by month end.

- 2. Progress on Zoning Ordinance** – Huepenbecker reported that committee met with Adam Young (Wade Trim) on October 2nd. They are continuing to work on changes in wording – mostly legal items and repetition, so far. Another meeting with him will be held in two to three weeks. Zoning ordinances will not be

complete until after the Master Plan. Morris requested information on the changes that are being recommended, particularly ones that are content related, rather than being changed to make us legal or avoid repetition.

- 3. Capital Improvement Plan –RRC Resource –** Timeline for the capital improvement plan was September/October. Morris suggested updating the time line for November/December. Brief review of the Capital Improvement Plan Guide. Adam Young, Wade Trim will be lead on the plan and will schedule a meeting.

Public Comment –

Marilyn Boyd – Questioned whether the Governor vetoing a large sum of money for rural improvements would affect the progress of the Master Plan.
Tatman responded that it would not.

Gil Orris – Thank you for volunteering.

Adjournment - Motion by Morris, seconded by McCombs, to adjourn at 7:37 p.m.
All Ayes
Motion Carried

Beth Grohman
Village Clerk

DRAFT

Section 2.2 Definitions.

Short-term rental. The rental of a residential dwelling or a portion of a dwelling for compensation (including but not limited to financial and monetary exchanges, barter, borrow, care or similar compensation) for a term of less than 30 days **at least three (3) times per year.**

Section 4.4 Purposes and Uses within Zoning Districts

Add Short Term Residential Rental as a conditional use in:

4.4.2. R-1A, Single-Family Residential District, Low Density (subject to Section 5.25)

4.4.3. R-1B, Single-Family Residential District, Medium Density (subject to Section 5.25)

Add Short Term Residential Rental as a permitted use in the following sections, but Section 5.25 does not apply when it is a permitted use:

4.4.7. C-1, Local Service District

4.4.8. C-2, General Commercial District

4.4.9. CBD, Central Business District

Section 5.25 Short-Term Residential Rentals in Residential Districts

5.25.1. Intent and Purpose

Short term rentals within the Village of Lexington are necessary because of the limited availability of lodging; however, it is important to strike a balance between the interests of the community residents, community business owners, visitors to the community and property owners wishing to engage in short-term residential rentals. While these short-term rentals bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter and noise and they were in violation of the R-1A and R-1B zoning ordinances.

As of this date, most if not all of the short-term residential rentals are located in those areas zoned as R-1A and R-1B with the majority located east of M-25 near Lake Huron. Many of these rentals are very close together creating the potential to jeopardize the single family neighborhood character; therefore, for purposes of maintaining the small town character of our Village, short-term rentals will comprise a maximum of five percent (5%) of the total number of houses in the Village that are not restricted by deed or HOA (as of September 2017: 402 total homes x 5%= 20).

The required minimum distance between STR properties shall be 300 ft. For the purpose of determining the distance between properties, the measurement shall begin and terminate at the closest point between the two properties, for a distance of not less than 300 ft.

Those in operation as of May 2018 and initially registered by July 31, 2018 will be considered established and permitted until such date as they are either sold, fail to be used as a short term rental for more than eighteen (18) months or the owner fails to renew the registration of the rental by the registration deadline.

5.25.2 Registration - All dwellings used for short term rentals must be registered annually at the Lexington Village office. To register a short-term rental, the property owner or agent of the owner shall:

1. Provide and certify as true the following on a form provided by the Village:
 - a. Name, address, and telephone number of the local agent for the dwelling unit.
 - b. The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address.
 - c. The number of bedrooms in the dwelling.
 - d. The maximum number of occupants to which the applicant intends to rent in any given rental period.
 - e. The length of the typical rental period for which the applicant intends to rent the property.
 - f. A statement certifying that the property owner or a local agent will provide at least one copy of the Village's Good Visitor Guideline materials to the renters each time the dwelling unit is rented.
 - g. A statement certifying whether or not the dwelling unit was used as a short-term rental for at least 15 days or at least three (3) times during the current or previous calendar year.
2. Pay an annual registration fee of \$200.
3. Upon acceptance of the registration, the Village of Lexington will issue a short term residential rental permit.
4. Applications will be time and date stamped and handled in chronological order.

5.25.3 Short-term rental regulations:

1. Local agent required- All dwelling units used for short-term rentals shall have a designated local agent who lives within 30 miles of the dwelling if the owner does not live within 100 miles of the dwelling..
2. Street number clearly posted on the exterior of the building to identify the residence.

5.25.3 Violations; revocation of registration:

Violations as municipal civil infractions. Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of the Code of Ordinances, violations of this article are subject to the following fines:

1. *Short-term rental of unregistered dwellings-* The fine for leasing an unregistered dwelling unit is \$750 for a first violation and \$1,000 for each subsequent violation.
2. *Other Provisions –* Subject to all civil infractions in the Village.
3. *Revocation of permit* will require the authorization of a committee which may consist of the Zoning Administrator, Village manager, and Planning Commission Chairperson or their designee. The revocation may be appealed to the Village Council

5.25.4 Review of this ordinance: This ordinance shall be reviewed within one year to determine if it is serving its intended purpose.

Short Term Rental Dwelling Registration Form

Village of Lexington

7227 Huron Ave Suite 100, Lexington Michigan

For information call: 810-359-8631

Registration fee of \$200 due with annual submission.

(Please complete one application for each rental unit.)

Short Term Rental Dwelling Unit Address: _____

Property Owner: _____

Owner's Address: _____

Owner's Phone(s): _____

Owner's E-mail: _____

Secondary Contact: : _____

Secondary Contact's phone (s) : _____

Number of bedrooms: _____

Was this dwelling unit occupied as a short term rental (a period of less than 30 days) at least three (3) times in since January 1, 2017? _____

If the answer is yes, attach documentation such as income reported on tax return, advertisement on website such as VRBO or Airbnb. (Purpose: to determine if the STR is eligible to be considered established.)

Maximum number of occupants permitted: _____

Length of typical anticipated rental period per reservation: _____ days.

Number of off-street parking spaces available on site: _____

A designated 'agent' is required if the above identified owner does not reside within 100 miles of the village limits. The agent is required to live or work within 30 miles of the village.

Agent's Name (If other than owner): _____

Agent's Phone Number (s): _____

Agent's Address: _____

Agent's E-mail: _____

AFFIDAVIT

The signer(s) of this form does hereby state, warrant, certify and affirm the following:

- 1) All of the information on the attached registration form is true.
- 2) Each dwelling unit will have an operating smoke detector in each bedroom and an operating carbon monoxide detector on each floor. These appliances will be maintained every ninety (90) days at a minimum.
- 3) Contact information will be posted in at least two prominent locations in the dwelling and will include:
 - Street address of dwelling
 - Owner's name and phone number(s) and
 - Secondary contact' name and phone number(s)
- 4) A copy of the village's *Good Neighbor* materials will be provided to the renters each time the dwelling unit is rented.
- 5) This registration form is accurate and complete.

OWNER'S SIGNATURE: _____ **DATE:** _____

By signing above, the owner/agent of the dwelling unit certifies that the above statements are true. Statements found to be falsified on this application and affidavit will be grounds to revoke the rental permit.

NOTICE: The issuance of a permit for a short term residential rental dwelling shall in no way impact the zoning of the subject property and shall not prevent the Village from enforcing Zoning Ordinance regulations and limitations on said property, or any other applicable code of the Village.

Office Use Only	
This residential unit is approved for one year.	
_____	_____
Village Official	Date

**Renewal of Registration of Short Term Rental Dwelling
Village of Lexington**

7227 Huron Ave Suite 100, Lexington Michigan

For information call: 810-359-8631

Renewal Registration fee of \$50 due with annual submission.

(Please complete one application for each rental unit.)

Short Term Rental Dwelling Unit Address: _____

Property Owner: _____

Owner's Address: _____

Owner's Phone(s): _____

Owner's E-mail: _____

Secondary Contact: : _____

Secondary Contact's phone (s): : _____

Number of bedrooms: _____

Was this dwelling unit occupied as a short term rental (a period of less than 30 days) at least three (3) times in since April 1, 2018? _____

If the answer is yes, attach documentation such as income reported on tax return.

If no, provide explanation _____

If the dwelling fails to be used as a short term rental for more than eighteen (18) months the registration will not be considered a renewal. The owner may reapply, but if another dwelling is on the waiting list, their registration will be considered.

Maximum number of occupants permitted: _____

Length of typical ~~anticipated~~ rental period per reservation: _____ days.

Number of off-street parking spaces available on site: _____

A designated 'agent' is required if the above identified owner does not reside within 100 miles of the village limits. The agent is required to live or work within 30 miles of the village.

Agent's Name (If other than owner): _____

Agent's Phone Number (s): _____

Agent's Address: _____

Agent's E-mail: _____

AFFIDAVIT

The signer(s) of this form does hereby state, warrant, certify and affirm the following:

- 6) All of the information on the attached registration form is true.
- 7) Each dwelling unit will have an operating smoke detector in each bedroom and an operating carbon monoxide detector on each floor. These appliances will be maintained every ninety (90) days at a minimum.
- 8) Contact information will be posted in at least two prominent locations in the dwelling and will include:
 - Street address of dwelling
 - Owner's name and phone number(s) and
 - Secondary contact' name and phone number(s)
- 9) A copy of the village's *Good Neighbor* materials will be provided to the renters each time the dwelling unit is rented.
- 10) This registration form is accurate and complete.

OWNER'S SIGNATURE: _____ **DATE:** _____

By signing above, the owner/agent of the dwelling unit certifies that the above statements are true. Statements found to be falsified on this application and affidavit will be grounds to revoke the rental permit.

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Office Use Only	
This residential unit is approved for one year.	
_____	_____
Village Official	Date

Village of Lexington Good Neighbor Guide

A Guide for Renters

Updated August 2018

Welcome to the Village of Lexington. We hope you enjoy our beautiful community. Please remember the short term rental home where you are staying is within a residential neighborhood. Not everyone in the neighborhood is on vacation, and some are required to rise early in the morning.

To ensure our residents' quiet and peaceful enjoyment of their neighborhood, we have established a "Good Neighbor Guide." Please respect our residents and our village by following these guidelines.

Failure to comply may result in neighborhood property owners notifying local law enforcement. This may result in a fine for the renter.

Beach Use

The Village of Lexington has public beaches for all to enjoy. There are also many privately owned beaches. While walking along the water is permissible in all areas, please limit your swimming activities, umbrella or blanket to the public areas only.

Events & Occupancy

Large events such as family reunions and weddings can have a negative impact on residential neighborhoods due to parking and noise. Please check your vacation home's policies regarding events and day guests.

Parking

In some areas street parking is limited. Use your vacation home's off street parking whenever possible. If street parking is available, please engage in good neighbor practices by parking in front of your vacation home, being mindful not to block sidewalks, mailboxes, or driveways.

Between the hours of 3:00 AM and 6:00 AM there is no parking on paved streets, highways or Village owned and/or operated parking lots within the Village limits. Ask your property owner/manager about alternative overnight parking lots that are available to help relieve parking congestion.

Noise

Be considerate and respect your neighbor's right to the quiet enjoyment of their home and property especially after 11 p.m. Some residents may have to work in the morning and would appreciate a good night's sleep. In addition the Village Code of Ordinance Chapter 34.33 prohibits noise nuisance between 11:00 PM and 6:00 PM. Noise violations may result in a fine.

Garbage Pick-up

Garbage shall not be left in public view except in proper containers. Monday is the regularly scheduled garbage day for the Village of Lexington. Please put your garbage out no sooner than Sunday (preferably in the evening). Emptied garbage bins should be returned to their storage location as soon as possible after pick up on Monday and shall not remain at the curb overnight.

Pets

All pets are required to be on leashes whenever they are in un-enclosed areas or on public streets. When walking your dog, you are required to pick up and dispose of their waste. Please do not allow your pets to trespass on neighboring property. Pets should not be allowed to make loud and frequent noise that will disturb the peace and quiet of the neighborhood. Please note that pets are not allowed on public beaches.

Village of Lexington Contact Information:

Emergency or Urgent Care – 911

Emergency – 911

Police (non-emergency)

810-648-2000 (Central Dispatch)

810-359-8242 (Lexington Police)

Village of Lexington – 810-359-8631

Website: www.villageoflexington.com

The address where you are staying is

Other contact information including our name and phone number and a secondary name and phone number is posted in two prominent places.

**Updated Renewal of Registration of Short Term Rental Dwelling
Village of Lexington**

7227 Huron Ave Suite 100, Lexington Michigan

For information call: 810-359-8631

Renewal Registration fee of \$50 due with annual submission.

(Please complete one application for each rental unit.)

Short Term Rental Dwelling Unit Address: _____

Property Owner: _____

Owner's Address: _____

Owner's Phone(s): _____ Owner's E-mail: _____

Secondary Contact : _____

Secondary Contact's phone (s) : _____

Number of bedrooms: _____

Was this dwelling unit occupied as a short term rental (a period of less than 30 days) at least three (3) times during the last eighteen (18) months? _____

If the answer is yes, attach documentation such as income reported on tax return.

_____ Income reported on tax return _____ cancelled checks

_____ Other _____

If no, provide explanation _____

If the dwelling fails to be used as a short term rental for more than eighteen (18) months the registration will not be considered a renewal. The owner may reapply, but if another dwelling is on the waiting list, their registration will be considered.

Maximum number of occupants permitted: _____

Length of typical rental period per reservation: _____ days.

Number of off-street parking spaces available on site: _____

A designated 'agent' is required if the above identified owner does not reside within 100 miles of the village limits. The agent is required to live or work within 30 miles of the village.

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Office Use Only	
This residential unit is approved for one year.	
_____ Village Official	_____ Date

To: Planning Commission

From: Jackie Huepenbecker and Mary Reinhard
Short Term Rental Committee

Date: 10/30/2019

Re: Short Term Rental Ordinance

MESSAGE

A copy of our short term rental ordinance, application, renewal, Good Neighbor Guide, and Updated Renewal is attached. We are required to review it on an annual basis.

Among the items to be considered are:

- Moving them from Conditional to Permitted Use in the Residential Zones
 - 4.4.2. R-1A, Single-Family Residential District, Low Density (subject to Section 5.25)
 - 4.4.3. R-1B, Single-Family Residential District, Medium Density (subject to Section 5.25)

Since they were under conditional use, technically each one should have been brought to Council for approval.

- Deleting the requirement to review the ordinance on an annual basis
- Distance between short term rentals. Currently, it is 300 ft.

If there are other items you want considered, please let us know so we can share the concern with other commissioners to give the opportunity to review it before the meeting.