1.  Courts: Airbnb in City of St. Clair Shores home is a violation of the zoning ordinance

Case: *People of the City of St. Clair Shores v. Dorr*

Court: Michigan Court of Appeals (Unpublished Opinion, No. 349910, October 29, 2020)

Holding that defendant failed to show the ordinance was unconstitutionally vague, the court affirmed the circuit court order affirming his district court bench trial misdemeanor conviction for violating the City of St. Clair Shores Zoning Ordinance 15.050 (R-A One Family General Residential District). There was no factual dispute that he “was engaged in using his home for short-term rentals through Airbnb.” The question was whether the zoning ordinance prohibited this use. Defendant argued that it did not or, in the alternative, that the ordinance was unconstitutionally vague.

The court concluded that the trial court correctly ruled that his “conduct clearly falls within the purview of the ordinance and is plainly prohibited by” the ordinance language. “Ordinance 15.556(1) requires that the home business be ‘incidental’ to the use of the dwelling as a dwelling.” The court further concurred “with the trial court that a person of ordinary intelligence would reasonably understand from this language that the business therefore cannot be coextensive with the primary use of the dwelling as a dwelling and that the ordinance therefore prohibits the type of short-term rental business that defendant was running from his home under these circumstances.” Thus, it provided “fair notice of the conduct prohibited and clear standards to prevent arbitrary or discriminatory enforcement.” (Source: State Bar of Michigan *e-Journal* Number: 74145; November 11, 2020)

Full text: <http://www.michbar.org/file/opinions/appeals/2020/102920/74145.pdf>