

STATE OF MICHIGAN
IN THE MICHIGAN SUPREME COURT

SUSAN REAUME,

Plaintiff-Appellant,

v

TOWNSHIP OF SPRING LAKE,

Defendant-Appellee.

Supreme Court No. _____

Court of Appeals No. 341654

Ottawa County Circuit Court
No. 17-004964-AA

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**APPELLANT SUSAN REAUME'S
APPLICATION FOR LEAVE TO APPEAL
ORAL ARGUMENT REQUESTED**

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STATEMENT OF APPELLATE JURISDICTION

The Court of Appeals issued its published decision on May 21, 2019. This Court has jurisdiction under MCL 600.215 and MCR 7.303(B)(2) to grant leave to appeal.

JUDGMENT APPEALED AND RELIEF SOUGHT

Plaintiff-Appellant Susan Reaume seeks leave to appeal the Court of Appeals' May 21, 2019 published opinion holding that her rental of property as a single dwelling unit in a residential zone on a short-term basis, before the Defendant-Appellee Township of Spring Lake ("Spring Lake" or the "Township") explicitly barred such rentals, was not a prior non-conforming use. *Reaume v Township of Spring Lake*, No. 341654, _ Mich App _; _ NW2d _ (2019) (hereafter, "COA Op").

In reliance on Spring Lake's zoning ordinance and assurances from Township officials, Ms. Reaume invested \$12,000 in her home to make it attractive as a short-term-vacation rental and marketed it as such. When the Township later passed ordinances severely restricting short-term rentals in the R-1 Residential zone and requiring a license, she filed a license application based on short-term rental of her property as a nonconforming use. Spring Lake denied her application on the basis that her use was not authorized under Spring Lake's zoning regulations before the amendment and therefore was not a lawful nonconforming use. On appeal, the Ottawa County Circuit Court affirmed for the same reason. The Court of Appeals heard the appeal on leave granted.

Spring Lake's prior zoning ordinance ("Zoning Ordinance" or "SLZO") authorized the use of Ms. Reaume's property as a "Dwelling, Single-Family," a term ubiquitous in Michigan zoning regulations. Like many others in Michigan, the Zoning Ordinance defined "dwelling" to include a building occupied as a "sleeping place, either permanently or *temporarily*, by one (1)

or more Families” but excluding a “Motel or tourist room.” The Court of Appeals nevertheless held in a published opinion that short-term rental of Ms. Reaume’s home to a single family did not qualify as a “Dwelling, Single-Family” for two reasons: First, this use allows one family only and “family” expressly excludes “transitory or seasonal” relationships; the court somehow determined this precluded “temporary” occupancy. Second, the court held that the transient nature of the occupancy alone made the use equivalent to a “motel,” excluding it from the definition of “dwelling,” even though the definition of a “motel” also requires more than one “Dwelling Unit.”

Ms. Reaume respectfully requests that leave be granted. Alternatively, Ms. Reaume asks that this Court summarily reverse the Court of Appeals.

STATEMENT OF QUESTION PRESENTED

Did Spring Lake Township’s zoning ordinance—like numerous other zoning ordinances of its kind throughout Michigan—permit the short-term rental of Ms. Reaume’s home to a single family as a “Dwelling, Single Family” use?

Plaintiff-Appellant answers: Yes.

The Circuit Court answered: No.

The Court of Appeals answered: No.

REASONS FOR GRANTING LEAVE

In recent years, the question of how to address short-term-vacation rentals has riven municipalities across the country as the market for such rentals has exploded thanks to the disruptive technologies of online and mobile services like Airbnb, Vrbo, and HomeAway.¹ The question has already worked its way into the Michigan courts many times in the last several years. See, e.g., *Eager v Peasley*, 322 Mich App 174, 176; 911 NW2d 470 (2017); *Concerned Prop Owners of Garfield Twp, Inc v Charter Twp of Garfield*, No. 342831, 2018 WL 5305235 at *1 (Mich Ct App, Oct 25, 2018); *John H Bauckham Trust v Petter*, No. 332643, 2017 WL 4158025, at *4 (Mich Ct App, Sept 19, 2017); *Christians v Twp of Clark*, No. 327519, 2016 WL 6138667 at *3 (Mich Ct App, Oct 20, 2016); *Mirabella v Twp of Autrain*, No. 320191, 2015 WL 3604735, at *3 (Mich Ct App, June 9, 2015). But until the Court of Appeals published its opinion in this case, Michigan’s jurisprudence did not yet resolve the widely applicable questions of zoning-ordinance interpretation at issue here.

The Court of Appeals’ decision here turns on the interpretation of terms and definitions that are ubiquitous in zoning regulations. Exhibit A identifies a plethora of municipalities which, like Spring Lake, adopted a zoning ordinance that employs the same concept of a “single-family dwelling” and defines “dwelling” to include “temporary” or “transient” occupancy. These

¹ See, e.g., Tariro Mzezewa, *Airbnb and Miami Beach Are at War. Travelers Are Caught in the Crossfire*, NY Times, Mar 9, 2019, <https://www.nytimes.com/2019/03/09/travel/airbnb-miami-beach-war.html>; Robert McCartney & Peter Jamison, *D.C. Council Gives Final Approval To Tight Limits On Airbnb And Other Home-Sharing Companies*, Wash Post, Nov 13, 2018, https://www.washingtonpost.com/local/dc-politics/dc-council-gives-final-approval-to-tight-limits-on-airbnb-and-other-homesharing-companies/2018/11/13/04aa1240-e6d3-11e8-bbdb-72fdbf9d4fed_story.html?utm_term=.33f7a078d100; Emily Alpert Reyes, *L.A. Approves New Rules For Airbnb-Type Rentals After Years Of Debate*, LA Times, Dec 11, 2018, <https://www.latimes.com/local/lanow/la-me-ln-airbnb-rental-ordinance-20181211-story.html>.

ordinances also define “motel” and/or “hotel” as a distinct category of use that involves “transient” occupancy. None of these ordinances specifically identifies short-term-vacation rentals as a distinct use. Thus, the question of whether short-term-vacation rentals were allowed under Spring Lake’s prior zoning ordinance has broad implications for zoning laws across Michigan. As the Court of Appeals correctly recognized, “the issues presented in the current matter are of increasing importance and commonality in Michigan [such] that the bench and bar would benefit from the certainty that a published opinion would bring.” (COA Op 7, App 7.)

Unfortunately, the Court of Appeals’ published opinion has the opposite effect, as it greatly muddies the waters when it comes to interpreting and applying this class of zoning ordinances to short-term rentals. One would expect that the term “single-family dwelling” in these ordinances would authorize short-term rental by a single family because “dwelling” includes “temporary” occupancy. But the Court of Appeals surprisingly held that this term “unambiguously excludes transient or temporary rental occupation,” merely because the collective individuals must have “nontransient” relationships to be a “family.” This makes no sense. The court has conflated the notion of transient relationships with the notion of transient occupancy, treating them as one and the same. In doing so, it negated the ordinance’s own definition of “dwelling” as a building occupied as a “sleeping place, either permanently or *temporarily*, by one (1) or more Families” (SLZO § 205, App 70), placing its decision in conflict with this Court’s rules of statutory construction.

Just as problematic—if not more so—is the Court of Appeals’ conclusion that, “[n]otwithstanding the possibility of some temporary occupancy,” the occupancy here is “transient,” and that this alone transforms the use into a “motel.” (COA Op 6, App 6.) Zoning ordinances typically define “motel” as a building or buildings providing multiple units for transient

occupancy, and Spring Lake's is no exception. Ms. Reaume applied to rent her home as a single unit. The court paid no mind to this definitional limitation in the zoning ordinance, however, again defying this Court's rules of statutory construction.

The court's flawed analysis creates problems of major jurisprudential significance to the zoning law in this state. At a minimum, it adds another layer of uncertainty to an area of law already fraught with it. At worst, it compels municipalities using this class of zoning ordinance to reinterpret their own zoning ordinances by equating "transient" personal relationships with transient occupancy, and equating transient occupancy to "motel" use, irrespective of the other definitional terms of their zoning ordinances.

Consequently, the Court of Appeals' decision produces at least two potential ill-effects for municipalities, homeowners, and cottage owners across Michigan. On the one hand, municipalities wishing to preserve the status quo will be advised to undertake the expense of amending their zoning ordinances to expressly authorize the short-term-vacation rentals that they already thought were permitted, lest the market for such uses should drop and negatively affect their local economies. On the other hand, municipalities wishing to restrict the existing practice of short-term-vacation rental to appease complainants will just reinterpret their existing zoning ordinance, as Spring Lake did here, to take away what was otherwise a lawful nonconforming use under the zoning ordinance's plain language, without having to fulfill their statutory obligation to pay compensation for eliminating such use. MCL 125.3208 (allowing a lawful use existing at the time of a zoning ordinance amendment to continue unless the township acquires by purchase or condemnation the right to remove the nonconforming use). Thus, the published opinion in this case threatens the expectations of municipalities in the plain-language interpretation of their ordinances; it threatens the financial well-being of property owners who relied on

the plain language to invest in homes or cottages with the expectation of subsidizing the purchase through some rental income; and it thwarts the Legislature's policy that encourages such investment by requiring compensation to be paid if a municipality opts to take away a vested right in a nonconforming use, as Spring Lake has done here.

Finally, the Court of Appeals' clearly erroneous decision results in a material injustice to Ms. Reaume and exposes countless property owners to the same injustice. Ms. Reaume invested thousands of dollars to upgrade her home to make it more attractive for potential renters. Nothing in the text of Spring Lake's zoning ordinance at the time suggested that the term "single-family dwelling" excluded temporary occupancy by a single family. Nor was there good reason to think the Zoning Ordinance's definition of "motel" included temporary rental of a home as a single unit. To be led by a zoning ordinance's plain terms and the assurances of municipal officials to invest in short-term rentals as an authorized use, and to then have the rug pulled out, is the very definition of material injustice.

In sum, the Court of Appeals' published opinion conflicts with this Court's precedents, with major jurisprudential ramifications on an issue of significant controversy across Michigan. The decision is also clearly erroneous and will result in material injustice to Ms. Reaume and numerous other property owners across Michigan. The municipalities, homeowners, and cottage owners who have relied upon the plain language of the zoning scheme at issue need this Court's help. Accordingly, Ms. Reaume respectfully asks that the Court grant leave to appeal or peremptorily reverse.

STATEMENT OF FACTS

The Property

Plaintiff-Appellant Susan Reaume bought a single-family house at 18190 Lovell Road (the “Property”) within the borders of the Township in 2003. (4/7/2017 Reaume Aff ¶ 2, App 56.) The Property is located within a district zoned as R-1 Low Density Residential in the Township. (Short Term Rental Registration Form, App 49.) Until 2014, the Property was Ms. Reaume’s personal residence. (4/7/2017 Reaume Aff ¶¶ 6-7, App 56.) In 2015, Ms. Reaume contacted Capstone Property Management to inquire about managing and renting the Property. (*Id.* ¶ 8, App 56.) In March 2015, Barbara Hass, Capstone’s Manager of Vacation Rentals, contacted Spring Lake’s township offices to inquire whether there were any restrictions on renting the Property. (4/3/2017 Hass Aff ¶ 3, App 59.) Connie Meiste, a Spring Lake Township employee, informed Ms. Hass that Spring Lake did not restrict either short-term or long-term rentals. (*Id.*) After learning this, Ms. Reaume hired Capstone and began to rent out the property. (4/7/2017 Reaume Aff ¶¶ 9-10, App 56.) Relying on Spring Lake’s assurances, Ms. Reaume invested over \$12,000 in renovating and refurbishing the Property to improve it for potential renters. (*Id.* ¶¶ 16-18.)

After Ms. Reaume began renting the Property, a number of neighbors of the Property through counsel complained to Spring Lake that the Property had been converted into a “two unit building in violation of the R1 zoning code, *and* is being rented as a vacation rental property for short term use by transients which violates the defined R1 zone limited as a residential area.” (1/8/2016 Concerned Homeowners Ltr to the Township, App 60 (emphasis added).) In response, Lukas Hill, the Community Development Director of Spring Lake’s Building and Planning Department—the department responsible for permitting and zoning ordinance regulations for the Township—wrote a letter to Ms. Reaume. (2/2/2016 Hill Ltr to Reaume, App 64.) Despite

being informed of two potential violations, the only thing Hill cited Ms. Reaume for was the alleged conversion of the “single family dwelling . . . into a multifamily dwelling.” (*Id.*)

Because the Property was in an R-1 Zone, Hill informed Ms. Reaume that she could not convert the Property into a multifamily building. The letter instructed her to contact the office to avoid “further enforcement action.” (*Id.*)

Because Ms. Reaume had not converted the Property into a multifamily dwelling, Capstone Property corrected the listing for the vacation rental. (4/7/2017 Reaume Aff ¶¶ 12-13.) After this correction, Hill informed her that the new listing language was acceptable and that he would “close the file.” (*Id.* ¶ 14.) As before, Hill did not indicate any concerns regarding rental of the Property on a short-term basis. (*Id.* ¶ 15.)

This did not stop the neighbors’ complaints however. On July 22, 2016, John Nash, the Township’s Supervisor, wrote to the neighbors and described various “[w]ays to deal with the Lovell rental situation which can be done right now.” (7/22/2016 Nash Ltr to Concerned Owners, App 65.) He informed them that they could call the police if there was “too much noise, trespassing, littering and/or cars and/or trailers blocking the public road—all these things are *already* covered in the SLT Ordinances.” (*Id.* (emphasis added).) He also informed the neighbors that Ottawa County Sheriff’s Deputies were going to check the area once a weekend. In closing, he wrote, “[o]bviously, the Spring Lake Township Board will proceed with their intention to develop a short term rental draft ordinance which can be presented at a public hearing.” (*Id.*)

Amendments to Spring Lake Ordinances

True to Nash’s word, the Township Board proceeded with its intention and on December 12, 2016, adopted Ordinance 255. Ordinance 255 provided for the licensing and regulation of short-term rentals. (See generally Ordinance 255, App 82.) The purpose of the ordinance was

“to provide for and protect the welfare of full-time residents and to discourage purchasing of property for vacation Rental uses.” (*Id.*) The Ordinance specifically prohibited short-term rentals in the R-1 District. (*Id.* § 6-107(a)(6), App 87.) The Ordinance did allow limited short-term rentals, meaning the rental of “any Dwelling for any one or two Rental periods of up to 14 days, not to exceed 14 days total in a calendar year,” in any zoning district. (*Id.* § 6-102, App 82; see also *id.* § 6-107(b), App 87.)

Later, in March 2017, the Township Board adopted Ordinance 257, which was partially redundant of Ordinance 255. It stated that it was “an ordinance to amend the Spring Lake Township Zoning Ordinance to permit short-term rentals and limited short-term rentals.” (Ordinance 257, App 90.) In short, this ordinance carried over some of the short-term-rental provisions from Ordinance 255 into the provisions of the Zoning Ordinance. But it purported to allow only limited short-term rentals in the R-1 District. (*Id.*)

Ms. Reaume Applies for Short-Term Rental Permit

In March 2017, Ms. Reaume submitted a short-term-rental application to the Township’s Community Development Department. (Short-Term-Rental Appl, App 49.) In it, she requested short-term-rental licenses and limited short-term-rental licenses pursuant to Ordinance 255 for the Property. Ms. Reaume contended that, because she had previously rented the Property as a short-term rental, this was a “grandfathered nonconforming use.” (Appendix to Short-Term-Rental Appl, App 51.)

Just over a week later, Carolyn Boersma, the Clerk of the Township Board, informed Ms. Reaume via letter that her application was denied. (3/10/2017 Boersma Ltr to Reaume, App 66.) Boersma stated that the Property was within a zoning district in which short-term rentals were prohibited. (*Id.*) Boersma also stated that “the short-term rental activity on the Property” did not

“qualify as a grandfather [use] under the Spring Lake Township Zoning Ordinance . . . because it was never allowed in the Township in the first place.” (*Id.*)

Ms. Reaume Appeals the Township’s Decision

On April 7, 2017, Ms. Reaume filed a Petition of Administrative Appeal. (Pet of Admin Appl, App 38.) On April 10, 2017, the Township Board, at a public meeting, considered her appeal. At the end of that meeting, the Board directed the Township’s attorney to draft a response denying Ms. Reaume’s appeal. (4/10/2017 Hr’g Tr 13-4, App 23.) Then, on May 8, 2017, the Board approved a resolution and report denying the appeal. (5/8/2017 Meeting Mins, App 14.) The report concluded that short-term rentals had never been permitted by the Township. (Report Adopted by Twp Bd 5/8/2017 at 2-3, App 16.) It stated that “short-term rentals are not allowed for a single-family dwelling in the Township. Therefore, the use of the Property as a short-term rental is not grandfathered as any use of the Property in that manner was never allowed by the Township in the first place under its Zoning Ordinance.” (*Id.* at 2.) The report further stated that short-term rentals “are not generally consistent with single-family dwellings.” (*Id.*) The Board rejected the idea that the Township’s Zoning Ordinance’s “general and expansive definition of ‘dwelling’ ” applied “to the ‘single-family dwelling’ subcategory.” (*Id.* at 3.) Thus, the definition of “dwelling” could not “be used to validate short-term rentals as single-family dwellings.” (*Id.*)

Moreover, the report rejected Ms. Reaume’s contention that she had received approval to rent the Property on a short-term basis. The report stated that the Township employees whom Ms. Reaume claimed had given her permission to engage in short-term rentals “had no authority to bind the Township.” (*Id.* at 4.) Accordingly, the Township denied the appeal.

Appeal to Circuit Court

Ms. Reaume then filed a claim of appeal with the Ottawa County Circuit Court on May 26, 2017. On July 3, 2017, the circuit court heard oral argument. On November 30, 2017, the circuit court issued its opinion and order affirming the Township Board's denial of Ms. Reaume's appeal. (11/30/2017 Order & Op, App 8.) Without detailed analysis, the circuit court held that Ms. Reaume's use of her property as a short-term rental prior to the adoption of Ordinance 255 was not a valid nonconforming use. The court stated that "[c]onspicuously absent" from the permitted uses listed in the Township's Zoning Ordinance for the R-1 district was "short-term rental." (*Id.* at 6, App 13.) Further, the court stated that any "representations by Township officials . . . to the contrary" were "unavailing." (*Id.*) The trial court gave no more reason than this for rejecting Ms. Reaume's appeal.

The Court of Appeals

In late 2017, Ms. Reaume filed an application for leave to appeal to the Court of Appeals. The Township opposed that application. Nevertheless, the Court of Appeals granted the application on June 4, 2018 and the case proceeded to full briefing.

On May 21, 2019, the Court of Appeals issued a published opinion affirming the circuit court for reasons different from those given by the circuit court. A large portion of the Court of Appeals' decision is spent discussing and rejecting an argument never made by Ms. Reaume, namely, that the Township was equitably estopped from enforcing the short-term rental prohibition. (COA Op 3-4, App 1.) She never argued that the Township was estopped from enforcing the prohibition. Rather, her entire brief argued that prior to the adoption of Ordinances 255 and 257, the Zoning Ordinance authorized short-term rentals in the R-1 District and that the Township's actions *confirmed* that it shared this understanding of its Zoning Ordinance before the

passage of Ordinances 255 and 257. (See Reaume Br on Appeal, x (question presented), 4-11 (argument).)

The Court of Appeals rejected Ms. Reaume’s argument that renting the Property on a short-term basis prior to the passage of Ordinances 255 and 257 was a lawful use. In rejecting her argument, the Court of Appeals analyzed the Township Zoning Ordinance’s definitions of “dwelling,” “motel,” and “family.” (COA Op 5-6, App 5-6.) The Court of Appeals observed that the Township’s definition of dwelling is “[a]ny Building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one (1) or more Families, but not including Motels or tourist rooms.” (*Id.* at 5, App 5.) But it nevertheless rejected Ms. Reaume’s position that the short-term rental of her property to a single family qualified as “Dwelling, Single-Family” for the following reasons:

Read as a whole, the definition of “Dwelling, Single-Family” unambiguously excludes transient or temporary rental occupation. Plaintiff focuses on the word “temporarily” in the overview definition of “Dwelling.” Plaintiff fails to note that although some kinds of dwellings permit temporary occupancy, single-family dwellings do not. The definition of single-family dwelling emphasizes one family only, and “family” expressly excludes “transitory or seasonal” or otherwise temporary relationships. Notwithstanding the possibility of some temporary occupancy, any kind of “dwelling” excludes a “motel.” “Motels” expressly provide transient lodging, or “tourist rooms,” which are undefined but reasonably understood as also referring to transient lodging. Plaintiff’s use of her property for short-term rentals seemingly fits the definition of a “motel.” Finally, it is notable to contrast the descriptions of the R-1 through R-3 zones with the description of R-4 zoning, which suggests that some kind of temporary occupancy might be permitted in two-family or multiple-family dwellings. The Ordinance clearly forbids short-term rental uses of property in R-1 zones, irrespective of whether the Ordinance does so in those exact words. [*Id.* at 6, App 6 (emphasis added).]

Ms. Reaume seeks leave to appeal.

STANDARD OF REVIEW

The Court reviews the interpretation of ordinances under a de novo standard. *Soupal v Shady View, Inc*, 469 Mich 458, 462; 672 NW2d 171 (2003); see also *Great Lakes Soc v Georgetown Charter Twp*, 281 Mich App 396, 407; 761 NW2d 371 (2008) (“[T]he interpretation and application of a municipal ordinance presents a question of law, which this Court reviews de novo.”).

ARGUMENT

The central issue in this appeal is whether Ms. Reaume had a vested right to lease her home to a single family as a short-term-vacation rental before Spring Lake amended its Zoning Ordinance to restrict such use in the R-1 District. The Court should grant her application for leave to appeal for three reasons. First, the Court of Appeals’ view of what it means to read the Zoning Ordinance “as a whole” conflicts with this Court’s rules of statutory construction, as it entails inferring the meaning of the Zoning Ordinance’s terms from inferences and generalizations instead of discerning it from a harmonious reading of the various definitions. Second, the Court of Appeals’ published opinion raises issues of major jurisprudential significance to zoning law in Michigan, as its analysis necessarily applies to substantially identical terms and definitions found in numerous zoning ordinances across Michigan. Finally, the Court of Appeals’ clearly erroneous decision results in a material injustice to Ms. Reaume by depriving her of a vested right based on the plain language of the Zoning Ordinance, while excusing Spring Lake of its obligation to pay compensation for eliminating her nonconforming use.

I. The Court of Appeals' opinion conflicts with this Court's rules of statutory construction.

Michigan law provides that “[i]f the use of a dwelling, building, or structure of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment.” MCL 125.3208(1). Spring Lake’s Zoning Ordinance accordingly provides that “[n]onconforming . . . uses which do not conform to one (1) or more of the provisions or requirements of this Ordinance or any subsequent amendments thereto, but which were lawfully established prior to the adoption of this Ordinance or subsequent amendment, may be continued.” (SLZO § 335, App 77.) In short, a “prior nonconforming use is a vested right in the use of particular property that does not conform to zoning restrictions, but is protected because it lawfully existed before the zoning regulation’s effective date.” *Heath Twp v Sall*, 442 Mich 434, 439; 502 NW2d 627 (1993). Ms. Reaume claims a vested right to use her home for short-term rentals to single families because such use was lawful under the terms of Spring Lake’s zoning ordinance that were in effect at the time she invested in and began this use.

Ordinances are interpreted in the same manner as statutes. *Gora v City of Ferndale*, 456 Mich 704, 711; 576 NW2d 141 (1998) (“The rules governing the construction of statutes apply with equal force to the interpretation of municipal ordinances.”). The words in the ordinance should be read in “light of their ordinary meaning and their context within the statute” and should be read “harmoniously to give effect to the statute as a whole.” *Johnson v Recca*, 492 Mich 169, 177; 821 NW2d 520 (2012) (quoting *People v Peltola*, 489 Mich 174, 181; 803 NW2d 140 (2011)). “Courts should not resort to judicial construction when the words of the Legislature are clear and unambiguous.” *In re Estate of Erwin*, 503 Mich 1, 25; 921 NW2d 308 (2018), as modified on reh’g (Oct 5, 2018). They must, however, “give effect to every word,

phrase, and clause in a statute and avoid an interpretation that would render any part of the statute surplusage or nugatory.” *Johnson*, 492 Mich at 177 (quoting *State Farm Fire & Cas Co v Old Republic Ins Co*, 466 Mich 142, 146; 644 NW2d 715 (2002)).

Spring Lake’s Zoning Ordinance establishes a “Low Density Residential-Resource District” or R-1 District. (SLZO § 407.A, App 78.) The R-1 District “is intended for low-Density Single-Family uses.” (*Id.*) Among the permitted uses in the R-1 District is “Dwelling, Single-Family.” (*Id.*) Thus, key to understanding what was and was not allowed within R-1 prior to the enactment of Ordinances 255 and 257, are the meanings of “Dwelling,” “Family,” and “Motel.”

The Township’s Zoning Ordinance defines dwelling generally as the following:

Any Building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or *temporarily*, by one (1) or more Families, but *not including Motels* or tourist rooms. Subject to compliance with the requirements of Section 322, a Mobile Home shall be considered to be a Dwelling. [SLZO § 205, App 70 (emphases added).]

It then defines “Dwelling, Single-Family” more specifically as a “Building designed for use and occupancy by one (1) Family only.” (*Id.*) Family, in turn, is defined as:

A single individual or individuals, domiciled together whose *relationship* is of a *continuing, non-transient*, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students, or other individuals whose relationship is of a *transitory* or seasonal nature, or for anticipated limited duration of school terms, or other similar determinable period of time. [SLZO § 207, App 71 (emphases added).]

Motel is defined as a “Building or group of Buildings on the same Lot . . . containing sleeping or Dwelling Units . . . designed for, or occupied by transient residents.” (SLZO § 214, App 75.)

Finally, a “Dwelling Unit” is one “room or a suite of two (2) or more rooms designed for use or occupancy by one (1) Family only.” (SLZO § 205, App 71.)

The Court of Appeals concluded that these definitions bar short-term rental of Ms. Reaume's home to a single family for two reasons: First, it held that "the definition of 'Dwelling, Single-Family' unambiguously excludes transient or temporary rental occupation" because "the definition of single-family dwelling emphasizes one family *only*, and 'family' expressly excludes 'transitory or seasonal' or otherwise temporary relationships." (COA Op 6, App 6.) Second, it held that a "motel" or "tourist room" involves "transient" lodging, and her short-term rentals qualify as transient lodging. (*Id.*)

While the Court of Appeals claims to reach these conclusions by reading the zoning ordinance "as a whole," its overgeneralized approach conflicts with this Court's conception of what it means to read a legislative act as a whole. Reading an ordinance as a whole means reading it "harmoniously," rather than in manner where terms conflict, and it means giving every term in the ordinance effect, rather than by rendering a term or phrase nugatory. See *Johnson*, 492 Mich at 177.

The Court of Appeals thought the phrase "Dwelling, Single-Family" precluded "temporary" occupancy because it allows "one family *only*, and [because] 'family' expressly excludes 'transitory or seasonal' or otherwise temporary relationships." (COA Op 6, App 6.) But drawing this unnecessary inference from the definition of "family" places it in conflict with the definition of "dwelling," which includes "a sleeping place, [occupied] either permanently or *temporarily*, by one (1) or more Families." (SLZO § 205, App 70 (emphases added).) This apparent conflict in the Zoning Ordinance's terms is of the Court of Appeals' own making because it has conflated the concept of transient relationships between people with the concept of transient occupancy of the property. There is no reason why a single "family" could not

“temporarily” occupy a “dwelling.” The Court of Appeals’ failure to read those terms harmoniously clearly departs from this Court’s jurisprudence and sets a bad precedent.

The Court of Appeals’ decision also conflicts with this Court’s interpretive rules in relying on generalizations when applying the term “motel” to Ms. Reaume’s short-term-rental use.² The only basis the Court of Appeals gave for holding that her use “seemingly fits the definition of a ‘motel’ ” is that motels provide “transient” lodging. That is not how this Court has said that statutory construction should work.

The definition of “motel” must be read as a whole and every word given its plain meaning. See *Johnson*, 492 Mich at 177. Again, “motel” is defined as a “Building or group of Buildings on the same Lot . . . containing sleeping or Dwelling Units . . . designed for, or occupied by transient residents.” (SLZO § 214, App 75.) Thus, to be a motel, the use cannot just involve transient occupancy; it must involve transient occupancy of a building or group of buildings providing “sleeping or Dwelling Units.” Notice that in several other instances, the Zoning Ordinance uses both the singular and plural:

- “A Building or group of Buildings . . .” (SLZO § 214, App 75.)
- “any Building or Building groups . . .” (*Id.*)
- “A single individual or individuals . . .” (*Id.* § 207, App 71.)
- “one (1) or more Families . . .” (*Id.* § 205, App 70.)

² The Court of Appeals did not hold and Spring Lake has never argued that short-term rental of Reaume’s entire home to a single family constitutes a “tourist room.” Review of that issue is therefore unnecessary. Were the Court to address the issue, however, it would find that the argument suffers from the same defects as the argument that Reaume’s use constitutes a “motel.” “Tourist room” is not defined in the zoning ordinance and has no common definition in readily accessible dictionaries. But it suggests the leasing of a single room to transients. Just as Reaume did not rent out multiple “dwelling units” as required for a “motel,” so also she did not rent a single room; she made the entire house available for rent as a dwelling for a single family.

But not here. The Zoning Ordinance only uses “sleeping or Dwelling Units” in the plural to define “motel.” The plain meaning of this is that there must be more than one sleeping or Dwelling Unit in the building (or buildings) for it to qualify as a “motel.” Ms. Reaume applied to lease the entire home as a single unit, not as more than one unit. (Short Term Rental Registration Form, App 51.) Her use does not fit the other terms of the “motel” definition. The Court of Appeals’ use of generalizations, divorced from the Zoning Ordinances’ text, to interpret and apply the term “motel” creates precedent that conflicts with this Court’s interpretive rules.³ Review is warranted to bring the jurisprudence back in line with this Court’s precedents.

II. This appeal involves issues of major jurisprudential significance affecting whether numerous other zoning ordinances will bar short-term-vacation rentals.

The Court of Appeals’ decision not only creates problematic jurisprudence that conflicts with this Court’s decisions in an area of great concern to Michigan residents, it also has a controlling effect on numerous other local governments and residents who currently operate under zoning ordinances strikingly similar to Spring Lake’s. Though the Court of Appeals’ decision focuses only on interpreting Spring Lake’s prior zoning ordinance, land-use regulations in

³ The trial court’s analysis supplies further evidence that lower courts need further guidance from this Court on zoning ordinance interpretation. The trial court held that because the term “short-term rental” was “conspicuously absent” from the Zoning Ordinance, such use was not permitted. (11/30/17 Order & Op 6, App 13.) This Court has never required legislative bodies to express their intent through the use of particular magic words. Cf. *Daley v LaCroix*, 384 Mich 4, 10 n 7; 179 NW2d 390 (1970) (“We should know, if thus informed, that magic words and incantations are as fatal to our science as they are to any other.” (quoting Selected Writings of Benjamin Cardozo, *The Growth of the Law*, at p. 215)). The legislative intent is to be discerned principally from the plain meaning of the words actually written into the Zoning Ordinance, not from words that are absent from it. See *Hegadorn v Dep’t of Human Servs Dir*, ___ Mich ___, ___ NW2d ___, No. 156132, 2019 WL 2064530, at *7 (2019) (“The principal goal of statutory interpretation is to give effect to the Legislature’s intent, and the most reliable evidence of that intent is the plain language of the statute.” (quoting *South Dearborn Env’tl Improvement Ass’n, Inc v Dep’t of Env’tl Quality*, 502 Mich 349, 360-361; 917 NW2d 603 (2018))).

Michigan are far more uniform than one might expect. This is probably because municipalities opted to copy each other's ordinances rather than reinvent the wheel, or they extracted their regulations from a common set of uniform regulations made available through organizations like the Michigan Township Association. Whatever the reason, the particular zoning ordinance provisions and terms at issue in this case are identical in nearly all material respects to zoning regulations in a large number of other municipalities, particularly lakeshore and touristic communities, many of which are identified in Exhibit A.

As shown above, the Court of Appeals' interpretation of Spring Lake's zoning ordinance depends largely on the definitions of three terms therein: "dwelling," "family," and "motel." The 17 municipalities identified in Exhibit A (and likely many others not listed) all use the terms "Dwelling, Single-Family" and "motel" (or "hotel") and define those terms in a manner substantially identical to Spring Lake.

For instance, the first one on the list, Arcadia Township, recognizes "Dwelling, Single-Family" as a category of land use just like Spring Lake. It defines "dwelling" as a "building . . . designated or used exclusively as a residence or a *sleeping place* . . . for one or more persons, permanently or temporarily," just like Spring Lake. (Arcadia Twp Zoning Ord § 2.02 (emphasis added).) And it defines "family" to include a "collective number of individuals occupying a single dwelling unit whose *relationship* is of a permanent *non-transient* and distinct domestic character," like Spring Lake. *Id.* (emphases added). Below is a table showing the striking similarity to many other municipalities identified in Exhibit A:

Municipality	Definition of “Dwelling”	Definition of “Family”
Bay Township	“A building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including <i>permanent</i> provisions for sleeping, heating, cooking, and sanitation”	“An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is of a <i>permanent or distinct</i> domestic character.”
Village of Benzonia	“Any building or structure or part thereof occupied as the home, residence or sleeping place of one or more . . .” (Definition of Dwelling, Dwelling Unit.)	“A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a <i>continuing non-transient</i> domestic character . . .”
Boyne City	“Any structure, building, or portion thereof . . . used, and occupied wholly as the home, residence or <i>sleeping place</i> for complete living accommodations of one family, either <i>permanently or transiently</i> ”	“. . . a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuous, <i>nontransient</i> , domestic character . . .”
Cadillac	“[A] building designed exclusively for and occupied exclusively by one family.” (Definition of Dwelling, One-Family)	“[A] single individual or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a <i>permanent</i> relationship based upon birth, marriage or other domestic bonds.”
Cheboygan County	“Any house, building, structure, or portion thereof which is occupied in whole, or in part, as a home, residence, living or sleeping place for one or more human beings, either <i>permanently or as transients</i> .”	“A person or persons living in one dwelling unit and related by blood, marriage, or legal adoption and comprising a single-housekeeping unit.”

Municipality	Definition of “Dwelling”	Definition of “Family”
Village of Elberta	“Any building or portion thereof which is occupied in whole or in part as a home, residence, or <i>sleeping place</i> , either <i>permanently or temporarily</i> , by one or more persons, but not including motels, hotels, tourist rooms or cabins.”	“. . . a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing <i>non-transient</i> domestic character . . .”
Hampton Township	“Any building used in whole or in part as a home, residence or sleeping place, either <i>permanently or temporarily</i> .”	“A collective number of individuals domiciled together in one (1) dwelling place whose relationship is of a continuing <i>non-transient</i> domestic character . . .
Norton Shores	“[A] building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, including one-family.”	“A collective number of individuals domiciled together in one dwelling unit whose relationship is of a <i>continuing nontransient</i> domestic character.”
Olive Township	“A building designed in accordance with the Township Construction Code or used exclusively as a living quarters for one (1) or more families.”	“A collective number of individuals domiciled together in one dwelling unit whose relationship is of a <i>continuing non-transient</i> domestic character.”
Onekama Township	“[A] use which is any house, building, structure, state licensed residential facility, or portion thereof which is occupied in whole or in part as a home, residence, living or <i>sleeping place</i> for one or more human beings, either <i>permanently or as transients</i> .”	A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing <i>non-transient</i> domestic character.”
Ossineke Township	“A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either <i>permanently or transiently</i> .”	“The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a <i>permanent and distinct</i> character.”

Municipality	Definition of “Dwelling”	Definition of “Family”
Pentwater Township	“A building, or any portion of a building, used or intended to be used for residential purposes as a housekeeping unit or a domicile by one or more persons containing facilities for (a) sleeping and (b) cooking and/or sanitary facilities.”	“A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a <i>continuing, non-transient</i> domestic character.”
Port Austin	“A house or a building or portion thereof having cooking facilities, which is occupied wholly as the home residence or sleeping place of 1 family, either <i>permanently or transiently</i> .” (Definition of Dwelling Unit.)	“A collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or <i>other domestic bonds distinguished</i> from a group occupying a boarding house, lodging house, club, fraternity, or hotel.”
Rogers City	“A house or building, or portion thereof . . . which has sleeping, living, cooking and sanitary facilities and is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either <i>permanently or transiently</i> .”	“Persons living together in a dwelling unit whose relationship is of a <i>permanent and distinct</i> character.”
Village of Shelby	“A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either <i>permanently or transiently</i> .”	“A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a <i>continuing, nontransient</i> domestic character.”

Municipality	Definition of “Dwelling”	Definition of “Family”
Solon Township	“A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either <i>permanently or transiently</i> .”	“A collective number of individuals domiciled together in one dwelling unit whose relationship is of a <i>continuing, non-transient</i> domestic character.”

Applying the Court of Appeals’ analysis to the phrase “single-family dwelling” in these ordinances will lead to the same result that it did in this case: “temporary” or “transient” occupancy will be precluded nonsensically in the name of nontransient familial relationships. Since a short-term rental is unquestionably a temporary occupancy, the Court of Appeals’ new precedent dictates that short-term-vacation rentals will be excluded from “single-family dwelling” in all of these municipalities.

In addition, the Court of Appeals’ analysis of “motel” in this case would result in the classification of such rentals as “motels” in all municipalities defining “motel” (or “hotel”) as a use that involves “transient” occupancy, rental, or lodging. Below is a table showing municipalities in Exhibit A that define “motel” or “hotel” in that fashion:

Municipality	Definition of Hotel or Motel
Arcadia Township	“A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling <i>units</i> The term shall include any building or building groups designated . . . by any other title intended to identify them as providing lodging . . . on a <i>transient</i> basis.”
Boyne City	“A building or part of a building, with a common entrance or entrances, in which the dwelling <i>units</i> or rooming <i>units</i> are used primarily for <i>transient</i> occupancy.”

Municipality	Definition of Hotel or Motel
Cadillac	<p>“[A] building or part of a building, with a common entrance or entrances, in which the dwelling <i>units</i> or rooming <i>units</i> are used primarily for <i>transient occupancy</i>.” (defining hotel)</p> <p>“[A] series (three or more) of attached, semidetached or detached rooming <i>units</i>. <i>Units</i> shall provide for <i>overnight transient lodging</i>.” (defining motel)</p>
Dalton Township	“A facility offering <i>transient</i> lodging accommodations to the general public . . .”
Hampton Township	“A building or group of buildings providing <i>transient</i> accommodations . . .”
Leland Township	“A building or group of buildings . . . used as individual sleeping or dwelling <i>units</i> designed primarily for <i>transient</i> automobile travelers.”
Norton Shores	<p>“[A] building in which lodging is provided and offered to the public for compensation and which is open to <i>transient</i> guests.” (defining hotel)</p> <p>“[A] series of attached, semidetached or detached rental <i>units</i>.” (defining motel)</p>
Olive Township	“[A] business comprising a dwelling <i>unit</i> or a group of dwelling units so arranged as to furnish temporary or <i>transient</i> lodging accommodations.”
Onkama Township	“[A] use which is any of a series of attached or semi-detached or detached rental <i>units</i> . . . in which all rental units of the facility remain available for rental to the general public on a short term <i>transient</i> basis.”
Ossineke Township	“A building or part of a building in which the dwelling <i>units</i> or rooming <i>units</i> . . . are used primarily for <i>transient</i> occupancy.”
Pentwater Township	“A series of attached, semi-attached, or detached rental <i>units</i> providing overnight lodging for <i>transients</i> , open to the traveling public for compensation.”
Port Austin	“A building or part of a building . . . in which dwelling or rooming <i>units</i> are used primarily for <i>transient</i> occupancy.”

Municipality	Definition of Hotel or Motel
Rogers City	“A building(s) or part of a building or series of semi-attached or detached rental <i>units</i> in which the dwelling <i>units</i> or rooming <i>units</i> . . . are used primarily for <i>transient</i> occupancy.”
Village of Shelby	“A series of attached, semi-attached, or detached rental <i>units</i> providing overnight lodging for <i>transients</i> .”
Solon Township	“A series of attached, semi-attached, or detached rental <i>units</i> providing overnight lodging for <i>transients</i> .”

The minor distinctions in these various definitions of hotel or motel are of no moment because the Court of Appeals here relied solely on the transient nature of the occupancy to classify the use as a motel, without regard to the other terms of the definition. Following its lead means at least disregarding the uniquely plural use of the term “units,” if not discounting the rest of the specific terms in those definitions.

Given the ongoing public controversy over short-term rentals, the Court of Appeals’ published decision can be expected to have serious ripple effects in these and other municipalities using a similar scheme in the near future. As discussed above, this is an issue of great economic and political concern for municipalities and residents throughout the state, especially those in lakeshore or tourist-attracting communities, where one would expect short-term-vacation rentals to be prevalent.

While it is true that these municipalities all have the power to establish specific regulations for short-term-vacation rentals under Michigan law at any time, just as Spring Lake did, those identified in Exhibit A and many others have not done so. That may be an intentional policy choice for some, based on the same understanding Spring Lake officials originally had that “single-family dwelling” permitted short-term-vacation rentals, along with a calculation that

such accommodations attract tourism, create a better market for home and lake-cottage ownership, and generally boost the local economy. The Court of Appeals' decision may nevertheless force their hand to amend the zoning ordinances to expressly permit such rentals when they otherwise should not have to incur that legal expense.

Others feeling political pressure against short-term rentals may be wrestling with the question of whether an amendment is worthwhile if most cottage owners or homeowners have already begun renting to vacationers on a short-term basis, given the cost of acquiring those vested rights. Now a published decision from the Court of Appeals essentially permits these municipalities to reinterpret their ordinances as prohibiting the use all along, relieving them of any obligation to pay compensation under the Michigan Zoning Enabling Act. It would not be surprising to soon see enforcement measures being taken to "clean house" in reliance on the Court of Appeals' decision.

In short, the Court of Appeals' defective but precedential analysis has immediate application to numerous other municipalities throughout Michigan, and given the controversy over this issue in municipalities across the state, its decision will likely be acted upon in relatively short order. The significant ramifications of the Court of Appeals' decision for municipalities, homeowners, and cottage owners throughout the state counsels the Court to grant further review.

III. The Court of Appeals' decision is clearly erroneous and will result in a material injustice to Ms. Reaume and countless other Michigan residents.

As discussed in Section I above, the Court of Appeals' affirmed the lower court on the basis of an interpretive analysis that defies the rules of statutory construction and the plain language of the Spring Lake Zoning Ordinance that was in effect when Ms. Reaume invested in and began short-term rental use of her property. Applying this Court's rules of statutory

construction, temporary occupancy of a single family in a home or “sleeping place” qualifies as a “Dwelling, Single-Family” use. The plain meaning of “occupancy” encompasses those who occupy as lessees as much as it does those who occupy as owners. And the plain meaning of “temporary” certainly encompasses any length of stay that would qualify as “short term.” Thus, the meaning of “Dwelling, Single-Family” unambiguously includes short-term rentals to a single family. It certainly does not unambiguously *exclude* them, as the Court of Appeals held.⁴ The Court of Appeals’ decision is therefore clearly erroneous.

It also results in a material injustice to Ms. Reaume and countless other property owners who will have their vested rights taken away on the basis of a faulty interpretation they had no reason to foresee because it is not reflected in the plain language of the zoning ordinances. As discussed above, Michigan law does not allow a municipality to simply regulate away an on-going lawful use. MCL 125.3208. If the municipality wishes to eliminate a lawful nonconforming use, it must acquire the vested right either by purchase or by condemnation. *Id.* Either way, compensation must be paid to the property owner. Municipalities and their taxpayers cannot reap the benefits of new land-use regulations and externalize the cost onto a few property owners by forcing them to forfeit their vested interest in an existing use. Michigan legislative policy forbids it. *Id.*

Letting the Court of Appeals’ decision stand would effectively thwart that legislative policy in Ms. Reaume’s case and in many future cases where enforcement measures are taken in

⁴ Should the Court determine for some reason that “Dwelling, Single-Family” is ambiguous, then such doubt as to the actual meaning must be resolved in Reaume’s favor. *Talcott v City of Midland*, 150 Mich App 143, 147; 387 NW2d 845 (1985) (“When interpreting the language of an ordinance to determine the extent of a restriction upon the use of property, the language must be interpreted, where doubt exists regarding legislative intent, in favor of the property owner.” (quoting *Peacock Twp v Panetta*, 81 Mich App 733, 736-737; 265 NW2d 810 (1978))).

reliance on the Court of Appeals' decision. In this case, all indications were that Spring Lake allowed short-term-vacation rentals. The Zoning Ordinance provided for temporary occupancy of single-family dwellings and defined "motel" in a way that does not fit Ms. Reaume's use of her property; and Spring Lake staff had even staked out a position that such use was authorized, which changed only after complaints were made and elected officials stepped in. To be sure, Spring Lake always could have taken Ms. Reaume's vested right; but it would have to pay Ms. Reaume to purchase or condemn that property interest as legislative policy requires. Instead, Spring Lake took a position inconsistent with its own staff's understanding of the Zoning Ordinance, and, more importantly, with its plain text. And Spring Lake's gambit paid off. Under the Court of Appeals' decision, Ms. Reaume now bears the cost of the Spring Lake's policy change instead of the other residents who called for the change in the first place. That is not how zoning regulation and municipal policy are supposed to work in this state under the Michigan Zoning Enabling Act. The Court should grant review to prevent Ms. Reaume and untold others from being deprived of their vested rights on the basis of a Court of Appeals published decision that is clearly erroneous.

CONCLUSION AND REQUESTED RELIEF

The Court of Appeals' highly problematic decision conflicts with this Court's precedents and creates deeply flawed yet widely controlling precedent on issues of major jurisprudential significance to the regulation of an ubiquitous land use—the short-term-vacation rental. This is an issue of great concern to municipalities, homeowners, and cottage owners throughout Michigan, and it deserves the Court's attention, particularly in light of the clear error in the Court of Appeals' analysis. The Court should accordingly grant leave to appeal or peremptorily reverse the Court of Appeals' decision.

Dated: July 2, 2019

Respectfully submitted,

WARNER NORCROSS + JUDD LLP

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EXHIBIT A

REAUME ZONING ORDINANCE EXAMPLES

Arcadia Township Ordinance 001-2005, § 2.01, available at
<<http://www.townshipofarcadia.org/zoning-administration.html>>.

Bay Township Zoning Ordinance, § 3.2, available at
<<http://baytownshipmi.org/zoning-ordinance>>.

Village of Benzonia Zoning Ordinance, § 2.1, available at
<<https://villageofbenzonia.com/zoning>>.

Boyne City Ordinances, Appendix A § 1.40, available at
<https://library.municode.com/mi/boyne_city/codes/code_of_ordinances?nodeId=PTIICOOR_A_PXAZOOR>.

Code of Ordinances of Cadillac, § 46-4, available at
<<http://www.cadillac-mi.net/index.aspx?NID=178>>.

Cheboygan County Zoning Ordinance, § 4.1, available at
<<https://www.govinfo.gov/content/pkg/CZIC-kfm2399-c36-1982/html/CZIC-kfm2399-c36-1982.htm>>.

Village of Elberta Zoning Ordinance, § 2.02, available at
<<http://villageofelberta.com/about-us/village-government/zoning-ordinances>>.

Hampton Township Zoning Ordinance 36A, § 30.02, available at
<<https://hamptontownship.org/ordinances>>.

Norton Shores Code of Ordinances, § 48-5, available at
<https://library.municode.com/mi/norton_shores/codes/code_of_ordinances?nodeId=COORNOS_HMI_CH48ZO_ARTIINGE>.

Olive Township Zoning Ordinance, § 2.02, available at
<<https://www.olivetownship.com/document-category/ordinances>>.

Onekama Township Zoning Ordinance, § 503, available at
<<https://www.onekama.info/twp-ordinances>>.

Ossineke Township Zoning Ordinance, § 2.1, available at
<<http://www.ossineketownship.com/docs/OssinekeTownshipZoningOrdinance2015.pdf>>.

Pentwater Township Ordinance 7-14-99, §§ 2.05, 2.07, 2.09, 2.14, available at
<<http://www.pentwatertwp.org/township-ordinances.html>>.

Village of Port Austin Zoning Ordinance, art. 10, available at
<http://www.villageofportaustin.com/Zoning_Ordinance_106-04_As_of_9.2.09.pdf>.

Rogers City Zoning Ordinance, § 32-12, available at
<http://www.rogerscity.com/uploads/5/3/7/7/53772309/rogers_city_zoning_ordinance_-_amended_to_9-20-16.pdf>.

Village of Shelby Zoning Ordinance, §§ 2.05, 2.07, 2.09, 2.14, available at
<<https://shelbyvillage.com/ordinances-%26-zoning>>.

Solon Township Zoning Ordinance, § 2.05, available at
<<http://solontwp.org/departments/solon-township-zoning-board>>.

ORDINANCE LANGUAGE

Arcadia Township

(all in Arcadia Township Ordinance 001-2005 § 2.01)

DWELLING OR APARTMENT – A building or portion thereof, designated or used exclusively as a residence or sleeping place with cooking and bathroom facilities for one or more persons, **permanently or temporarily**.

DWELLING, SINGLE FAMILY – A building used or designated for use exclusively by one family.

FAMILY – (a) One or more persons related by blood, marriage, or adoption, including foster children and servants, occupying a single dwelling unit and living as a single, non-profit housekeeping unit.

(b) A collective number of individuals occupying a single dwelling unit whose relationship is **of a permanent non-transient and distinct domestic character** and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order nor does it include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities, as defined by the Township Zoning Act, being Act. No. 184 of PA of 1943, as amended, having more than six individuals

HOTEL – Any building where lodging with or without meals, is furnished to **transient or resident guests** for compensation, and containing more than four sleeping rooms, and having no cooking facilities in any individual lodging, but wherein a restaurant may or may not be located.

MOTEL – A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied

by, travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation **on a transient basis.**

Bay Township

(all in Bay Township Zoning Ordinance, § 3.2.)

DWELLING – A building, or portion thereof, providing complete independent living facilities for one (1) family for residential purposes, including **permanent provisions** for sleeping, heating, cooking, and sanitation, including apartments, accessory dwelling units. Accessory buildings, tents, temporary structures, automobiles, school buses, and recreational vehicles are not considered to be dwellings under this definition.

DWELLING, SINGLE FAMILY – A building, or portion thereof, containing one (1) dwelling designed for occupancy by one (1) family.

FAMILY – An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is **of a permanent or distinct domestic character** who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities. A family, however shall not include any society, club, fraternity, sorority, association, lodge or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

HOTEL/MOTEL – A business establishment providing lodging for the traveling public with parking facilities contiguous to the motel building. A motel may or may not provide food service or restaurant facilities. For the purpose of this ordinance "motel" and "hotel" are synonymous.

Village of Benzonia

(all in Village of Benzonia Zoning Ordinance, § 2.1.)

DWELLING, DWELLING UNIT – Any building or structure or part thereof occupied as the home, residence or sleeping place of one or more cooking facilities exist.

DWELLING, SINGLE FAMILY – A detached building designed for or occupied exclusively by one (1) family.

FAMILY – A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is **of a continuing non-transient domestic character** and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students whose domestic

relationship is **of a transitory or seasonal nature** or for an anticipated limited duration of a school term or other similar determinable period.

HOTEL/MOTEL – Not listed in definitions, but elsewhere described in § 11.7 Special Land Use Permits: Supplementary Use Regulations. The description includes a purpose – “It is the purpose of this section to establish reasonable requirements for **transient lodging facilities**, exclusive of bed and breakfast establishments.”

Boyne City

(all in Boyne City Ordinances, Appendix A § 1.40.)

DWELLING – Any structure, building, or portion thereof, on-site built, prefabricated, preassembled, or pre-built, having cooking facilities and which is designed, used, and occupied wholly as the home, residence or sleeping place for complete living accommodations of one family, either **permanently or transiently**, complying with not less than the following minimum standards

DWELLING, SINGLE FAMILY – A building containing one dwelling unit and designed for, or occupied by, only one family.

FAMILY – An individual or group of two or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than two additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is **of a continuous, nontransient, domestic character** and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is **of a transitory or seasonal nature** or for an anticipated limited duration of a school term or terms of other similar determinable periods.

HOTEL – Any building containing six or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used **primarily for transient occupancy**, and in which one or more of the following services are offered

MOTEL – A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for **overnight lodging** and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Cadillac

(all in Code of Ordinances of Cadillac, § 46-4.)

DWELLING, ONE-FAMILY – means a building designed exclusively for and occupied exclusively by one family.

DWELLING UNIT –means a building, or portion thereof, designed for nontransient occupancy by one family for residential purposes, having permanent living, sleeping, eating, cooking and sanitation.

FAMILY – means a single individual or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a permanent relationship based upon birth, marriage or other domestic bonds. The term "family" shall not include a group occupying a boardinghouse or lodginghouse, clubs or other associations of a temporary, transient or seasonal character.

HOTEL – means a building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. The term "hotel" may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

MOTEL – means a series (three or more) of attached, semidetached or detached rooming units. Units shall provide for overnight transient lodging and shall cater primarily to the public traveling by motor vehicle

Cheboygan County

(all in Cheboygan County Zoning Ordinance, § 4.1)

DWELLING - Any house, building, structure, or portion thereof which is occupied in whole, or in part, as a home, residence, living or sleeping place for one or more human beings, either permanently or as transients. In no case shall a small trailer, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

DWELLING, SINGLE FAMILY - A building containing not more than one dwelling unit designed for residential use, complying with the standards of this ordinance.

DWELLING UNIT - A building or portion of a building which has sleeping, eating, and sanitary facilities and can accommodate one family, either permanently or transiently.

FAMILY - A person or persons living in one dwelling unit and related by blood, marriage, or legal adoption and comprising a single-housekeeping unit.

HOTEL - A building occupied or used predominantly as a temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five sleeping rooms, none which have cooking facilities.

MOTEL - A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities.

Village of Elberta

(all in Village of Elberta Zoning Ordinance, § 2.02.)

DWELLING – Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more persons, but not including motels, hotels, tourist rooms or cabins.

DWELLING, SINGLE FAMILY – A building designed for exclusive use and occupancy by 1 family only.

FAMILY – An individual or 2 or more who are domiciled together as a single, domestic, house-keeping unit in a dwelling unit, or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include rooming or boarding houses or any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonable nature or for an anticipated limited duration of a school term or other similar determinable period, nor a group whose sharing of a dwelling is not to function as a family, but merely for convenience or economics.

HOTEL, MOTEL AND OTHER TRANSIENT LODGING – Commercial establishments, known as hotels, motorhotels, and motels, including resort hotels and hotels operated by membership organizations, and open to the general public, primarily engaged in providing lodging, or lodging and meals, for the general public; however, not including bed and breakfast establishments.

Hampton Township

(all in Hampton Township Zoning Ordinance 36A, § 30.02.)

DWELLING – Any building used in whole or in part as a home, residence or sleeping place, either permanently or temporarily, including mobile homes; one family, two family and multi-family buildings and boarding houses; but not including hotels, motels, tents, recreational vehicles or other unconventional structures.

DWELLING – SINGLE FAMILY DETACHED – A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family or domestic unit only

FAMILY – A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling unit or;

B. A collective number of individuals domiciled together in one (1) dwelling place whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose

domestic relationship is **of a transitory or seasonal nature** or for an anticipated limited duration of a school term or other similar determinable period.

MOTEL – A building or group of buildings **providing transient accommodations** with motor vehicle parking contiguous to the building. The term, "motel", shall include: drive-in hotel, tourist court, motor hotel, tourist room, motor court, tourist cabin, motor inn, motor lodge, or transient cabin. For the purpose of this ordinance, "Motel" and "Hotel" are considered synonymous.

Norton Shores

(all in Norton Shores Code of Ordinances, § 48-5.)

DWELLING – means a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, including one-family, two-family and multiple-family dwellings, and apartment-hotels, hotels, boardinghouses and lodgings, and meeting all applicable code provisions in effect on the date of construction.

FAMILY – means (1) An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and stepchildren and servants or the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit; or

(2) A collective number of individuals domiciled together in one dwelling unit whose relationship is **of a continuing nontransient domestic character** and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is **of a transitory or seasonal nature** or for an anticipated limited duration of a school term or other similar determinable period.

HOTEL – means a building in which lodging is provided and offered to the public for compensation and which is **open to transient guests** (as distinguished from a boardinghouse, lodging-house, apartment-hotel, fraternity house or sorority house).

MOTEL – means a series of attached, semidetached or detached rental units containing a bedroom, bathroom, closet space and, where permitted, kitchenettes, as regulated in this chapter. Units shall provide for **overnight or resort lodging** and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Olive Township

(all in Olive Township Zoning Ordinance, § 2.02.)

DWELLING – A building designed in accordance with the Township Construction Code or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings.

DWELLING, ONE FAMILY – A dwelling structure designed exclusively for occupancy by one (1) family.

FAMILY – A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term, year or other similar determinable period.

HOTEL – A building occupied or used as a more or less temporarily abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see "Motel").

MOTEL – (also see-"Hotel") - A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient lodging accommodations for the public for compensation.

Onekama Township

(all in Onekama Township Zoning Ordinance, § 503.)

DWELLING – means a use which is any house, building, structure, state licensed residential facility, or portion thereof which is occupied in whole or in part as a home, residence, living or sleeping place for one or more human beings, either permanently or as transients designed to provide living, cooking and eating space for one family only, and does not have a common wall with any other dwelling.

FAMILY – means A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, house-keeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

HOTEL – means a use which is any of a series of attached or semi-detached or detached rental units under common ownership and management in which all rental units of the facility remain available for rental to the general public on a **short term transient basis** for a reasonable portion of the operational year and containing bedroom, bathroom, closet space, and common areas for laundry facilities, recreational areas and related services, and which also include a restaurant and/or drinking establishment where food and drink are served or provided for guests and the public by preparation for direct consumption or service on the premises or elsewhere.

A Hotel may include reasonably necessary staff quarters. A Hotel site shall contain a minimum of 10 acres. For purposes of this Ordinance, boat dockage which is established, maintained and operated exclusively for the direct use and/or benefit of current hotel guests, or patrons, shall be an accessory use of a Hotel when such boat dockage is operated in compliance with all applicable laws and in accordance with the provisions of a Special Use Permit obtained pursuant to Section 8601, et seq., of this Ordinance, but in no event shall any guest or patron or association of guests or patrons be given the exclusive right to use any specific dock slip, nor shall any dock slip be rented for overnight use, except in conjunction with the contemporaneous rental of a hotel unit or units.

Ossineke Township

(all in Ossineke Township Zoning Ordinance, § 2.1)

DWELLING UNIT: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either **permanently or transiently**. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

DWELLING, ONE-FAMILY: A building designed exclusively for and occupied exclusively by one (1) family.

FAMILY: either of the following: A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is **of a permanent and distinct character** and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a **limited or temporary duration**. The number of persons who may reside as a functional equivalent family shall be limited to five exclusive of domestic employees.

HOTEL: A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior or the building and are used **primarily for transient occupancy**, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

MOTEL: A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used **primarily for transient occupancy**, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include tourist cabins, motor courts, automobile courts, auto cabins, motor lodges and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, multiple dwellings or hotels.

Pentwater Township

(Pentwater Township Ordinance 7-14-99, §§ 2.05, 2.07, 2.09, 2.14.)

DWELLING, OR DWELLING UNIT – A building, or any portion of a building, used or intended to be used for residential purposes as a housekeeping unit or a domicile by one or more persons containing facilities for (a) sleeping and (b) cooking and/or sanitary facilities. Pentwater Township Ordinance 7-14-99, § 2.05.

DWELLING, SINGLE FAMILY (DETACHED) – A detached building used or designed for use exclusively by one (1) family. It may also be termed a one (1) family unit. Pentwater Township Ordinance 7-14-99, § 2.05.

FAMILY – A. An individual or group of two (2) or more persons elated by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or

B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is **of a continuing, non-transient domestic character** and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature. Pentwater Township Ordinance 7-14-99, § 2.07.

HOTEL – A building occupied or used as a predominantly **temporary abiding place** by individuals or groups of individuals, with or without meals. Pentwater Township Ordinance 7-14-99, § 2.09.

MOTEL – A series of attached, semi-attached, or detached rental units providing **overnight lodging for transients**, open to the traveling public for compensation. A motel shall not include accessory used, such as gift shops, restaurants, and other similar uses. Pentwater Township Ordinance 7-14-99, § 2.14

Port Austin

(all in Village of Port Austin Zoning Ordinance, art. 10.)

DWELLING: A structure or portion thereof, which is used exclusively for human habitation.

DWELLING UNIT: A house or a building or portion thereof having cooking facilities, which is occupied wholly as the home residence or sleeping place of 1 family, either **permanently or transiently**, but in no case shall a travel trailer, camping trailer, motor home, truck camper, slide-in camper, chassis-mount camper, a single section mobile home without permanent foundation, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this definition and shall comply with provisions thereof relative to dwellings.

DWELLING, ONE-FAMILY: A building containing not more than one dwelling unit designed for residential use

FAMILY: A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

HOTEL: A building or part of a building, with a common entrance or entrances, in which dwelling or rooming units are used **primarily for transient occupancy**, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms as accessory uses.

MOTEL: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space having direct access to an open parking lot, which are rented for **overnight lodging** primarily to the public traveling by motor vehicle.

Rogers City

(all in Rogers City Zoning Ordinance, § 32-12.)

DWELLING - A house or building, or portion thereof, either site-built or pre-manufactured, which has sleeping, living, cooking and sanitary facilities and is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either **permanently or transiently**, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings.

DWELLING, ONE-FAMILY - A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only. Also known as a single-family dwelling.

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

Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a presumption enforced by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

HOTEL - A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

MOTEL - A building(s) or part of a building or series of semi-attached or detached rental units in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. Motor vehicle parking is located in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the City Council with the exception of units for use of the Manger and/or Caretaker.

Village of Shelby

(Village of Shelby Zoning Ordinance, §§ 2.05, 2.07, 2.09, 2.14.)

DWELLING, OR DWELLING UNIT – A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings

C. Dwelling, Single Family (Detached). A detached building used or designed for use exclusively by one (1) family. It may also be termed a one (1) family unit. Village of Shelby Zoning Ordinance, § 2.05.

FAMILY – A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, who are domiciled together as a single housekeeping unit in a dwelling unit; or

A. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is **of a continuing, nontransient domestic character** and who are cooking and living as a single nonprofit housekeeping unit.

B. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is **of a transitory or seasonal nature**, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature. Village of Shelby Zoning Ordinance, § 2.07.

HOTEL – A building occupied or used as a predominantly **temporary abiding place** by individuals or groups of individuals, with or without meals. A hotel shall include accessory uses, including, but not limited to gift shops, restaurants, and other similar uses primarily oriented to the customers of the hotel. Village of Shelby Zoning Ordinance, § 2.09

MOTEL – A series of attached, semi-attached, or detached rental units providing **overnight lodging for transients**, open to the traveling public for compensation. A motel shall not include accessory uses, such as gift shops, restaurants, and other similar uses. Village of Shelby Zoning Ordinance, § 2.14.

Solon Township

(Solon Township Zoning Ordinance, §§ 2.05, 2.07, 2.09, 2.14.)

DWELLING, OR DWELLING UNIT – A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either **permanently or transiently**, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. Solon Township Zoning Ordinance, § 2.05.

DWELLING, SINGLE FAMILY (DETACHED) – A detached building used or designed for use exclusively by one family. It may also be termed a one family unit. Solon Township Zoning Ordinance, § 2.05.

FAMILY – An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or

A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature. Solon Township Zoning Ordinance, § 2.07.

HOTEL – A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals. Solon Township Zoning Ordinance, § 2.09.

MOTEL – A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation. Solon Township Zoning Ordinance, § 2.14.