



# PLANNING COMMISSION MEETING

## AGENDA – January 11, 2022

Mason City Hall, 201 W. Ash Street, Mason, MI  
Sycamore Room 1<sup>st</sup> Floor, 6:30 p.m.

---

1. OATH OF OFFICE
2. CALL TO ORDER
3. CONFIRMATION OF MEMBER ATTENDANCE
4. ELECTION OF LEADERSHIP
5. PUBLIC COMMENT
6. APPROVAL OF MINUTES
  - A. Approval of Minutes from the Planning Commission Meeting on December 14, 2021.
7. PUBLIC HEARING
  - A. Resolution 2022-01A Recommending that the City Council Not Adopt Ordinance No. 238 – An Ordinance to amend the City of Mason ordinances Part II, Chapter 1, Section 1-2 and Part II, Chapter 94, Article VI, Section 94-192 (7)c to remove the requirement that the property owner reside on the premises of a bed and breakfast as long as the owner lives within the city limits or within a mile of the property.
8. UNFINISHED BUSINESS
9. NEW BUSINESS
  - A. Motion to direct staff to evaluate the creation of a business license to allow STRs in Mason and which zoning districts they should be allowed.
  - B. 2022 Meeting Schedule
10. LIAISON REPORT (12.20.21)
11. ADJOURNMENT

**CITY OF MASON  
PLANNING COMMISSION MEETING  
MINUTES OF DECEMBER 14, 2021  
DRAFT**

Sabbadin called the meeting to order at 6:30 p.m. in person at Mason City Hall.

**CONFIRMATION OF MEMBER ATTENDANCE**

		Present	Absent	Notes
Commissioner	Barna	X		
Commissioner	Bliesener	X		
Council Liaison	Clark	X		
Vice-Chair	Howe	X		
Commissioner	Kirkby		X	Notice given to staff
Commissioner	Perrault		X	Notice given to staff
Chair	Sabbadin	X		
Commissioner	Waxman	X		
Secretary	Wren	X		

Also present: Elizabeth A. Hude, AICP, Community Development Director, Thomas DeLaFuente, Youth Volunteer

**PUBLIC COMMENT**

None.

**APPROVAL OF MINUTES**

MOTION by Clark, second by Howe, to approve the Planning Commission meeting minutes from both the regular meeting on November 9, 2021 and the Joint CC/PC Master Plan workshop on November 16, 2021.

**VOTE**

Yes (6) Barna, Howe, Bleisener, Sabbadin, Waxman, Wren

No (0)

Absent (2) Kirkby, Perrault

**MOTION PASSED**

**PUBLIC HEARING**

A. Resolution 2021-08 Recommending that the City Council Adopt Ordinance No. 237 – an Ordinance to Amend the City of Mason Zoning Map to Rezone Property at 837 E. Ash Street (Parcel 33-19-10-09-252-007) from RS-1: Single Family Residential to RS-3: Single Family Residential.

OPEN: 6:33 p.m.

CLOSED: 6:33 p.m.

PUBLIC COMMENTS: NONE

MOTION by Clark, second by Howe, to approve Resolution 2021-08.

DISCUSSION: Commissioners briefly discussed the proposal, primarily asking questions about the differences between the two zoning districts and the number of lots with similar non-conforming issues. Staff explained the lot dimensional requirements for each district and that there is a City-wide analysis of non-conforming lots in progress as part of the master plan/zoning update.

VOTE

Yes (6) Barna, Howe, Bleisener, Sabbadin, Waxman, Wren

No (0)

Absent (2) Kirkby, Perrault

MOTION PASSED

**UNFINISHED BUSINESS**

Director Hude explained that the update to the Accessory Structure ordinance was being incorporated into the overall master plan/zoning ordinance update currently in progress. She also shared that she had received a request from a property owner interested in adding a carport adjacent to their home but could not due to the set-back limitations. She will be adding this to the accessory structure update for consideration by the PC/CC. Councilmember/Liaison Clark stated he supported changes that benefited property owners.

**NEW BUSINESS**

- A. Resolution 2021-09 Recommendation to City Council to Amend the Capital Improvement Program (2021-2027)

MOTION by Waxman, second by Howe, to approve Resolution 2021-09.

DISCUSSION: Staff confirmed that the basis for the change to the streets scheduled for work was due to school construction.

VOTE

Yes (6) Barna, Howe, Bleisener, Sabbadin, Waxman, Wren

No (0)

Absent (2) Kirkby, Perrault

MOTION PASSED

### **LIAISON REPORT**

Discussion took place regarding the Notice of Appointments and that the first meeting would be scheduled for the end of January.

Councilmember Clark provided an update of actions taken at the prior City Council meetings on November 15<sup>th</sup> and December 6<sup>th</sup>. He offered that the recent audit completed was available either on the website or by asking the City Manager for a copy. The City Manager Report was printed in the packet.

Meeting was adjourned at approximately 6:49 p.m.

---

Megan Wren, Secretary



## Staff Agenda Report: January 11, 2022 Planning Commission

<b>AGENDA ITEM 7A:</b>	<b>Resolution 2022-01A</b> - A Resolution recommending that the City Council not adopt Ordinance No. 238 – a request from Melissa Heiselt to amend the City of Mason ordinances Part II, Chapter 1, Section 1-2 and Part II, Chapter 94, Article VI, Section 94-192 (7)c by removing the requirement that the property owner reside on the premises of a bed and breakfast as long as the owner lives within the city limits or within a mile of the property.
<b>RECOMMENDED ACTION:</b>	Approve Resolution 2022-01A and direct staff to evaluate the impacts of allowing short-term rentals in the RM (Multiple Family Residential) Zoning District – see Agenda Item 9A.
<b>PROJECT ADDRESS:</b>	City of Mason
<b>APPLICANT/OWNER:</b>	Melissa Heiselt

### Authority

- [Section 94-392](#): An amendment to this chapter may be initiated by the city council, by the planning commission, or by petition of one or more persons having an interest in property within the jurisdiction of this chapter.
- [Section 94-396\(a\)](#): In reviewing any application for an amendment to this chapter, the planning commission shall identify and evaluate all factors relevant to the application, and report its finding in full along with its recommendations for disposition of the application, to the city council within 60 days of receipt of an application or proposed amendment.
- [Section 94-396\(b\)](#): All findings of fact shall be made a part of the public records of the meetings of the planning commission. The planning commission shall transmit its summary received at the public hearing and its recommended action to the city council.

**Public Notice:** In accordance with [Sec. 94-395](#) and [94-101](#), the public hearing notice was published in the Ingham County Community News Legal Section on Sunday, December 26, 2021, and notice was publicly posted in the window at City Hall. The agenda containing the matter was posted on Friday, January 7, 2022 in accordance with the Open Meetings Act. No additional notice required.

**Relation to Other Actions:** A first reading of Ordinance No. 238 was conducted at the regular City Council meeting on Monday, December 20, 2021. The Planning Commission will hold a public hearing on January 11, 2022, after which they will make a recommendation to City Council. City Council would conduct the second reading and consider adoption at their regular meeting on Monday, January 17, 2022. If adopted, the ordinance would go into effect on the date of its publication, anticipated to be Sunday, January 23, 2022.

**Submittal Criteria:** The applicant paid a fee of \$300, and together with the documents listed above, the application appears to satisfy the submittal requirements of [Sec. 94-393](#) and [Sec. 94-394](#).

**Review Criteria:** The applicant has submitted a Request for Zoning Text Amendment that appears to meet the requirements for approval.

### ATTACHMENTS:

- Proposed Resolution 2022-01A and B
- Ordinance No. 238 without tracked changes
- Ordinance No. 238 with tracked changes
- Permit Application

## PROJECT ANALYSIS

**HISTORY:** The applicant, Melissa Heiselt, inquired about using her property at 103 N. Jefferson as a bed and breakfast/AIRBNB. After learning that a Bed and Breakfast is allowed with a Special Use Permit as long as she remains on the premises, she filed an application for amending the ordinance to allow the use without the owner/operator being on the premises so long as the owner lives within the city limits or within a mile of the property.

**Master Plan:** The following goals and objectives are relevant to the proposal:

- Page 2-4: **Residential Development:** Establish a residential environment that recognizes the varied economic and family structure conditions of current and future residents while affording persons and families with healthy and stable surroundings that nurture personal growth; Prevent random commercial encroachment into established residential neighborhoods.
- Page 2-5: **Economic Development:** Explore the development of a bed and breakfast program to further encourage tourist trade, while protecting the desirability of nearby neighborhoods.

## REVIEW CRITERIA:

Per [Sec. 94-396\(a\)](#), the planning commission shall identify and evaluate all factors relevant to the application, and shall report its finding in full along with its recommendations for disposition of the application, to the city council within 60 days of receipt of an application or proposed amendment.

STATUS/NOTE	REQUIREMENT
SEE RECOMMENDATION	(1) Compliance with the Master Plan of the City.
As referenced above, the Master Plan supports expanding Bed and Breakfast service as it is currently defined with the property owner residing on the premises. Ordinance 138 is a text amendment which modifies the definition of a Bed and Breakfast. While the proposed removal of the requirement for the property owner to reside on the premises does not preclude a property owner from operating a traditional Bed and Breakfast, it does open up the possibility for a home to be used as a short-term rental (STR) without the traditional Bed and Breakfast hospitality service on-site. The transient and commercial nature of a short-term rental is not consistent with the goals and objectives for Residential Development that call for stable surroundings and to prevent encroachment of random commercial activity. While Bed and Breakfasts do serve a transient clientele, the owner's presence provides stability, assures the property is maintained, and serves as a deterrent for nuisance activities that could impact surrounding property owners. While not as effective as residing on site, the requirement that the property owner reside within the City limits or one mile of the property improves the ability of the City to address nuisance complaints when compared to properties owned or managed by individuals or companies without a local address.	
<i>Staff recommends that the impact of STRs be evaluated with the potential to allow them in RM and Commercial Zoning Districts with enhanced provisions to mitigate and enforce nuisance issues; see Agenda Item 9A for discussion</i>	
MEETS	(2) What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?
Market conditions have changed resulting in an increase in demand for short-term rental options.	
MEETS	(3) What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?
There is no known error of this sort.	
SEE RECOMMENDATION	(4) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
Short-term rentals are currently defined separately and allowed in C-1 with a Special Use Permit per <a href="#">Sec. 94-191(11)</a> . By removing the requirement for owner operation, the precedent will be set for allowing short-term rentals in all zoning districts that allow Bed and Breakfasts which include ( <a href="#">click here for Zoning Map</a> ):	
• RS-1, RS-2, RS-3, R2F, RM Residential Districts: Special Use Permit Required	

- O-2 Specialized Office District: Special Use Permit Required
- C-1, C-2, C-3 Commercial Districts: By right

This precedent may result in the effect of a potential increase in properties in the districts listed above being acquired and converted to short-term rentals under the Bed and Breakfast use classification.

*Staff recommends that the impact of STRs be evaluated with the potential to allow them in RM and Commercial Zoning Districts with enhanced provisions to mitigate and enforce nuisance issues; see Agenda Item 9A for discussion*

#### MEETS

(5) What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonable be required in the future if the petition is approved?

The zoning districts listed above are already developed and served adequately by public services and facilities.

#### SEE RECOMMENDATION

(6) Does the proposed amendment adversely affect the value of the surrounding property?

An adverse impact is one that creates a negative impact. The impacts of short-term rentals without an owner residing on the property are the subject of much debate. Currently the Michigan Legislature is evaluating this issue. ([Click here for article from Michigan Advance, dated November 6, 2021](#) – a copy is provided with Agenda Item 9A).

Potential adverse effects on surrounding properties have been observed in other communities which include an increase in nuisance complaints related to noise and trash, and a decrease in affordable housing for longer term residents, and a decline in the character of the traditional neighborhoods. Through Site Plan Review and the Special Use Permit (SUP), the City has the ability to add conditions for approval which may help to mitigate impacts to adjacent property owners as specified in the City Ordinance [Sec. 94-191 Uses Authorized by Special Use Permit](#).

While not as effective as residing on site, the requirement that the property owner reside within the City limits or one mile of the property improves the ability of the City to address nuisance complaints when compared to properties owned or managed by individuals or companies without a local address.

*Staff recommends that the impact of STRs be evaluated with the potential to allow them in RM and Commercial Zoning Districts with enhanced provisions to mitigate and enforce nuisance issues; see Agenda Item 9A for discussion.*

#### MEETS

(7) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built? Examples include:

a. Surface water drainage problems.

b. Wastewater disposal problems.

c. Adverse effect on surface or subsurface water quality.

d. The loss of valuable natural resources such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land.

Staff is not aware of any significant environmental impacts to the examples above that would result from the proposed Ordinance 238. Impacts associated with individual properties would be evaluated during the Site Plan Review/SUP process.

#### MEETS

(8) The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located.

By removing the requirement that the owner reside on the premises, Ordinance 238 may increase the ability of properties to be used for a Bed and Breakfast business by community members that live within the city limits of Mason or within one mile of the Bed and Breakfast if outside of the city limits.

#### COMMENTS FROM AGENCIES

No comments were received.

**ACTION:** The Planning Commission has the following options:

- Motion to approve Resolution 2022-01A recommending City Council not adopt Ordinance 238,
- Motion to approve Resolution 2022-01B recommending City Council adopt Ordinance 238,
- Continue to a future meeting date and time in order to obtain additional information (be specific),
- Amendments to the petition:
  - It is common practice to permit minor non-substantive revisions to an amendment during the hearing/deliberation process. It is generally recommended that if the revision is substantive, the PC should hold a second hearing on the revised version. City Council would do a first/second reading of the revised version.
  - The PC can work with an applicant at the public hearing on amendment, but the PC cannot force a change in the applicant's proposed amendment. Any change must be mutually supported and the meeting minutes should document the acceptance of any revision by the applicant.
  - The PC can recommend denial of the applicant's amendment, but then also recommend an alternative version to the CC.



CITY OF MASON  
PLANNING COMMISSION  
RESOLUTION No. 2022-01A

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL NOT ADOPT ORDINANCE NO. 238 –  
AN ORDINANCE TO AMEND THE CITY OF MASON ORDINANCES PART II, CHAPTER 1, SECTION 1-2 AND PART II,  
CHAPTER 94, ARTICLE VI, SECTION 94-192(7)C TO REMOVE THE REQUIREMENT THAT THE PROPERTY OWNER RESIDE  
ON THE PREMISES OF A BED AND BREAKFAST AS LONG AS THE OWNER RESIDES WITHIN THE CITY LIMITS  
OR WITHIN A MILE OF THE PROPERTY.**

**JANUARY 11, 2022**

**WHEREAS**, Melissa Heiselt, has requested an amendment to the City of Mason Ordinances Part II, Chapter 1, Section 1-2 and Part II, Chapter 94, Article VI, Section 94-192 (7)(c) to remove the requirement that the property owner reside on the premises of a bed and breakfast as long as the owner resides within the city limits or within a mile of the property, and

**WHEREAS**, a public hearing on the request was noticed and held at the Planning Commission's regular meeting of January 11, 2022, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code; and,

**WHEREAS**, the Planning Commission accepts the Staff Report dated January 6, 2022, as findings of fact finds that proposed Ordinance is not consistent with all of the relevant criteria of Section 94-396(a).

**NOW THEREFORE BE IT RESOLVED**, that the City of Mason Planning Commission does hereby recommend that City Council not adopt the proposed Ordinance No. 238 – City of Mason Ordinances Part II, Chapter 1, Section 1-2 and Part II, Chapter 94, Article VI, Section 94-192 (7)(c) to remove the requirement that the property owner reside on the premises of a bed and breakfast as long as the owner resides within the city limits or within a mile of the property.

The foregoing Resolution was moved for adoption by Planning Commissioner \_\_\_\_\_ and seconded by Planning Commissioner \_\_\_\_\_ and declared adopted by the following vote:

Yes ( )

No ( )

Absent ( )

RESOLUTION DECLARED XXXXXX

STATE OF MICHIGAN)

:SS.

COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk of the City of Mason, County of Ingham, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolutions adopted by the Planning Commission of the City of Mason at a regularly scheduled meeting held on Tuesday, January 11, 2022, pursuant to the Michigan Open Meetings Act, the original of which is on is file in my office as part of the minutes.

IN WITNESS WHEREOF, I have hereunto set my official signature, this \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Sarah J. Jarvis, City Clerk  
City of Mason, Ingham County, Michigan

CITY OF MASON  
PLANNING COMMISSION  
RESOLUTION No. 2022-01B

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 238 –  
AN ORDINANCE TO AMEND THE CITY OF MASON ORDINANCES PART II, CHAPTER 1, SECTION 1-2 AND PART II,  
CHAPTER 94, ARTICLE VI, SECTION 94-192(7)C TO REMOVE THE REQUIREMENT THAT THE PROPERTY OWNER RESIDE  
ON THE PREMISES OF A BED AND BREAKFAST AS LONG AS THE OWNER RESIDES WITHIN THE CITY LIMITS  
OR WITHIN A MILE OF THE PROPERTY.**

**JANUARY 11, 2022**

WHEREAS, Melissa Heiselt, has requested an amendment to the City of Mason Ordinances Part II, Chapter 1, Section 1-2 and Part II, Chapter 94, Article VI, Section 94-192 (7)(c) to remove the requirement that the property owner reside on the premises of a bed and breakfast as long as the owner resides within the city limits or within a mile of the property, and

WHEREAS, a public hearing on the request was noticed and held at the Planning Commission's regular meeting of January 11, 2022, with testimony given and public comment solicited in accordance with Section 94-101 of the Mason Code; and,

WHEREAS, the Planning Commission accepts the Staff Report dated January 6, 2022, as findings of fact finds that proposed Ordinance is consistent with all of the relevant criteria of Section 94-396(a).

NOW THEREFORE BE IT RESOLVED, that the City of Mason Planning Commission does hereby recommend that City Council not adopt the proposed Ordinance No. 238 – City of Mason Ordinances Part II, Chapter 1, Section 1-2 and Part II, Chapter 94, Article VI, Section 94-192 (7)(c) to remove the requirement that the property owner reside on the premises of a bed and breakfast as long as the owner resides within the city limits or within a mile of the property.

The foregoing Resolution was moved for adoption by Planning Commissioner \_\_\_\_\_ and seconded by Planning Commissioner \_\_\_\_\_ and declared adopted by the following vote:

Yes ( )

No ( )

Absent ( )

RESOLUTION DECLARED XXXXXX

STATE OF MICHIGAN)

:ss.

COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk of the City of Mason, County of Ingham, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolutions adopted by the Planning Commission of the City of Mason at a regularly scheduled meeting held on Tuesday, January 11, 2022, pursuant to the Michigan Open Meetings Act, the original of which is on is file in my office as part of the minutes.

IN WITNESS WHEREOF, I have hereunto set my official signature, this            day of            2022.

---

Sarah J. Jarvis, City Clerk  
City of Mason, Ingham County, Michigan

**CITY OF MASON  
ORDINANCE NO. 238**

**AN ORDINANCE TO AMEND THE CITY OF MASON ORDINANCES PART II, CHAPTER 1, SECTION 1-2 AND PART II, CHAPTER 94, ARTICLE VI, SECTION 94-192(7)C TO REMOVE THE REQUIREMENT THAT THE PROPERTY OWNER RESIDE ON THE PREMISES OF A BED AND BREAKFAST AS LONG AS THE OWNER RESIDES WITHIN THE CITY LIMITS OR WITHIN A MILE OF THE PROPERTY.**

**January 17, 2022**

**THE CITY OF MASON ORDAINS:**

Part II, Sec 1-2 Definitions of the Mason City Code is hereby amended by deleting the requirement that the owner occupy the premises, which amended, the article shall read as follows:

**Part II Code of Ordinances**

**Chapter 1 Sec 1-2. Definitions**

*Bed and breakfast* means a residential structure that meets the provisions of section 94-192(7) of this chapter.

Part II, Chapter 94, Article VI, Section 192(7)c of the Mason City Code is hereby amended by deleting the requirement that the property owner reside on the premises and adding the requirement that the owner live within the city limits or within a mile of the property, which amended, the article shall read as follows:

**Chapter 94 Zoning**

**Part II, Chapter 94, Article VI, Section 192 Listed special uses**

(7) Bed and breakfast. It is the intent of this section to provide standards for the utilization of the older large residential structures located in older neighborhoods of the city as bed and breakfast accommodations for tourists while maintaining the character of the surrounding neighborhoods. Bed and breakfast accommodations are subject to the following requirements:

a. Meals shall only be served to residents, the guests of residents, employees, family members and overnight guests. There shall be no food preparation in any guest sleeping room. Restaurant type operation is prohibited.

b. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited including gift shops, antique shops, restaurants, and bakeries.

c. Each premises must be occupied and operated by its owner whose principal residence shall be no more than one mile from the premises or within city limits. The dwelling unit in which the bed and breakfast operations take place shall be the principal residence of the operator, who shall live on the premises while the operation is active. When the owner's primary residence is the bed and breakfast, the living area for the owner/operator may be separated from the guest rooms. No more than six transient/guest rooms shall be provided.

d. Only one sign shall be allowed for identification purposes only. Such sign shall be non-illuminated and unanimated, be mounted flat against the wall of the principal building or freestanding, and not exceed

four square feet in area. The planning commission, in its sole discretion, shall approve the indirect lighting of any sign on the site.

e. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.

f. Additions or modifications to a structure for the purpose of accommodating additional guests shall be allowed only if such additions or modifications maintain the character of the buildings on, and within the neighborhood of, the property operating a bed and breakfast. Physical modifications to the structure may be permitted including the provision of barrier free access in order to meet building code requirements.

g. Meals for bed and breakfast patrons shall be prepared using the same kitchen facilities as are used for the residents. Kitchen facilities shall comply with all appropriate city, county and state regulations.

h. One off-street parking space per room to be rented shall be provided, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

i. All sleeping rooms in the bed and breakfast shall be provided in accordance with the Michigan Residential Code promulgated pursuant to MCL 125.1504 and the additional requirements of MCL 125.1504b.

j. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping rooms are located.

k. Bed and breakfast bedrooms shall be a minimum of 120 square feet for the first two occupants and an additional 30 square feet for each additional occupant in that bedroom.

l. One bathroom group for every three sleeping rooms shall be provided, with a minimum of two bathrooms for the exclusive use of bed and breakfast guests.

m. The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.

n. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast, which list shall be available for inspection by the zoning official.

o. The bed and breakfast use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.

p. All dimensional requirements and setbacks shall be maintained for the district in which the bed and breakfast is located. No unique or special equipment or mechanical devices shall be permitted that are not common for single-family dwelling use.

**Sunset Provision.** None.

**Effective Date.** This ordinance shall take effect immediately upon publication of the notice of adoption in a newspaper of general circulation within the city.

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_\_ and supported by Council Member \_\_\_\_\_, with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022. Ordinance No. 238 declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Russell Whipple, Mayor

\_\_\_\_\_  
Sarah J. Jarvis, City Clerk  
City of Mason, Ingham County, State of Michigan

Introduced/First Reading:  
Second Reading/Adopted:  
Publication:  
Effective Date:

CITY OF MASON  
ORDINANCE NO. 238

AN ORDINANCE TO AMEND THE CITY OF MASON ORDINANCES PART II, CHAPTER 1, SECTION 1-2 AND PART II, CHAPTER 94, ARTICLE VI, SECTION 94-192(7)C TO REMOVE THE REQUIREMENT THAT THE PROPERTY OWNER RESIDE ON THE PREMISES OF A BED AND BREAKFAST AS LONG AS THE OWNER RESIDES WITHIN THE CITY LIMITS OR WITHIN A MILE OF THE PROPERTY.

January 17, 2022

THE CITY OF MASON ORDAINS:

Part II, Sec 1-2 Definitions of the Mason City Code is hereby amended by deleting the requirement that the owner occupy the premises, which amended, the article shall read as follows:

Part II Code of Ordinances

Chapter 1 Sec 1-2. Definitions

*Bed and breakfast* means ~~an owner-occupied a~~ residential structure that meets the provisions of section 94-192(7) of this chapter.

Part II, Chapter 94, Article VI, Section 192(7)c of the Mason City Code is hereby amended by deleting the requirement that the property owner reside on the premises and adding the requirement that the owner live within the city limits or within a mile of the property, which amended, the article shall read as follows:

Chapter 94 Zoning

Part II, Chapter 94, Article VI, Section 192 Listed special uses

(7) Bed and breakfast. It is the intent of this section to provide standards for the utilization of the older large residential structures located in older neighborhoods of the city as bed and breakfast accommodations for tourists while maintaining the character of the surrounding neighborhoods. Bed and breakfast accommodations are subject to the following requirements:

a. Meals shall only be served to residents, the guests of residents, employees, family members and overnight guests. There shall be no food preparation in any guest sleeping room. Restaurant type operation is prohibited.

b. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited including gift shops, antique shops, restaurants, and bakeries.

c. Each premises must be ~~occupied and~~ operated by its owner ~~whose principal residence shall be no more than one mile from the premises or within city limits. The dwelling unit in which the bed and breakfast operations take place shall be the principal residence of the operator, who shall live on the premises while the operation is active. When the owner's primary residence is the bed and breakfast,~~ ~~the~~ living area for the owner/operator may be separated from the guest rooms. No more than six transient/guest rooms shall be provided.

d. Only one sign shall be allowed for identification purposes only. Such sign shall be non-illuminated and unanimated, be mounted flat against the wall of the principal building or freestanding, and not exceed

Formatted: Font: (Default) +Body (Calibri), 11 pt, Highlight

Formatted: Font: (Default) +Body (Calibri), Highlight

four square feet in area. The planning commission, in its sole discretion, shall approve the indirect lighting of any sign on the site.

e. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.

f. Additions or modifications to a structure for the purpose of accommodating additional guests shall be allowed only if such additions or modifications maintain the character of the buildings on, and within the neighborhood of, the property operating a bed and breakfast. Physical modifications to the structure may be permitted including the provision of barrier free access in order to meet building code requirements.

g. Meals for bed and breakfast patrons shall be prepared using the same kitchen facilities as are used for the residents. Kitchen facilities shall comply with all appropriate city, county and state regulations.

h. One off-street parking space per room to be rented shall be provided, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

i. All sleeping rooms in the bed and breakfast shall be provided in accordance with the Michigan Residential Code promulgated pursuant to MCL 125.1504 and the additional requirements of MCL 125.1504b.

j. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping rooms are located.

k. Bed and breakfast bedrooms shall be a minimum of 120 square feet for the first two occupants and an additional 30 square feet for each additional occupant in that bedroom.

l. One bathroom group for every three sleeping rooms shall be provided, with a minimum of two bathrooms for the exclusive use of bed and breakfast guests.

m. The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.

n. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast, which list shall be available for inspection by the zoning official.

o. The bed and breakfast use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.

p. All dimensional requirements and setbacks shall be maintained for the district in which the bed and breakfast is located. No unique or special equipment or mechanical devices shall be permitted that are not common for single-family dwelling use.

**Sunset Provision.** None.

**Effective Date.** This ordinance shall take effect immediately upon publication of the notice of adoption in a newspaper of general circulation within the city.

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_\_ and supported by Council Member \_\_\_\_\_, with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022. Ordinance No. 238 declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Russell Whipple, Mayor

\_\_\_\_\_  
Sarah J. Jarvis, City Clerk  
City of Mason, Ingham County, State of Michigan



# APPLICATION REQUEST FOR ZONING AMENDMENT

**RECEIVED**  
**DEC 06 2021**  
CITY OF MASON  
CUSTOMER SERVICE

Please complete the information requested below. The full text describing the process and basis for approvals of requests for zoning amendments can be found in Chapter 94 – Zoning, Article XII Amendments – [click here](#).

## Part 1 - Applicant Information:

Name: Melissa L. Heiselt

Organization: \_\_\_\_\_

Address: 103 N. Jefferson St. Mason, MI 48854

Telephone Number: 517-488-8050

E-mail: melheiselt@gmail.com

Interest in Property (owner, tenant, option, etc.): owner

*Note: If the applicant is anyone other than owner, request must be accompanied by a signed letter of authorization from the owner along with the owner's contact information.*

## Part 2 – Request for Zoning Amendment

☒ Zoning Text Amendment – Proceed to Part 3 ☐ Zoning Map Amendment (Re-zoning) – Proceed to Part 4

Please briefly summarize your request below. Attach separately a narrative that clearly describes the reason for your request and how you believe it meets the matters to be considered listed in Sec. 94-396(a)(1) through (8) of the City of Mason ordinance, listed at the end of this application package.

Amend the RM Zoning language to adjust the regulation in Sec 94-192 (7) c. that currently state

bed and breakfasts be owner occupied during rental, allowing for such use in a property  
as long as the owner lives within city limits or within a mile of the property.

### APPLICANT CERTIFICATION

By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant a right of entry to City officials for the purpose of inspecting the premises to determine compliance with the requirements of the zoning code district requested by the applicant and compliance with conditions precedent to the granting of the zoning district change/text amendment requested.

Signature: \_\_\_\_\_

Date: 12/3/2021



RECEIVED

DEC 06 2021

CITY OF MASON  
PLANNING DEPT.**Part 3 – Zoning Text Amendment****Draft of Zoning Text**

Please attach separately a draft of the zoning text as you wish for it to be amended and send a copy via email in electronic format. Changes to the existing ordinance should be 'tracked and highlighted' to show where changes are being proposed. Staff will format the draft into an ordinance that will be presented to the Planning Commission and City Council.

**Part 4 – Zoning Map Amendment****Property Legal Description**

This information can be found on your property survey or in the assessor's record of your property.

Property address: 103 N. Jefferson St. Mason MI 48854 Parcel #: 33-19-10-05-481-015

If in a subdivision: Subdivision Name: N/A Lot Number: 132

If Metes and Bounds, attach a copy of the full legal description.

**Site Area**

Indicate the size of the site subject to the request for change of zoning:

In square feet (if under one (1) acre): 7458.61 In acres (if over one (1) acre): \_\_\_\_\_

**Master Plan**

Future Land Use Designation (from Master Plan): RM

Does the proposed Zoning District conform to this designation? ☒ Yes ☐ No

**Available Services**

Public Water ☒ Yes ☐ No

Paved Road (Asphalt or Concrete) ☒ Yes ☐ No

Public Sanitary Sewer ☒ Yes ☐ No

Public Storm Sewer ☒ Yes ☐ No

*Health Department Certification may be required where public water and/or sanitary sewer are not available.*

**Current Use:**

Are there any structures currently on the property? ☒ Yes ☐ No

If so, describe the number of structures and how the structures are used (attach additional sheets, if necessary):

The Shafer House, built in 1875. Was used as a primary residence until October 2021.

Owner desires building to be used as bed and breakfast. A 2 car garage for parking and storage.

**Soil Data**

Has soil bearing capacity and septic suitability of the ground been tested? ☐ Yes ☒ No

If so, provide copy. Note: Such testing may be required if conditions warrant.

**Plot Plan**

The Plot Plan shall be drawn to a readable scale and shall show all of the following information:

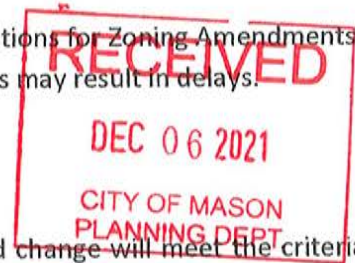
- Existing structures and parking areas, with setback dimensions from property lines
- Survey pins or monuments
- All easements on the property
- Overhead and underground utilities
- Floodplain and wetlands
- Topography (where land characteristics have a bearing on the request)
- Surface drainage, indicated by directional arrows
- Existing zoning and use of surrounding properties



## Application Checklist

The following is a checklist of items that generally must be submitted with applications for Zoning Amendments. Pre-application phone consultations are recommended, as incomplete applications may result in delays.

- Completed application form
- Fee - \$300\*
- Narrative – Present a description of your request and how the proposed change will meet the criteria listed in Sec. 94-396(a)(1) through (8) of the City of Mason ordinance.
- Proof of ownership or owner authorization for Zoning Map Amendments only



NOTE: Upon request, staff may require additional information if deemed necessary to make a determination.

\*Zoning Map Amendments may also require additional review by the City Engineer. Applicants may be billed separately for an Engineering Review Fee of \$220.00 –Minimum Two-hour fee for projects increasing demand on public utilities. Actual fees incurred are billed to applicant upon completion of review.

## Application Deadlines

The 2021 application deadlines are as follows

Deadline	Planning Commission Meeting	Need an extra day or two? Contact staff. We will always do our best to accommodate you.
January 1, 2021	February 9, 2021	
February 5, 2021	March 9, 2021	Pre-application advisory discussions with staff are encouraged. Contact us for more information at 517-676-9155.
March 5, 2021	April 13, 2021	
April 2, 2021	May 11, 2021	
May 7, 2021	June 15, 2021	
June 4, 2021	July 13, 2021	
July 2, 2021	August 10, 2021	
August 6, 2021	September 14, 2021	
September 3, 2021	October 12, 2021	
October 1, 2021	November 9, 2021	
November 5, 2021	December 14, 2021	

## Next Steps – Review Process

What to expect after we receive your application:

- A public hearing by the Planning Commission and two readings by City Council are required. If approved, the proposed amendment will be effective on the date of publication in the newspaper, typically the Sunday following the second reading and adoption by City Council.
- Within 10 days of receiving your application, we will notify you if we find your application incomplete and need more information. Once complete, we will let you know the date of the next available Planning Commission meeting for the public hearing, and when the first and second reading of City Council will be scheduled.
- Complete applications are circulated to City of Mason departments including Police, Fire, Department of Public Works, City Engineer and City Manager. The materials are also required to be sent to those outside agencies who may be impacted or have jurisdiction over portions of the project which include but are not limited to adjacent townships, railroads, Mason Public Schools, Consumers Energy, the Ingham County Drain

Commissioner, Michigan Department of Transportation/Aviation, and/or the Ingham County Road Department.

- The City must publish a public hearing notice in the local paper and mail the notice to abutters within 300 feet of the project a minimum of 15 days prior to the public hearing.
- The applicant will receive a DRAFT staff report approximately 2 weeks prior to the scheduled Planning Commission meeting for review and discussion with staff. Additional meetings may be requested prior to the staff report as necessary to confirm information about the proposal.
- The staff report will be revised, distributed to the Planning Commission and City Council, and posted on the City's website no less than 48 hours prior to the meeting but usually by the Friday preceding the meeting.
- The City Council and Planning Commission will review and discuss the proposal at the scheduled times. The applicant should be prepared to attend and make a brief presentation that the proposal meets the City's requirements as outlined in their narrative.
- The Planning Commission has the following options for action:
  - Recommendation that City Council adopt the proposed ordinance approving the requested changes
  - Continue to a time and date certain to allow for revisions or more information
  - Recommendation that City Council not adopt the proposed ordinance effectively denying the requested changes
- City Council has the following options for action:
  - Accept the recommendation of the Planning Commission and vote in favor of or against adoption
  - Hold an additional public hearing if it considers necessary, or otherwise required by law
  - Refer the matter back to the planning commission for further report if further changes are desirable, which are in addition to, or departures from the proposed amendment
- Once the project is approved, the applicant may proceed with obtaining any necessary zoning or construction permits.

### Compliance with City Ordinances

Applicants have the burden of proof to demonstrate that their proposal complies with the City's ordinances. Staff may request additional information as necessary to determine if the ordinances are being met. The requested narrative attached to the application is very helpful to describe the project and walk staff and the Commissioners through your request and how the proposed changes meet the requirements.

Staff can provide examples of previous applications upon request, or visit the Planning Commission's webpage here: [https://www.mason.mi.us/your\\_government/planning\\_commission/agendas\\_&\\_minutes.php](https://www.mason.mi.us/your_government/planning_commission/agendas_&_minutes.php)

**Resources:** More questions? Please contact our Customer Service Desk at 517.676.9155.





**MATTERS TO BE CONSIDERED FOR APPROVAL**

As referenced in Part 2 of this application.

**Sec. 94-396. Planning commission recommendations.**

- (a) In reviewing any application for an amendment to this chapter, the planning commission shall identify and evaluate all factors relevant to the application, and shall report its finding in full along with its recommendations for disposition of the application, to the city council within 60 days of receipt of an application or proposed amendment. The matters to be considered by the planning commission shall include the following findings of fact:
- (1) Compliance with the master plan of the city.
  - (2) What, if any, identifiable conditions related to the proposed amendment have changed which justify the proposed amendment?
  - (3) What, if any, error in judgment, procedure or administration was made in the original chapter which justifies the petitioner's change in zoning?
  - (4) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
  - (5) What is the impact of the amendment on the ability of the city and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?
  - (6) Does the proposed amendment adversely affect the value of the surrounding property?
  - (7) Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built? Examples include:
    - a. Surface water drainage problems.
    - b. Wastewater disposal problems.
    - c. Adverse effect on surface or subsurface water quality.
    - d. The loss of valuable natural resources, such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agricultural land
  - (8) The ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located

**RECEIVED**

DEC 06 2021

CITY OF MASON  
PLANNING DEPT.

RECEIVED

DEC 06 2021

CITY OF MASON  
PLANNING DEPT.

## Narrative

Bed and breakfast operation is currently allowed in the RM zoning district by right with a special use permit, but only as long as it is owner occupied. I would like to adjust the language in Sec 94-192(7)(c) (see attached Draft of Zoning Text), adapting it to allow for a more modern model of bed and breakfast operation, where the host is off-site but nearby; similar to a home-sharing service. Bed and breakfasts are a wonderful experience, but times are changing, and sites such as airbnb and vrbo are becoming an increasingly popular choice for travelers. The options available for friends and family visiting Mason residents to stay without traveling to Lansing are currently very limited. The few options available are often booked far out in advance.

I believe the proposed change will meet the current Master Plan goals of both limiting commercial development and strengthening the area's economic base by encouraging consumer activity. By enabling locals to fill the need of beds available to rent for short-term needs, it eliminates the draw to pull in a commercial hotel operation, which would bring with it undesired increased traffic, and less of that hometown feel we all love. By allowing locals to rent their homes in a limited way, it will increase commerce in meaningful ways; keeping our local downtown area vibrant without the negative side-effects of a more commercial solution or allowing outside investors in to fill that gap. This would also provide another avenue for locals to become small business owners here in town without adding commercial properties.

Additionally this small change will support the stated goal of the Master Plan to, "preserve the quiet, historical, and small-town character of Mason along with the integrity of its environmental resources." This adjustment will give incentive to property owners to maintain our beautiful historic homes downtown and a way to share them with the community. When rare and beautiful artifacts are curated at a museum, they are often displayed on a rotation basis. If historic home-owners here in town are allowed to rent them in this way, the everyday wear and tear traffic on these buildings can be reduced, while increased revenue will better enable owners to maintain and improve the structures in a timely fashion rather than allowing deferred maintenance to wear down what could be iconic buildings.

This adjustment would require no additional public services from the city, and no additional challenges to wastewater and other environmental impacts should arise, as these properties would continue to function as residences. The only change is that they are occupied less frequently than a full-time residence. According to one peer-reviewed study published in the marketing sciences journal, EurekaAlert (<https://www.eurekaalert.org/news-releases/747795>), "presence of an Airbnb property can actually contribute to an increase in housing prices and rental rates in a local neighborhood." This use is already approved for RM zoning under the bed and breakfast special use designation, the only difference is that the host would live within the community rather than directly onsite while occupied with guests.



## Draft of Zoning Text

Section 94-125 RM: Multiple Family Residential District currently allows for bed and breakfasts with a special use permit, deferring to Sec 94-192 to define those parameters. The sections I am petitioning to amend currently read:

Sec 94-192(7)(c)

Each premises must be occupied and operated by its owner. The dwelling unit in which the bed and breakfast operations take place shall be the principal residence of the operator, who shall live on the premises while the operation is active. The living area for the owner/operator may be separated from the guest rooms. No more than six transient/guest rooms shall be provided.

I would like to revise this section to read as follows:

Each premises must be ~~occupied and~~ operated by its owner whose principal residence shall be **no more than one mile from the premises or within city limits.** ~~The dwelling unit in which the bed and breakfast operations take place shall be the principal residence of the operator, who shall live on the premises while the operation is active.~~ **When the owner's primary residence is the bed and breakfast,** the living area for the owner/operator may be separated from the guest rooms. No more than six transient/guest rooms shall be provided.

The other section I am petitioning to change is in Sec. 1-2 Definitions and currently reads:

Bed and breakfast means an owner-occupied residential structure that meets the provisions of section 94-192(7) of this chapter.

I would like to adjust this to be in agreement with the aforementioned change by striking the words "owner-occupied" here and letting it refer back to section 94-192(7) for the full definition as amended above. It would read:

Bed and breakfast means a ~~owner-occupied~~ residential structure that meets the provisions of section 94-192(7) of this chapter.

RECEIVED

DEC 15 2021

CITY OF MASON  
PLANNING DEPT.

CITY OF MASON  
P.O. BOX 370  
201 W. ASH ST.  
MASON MI 48854-370  
Phone : (517) 676-9155  
WWW.MASON.MI.US

Received From:  
HEISELT, MELISSA  
103 N JEFFERSON  
MASON MI 48854

Date: 12/06/2021  
Receipt: 100292057  
Cashier: KM

Time: 8:43:38 AM

ZONING AMENDMENT  
103 N JEFFERSON

ITEM REFERENCE	AMOUNT
PERBUS PERMIT-VARIOUS BUS LICENSE & PERMIT S	
103 N JEFFERSON	\$300.00
TOTAL	\$300.00
CASH	\$300.00
Total Tendered:	\$300.00
Change:	\$0.00



## Agenda Report: January 11, 2021 Planning Commission Meeting

---

### AGENDA ITEM 9A

Motion to direct staff to evaluate the creation of a business license to allow STRs in Mason and which zoning districts they should be allowed.

### RECOMMENDED ACTION

Motion to direct staff to evaluate the creation of a business license to allow STRs in Mason and which zoning districts they should be allowed.

### HISTORY

The demand for STRs has increased in recent years and are the subject of much debate around the country. The current allowance for STR in a C-1 with a Special Use Permit has a sunset this year. Currently the Michigan Legislature is evaluating this issue. (See attached article from Michigan Advance, dated November 6, 2021). Potential adverse effects on surrounding properties have been observed in other communities which include an increase in nuisance complaints related to noise and trash, a decrease in affordable housing for longer term residents, and a decline in the character of the traditional neighborhoods.

The City is currently in the process of updating both its Master Plan and Zoning Ordinance. Staff has discussed the matter with the City Attorney and reviewed model ordinances from other communities. The preferred option appears to be the requirement of a business license as part of the City's general ordinance as the most effective way to enforce nuisance issues. Allowing STRs as part of a zoning ordinance has proven to be more challenging to enforce and legally defend. A business license can be revoked and require annual renewal/approval based upon compliance records. Annual inspections could be recommended but not required.

### SUMMARY

**Authority:** City Council may amend the City Ordinance as prescribed in

[Part 1, Chapter 7 Legislation](#)

[Part II, Chapter 1, Section 1-6 Amendments to Code; effect of new ordinances; amendatory language](#)

**Urgency:** The City has received inquiries from property owners regarding STRs as demand has increased in recent years. Specifically, the applicant in Agenda Item 7A would like to move forward in renting property as a STR as soon as possible.

**Relation to Other Actions:** The City is currently updating its Master Plan and Zoning Ordinance.

### FISCAL IMPACT

**Current Budget:** Costs will be incurred for preparation of the ordinance and review by City Attorney.

**Future Budgets:** Costs associated with the administration and enforcement of a new ordinance would be covered by application fees.

### ADDITIONAL MATERIAL

Article from Michigan Advance, dated November 6, 2021

[Business](#)  
[Local Government](#)  
[Southeast Michigan](#)  
[State Government](#)  
[West Michigan](#)

# Michigan could open the floodgates on short-term rentals, overruling local governments

By: [Marla R. Miller](#) - November 6, 2021 3:49 am



Grand Traverse Bay | Susan J. Demas

Imagine buying your first home in a coastal community — or even your dream home on a lake — and creating a peaceful backyard oasis. But when warm weather rolls around, you soon discover a revolving door at the house next door. Loud music, late-night bonfires, even PA systems, beer pong and extra tents take over the yard.

These are some of the issues created by short-term vacation rentals, according to local government and municipal officials who oppose recent state legislation that would preempt local regulations on short-term rentals.

“The general feeling in our community — and not just in resort towns, but all communities — is that we’re not supportive of efforts to do land-use planning from Lansing,” said Grand Haven City Manager Pat McGinnis.

In a late-night vote last week, the Michigan House of Representatives approved a bill that essentially nullifies local ordinances on short-term rentals — which have become [increasingly popular](#) with the growth of companies like Airbnb and VRBO — in the name of protecting private property rights.

The legislation prohibits local municipalities from adopting zoning regulations that outright ban short-term rentals or make them subject to a special-use or conditional-use permit. The San Francisco-based company Airbnb has a [long history](#) of fighting local regulations across the country.

Proponents say [House Bill 4722](#), sponsored by Rep. Sarah Lightner (R-Springport Twp.), protects an owner’s right to rent.





Rep. Sarah Lightner | House GOP photo

But opponents say short-term rentals should be regulated at the local level. Noise, trash and nuisance complaints, and a lack of affordable housing for year-round residents, are some of the issues associated with too many short-term rentals in a community. Other studies show short-term rentals deplete housing stock and [increase rent for long-term renters](#).

Under the bill, local governments can continue to create and enforce ordinances related to inspections, noise, traffic and other nuisances that apply to rentals and owner-occupied residences. However, local officials say that does little to address the erosion of neighborhoods, quality of life issues, home values and other problems associated with short-term occupants.

Lightner first introduced the bipartisan legislation back in April. House Bill 4722 was not on the Oct. 26 agenda, but an amended version passed 55-48 after the GOP-controlled House stayed in session past 2 a.m. Oct. 27.

“I was very surprised it moved on [Oct. 27] in the way and fashion it did,” said Jennifer Rigerink, a legislative associate with the Michigan Municipal League (MML), which opposes the bill. “Nobody knew they were voting on it.”

Amid the wrangling, three of the bill’s co-sponsors — Reps. Sara Cambensy (D-Marquette), Samantha Steckloff (D-Farmington Hills) and Brad Paquette (R-Niles) — [withdrew](#) their names from the bill, in a somewhat unusual move. The bill was referred to the Senate Committee on Regulatory Reform.



Rep. Samantha Steckloff | House Democrats photo

Back in the spring, Steckloff agreed to add her name to the bill after being told it was about personal property rights — not short-term rentals. She called it a “freshman mistake” and fielded complaints from constituents and local officials in her district for months. Steckloff had to wait to withdraw her name from the bill until the House took it up. She voted no last week.

“You cannot approach this as a one-size-fits-all,” she told the *Advance* Thursday. “This is a local issue.”

Lightner’s office declined a request for an interview, but sent the *Advance* her [statement](#).

“The measure approved by the House is a solid compromise that provides both certainty for private property owners across the state and flexibility for local municipalities that deserve to have some control over the planning and zoning of their communities,” Lightner said.

Both the Michigan Realtors, an advocacy group for Michigan’s real estate professionals, and the Mackinac Center for Public Policy, a free-market think tank, support the legislation.

“The key thing here is, from our perspective, we’re very strong on private property rights, and people should be able to do what they want with their own property,” said Mackinac Center Director of Marketing and Communications Jarrett Skorup, who [testified](#) in favor of the bills in May.

“The reason it is a big deal now is the internet and Airbnb,” he added. “It’s skyrocketed in popularity.”

Calls to Michigan Realtors were not returned for this story, but the association does have a statement on its [website](#), maintaining that local governments can enforce nuisance ordinances and housing codes to protect public safety and address any unruly behavior.

“There is a growing trend in local government to enact zoning bans that preemptively tell property owners they are unable to rent,” the group says. “The rental of residential property is important to Michigan second home markets and in urban areas around event destinations. Banning the right to rent harms property owners and local businesses in many communities all over Michigan.”

### Local control

Many local officials say communities should have the final say over regulations for short-term rentals. They say the proposed law also sets a precedent for issues that impact local communities, giving Lansing the authority to dictate local laws.



Traverse City Mayor Jim Carruthers

“It’s a big challenge for us,” said Traverse City Mayor Jim Carruthers. “We’re the ones that live here and try to make it a livable place for everybody and set the rules and priorities.”

The MML, a nonprofit association representing municipalities and their leaders, calls HB 4722 “disastrous” and said it essentially gives unfettered approval to short-term vacation rentals across the state.

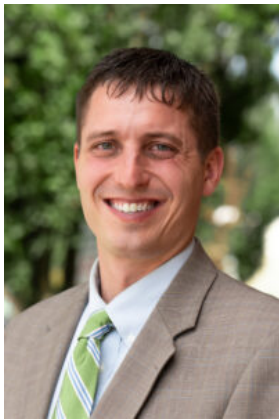
“When it comes to the property rights issue, there seems to be a lack of acknowledgement that everybody has property rights,” Rigerink told the *Advance*. “Why are they getting more out of this than the person who lives next door? That seems to be lost.”

Rigerink has been fielding plenty of calls from members after the surprise vote. One issue hinges on whether short-term rentals are considered commercial use. HB 4722 specifically states short-term rentals are not a commercial use of property. Rather, it is a residential use of property and should be permitted in all residential zones.

Rigerink disagrees and said that is the whole point of zoning for conflicting uses. “If you want to open a mechanic shop in your garage, you can’t do that,” she said.

Permanent residents also have the right to enjoy their property, negate nuisances and protect property values. For instance, many vacationers stay up later — and may have bonfires, parties or play loud music — while the person next door is trying to sleep and get up for work the next day.

“We are not opposed to short-term rentals,” Rigerink said. “They have said that communities are banning short-term rentals. We don’t agree with that, but they should have the ability to regulate them to balance the need of full-time residents as well as accommodate visitors. ...Like any land use, too much of one thing becomes a negative impact on other things.”



Jarrett Skorup | Mackinac Center

While those opposed to the bill say communities aren't banning outright short-term rentals, Skorup argues that municipalities like Holland Township and St. Clair Shores essentially have full bans through their zoning. And several destination cities, including Detroit and Traverse City, prohibit short-term rentals in residentially zoned areas.

The heated debate [continues in New Buffalo](#), a Southwest Michigan community that recently [extended a moratorium](#) on new short-term rental licenses until Dec. 13.

"They haven't fully banned them, but you're banning it for the vast majority of property owners," Skorup said.

### Lakeshore communities

Short-term rentals are more prevalent in lakeshore communities that attract tourists and those that host sporting events, but they also are located on small inland lakes and in rural parts of the Upper Peninsula.

Typically, tourists, vacationers and some business travelers rent them for a brief stay, or not more than 30 days, through platforms like Airbnb, VRBO, Vacasa, Turnkey and others.

Many lakeshore communities have already adopted short-term rental ordinances that officials say are in the best interest of local residents and homeowners. Some municipalities, including Traverse City and Grand Haven, have taken the stance that short-term rentals are a commercial activity and local zoning rules prohibit other commercial activities in residential neighborhoods. Several communities in Ottawa County have [regulations on short-term rentals](#) or continue to examine the issue, while also opposing the bill.

Grand Haven welcomes short-term rentals, but there needs to be a balanced approach, McGinnis said. In 2017, the city developed a [short-term rental ordinance](#) in response to complaints from residents who showed up at public meetings. The city allows short-term rentals in specific zoning districts and requires out-of-town owners to designate a local agent to manage the rental and address problems.

The proposed law states communities cannot restrict short-term rentals to less than 30% of the number of existing residential units in the local unit of government. In Grand Haven, that means up to 1,500 homes could convert to short-term rentals.



Grand Haven Mayor Pat McGinnis

"Right now, we just have under 300 short-term rentals," McGinnis said. "Multiply that by five, and they're much more likely to occur near water, and those neighborhoods could become completely overrun with short-term rentals and that's just not good for our town."

In today's digital economy, it's relatively easy for an outside investor or homeowner to advertise their property as a short-term rental. In Traverse City, Grand Haven and other lakeshore communities, the demand is there, and so is the lure of making money. But having too many short-term rentals on one residential street causes unintended problems.

"It's the change in use that is the problem for that neighborhood," McGinnis said. "Effective land-use planning results in fewer conflicts."

There's also some opposition from business groups, like the Michigan Restaurant and Lodging Association, which says the legislation would add to the challenges the hotel and lodging industry faces while continuing to recover from the COVID-19 pandemic. Besides taking business away from traditional hotels, short-term rentals aren't subject to the same taxes or regulations.

President and CEO Justin Winslow said [70% of voters oppose legislation](#) that strips power from local governments to control short-term rentals and 79% believe they should be taxed the same as hotels.

“Bill 4722 is not a thoughtful solution to a complicated issue that needs to balance residential safety, fair competition and property rights — it is a tone-deaf handout to mostly out-of-state corporations that will erode neighborhoods, increase crime and cost jobs,” Winslow said in a statement.

### **Lack of affordable housing**

While Traverse City has a short-term rental ordinance, permitting them in commercially zoned areas, Carruthers said “a lot of people have been doing it on the down low.”

Area residents are turning garage apartments and even backyard tents into short-term rentals, and investment companies also are buying up homes for vacation rentals.

“Taking away local control ties our hands on this, and it could be many other things,” Carruthers said. “If we let it go hog wild, we won’t have neighborhoods.”

One of the biggest challenges facing Traverse City is having enough quality housing for a range of incomes and demographics, including families, retirees, single individuals, young professionals and a growing homeless population.

Skyrocketing housing costs have pushed hospitality and service industry workers into outlying areas or forced them to relocate. The city has offered incentives to developers to build more affordable units, but even those are becoming short-term rentals in commercially zoned areas.

“Our restaurant workers are having a hard time living here [and] we’re a foodie town,” Carruthers said. “It does erode the long-term opportunities for people to live here.”

McGinnis said Grand Haven deals with more problems and noise complaints during the busy summer months, and it would take more staff to enforce noise and nuisance ordinances associated with more short-term rentals.

In addition, the city’s infrastructure — water, sewer and other utilities — were built for a year-round population. A 30% reduction in use during the winter months has other implications.

“We are doing it well; we are doing it the way it was meant to be done,” McGinnis said. “This is simply special-interest lobbyists who are influencing our state legislature to benefit themselves to the detriment of all of the communities of Michigan.”

Short-term rentals take away year-round housing stock, and affordable housing is already an issue for local residents and service-industry workers who live in tourist towns.

“People who work here need to have a place to live,” McGinnis said. “This is not a false concern. It really could happen and you would have all of these communities where the population could dip 20 or 30%.”





Traverse City | Susan J. Demas

### Legislative, litigation loopholes

Short-term rentals have been on the Michigan Legislature's radar for [several years](#), but bills haven't gained traction until last month.

Lawmakers contend HB 4722 strikes a balance between property owners who may want to buy an investment property or a second home and then rent it out while still giving local municipalities some authority in how to regulate the industry.

Steckloff said she appreciates short-term rentals and she does use them, as do many businesspeople who visit the Farmington Hills area for work. But she said there are problems with the bill, particularly the stipulation that permits short-term rentals in up to 30% of existing residential units.

"You cannot legislate for the entire state of Michigan," she said. "In my district, 30% is almost 15,000 of our housing stock."

McGinnis has attended previous legislative hearings in Lansing to address attempts to change the law. He was surprised about the late-night vote on the bill.

"That's the worst kind of public policymaking," he said. "I would hope the Senate is more levelheaded. Let's talk about it — how can we make it so people can reasonably use their properties without destroying communities?"



Jennifer Rigterink | Michigan  
Municipal League

Rigterink sees the law as ripe for litigation. Who determines the 30% of property owners eligible to have a short-term rental while denying the other 70% — is it based on location, a first-come, first-serve application process, housing density or other factors?

“If 30% wanted to locate in your most desirable neighborhood, you have now turned that residential district into transient mini-hotels and completely crushed anybody who is actually living there,” she said.

In addition, the law allows local governments to limit the number of units under common ownership used for short-term rentals to two. Proponents say that will prevent outside investors and corporations from owning too many units, but opponents disagree.

“The definition of common ownership has a loophole big enough to drive a semi through it,” Rigterink said.

[GET THE MORNING HEADLINES DELIVERED TO YOUR INBOX](#)

SUBSCRIBE

Republish

Our stories may be republished online or in print under Creative Commons license CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our web site. Please see our republishing guidelines for use of photos and graphics.



# PUBLIC NOTICE

## 2022 Mason Public Meetings

**All public meetings will be held openly, either at City Hall or via Zoom.  
Dates and times are subject to change.**

Details on when and how the meeting will be held will be included with each meeting's agenda; available on our website: [mason.mi.us](http://mason.mi.us) and posted to the front window of City Hall prior to each meeting.

<b>CITY COUNCIL</b> <b>7:30 PM</b> <b>(1<sup>st</sup> &amp; 3<sup>rd</sup> Monday)</b>	<b>DOWNTOWN DEVELOPMENT AUTHORITY</b> <b>10:00 AM</b> <b>(2<sup>nd</sup> Monday, as needed)</b>
January 3 & 17	January 10
February 7 & 21	February 14
March 7 & 21	March 14
April 4 & 18	April 11
May 2 & 16	May 9
June 6 & 20	June 13
July 4 & 18	July 11
August 1 & 15	August 8
September 5 & 19	September 12
October 3 & 17	October 10
November 7 & 21	November 14
December 5 & 19	December 12

<b>HISTORIC DISTRICT COMMISSION</b> <b>6:00 PM</b> <b>(3<sup>rd</sup> Monday, as needed)</b>	<b>PLANNING COMMISSION</b> <b>6:30 PM</b> <b>(2<sup>nd</sup> Tuesday after the 1<sup>st</sup> Monday)</b>	<b>ZONING BOARD OF APPEALS</b> <b>5:30 PM</b> <b>(2<sup>nd</sup> Wednesday, as needed)</b>
January 17	January 11	January 12
February 21	February 15	February 9
March 21	March 15	March 9
April 18	April 12	April 13
May 16	May 10	May 11
June 20	June 14	June 8
July 18	July 12	July 13
August 15	August 9	August 10
September 19	September 13	September 14
October 17	October 11	October 12
November 21	November 15	November 9
December 19	December 13	December 14

**Resources:** More Questions? Please Contact our Customer Service Desk at 517.676.9155.



## City Manager's Report: December 17, 2021

### OPERATIONS

- City Hall will be staffed with minimum staffing and closed to the public on December 27, 28, and 29, in addition to the holidays. Memorandum of Understandings have been negotiated with all the unions to ensure we can continue this benefit that is low cost to customers and the city, but high value to our employees and represents the culture of valuing the Whole Person we are striving to achieve. The 2022 administrative holiday and training schedule is attached for your reference.
- Ingham County staff are recommending funding for ALL three of the City of Mason's projects with over \$700,000 in grant funding out of the \$3 million they are distributing. It will still be a few months before awarded funding is determined by the full Board. The three projects are:
  - Community Garden Restroom/Drinking Fountain – This project scored top of all submitted projects!
  - Hayhoe Riverwalk Trail Repairs
  - Columbia Street Bridge temporary/seasonal pedestrian lane
- Meridian Township Offices will be closed on Fridays for the months of January and February to assist with employee wellbeing. Inspection requests from Mason are low during those months, and usually quite sparse on Fridays in general. They will try to work out specific requests and accommodations as they arise.
- Staff has regularly met with Federal and County representatives to get updates on Federal funding and how to position the City to leveraging those funds. As part of those discussions, the County is spearheading a broadband mapping and task force project that will position Ingham County to be eligible and competitive for Broadband funding when programs are announced. The County is updating staff as they work through the progress of that study.
- Staff is attending Mason Community Leaders group that is focused on non-profits meeting the needs of area residents most in need. We are coordinating potential emergency shelters of last resort locations with our partners and developing a program to assist those that may need help shoveling their sidewalk/ driveways.
- November Election Costs: We received the final invoice this week and the total costs for the election to the City were \$11,837.08. City Council also requested the following items for future meetings, but due to staff shortages we will be planning to presented at the following meetings.
  - Sidewalk Summary for Subdivisions: January
  - Resolution regarding Prosecutor's Office: February
  - Presentation regarding unfunded liabilities: March

### Staffing Updates:

- Active Postings: Seasonal Part-time Crossing Guards – Open until filled. Full-time Customer Service Specialist – Position closed 12/17/2021 externally, applications are under review with plans for interviews to be scheduled the first part of January. Full-time Bookkeeper- Position closed internally, reviewing applicants. Full-Time Water Treatment Plant Operator – Posted internally and closed 12/15/2021, applications under review.
- New Hires: James Schnipke was hired as a full-time Laborer effective December 13, 2021.
- Employee Achievements: Effective December 14, 2021, Clerk Sarah Jarvis obtained her Certified Municipal Clerk's designation through the International Institute of Municipal Clerks.

### LARGE CITY PROJECTS

FY 2020-2021 CARRYOVER DUE TO TIMING			
Project	Project Name/Description	Status	Completed
PARKS/ CEMETERY/ FORESTRY/ NONMOTORIZED (P)			
2017-P8	Laylin Park - Phase II	Pathway and sidewalk completed, bids for pavilion and design for signs, in progress.	
2020-P8	Rayner Park- Master Park Plan	In progress, anticipated completion winter	



BUILDING, PROPERTY, EQUIPMENT (B)			
2018-B14	Fire Rehab 815 Replacement	Anticipate delivery 3rd quarter FY 21/22	
2019-B2a	City Hall – Phase I Design and Security	Security complete- work space eval has been delayed due to staff capacity.	
2020-B4a	DPW- Design	Staff is working on finalizing conceptual design with school district.	

FY 2021-2022			
Project	Project Name/Description	Status	Completed
STREETS, SIDEWALKS, SIGNALS(S)			
2017-S23	Rayner St – Randolph St to Columbia St	Completed	July
2017-S24	Eugenia Dr – Northbrook St to End	Completed	November
2017-S25	Hall Blvd – Ash St to South St	Completed	November
2017-S26	Columbia St – Park St to Jefferson St	Completed	July
2019-S9b	Signal at E. Maple & S. Jefferson	DDA reviewed, acquiring quotes for Council	
UTILITIES: SANITARY SEWER, STORM WATER, AND WATER DISTRIBUTION (U)			
2017-U15	Replace Hydrants and Mason Plaza	Completed	November
2017-U34	Well No. 5 Rebuild	Completed	December
2019-U3a	Wastewater Treatment Plant – Design	Reviewing Qualifications from seven firms	
2021-U1	WTP- High-Pressure Pump VFD	Staff developing RFP	
2021-U2	WTP- Replacement of Valves	Staff developing RFP	
PARKS/ CEMETERY/ FORESTRY/ NONMOTORIZED (P)			
2020-P3	Hayhoe Riverwalk Trail – Eval. & Repair	Grant submitted	
2020-P6, 2020-P12, 2020-P13, 2020-P14	Lee Austin Park- Plan/Design Bond Park - Plan/Design Griffin Park - Plan/Design Hayes Park - Plan/Design	In progress, anticipated completion Winter	
2020-P11	Rayner Park- Phase 1 Construction	Awaiting DNR funding response in 3 <sup>rd</sup> quarter	
MOTOR VEHICLE POOL (MVP)			
2017-MVP22	Vehicle No. 83 Police	Anticipated 3rd quarter of FY 21-22	
2017-MVP23	Vehicle No. 21 Cemetery/ Parks	Anticipated 3rd quarter of FY 21-22	
2017-MVP27	Vehicle No. 86 Police	Vehicle being outfitted with equipment. Expected to be in service in January.	
2017-MVP24	Vehicle No. 59 Cemetery/ Parks	Anticipated 3rd quarter of FY 21-22	
BUILDING, PROPERTY, EQUIPMENT (B)			
2017-B5b	Building: Library Phase 1, Part 1	Proposals due December 7, no bids were received, evaluating next steps	
2017-B7	Building: Parking Lot Repairs	Working on addressing punch list.	
2017-B10	Fire: Furnace/AC, Office & Training Area	Anticipated 3rd quarter of FY 21-22	
2017-B11	Fire: Washing Machine	City Council approved 11.3.21	
2018-B15	Fire: Sprinkler System in Truck Bay	Anticipated 3rd quarter of FY 21-22	
2018-B16	Fire: Station 1- Rear Approach	Working on addressing punch list.	
2018-B21	Police: Interview Rm Recording System	Staff was able to find an alternative solution at significantly reduced cost.	
2018-B23	Planning: Master Plan/Zoning Update	In progress.	
2018-B24	Building: Rental Furniture Replacement	Anticipated 3rd quarter of FY 21-22	
2019-B2b	Building: City Hall Renovations	Anticipate pushing out to next FY, due to staff capacity.	

<b>2019-B3</b>	Clerk: Laserfiche Avante Upgrade	Training anticipated 3rd quarter of FY 21-22	
<b>2020-B4b</b>	Public Works Facility Construction	Need to complete CIP: 2020-B4a	

#### ACTIVE PROJECTS STATUS UPDATES (PROJECTS NOT COORDINATED BY THE CITY)

Project Name	Status
<b>PERMITS – COMMERCIAL PROJECTS</b> (listed only once when active)	
201 W. Ash Ste. 2 - Mason Public Schools <b>ACTIVE</b>	Building permit is active to add a 4 <sup>th</sup> cubicle, change ceiling light fixtures, floor receptacle boxes and HVAC registers.
412 S. Jefferson – Keans <b>ACTIVE</b>	Building permit is active to tear off and install new insulation and new roof.
680 Eden – Shafer Redi-Mix <b>ACTIVE</b>	Building permit is active to tear off and reroof warehouse.
1133 S. Cedar – MSU Federal Credit Union <b>ACTIVE</b>	Building permit is active to replace 2 externally illuminated wall signs, install new faces in existing monument sign and install new faces in existing pole sign.
100 E. Ash – Howard Hanna Real Estate <b>PENDING</b>	Building permit for new sign is pending HDC review for a Certificate of Appropriateness. Historic District Commission meeting will take place Monday, December 20, 2021 at 6:00pm.
837 E. Ash – Zoning Map Amendment <b>PENDING</b>	Lindsey Hanson has requested an amendment to the City of Mason zoning map to rezone her property from RS-1 Single Family Residential to RS-3 Single Family Residential. A public hearing will be held at the regular Planning Commission Meeting on December 14, 2021, at 6:30 p.m.



# 2022 HOLIDAY SCHEDULE

## MASON CITY HALL & MAPLE GROVE CEMETERY

### **HOLIDAYS (FACILITIES ARE CLOSED AND ONLY ESSENTIAL SERVICES ARE AVAILABLE)**

NOTE: Grave openings cannot be scheduled on these holidays, except during Minimum Staffing Days.

Friday, April 15, 2022.....	Good Friday
Monday, May 30, 2022 .....	Memorial Day
Monday, July 4, 2022.....	Independence Day
Monday, September 5, 2022 .....	Labor Day
Friday, November 11, 2022 .....	Veterans Day
Thursday & Friday, November 24 & 25, 2022 .....	Thanksgiving Holiday
Friday, December 23, 2022 .....	Christmas Eve (Holiday on Saturday)
Monday, December 26, 2022 .....	Christmas Day (Holiday on Sunday)
Friday, December 30, 2022 .....	New Year's Eve Holiday (Holiday on Saturday)
Monday, January 2, 2023 .....	New Year's Day Holiday (Holiday on Sunday)

### **IN-SERVICE TRAINING/ MINIMUM STAFF DAYS (FACILITIES ARE CLOSED TO PUBLIC)**

Monday, January 17, 2022 .....	Martin Luther King Jr. Birthday
Monday, February 21, 2022 .....	Washington's Birthday
Monday, June 20, 2022 .....	Juneteenth National Independence Day (Holiday on Saturday)
Monday, October 10, 2022.....	Columbus Day / Indigenous Peoples' Day
Tuesday, Wednesday, Thursday, December 27, 28 & 29, 2022 .....	Minimum Staffing Days - <b><u>tentative</u></b>

It is such a joy to  
live here.

Attile + Sharon  
Pattelky  
726 Hall Blvd.

12/15/21

Mason City Council,

My husband and I  
thank you very much  
for the improvements to  
Hall Blvd. It is very  
nice to not have  
potholes and to walk on  
nice sidewalks.

In addition, we  
wish to let you know  
all the workers were  
very nice and helpful  
throughout the project.

Thank you for all  
the good you do for  
our beautiful city.