

TOWNSHIP OF FABIUS
ST. JOSEPH COUNTY, MICHIGAN

ORDINANCE NO. DRAFT

ZONING ORDINANCE TEXT AMENDMENTS

ADOPTED: _____, 2024

EFFECTIVE: _____, 2024

An ordinance to recognize the Township's adoption of a short-term rental ordinance and to incorporate it by reference into the Zoning Sections in which it applies to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF FABIUS
ST. JOSEPH COUNTY, MICHIGAN

ORDAINS:

SECTION 1

AMENDMENTS TO DEFINITIONS SECTION

Chapter 46 "Zoning" Article 1 "In General" Section 46-3 is hereby amended by adding the following phrase and definition in the correct alphabetical order as follows:

"Short Term Rental. This term is as defined in the Fabius Township Short Term Rental Ordinance, Ordinance No. , as amended. All short-term rentals shall comply with the provisions of the Fabius Township Short Term Rental Ordinance".

Bed and Breakfast An accommodation offered by an inn, hotel or especially a private home consisting of a room for the night and breakfast the next morning, for one inclusive price.

Caretaker A person in charge of the care and maintenance of a building, residence, estate, etc.

Dwelling Unit means a building or structure that is used exclusively or primarily for human habitation and which provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation and is a recognized legal dwelling

unit under the Fabius Township Zoning Ordinance, Chapter 46 "Zoning", Article 1 "In General", Section 46-3 "Definitions".

Family. One or more persons living together and related by the bonds of consanguinity, marriage, or adoption together with live-in help for the principal occupants and not more than one additional unrelated person, with all such individuals being domiciled together as a single, domestic housekeeping unit in the dwelling.

Habitable Areas. A space in a building constructed for and used as living, sleeping, eating or cooking space for human habitation. For purposes of this ordinance (only), bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered to be habitable spaces.

A. In order to qualify for short-term rental, a single-family dwelling shall meet the following minimum habitable area:

- Each habitable room shall have a minimum floor area of at least 70 square feet.
- Each wall in a habitable room must be at least 7 feet in any horizontal dimension.
- Portions of a room with a sloping ceiling measuring less than 5 feet or a furred ceiling measuring less than 7 feet from the finished floor to the finished ceiling shall not be considered as contributing to the calculation for minimum required habitable area for that room.
- All habitable space and all hallways and portions of basements in Short-Term rental dwellings used to access the habitable space shall have a ceiling height of not less than 7 feet.

Local Agent An individual designated to oversee the Short-Term Rental of a dwelling unit and to respond to calls and complaints at any time of the day or night from renters, citizens, and township representatives within 30 minutes of such calls.

Owner. A person or legal entity authorized to do business in the State of Michigan holding legal or equitable title to a Single-Family Dwelling. The local agent may be designated by the Owner to receive notice under this ordinance.

Rent or Rental. The permission, provision, or offering of possession or occupancy of a Single-Family Dwelling with some type of remuneration paid to the

Owner for a period of time to a person who is not the Owner, pursuant to a written or verbal agreement.

Short-Term Rental. The Rental or subletting of a Single-Family Dwelling for compensation for a term of at least three (3) but not more than ninety (90) nights to the same individual or family includes the:

- a. rentals for less than three (3) nights are not allowed as Short-Term Rentals.
- b. A short-term rental shall include any single-family residence rented or subletted for more than 30 total calendar days in a year by more than one family or group.
- c. Short Term rental is considered a commercial business. However, the following shall not be considered Short-Term Rentals for purposes of this Ordinance:
 - bed and breakfast establishments
 - motels
 - resorts
 - campgrounds
 - transitional houses operated by a charitable or government organization.
 - group homes such as nursing homes and adult-foster- care homes
 - substance-abuse rehabilitation clinics
 - mental-health facilities
 - other similar healthcare related facilities.
 - rental of a single-family dwelling for more than ninety (90) days per calendar year to the same tenant or family.

Single-Family Dwelling. A "Single-Family Dwelling" is a dwelling occupied by 1 family, and so designed and arranged as to provide cooking and kitchen accommodations for 1 family only. (See definition of family in this Ordinance).

SECTION 2

AMENDMENTS TO PERMITTED USES IN RESIDENTIAL DISTRICTS

- A. Amendment to Chapter 46 “Zoning”, Article IV District Regulations, Division 2 “AG Agricultural District”, Section 46-223 Permitted Use is hereby amended by the addition of a new subsection identified as “(9)” to read as follows:

“(9) Licensed and Approved Short Term Rentals so long as less than forty (40) total short term rental licenses are currently approved in Fabius Township; and not within one-thousand (1000) feet (measured property line to property line) of any other short-term rental. Short Term Rentals must be licensed and be in compliance with the Fabius Township Short Term Rental Ordinance, Ordinance No. [REDACTED], as amended”.

- B. Amendment to Chapter 46 “Zoning”, Article IV “District Regulations”, Division 3 “Single Family Residential Districts” Subdivision II “R-1 Rural Residential Districts”, Section 46-268 “Permitted Uses” is hereby amended by the addition of a new subsection designated “(9)” to read as follows:

“(9) Licensed and Approved Short Term Rentals so long as less than forty (40) total short term rental licenses are currently approved in Fabius Township; and not within one-thousand (1000) feet (measured property line to property line) of any other short-term rental. Short Term Rentals must be licensed and be in compliance with the Fabius Township Short Term Rental Ordinance, Ordinance No. [REDACTED], as amended”.

- C. Amendment to Chapter 46 “Zoning”, Article IV “District Regulations”, Division 3 “Single Family Residential Districts”, Subdivision III “R-2 Medium Density Residential District”, Section 46-290 “Permitted Uses” is hereby amended by the addition of a new subsection designated “(8)” to read as follows:

“(8) Licensed and Approved Short Term Rentals so long as less than forty (40) total short term rental licenses are currently approved in Fabius Township; and not within one-thousand (1000) feet (measured property line to property line) of any other short-term rental. Short Term Rentals must be licensed and be in compliance with the Fabius Township Short Term Rental Ordinance, Ordinance No. [REDACTED], as amended”.

- D. Amendment to Chapter 46 “Zoning”, Article IV “District Regulations”, Division 3 “Single Family Residential Districts” Subdivision IV “R-3 Low Density Residential District” Section 46-319 “Permitted Uses” is hereby amended by the addition of a new subsection identified as “(8)” to read as follows:

“(8) Licensed and approved Short Term Rentals so long as less than forty (40) total short term rental licenses are currently approved in Fabius Township; and not within one-thousand (1000 feet (measured property line to property line) of any other short-term rental. Short Term Rentals must be licensed and be in compliance with the Fabius Township Short Term Rental Ordinance, Ordinance No. [REDACTED], as amended”.

- E. Amendment to Chapter 46 “Zoning”, Article IV “District Regulations”, Division 3 “Single Family Residential Districts” Subdivision V “LR Lake Residential Districts” Section 46-347 “Permitted Uses” is hereby amended by the addition of a new subsection identified as “ (5)” to read as follows:

“(5) Licensed and approved Short Term Rentals so long as less than forty (40) total short term rental licenses are currently approved in Fabius Township; and not within one-thousand (1000 feet (measured property line to property line) of any other short-term rental. Short Term Rentals must be licensed and be in compliance with the Fabius Township Short Term Rental Ordinance, Ordinance No. [REDACTED], as amended”.

SECTION 3

AMENDMENT TO ARTICLE II, SECTION 46-47

Chapter 46 “Zoning”, Article II “Administration and Enforcement”, Division 1 “Generally”, Section 46-47 “Nonconforming lots, structures, and uses; repairs and maintenance; and changes of tenancy or ownership” , subsection “(g)” is hereby amended to read as follows:

“(i) *Special Rules for Short-Term Rentals.* By definition, short term rentals must be contained in a single-family dwelling. The use of a single-family dwelling as a short-term rental is contingent upon the receipt of a license therefore in accordance with the Fabius Township Short Term Rental Ordinance, Ordinance No. [REDACTED], as amended. The duration of a short-term rental is no more than one calendar year, contingent upon receipt of the license and adherence to the rules in that Ordinance. As such, short term rentals cannot be deemed to be lawful nonconforming uses (except as is authorized in the Short-Term Rental Ordinance of the Township). A short -term rental or former short-term rental that does not have a current license is a single-family residential structure and use.”

SECTION 4

SEVERABILITY

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION 5

EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect on the 8th day following publication, after adoption by the Township Board. [MCL125.3401]. All ordinances or parts of ordinances in conflict herewith are repealed.

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