



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, FEBRUARY 15, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk
ABSENT: Churchill
STAFF: Scott McNeil, Steve Schnell
GUESTS: Judy Ostwald, Carl Muscott, John F. Brown, Bob Lyon, Toni Wilson, Tony Matelski, Cal Gouine, John Moore, Russell Crawford, Cheryl Crawford, Don Fullenwider, Chris Kindsvatter, Hobart Kirsch

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

APPROVAL OF MINUTES

The February 1, 2017 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment Relating To Short Term Rentals

Mr. McNeil reviewed the new definition for Vacation Home Rental, "A commercial use of a single-family or two-family dwelling where the dwelling or a portion thereof which is rented for less than thirty (30) days." Mr. McNeil stated that section 2 is where the use would be listed and he expects this will be a use by right in all Zoning Districts. Mr. McNeil stated that section 3 provides parking requirements for short term rentals. Mr. McNeil stated that section 4 provides that a short term rental would not be subject to site plan review. Mr. McNeil stated that home occupations have parking requirements. Mr. McNeil stated that a zoning permit is required for a home occupation.

Mr. Freese stated that he does not believe a permit should be required to show that the vacation rental is grandfathered in case the regulation is changed in the future. Mr. Freese noted that if the regulation is changed in the future, anything up to the date of the change would be grandfathered. Mr. Freese stated that the property owner would only need to provide a receipt dated prior to the change, showing that they had rented their house. Mr. Freese stated that this is being changed to a use by right and he does not see any reason to put restrictions on a use by right. Mr. Freese stated that there is still a cost to a zoning permit and then someone will need to keep track of the paperwork. Mr. Freese stated that this would create three categories; use by right, use by zoning permit and use by special use permit. Mr. Freese stated that he does not see the need for a zoning permit.

Mr. Kavanaugh stated that he agrees with Mr. Freese. Mr. Kavanaugh stated that historically there has never been a new use issued for rentals. Mr. Kavanaugh stated that there have been a very limited number of complaints regarding vacation rentals. Mr. Kavanaugh stated that he would like to see vacation rentals as a use by right. Mr. Kavanaugh stated that the parking

requirements for vacation rentals should be the same as a single family dwelling which is two. Mr. Kavanaugh stated that there shouldn't be any zoning inspections or zoning permit required. Mr. Kavanaugh stated that there 300-500 vacation rentals advertised on the internet and there are probably another 500 that exist that we do not know about. Mr. Kavanaugh stated his concerns regarding 500 property owners having to apply for a zoning permit for a use that has gone on without problems historically.

Mr. Jazdyk stated that he agrees with Mr. Freese and Mr. Kavanaugh. Mr. Jazdyk stated his concerns about vacation rentals being limited to single family dwellings and two family dwelling. Mr. Jazdyk stated that there are all kinds of dwellings that people would use and rent such as apartments, condominiums and multi-family dwelling. Mr. Jazdyk stated that vacation rentals should be a use by right and should include any dwellings so it would not be limited.

Mr. Kavanaugh stated that this use by right should be allowed in all Zoning Districts. Mr. Freese agreed with Mr. Kavanaugh. Mr. Schnell stated that if this is the way the Planning Commission chooses to go; legal counsel recommends that the new use is documented in some way, in case there is a change in the regulation in the future. Mr. Schnell stated if you do not register the use there is no way to say for sure that they are grandfathered. Mr. Schnell stated the Planning Commission could never add further regulations to this use. Mr. Schnell noted that everyone with a single family dwelling in Cheboygan County can say that they have rented their dwelling at some point and they are grandfathered. Mr. Schnell stated that every dwelling would essentially be grandfathered and it would be messy to try and add any regulations later. Mr. Schnell stated that this will restrict the county from ever having more stringent regulations on vacation rentals. Mr. Schnell suggested some type of recording for the property owner's protection. Mr. Schnell stated that if you do not want to require a permit for a new use, you could redefine a single family home to be rented for any period of time. Mr. Kavanaugh stated that he wanted whatever was easiest to allow vacation rentals without any zoning oversight except what we already have for single family dwellings. Mr. Kavanaugh stated that the Zoning Ordinance has been revised many times over the years. Mr. Kavanaugh stated that if there is an issue with the grandfathered status for a vacation rental, the property owner will be able to provide information.

Mr. Freese stated that he agrees with Mr. Kavanaugh. Mr. Freese noted that a property owner could establish their grandfather status the day before the regulation becomes more prohibitive. Mr. Freese stated that if this is a recommendation from legal counsel, he recommends sending a letter to every property owner in Cheboygan County telling them that if they want to establish grandfathering status for their dwelling on their property, then they should sign the form and send it back to Cheboygan County. Mr. Freese stated that this way everyone will be covered and it will not cost the property owner anything other than the cost of a stamp. Discussion was held.

Mr. Kavanaugh stated that a lot of time has been spent on this to date and historically it hasn't been a problem. Mr. Kavanaugh stated that there has only been one enforcement issue that didn't go through. Mr. Kavanaugh stated that this should be set aside. Mr. Kavanaugh stated that the day before the regulation goes into effect; the property owner can submit a letter to be kept on record. Mr. Kavanaugh stated that if this is a terrible problem in two years or fifteen years, the Planning Commission can address it in a different manner. Discussion was held. Mr. McNeil stated that this would just be a matter of changing the definition.

Draft Zoning Ordinance Amendment Relating To Assembly Halls

Mr. McNeil explained that this amendment has been condensed but the regulatory information is the same as the last review. Mr. McNeil stated that there has been a change in the name as the Planning Commission requested. Mr. McNeil stated that instead of Assembly Halls for the use listing he is suggesting Assembly, Education or Social Event Facility.

Mr. Freese referred to section 2 and stated "Arcades, bowling alleys, pools or billiard halls" are listed under 13A, 13B, 13C and 13D. Mr. Freese referred to section 3 and stated "Bowling alleys, pool or billiard parlors" are listed under 6.2.5 and 13.2.4. Mr. Freese asked why arcades are excluded from the use listings under section 3. Mr. McNeil stated that those use listings all appeared with clubs in them. Mr. McNeil stated that he took clubs out and left them as they were. Mr. Freese proposed adding arcades to 6.2.5 and 13.2.4.

Mr. McNeil stated that he included repealing section 17.3 and 21.9.2 as previously discussed. Mr. McNeil stated that he will make the requested changes and then send it to legal counsel to review.

Draft Zoning Ordinance Amendment Relating To Convalescent Home Uses

Mr. McNeil stated that section 1 provides definitions for Adult Day Care Center, Assisted Living Center and Healthcare Living Center.

Mr. McNeil stated that section 2 repeals the current definition of Convalescent or Nursing Home.

Mr. McNeil stated that section 3 replaces the current Elder Housing and Convalescent Homes use with Assisted Living Center as a use which requires a special use permit in the Residential Development and Village Center Topinabee Residential Overlay Zoning Districts.

Mr. McNeil stated that section 4 replaces the current Assisted Living Facility/Convalescent Home use with Assisted Living Center or Adult Day Care Center as a use which requires a special use permit in the Village Center Indian River and Village Center Topinabee Zoning Districts.

Mr. McNeil stated that section 5 replaces the current use listing for Elderly Housing, Nursing and Convalescent Homes with the proposed use listing of Adult Daycare Center, Assisted Living Center or Health Care Living Center as uses which require site plan review in the Commercial Development Zoning District, Light Industrial Zoning District and General Industrial Zoning District. Mr. McNeil stated that a special use permit is required in the Agriculture and Forestry Management and Rural Character/Country Living Zoning Districts.

Mr. Freese referred to the definitions of Assisted Living Center and Healthcare Living Center and stated the word "regulations" should be changed to "regulation".

Mr. Kavanaugh asked if either a special use permit or a site plan review will be required for an Adult Day Care Center, Assisted Living Center and Healthcare Living Center. Mr. Kavanaugh asked if any of these uses would be a use by right. Mr. McNeil stated that there is no recommendation for these uses in Lake and Stream Protection Zoning District. Mr. McNeil stated that the lesser impact uses, Adult Day Care and Assisted Living, are proposed to be allowed in Residential Development Zoning District by special use permit. Mr. McNeil asked if this amendment is ready to send to legal counsel for review. Mr. Kavanaugh stated yes.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Schnell stated that he is working with the DEQ to present a soil and sedimentation training for the Planning Commission at a future meeting.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott thanked the Planning Commission. Mr. Muscott stated that there is a light turnout for the meeting because at the last Planning Commission meeting it was believed that this would be solved as quickly as possible. Mr. Muscott stated that redefining what a dwelling is and where it is allowed will simplify the process. Mr. Muscott stated that he understands the need to amend ordinances. Mr. Muscott explained that it may benefit the Planning Commission to have a strike through of what is being changed within the text of the actual section that is being amended.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:59 pm.



Charles Freese
Planning Commission Secretary