

Milton Township Board

Special Meeting

Thursday, April 24, 2025 at 10:00 am

Agenda

1. Call to order
2. STR update from zoning
3. Land Division Ordinance Review
4. Public Comment
5. Adjourn

Memo

Date: 3/25/25

To: Sara Kopriva

From: Kate Glancy

Subject: Proposed Milton Township Short-Term Rental Ordinance

We have reviewed the Milton Township Short-Term Rental (STR) Ordinance and compared it with similar ordinances from Solon Township, Suttons Bay, and Elmwood Township, as well as taken special consideration of the proposed 1,000 foot spacing requirement between rentals.

- **Milton Township Ordinance** generally has stronger regulations than the others but remains comparable overall. The **1000-foot requirement** in Milton Township, which is not included in many of the other ordinances. Milton also lacks a set number of permits, where most other municipalities limit the total amount of rentals.

Common Regulations:

- All ordinances reviewed include similar regulations regarding **maximum number of occupants, parking requirements, pet restrictions, and noise control**. These aspects are crucial in maintaining neighborhood harmony and preventing overuse of properties.

Additional Regulations:

- Milton Township does not have specific regulations regarding **campfires and boat usage**, which are included in the other municipalities' ordinances.

Violation and Enforcement:

- **Appeals Process:** All municipalities provide a process for appealing violations, which is a common feature that ensures fairness and transparency in enforcement.
- **Violation Fees:** Milton Township has a **higher violation fee** compared to other municipalities. However, this fee is generally a **one-time fee**, whereas the others typically impose a **daily fee** for each day the violation persists. The daily fee structure in other areas incentivizes prompt resolution of violations and can serve as a stronger deterrent.

Permit Cap and Definitions:

- One potential gap in Milton Township's ordinance is the **absence of a cap on the total number of STR permits** issued each year. In contrast, other municipalities typically limit the number of permits issued annually, which helps regulate the density of STRs in certain areas. Additionally, the ordinance could benefit from

more precise definitions, such as defining "**special events**", which are not allowed but currently lack clarity.

Enforcement Practices:

- Elmwood Township has implemented a **Granicus Hotline** for enforcement, allowing neighbors to report violations by phone, text, or photos, which can be used as evidence. This system could relieve some of the burden on the Zoning Administrator (ZA) by streamlining complaint management and providing more direct oversight.

Recommendations:

1. **Clarify Special Events Definition:** It would be advisable for Milton Township to define "**special events**" within the ordinance to prevent ambiguity regarding what constitutes an event that could impact the community.
2. **Consider Permit Cap:** Milton Township should consider implementing a **cap on the total number of STR permits** issued annually to avoid over-concentration of rentals in specific areas. This approach is already in place in some surrounding municipalities and could help regulate the market and maintain neighborhood quality.
3. **Explore Elmwood Township's Hotline Model:** The **Granicus Hotline** model implemented by Elmwood Township is an innovative approach that could reduce the administrative burden on the ZA while providing neighbors with a convenient and effective tool to report violations. It would be beneficial to speak with someone at Elmwood Township to understand the system's effectiveness and how it could be adapted to Milton Township.

Overview of Proposed 1,000 Foot Spacing Requirement:

- **Milton Township Proposal:**
The Milton Township Short-Term Rental (STR) ordinance includes a provision that no STR may be located within 1,000 feet of another STR. This measure aims to manage the density of STRs in residential areas and protect the character of neighborhoods.

Additional Research Findings:

- **East Bay Township (2023):**
East Bay Township amended their STR ordinance to include a 1,000-foot spacing requirement between STRs.
 - The ordinance defines the 1,000 feet as being measured from the address point of each property, as established by the Grand Traverse County Equalization Department.
 - The rule applies to new or renewed licenses but does not apply retroactively to existing licenses unless they expire, are terminated, or are voided.

- **Fabius Township (St. Joseph County, 2024):**
Fabius Township also adopted a 1,000-foot spacing requirement for STRs in 2024, following similar concerns about STR density in desirable neighborhoods.
- **City of Marquette (2023):**
The City of Marquette modified its ordinance to restrict STRs to one per city block, with a minimum spacing of 500 feet between rentals. This reflects a similar concern about over-saturation of rentals in popular areas.

Municipalities' Concerns:

- The municipalities cited above all expressed concerns about STR density in high-demand areas, particularly near beaches, parks, or other vacation hotspots. These areas were identified as being at risk of becoming overrun with rentals, which could negatively impact the character of these neighborhoods and potentially reduce the availability of long-term housing options.

Considerations for Milton Township's Proposal:

- **Support for Spacing Requirement:**
 - The 1,000-foot spacing rule has been adopted by several municipalities with similar concerns and could be a useful tool for Milton Township to manage STR density.
 - The rule has been successful in addressing the concerns of over-saturation in desirable areas without significantly impacting existing STR operations.
- **Retroactive Application Risk:**
 - **Legal Consideration:** East Bay Township did not apply the 1,000-foot requirement retroactively, limiting its application to new or renewed licenses. Attempting to apply this rule to existing rentals could expose Milton Township to legal challenges, particularly from property owners who may argue that it constitutes an unlawful taking or unfairly limits their property rights.

Conclusion and Recommendation:

- **Supporting the 1,000-foot Spacing Requirement:**
Milton Township's proposed spacing requirement aligns with trends in neighboring municipalities that seek to manage STR density in high-demand areas.
- **Caution Regarding Retroactive Application:**
It is recommended that Milton Township apply the 1,000-foot spacing rule prospectively to new and renewed STR licenses, similar to East Bay Township's approach. This would help avoid potential legal exposure and provide clarity for existing STR operators.