

The Charlevoix City Council met on Monday, March 4, 2024 with Mayor Lyle Gennett presiding. The following is an excerpt from the official records of said meeting.

Motion by Parr, second by Knapp to approve Ordinance No. 846 as presented with amendments from March 4.

**CITY OF CHARLEVOIX
ORDINANCE NO. 846**

AN ORDINANCE AMENDMENT TO AMEND TITLE XI: BUSINESS REGULATIONS; CHAPTER 114: SHORT-TERM RENTALS SECTIONS 114.02 DEFINITIONS, 114.03 REGISTRATION AND LICENSING REQUIRED, 114.04 REGISTRATION PROCESS AND PROCEDURE, 114.05 TYPES OF SHORT-TERM RENTALS, 114.06 REGULATIONS

THE CITY OF CHARLEVOIX ORDAINS:

Section 1: Title XI, Chapter 114, Section 114.02 Definitions of the City of Charlevoix Code is hereby amended to add the following definition of Sale and shall be placed under the list of definitions in alphabetical order and shall read as follows:

Sale: The General Property Tax Act, MCL 211.27a "transfer of ownership" as defined in Section 6(a)-(k).

Section 2: Title XI, Chapter 114, Section 114.02 Definitions of the City of Charlevoix Code is hereby amended to modify the definition of Short term rental and shall read as follows:

Short-term rental ("STR"): The rental of a dwelling unit for compensation for a term of 1 to 29 interrupted or uninterrupted nights per year in the R-1 and R-2 zoning districts.

Section 3: Title XI, Chapter 114, Section 114.03 Registration and Licensing Required items (A), (B), and (F) subsection 6. of the City of Charlevoix Code shall be repealed and replaced and shall read as follows:

- A. All dwelling units shall be registered and licensed with the City as stipulated in this chapter.
- B. The advertisement or rental of an unregistered dwelling unit is prohibited.
- F.6. A statement indicating how many days it was rented in the previous calendar year; and

Section 4: Title XI, Chapter 114, Section 114.04 Registration Process and Procedure item (A) and its subsections are hereby repealed, items B-E shall be renumbered accordingly.

Section 5: Title XI, Chapter 114, Section 114.05, Types of Short-Term Rentals items (B) subsections 1 and 2 shall be amended and shall read as follows and subsection (3) shall be added and read as follows:

- B. Business units. Business units may be rented without restriction on days rented per year.
 - 1. Council shall establish a cap on the number of business units of primary residences to be allowed within the R-1 and R-2 zones through a resolution adopted by Council. The initial cap shall be set at 80 business units.
 - 2. The cap shall be reconsidered by Council as needed by the direction of the City Council.
 - 3. Only one STR license shall be issued per parcel that contains both a principle residence and an ADU. Upon notification of the Enforcement Officer, a STR license that was issued for a primary dwelling may be used as a secondary legal dwelling unit (ADU) that meets all applicable requirements of the zoning ordinance. At no time shall more than one dwelling unit on a parcel be used as a STR during the same time period.

Section 6. Title XI, Chapter 114.05, Types of Short-Term Rentals item (C) subsections 1. 2. and 3. shall be added under letter (B) Business units and shall read as follows:

- C. Accessory Dwelling Units (ADUs). ADUs constructed after February 1, 2024, may be rented without restriction on days rented per year.
 - 1. STR ADUs will be separated by a minimum of 300 feet on each street face per City block.
 - 2. STR ADUS will meet all other Zoning Ordinance standards of Section 153.116 Accessory Buildings and Uses
 - 3. STR ADUs shall not be capped in number across the City with the exception of (C.) (1.) above.

Section 7: Title XI, Chapter 114.06, Regulations item (K) Inspections and conditions shall be repealed and replaced and shall read as follows:

- K. Inspections and conditions. Upon original application and/or upon written complaint, the Enforcement Officer may make periodic inspections of a short-term rental using the standards of the International Property Maintenance Code as adopted by the City to ensure continuing compliance with the approval standards specified in this chapter. In addition, the Enforcement Officer may

impose reasonable conditions on a registration issued under this chapter which are reasonably necessary to ensure compliance with the approval standards provided in this chapter.

SECTION 8. Severability

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

SECTION 9. Effective Date

This Ordinance shall become effective thirty (30) days after its enactment pursuant to the City Charter.

Ordinance No. 846 was adopted on the 4th day of March 2024 A.D., by the Charlevoix City Council as follows:

Motion by seconded by to approve Ordinance Amendment 846 of 2024 as presented.

Yeas: Hagen, Cole, Parr, Spring, Knapp

Nays: Kalbfell

Absent: None

Motion carried.

State of Michigan } §

City of Charlevoix

Sarah J. Dvoracek Clerk Lyle Gennett Mayor

CERTIFICATION

I, the undersigned, the City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 846 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on March 4, 2024, the original of which is on file in the Clerk's office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1976.

Dated: 03/04/2024

Sarah J. Dvoracek, City Clerk