



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, FEBRUARY 15, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

UNFINISHED BUSINESS

1. Draft Zoning Ordinance Amendment Relating To Short Term Rentals
2. Draft Zoning Ordinance Amendment Relating To Assembly Halls
3. Draft Zoning Ordinance Amendment Relating To Convalescent Home Uses

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, FEBRUARY 1, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk
ABSENT: Lyon, Churchill,
STAFF: Scott McNeil, Steve Schnell
GUESTS: Eric Boyd, Judy Ostwald, Carl Muscott, Roger Jacobs, Dana Stempky, Kathleen Hart, John Moore, Tony Matelski, John F. Brown, Cal Gouine, Charlie Veneros, Steve Shaw, Russell Crawford, Cheryl Crawford, C. Maziasz, Steve Crusoe, Austin Ross, Bill Stark, Peg Stark, Angela Chastain, Tom Wilson, Kimberly Heigle, Gene Fradette, Chris Kindsvatter, Christine English, Kevin Harrison, Roger Kopernik, Bethany Harrison, Steven Dubois, Cory Budnick

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. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk) 0 Nays, 2 Absent (Lyon, Churchill)

APPROVAL OF MINUTES

The January 18, 2017 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk) 0 Nays, 2 Absent (Lyon, Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Review Of Sign Ordinance Relative To Content Based Regulation

Mr. McNeil stated that grammatical changes have been made to this proposed amendment. Mr. McNeil stated that the draft zoning ordinance amendment has been reviewed by legal counsel. Mr. McNeil stated that this amendment addresses signs placed in the right of way. Mr. McNeil explained that this ordinance amendment is proposed as a result of a Supreme Court decision where sign regulations based on the content or the message of a sign is unconstitutional. Mr. McNeil stated that this amendment removes any references to signs based on the message. Mr. McNeil stated that signs are to be regulated on placement, size, height, type of construction and condition under which the sign may be erected (sign subject to a contract). Mr. McNeil stated that a public hearing can be scheduled for the proposed amendment. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to schedule a public hearing for March 1, 2017. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk) 0 Nays, 2 Absent (Lyon, Churchill)

Use Terminology Review; Convalescent Homes

Mr. McNeil stated that the Planning Commission has made it a priority to review all the uses listed in the Zoning Ordinance. Mr. McNeil stated that those uses with common name meanings may be able to be included under a single common definition. Mr. McNeil stated that the Planning Commission is looking at consolidating uses, such as convalescent or nursing home, assisted living facility and elderly housing. Mr. McNeil reviewed the proposed definitions for assisted living center, health living center and adult day care center. Mr. McNeil explained that these definitions would replace the other similar terms in the Zoning Ordinance.

Mr. Freese referred to the definitions of assisted living center and healthcare living center and stated that “except a state licensed residential facility as defined under Public Act 110 of 2006.” should be changed to “however, state-licensed residential facilities, as defined by Public Act 110 of 2006 are not subject to regulations under this ordinance.”

Mr. Kavanaugh stated that mental and physical are included in the definitions and that is important.

Mr. McNeil stated that he will put this into an amendment format and bring it back to a future meeting of the Planning Commission to review.

NEW BUSINESS

2018 Capital Improvement Program Timeline

Mr. McNeil stated that notices requesting projects for 2018 were sent to agencies and departments of the county. Mr. McNeil stated that he also sent a letter inviting townships, who have a recreation plan or are part of the Cheboygan County Recreation Plan, to submit projects. Mr. McNeil stated that this timeline is the same timeline as last year. Mr. McNeil stated that this represents the same time frame and the same procedure. The Planning Commission members agreed that the time is acceptable.

Discussion Of Vacation Rentals

Mr. Schnell stated that previously he talked to the Planning Commission regarding vacation rentals. Mr. Schnell stated that he has received additional complaints in the past 2-3 years regarding transient rentals, which are also known as short-term rentals. Mr. Schnell stated that these are single family homes that are being turned into a commercial rental by the day or by the week. Mr. Schnell stated the most popular websites for transient rentals are vrbo.com and airbnb.com. Mr. Schnell stated that this is part of what is called a sharing economy. Mr. Schnell stated that vrbo.com has allowed a lot of people to offer their home for rent by the day or by the week. Mr. Schnell stated that approximately 2-3 years ago municipalities began hearing about these short term rentals. Mr. Schnell stated that there were negative and positive comments. Mr. Schnell stated that many communities found that this use was boosting property values and local income. Mr. Schnell stated that one of the property owners, that enforcement action was taken on, bought the home as an early retirement investment. Mr. Schnell stated that he realized these complaints needed to be addressed. Mr. Schnell stated that some of the complaints did not have to be addressed because they were not illegal since they were grandfathered. Mr. Schnell stated that the complaints that needed to be addressed occurred in the past few years and he did talk to legal counsel to confirm that in the Lake and Stream Protection Zoning District there isn't a permitted use to allow for short term rentals. Mr. Schnell stated that short term rentals are allowed by special use permit in Agriculture and Forestry Management Zoning District. Mr. Schnell stated that it could be allowed under boarding and lodging houses if the Planning Commission chooses to allow the use. Mr. Schnell stated that a use variance application has been submitted to the Zoning Board of Appeals. Mr. Schnell explained that the application has been tabled to allow for more discussion to occur. Mr. Schnell stated that this conversation is important. Mr. Schnell stated that when this use was previously discussed, he did not ask for a decision by the Planning Commission as to what to do next with this use. Mr. Schnell stated that right now the use is illegal and this has been confirmed with legal counsel. Mr. Schnell stated that he has heard positive and negative public comments regarding vacation rentals. Mr. Schnell stated that after this meeting he will provide a summary memo to the Cheboygan County Board of Commissioners to keep them updated on the conversations being held at the Planning Commission meetings. Mr. Schnell stated that cities, villages, and townships have different regulations than counties. Mr. Schnell stated that counties can't have blight ordinances and noise ordinances. Mr. Schnell stated that this type of use is being allowed in cities and villages and they also have licensing control over this type of use. Mr. Schnell stated that if there are 2-3 violations of the noise ordinance, then the license could be revoked. Mr. Schnell stated that there was a joint meeting with the City of Marquette City Council and City of Marquette Planning Commission. Mr. Schnell stated that over two years they held 20 public forums to discuss the topic. Mr. Schnell stated that they realized that the Planning Commission and City Council had different ideas of where they were going with short term rentals. Mr. Schnell stated that after this meeting he will provide a summary memo to the Cheboygan County Board of Commissioners to keep them updated. Mr. Schnell stated that some of the cons of short term rentals are that there are different neighbors all of the time and there is no one on site which is different from a bed and breakfast where the owner/manager lives on site. Mr. Schnell stated that there is the potential for more noise and a loss of long-term housing stock. Mr. Schnell stated that some of the pros of short term rentals are additional income, more tourist options other than a motel and resident owners can offset housing costs by renting out a room. Mr. Schnell stated the next steps will be getting feedback from the Planning Commission and the public. Mr. Schnell suggested holding a public forum and inviting other entities. Mr. Schnell stated that included in the Planning Commission packets was a letter from the Cheboygan Chamber of Commerce who has offered assistance to facilitate the conversation. Mr. Schnell stated that some of the lake associations do not allow short term rentals and for us to regulate short term rentals either helps the lake association or over-regulates. Mr. Schnell stated we would ask for feedback from the lake associations. Mr. Schnell stated that entities to add to the list include lake associations, realtors, home owners, residents

and other members of the public other organizations. Mr. Schnell stated that he does not want to draft anything at this point as he would prefer to hear feedback from the Planning Commission. Mr. Schnell asked the Planning Commission for guidance as to what they want him to do next.

Mr. Ostwald asked if Mr. Schnell has talked with Traverse City as they allow short term rental use in residential areas. Mr. Schnell stated he will contact Grand Traverse County. Discussion was held. Mr. Schnell stated that some of the ordinances that he researched have red zones where the short-term rentals were not allowed but there were certain areas where short-term rentals were allowed like along the waterfront. Mr. Schnell stated that it may take a long time to try and find the neighborhoods where short terms rentals are happening and where they are not happening.

Mr. Freese stated he is the Zoning Board of Appeals Chairperson and he is the bridge between the Planning Commission and the Zoning Board of Appeals. Mr. Freese stated that last week the Zoning Board of Appeals tabled a request for a short term rental. Mr. Freese stated that the Zoning Board of Appeals could have made a decision for this request but this issue deserves more than the Zoning Board of Appeals settling that one request only. Mr. Freese stated he is not convinced that the legal determination is really sound on whether it is or is not legal to rent for short terms. Mr. Freese stated that zoning determines land use and the question is if you can rent for 30 days or more why does that preclude from renting for 30 days or less. Mr. Freese stated he does not see the difference. Mr. Freese stated that after talking to legal counsel, the distinction seems to be made that the term transient is determined at a 30-day level. Mr. Freese stated you may want to look at the 30 days or less renters differently than you would the 30 days or more renters. Mr. Freese stated that at 30 days, the renters have certain rights. Mr. Freese stated that the right to evict is not instantaneous if the rental is for over 30 days. Mr. Freese stated that he does not see that with the 30 days or less renters, the owner's rights should be curtailed because it is for 30 days or less. Mr. Freese stated that in the Lake and Stream Protection Zoning District, single family dwellings are a permitted use by right. Mr. Freese stated the use of the dwelling by multi-families or multiple individuals not related, would not be covered by the single family dwelling definition, however, in the Lake and Stream Protection Zoning District there are multiple uses that are allowed for multi-families or multiple individuals not related. Mr. Freese stated that they are treated differently in that a single family dwelling is a use by right and the multi-family or multiple unrelated individual rental uses are allowed with a special use permit. Mr. Freese stated that a special use permit allows the Planning Commission to look at each individual use that comes under one of these definitions and review how or where it will be used and there are restrictions that can be placed by the Planning Commission on these uses. Mr. Freese stated that he is happy that the request was tabled because the Planning Commission should look at the broader picture. Mr. Freese stated the short term rentals in the Lake and Stream Protection Zoning District bring in a lot of money. Mr. Freese stated his concerns about depending on all of the Lake and Stream Protection property being occupied by people who have retired. Mr. Freese stated that retirees do not spend the money that young families spend. Mr. Freese stated that by limiting short-term rentals we are knocking out a significant portion of the income to this county. Mr. Freese stated that he does not believe this is a good idea. Mr. Freese stated that the problems that have come up in enforcement have been as a result of a few instances. Mr. Freese stated that the concerns have been regarding noise, vehicles, and watercraft. Mr. Freese stated Cheboygan County has a regulation that governs how many watercrafts on any piece of property and it is based on the amount of frontage. Mr. Freese stated if there are too many personal watercraft and boats the Zoning Department can issue a violation notice. Mr. Freese stated that nothing can be done if there are too many vehicles on the property. Mr. Freese stated if the vehicles are parked on the street then it is an issue with the Cheboygan County Road Commission. Mr. Freese stated that we can't govern noise, but the township, cities, and villages can govern noise. Mr. Freese stated that if we decide to allow short-term rentals it can be handled very easily. Mr. Freese stated that whether Cheboygan County allows or does not allow short term rentals, local associations can prohibit short term rentals. Mr. Freese stated that he believes we are cutting off our nose to spite our face if we prohibit short term rentals.

Mr. Kavanaugh stated that he agrees with Mr. Freese. Mr. Kavanaugh asked how many enforcement issues there have been regarding short term rentals. Mr. Kavanaugh stated that there are hundreds of these types of rentals and very few complaints. Mr. Kavanaugh stated that after a public hearing, the Planning Commission agreed to allow 180 days of camping with an outhouse, no garbage collection and no restrictions on the number of people. Mr. Kavanaugh stated that the Planning Commission recently approved allowing additions within 5ft. of neighbor's property line on narrow lots in the Lake and Stream Protection Zoning District. Mr. Kavanaugh stated that there have been very few problems. Mr. Kavanaugh stated that the Planning Commission can regulate boats, docks, and parking. Mr. Kavanaugh stated that without knowing what the public has to say; he believes that Frankfurt has a good idea to allow short term rentals until they become a greater problem. Mr. Kavanaugh stated that it is ridiculous to have everyone come into the Planning Commission for a special use permit to rent their cottage or home. Mr. Kavanaugh stated there are many existing short term rentals and people are maintaining their properties well. Mr. Kavanaugh stated that we should take a good look at this use before we do any enforcement or change an ordinance. Mr. Schnell stated that we have to do enforcement because that is the way the ordinance is written. Mr. Schnell stated that the number of enforcement matters right now is only 6-8. Mr. Schnell stated that every time he looks at this use he has to equitable. Mr. Schnell stated his concerns about the number of short-term rentals on vrbo.com. Mr. Schnell stated that

is why he brought up short term rentals for discussion. Mr. Schnell stated that if he would rather it be changed instead of doing all of the enforcement as that is not the intent. Mr. Freese stated that the Planning Commission has been complaining for years about enforcement. Mr. Freese commended Mr. Schnell on enforcing short term rentals but he believes the regulation needs to be changed. Mr. Kavanaugh agreed with Mr. Freese. Mr. Freese stated that the criticism is not about the enforcement of short-term rentals.

Mr. Jazdzyk stated that we have to be careful to not overreact to some of the complaints. Mr. Jazdzyk stated his concerns that the Planning Commission could approve an amendment for short term rentals and then there may still be problems with noise and parking. Mr. Jazdzyk stated that he has had a lot of experience with rentals. Mr. Jazdzyk stated that he has found that it comes down to the kind of connection you have in your neighborhood and what the renter does to police his own property. Mr. Jazdzyk stated that when he rented his property he knew what they did during the week because he had a rental manager because he lived in another state. Mr. Jazdzyk stated that the rental manager patrolled the property a couple times a week and if that person created a problem, then he did not rent to him again. Mr. Jazdzyk stated that his neighbors rent and he does not have any complaints. Mr. Jazdzyk stated that he agrees with Mr. Freese and Mr. Kavanaugh regarding short term rentals. Mr. Jazdzyk stated that he has used vrbo.com to advertise his rental and it is a significant chance to increase rentals. Mr. Jazdzyk stated that our livelihood is tourism and he would not support a lot of activity to try to limit short-term rentals.

Mr. Freese stated it will be easy if the Planning Commission decides to allow this use and if the Cheboygan County Board of Commissioners approves it. Mr. Freese stated that it will just be a couple of sentences that will need to be added to the Zoning Ordinance. Discussion was held.

Mr. Jazdzyk stated that he would like to hear from the public and then the Planning Commission should have a discussion as to what the next step will be. Mr. Schnell suggested having a forum at another location to discuss this topic only. Mr. Freese stated that this meeting could be held at the High School and only this topic should be discussed.

STAFF REPORT

No comments.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Maziasz, Aloha Township Supervisor, stated that Aloha Township is in favor of short term rentals as they know what it brings into the area and to their township. Mr. Masiasz stated that this is a depressed area and short term rentals have worked out well. Mr. Maziasz stated that the Aloha Township board has not received any complaints. Mr. Maziasz stated that Aloha Township is in favor of the Planning Commission approving short-term rentals in Cheboygan County.

Mr. Harrison stated that he just recently moved to Cheboygan County and one of his goals is to open a property management business in this area. Mr. Harrison stated he knows the potential for this type of use. Mr. Harrison stated that it will bring money and people are needed for management, cleaning, repairs and construction. Mr. Harrison stated that if it is managed properly by a property manager, they will control the noise, parking, and upkeep.

Mr. Kirsch, Mullett Township Supervisor, stated that a lot of the homeowner's associations do not allow short term rentals. Mr. Kirsch stated that it would be detrimental to our economy to not allow short term rentals.

Mr. Shaw stated that studies have been done through VRMA (Vacation Rental Manager's Association) in reference to the economic benefits of short term rentals. Mr. Shaw stated that the most recent study in a similar economy was Berrien County. Mr. Shaw stated that Berrien County is located on Lake Michigan and is a one season vacation rental market. Mr. Shaw stated that just from vacation rentals, Berrien County gets \$22.2 million every year into their economy. Mr. Shaw stated that he prorated that figure based on the census and it comes to over \$17 million for Cheboygan County. Mr. Shaw stated VRMA found that with every \$100 spent on the vacation rental, \$200 is spent in the community. Mr. Shaw stated that there were 300 jobs that were directly attributed to vacation rentals in Berrien County. Mr. Shaw stated that when prorated out it comes to 256 jobs for Cheboygan County. Mr. Shaw stated that according to our census, 76% of our residential structures are seasonal properties. Mr. Shaw stated that we actually represent the minority, which is something we need to understand and consider. Mr. Shaw stated that STRA (Short Term Rental Activity) reported \$24 million in Berrien County. Mr. Shaw stated that 1/3 of the 300 jobs are in food service. Mr. Shaw stated that our employment rate is going down, but not in the labor force. Mr. Shaw stated that retirees and people who do not work account for 45.9% in Cheboygan County. Mr. Shaw stated the unemployment rate is 13.9%. Mr. Shaw stated that Cheboygan County has the potential to surpass Berrien County. Mr. Shaw stated that he

would use airbnb.com to find a short term rental for the weekend in Cheboygan County. Mr. Shaw stated that the short term rental would cost \$40 and he would spend \$200 at Mulligans. Mr. Shaw stated there are 2 national resources which are VRMA and STRA. Mr. Shaw stated that VRMA and STRA are advocacy groups for vacation rentals.

Mr. Crusoe stated that he is the Aloha Township Trustee and an employee of Citizen's National Bank. Mr. Crusoe stated he is also involved with Anchor In Marina and Mullett Lake Marina. Mr. Crusoe stated that Cheboygan County should be careful in limiting watercraft at rental sites. Mr. Crusoe stated that we have the inland waterway in our county. Mr. Crusoe stated that people who vacation in Cheboygan County may decide to live here. Mr. Crusoe stated that he understands that personal watercraft can be a little noisy, but so can snowmobiles, ski boats and automobiles. Mr. Crusoe stated that he does not believe that watercraft is a big problem and he does not want to see restrictions on docks or watercraft. Mr. Schnell that the limit on docks and watercraft is on shared waterfront only and we do not regulate docks or watercraft if there is no shared waterfront.

Mr. Stempky stated that he talked to NEMCOG and according to them, we are the only county in their district that is trying to regulate short-term vacation rentals. Mr. Stempky stated that NEMCOG's opinion is that it is contrary to their objective which is to bring people into the county and promote tourism for the well-being of the county. Mr. Stempky stated that NEMCOG determined that short-term vacation rentals were not out of line with the single family dwelling use although people may not be related. Mr. Stempky stated the use was the same as a single family.

Mr. Kopernik stated that his aunt used to have cottages in the 1960's on Mullett Lake. Mr. Kopernik stated that Bill Stark has a cottage that he currently rents. Mr. Kopernik explained that the money from the rentals helps with the repair costs for the cottage. Mr. Kopernik stated that he agrees with Mr. Freese's comments. Mr. Kopernik stated that people have been renting for 50 years. Mr. Kopernik stated his concerns that code enforcement officers are going to some of the vacation rentals. Mr. Kopernik stated that he does not know what will change if a public hearing is held at the Opera House. Mr. Kopernik stated that the Planning Commission can add the language to allow short term rentals and the Cheboygan County Board of Commissioners can rule in favor. Mr. Kopernik stated that there are better things for enforcement officers to do than to go after property owners who have short term vacation rentals.

Mr. Muscott thanked Mr. Stempky for bringing this issue to the public as he has no idea how many people have might have been persuaded from renting their cottages if this enforcement had continued. Mr. Muscott stated that he attends these meetings as he believes that planning is often negative to the community. Mr. Muscott stated that this is an issue that hits the pocketbook. Mr. Muscott stated that Emmet County Planning Commission has an ordinance that works better than Cheboygan County, which has been band-aided for many years now. Mr. Muscott stated that the Emmet County Planning Commission meets 12 times a year, which is half as often as Cheboygan Planning Commission. Mr. Muscott reviewed agendas for Emmet County Planning Commission. Mr. Muscott stated that Cheboygan County should support growth. Mr. Muscott stated that the Cheboygan County Planning Commission should not have to continue to rewrite Zoning Ordinance #200. Mr. Borowicz asked how many townships in Emmet County take care of their own zoning. Mr. Muscott stated there are quite a few townships. Mr. Borowicz stated that this probably explains the size of the Planning Commission's agenda. Discussion was held.

Ms. Harrison stated that she recently moved to Cheboygan County. Ms. Harrison stated that her husband grew up in Cheboygan. Ms. Harrison stated that her daughter just graduated from school and she is finding a hard time getting a job before she goes to college. Ms. Harrison stated that business owners want responsible people not someone right out of high school who are inexperienced. Ms. Harrison stated that very few, other than fast food restaurants, will hire them. Ms. Harrison asked what the Planning Commission is planning to do for growth. Ms. Harrison stated that she loves Cheboygan. Ms. Harrison stated that people come to Cheboygan and rent for the lakes, rivers, hunting, recreation, restaurants and stores. Ms. Harrison asked what it looks like to the public if it is difficult for someone to start a business in Cheboygan. Ms. Harrison stated she grew up in Emmet County and she may have seen what Harbor Springs and Petoskey have but it doesn't mean we can't make Cheboygan great again. Ms. Harrison stated her concerns that there isn't a fully functioning hospital in Cheboygan. Ms. Harrison stated that she knows of 2 people that left Cheboygan County after buying a house because they can't be cared for in Cheboygan. Ms. Harrison stated that they had to go to Gaylord or Traverse City for a fully functioning hospital. Ms. Harrison asked what is stopping the Planning Commission from allowing these uses. Ms. Harrison asked why it is so hard for Meijer to come to Cheboygan. Ms. Harrison stated her concerns regarding younger viewpoints being available on the Planning Commission. Ms. Harrison asked Mr. Schnell what he can do to help bring in business to Cheboygan County.

Mr. Dubois stated that he was born in Cheboygan and went to Inland Lakes High School. Mr. Dubois stated it has been his dream to live in Cheboygan and retire in Cheboygan. Mr. Dubois suggested that the Planning Commission talk to townships about where there are issues with short term vacation rentals. Mr. Dubois suggested that the townships rewrite the noise ordinance. Mr. Dubois stated that he is the owner of a successful small business in Cheboygan County. Mr. Dubois stated he

would like to purchase a cottage on a lake and rent it out weekly to support the payment. Mr. Dubois stated that there are a lot of people that would like to move back to Cheboygan County on a lake or river.

Mr. Jacobs stated that he is from Indian River and he has had a business in Cheboygan County for 60 years. Mr. Jacobs stated that he has seen business going down for the last 40 years. Mr. Jacobs stated that we do not have the number of boats on the rivers that we used to have years ago. Mr. Jacobs stated that holidays used to be 2-3 times busier than today. Mr. Jacobs stated that the people are not coming to Cheboygan anymore and one of the reasons is because there has been a decrease in the number of fish over the past 40 years. Mr. Jacobs stated that things have happened on some of the streams that the DNR has approved. Mr. Jacobs stated that there are not many local lakes and streams that he doesn't know much about. Mr. Jacobs stated that regarding boats, most of the people on a river or lake have riparian rights. Mr. Jacobs questioned how the Planning Commission can restrict how many docks are put out. Mr. Jacobs stated cottages that were rented out 100 years ago do not exist anymore. Mr. Jacobs stated that most of the cottages and resorts have been sold out individually because the taxes were so high and the people couldn't afford the taxes. Mr. Jacobs stated that a lot of these cottages are not rented out. Mr. Jacobs stated that the Michigan Township Association assumes that people in northern Michigan make the same amount of money as people down state. Mr. Jacobs stated that he knows of properties that have been put up for bid that were supposed to sell for \$200,000 but they sold for \$400,000. Mr. Jacobs asked if anyone has kept a record of who has made complaints, how often and the location of the property. Mr. Jacobs stated that this information should be made available to the public. Mr. Jacobs stated that a single family could actually be 12 people. Mr. Jacobs stated that regarding noise, he lives next to the Inn Between Bar in Indian River and he does not have that much trouble with noise. Mr. Jacobs stated that he can see some of the regulations, but a lot of it is uncalled for if it is interfering with people making a living.

Ms. Budnick stated that she is from Rogers City and she owns a cottage on the Cheboygan River that she and her husband purchased 2 years ago. Ms. Budnick stated that even though they live 40 miles away, the last 17 years they spent on the Inland Waterway with their children. Ms. Budnick stated that their tourism money has been spent in Cheboygan because they love the waterway and they love to boat. Ms. Budnick explained that the previous owners of the cottage had rented it out seasonally and she planned to continue renting it out to pay for the carrying costs such as taxes and insurance. Ms. Budnick stated that they have owned the house for 2 years. Ms. Budnick stated that the average age of her renters is 40. Ms. Budnick stated that she has never had to keep a security deposit and she has never received a complaint from a neighbor. Ms. Budnick stated that her renters are families that come for a week. Ms. Budnick stated that she is a business owner in Rogers City. Ms. Budnick stated that Rogers City would love to have what Cheboygan has and Cheboygan should capitalize on it as much as possible with tourism. Ms. Budnick stated that at the age of 37 she was able to buy a second home. Ms. Budnick stated that she recommends that the Planning Commission reconsider this and there may be a handful of complaints but there are a lot of vacation rentals. Ms. Budnick stated that Cheboygan County is doing well if there are only 6-8 complaints for over 200 vacation rentals in the county.

Mr. Brown stated that he understands that Mr. Schnell or Mr. McNeil will draft the ordinance amendment and the Planning Commission will make a motion to forward the ordinance amendment to the Cheboygan County Board of Commissioners for final approval. Mr. Brown stated that he has heard enough comments tonight and he encourages one of the Planning Commission members to make a motion to instruct staff to change the ordinance.

Public comment closed.

Mr. Kavanaugh stated that there is a good cross-section of people attending the meeting and it is clear from the comments that there is no opposition to short-term vacation rentals. Mr. Kavanaugh stated that the Planning Commission didn't know that there was an enforcement issue with short term vacation rentals. Mr. Kavanaugh stated that the Planning Commission was aware of 1-2 enforcement issues. Mr. Kavanaugh stated that we should look at language that will clear this up.

Mr. Freese stated that in regards to businesses closing, he has retired friends that lived in Virginia and he convinced them to move to Cheboygan. Mr. Freese stated that the woman has severe asthma problems. Mr. Freese stated they bought property on Campbell Road because it was near the full-service hospital. Mr. Freese stated that the hospital closed and they now live in Indiana. Mr. Freese stated that they couldn't live here without the full-service hospital.

Mr. Freese stated that in regards to not being able to find a job after high school, both of his children graduated from Cheboygan High School and went to college. Mr. Freese stated that his daughter has a doctor of veterinary medicine degree and has a business in Indian River. Mr. Freese stated that his son has 3 degrees in engineering and business and he is a high executive at General Motors Corporation. Mr. Freese stated that his son couldn't live in Cheboygan County as there wouldn't be a position that he could take. Mr. Freese stated that his daughter has a profession that she can make a decent living locally. Mr. Freese stated that she has 10 people working for her. Mr. Freese stated that his daughter has a second business that is dog

and pet boarding. Mr. Freese stated that most people are not that fortunate. Mr. Freese stated that a minuscule number of children graduating from high school in the county will be able to find a decent job. Mr. Freese stated that if we can't keep some of the income in Cheboygan County, this county will continue to decline. Mr. Freese stated that Cheboygan lost Proctor and Gamble, a full-service hospital, many grocery stores and Detroit Tap and Tool. Mr. Freese stated that unless we can come up with a way to keep money and make money, Cheboygan will die. Mr. Freese stated that Cheboygan has been dying for 40 years.

Mr. Jazdyk stated that he agrees with Mr. Kavanaugh that the Planning Commission should instruct Mr. McNeil to draft an ordinance amendment. Mr. Jazdyk stated that there will be an opportunity for the public to review the ordinance amendment and there will be public hearing which the location will be publicized. Mr. Kavanaugh stated that there are two reviews of the ordinance amendment. Mr. Kavanaugh stated that the Planning Commission will have a public hearing and the Cheboygan County Board of Commissioners will also have to review the ordinance amendment. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to ask staff to draft language to allow short term rentals. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdyk) 0 Nays, 2 Absent (Lyon, Churchill)

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:35 pm.

Charles Freese
Planning Commission Secretary

DRAFT



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: February 10, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re: Zoning Ordinance Amendment relative to vacation rental.

Included with this memo is a draft ordinance amendment relative to the subject dated 2/10/17.

By review of the amendment document you will find a new proposed definition for Vacation home rental under Section 1. Vacation home rental is intended to cover those uses of dwellings where the home is rented out as a commercial use for periods less than 30 days. To be clear, any home can be rented now for periods of time 30 days or more. This definition accommodates those who want to rent commercially for a period of time less than that. This is not currently allowed under the ordinance except by special use permit in the Agriculture Forestry Management district under Section 9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels, and other tourist lodging facilities.

Other sections of the proposed amendment provide a recommendation for parking space requirements, exempts vacation home rentals from site plan review and would only require a zoning permit. Since this is a new use, a zoning permit would be required. The importance of documenting this use via a zoning permit verifies the permission to operate a commercial rental. This is important if more stringent requirements were ever to be implemented for vacation home rentals, the homeowner would be protected from having to abide by the stricter requirements. They would be grandfathered in because their commercial use of the property would be documented by that zoning permit.

Elements of the Cheboygan County Master Plan

Any ordinance change must be supported by and not contradict the land use goals of the County's Master Plan. In order to assist the Planning Commission with their review and discussion relative which zoning districts Vacation home rental should be allowed I have included below selections from the Master Plan. This includes a Goal which speaks to providing ample opportunities for tourism activities. I have also included the entire Future Land Use Categories section from the Master Plan for your convenience.

GOAL → Ensure promotion and preservation of historic, cultural and recreational resources in Cheboygan County.

Cheboygan County already has an extensive collection of attractions that bring visitors to our area and, if presented in the right way, could help those visitors realize that this is also a great

place to do business. Cheboygan County has a very high quality of life which attracts people of all ages. It is a highly desirable place to live and work. Cheboygan County has the most coastline of any county in Michigan as well as many miles of forest “coastline”, or private properties that border a state forest. In addition, the historic resources are significant not only to local residents but played a role in the development of the state and our nation.

Objectives

- a. **Allow for flexibility in reuse of historic buildings.**
 - Provide more flexibility in allowable uses for existing buildings where it may not be feasible to continue the previous use.
- b. **Provide ample opportunities for historic and appropriate tourism activities.**
 - Ensure zoning provisions allow for agri-tourism and other tourism that provides a means for economic growth in our rural county.

Future Land Use Categories

The following are descriptions of the categories of future land uses that are desired in various areas of Cheboygan County. These categories correspond to the Future Land Use Map, which displays geographically the areas of Cheboygan County where these various land uses are desired in the next 20 years. It is important to note here that the map is very general and is meant to show vaguely where each of these uses is desired. The Future Land Use category descriptions should be relied upon over the future land use map. In addition, boundaries along the edges of these Future Land Use areas on the map should be interpreted loosely and the actual land use goals may be better described by an adjacent Future Land Use category.

Natural Resource & Water Resource Protection

- **Public Interest Area**
- **Forest / Agricultural**
- **Rural Character/Country Living**
- **Residential**
- **Lake, River, & Stream Protection**
- **Commercial**
- **Commercial – Office, Research & Development**
- **Village Centers**
- **Rural Commercial Nodes**
- **Light Industrial**
- **General Industrial**

Natural Resource & Water Resource Protection

The Natural Resource & Water Protection designation is intended to identify those areas of the County that have natural resources including water resources that would require special considerations when the land is used or developed. These natural features benefit the County by complementing its attractive rural setting and providing an economic resource derived from the recreational benefits residents and visitors seek to experience. These lands include conservation easements (although these cannot be mapped), areas designated as natural rivers and their

tributaries, marsh areas, wetland areas, and generally areas with severe building limitations. This category also includes large tracts of privately owned, undeveloped lands which contain unique or significant natural resources, and areas near prime fish breeding grounds. It is not the intent of this class to prevent the use and development of these lands, but to insure that development is done in a responsible manner with appropriate measures taken to protect the natural resource.

This category includes areas like Cornwall Creek Flooding, Stoney Creek Flooding, the breeding grounds for game fish within Mullett Creek, and Dingman Marsh.

Appropriate uses for this area include low density or clustered residential, low-impact outdoor recreation, and some farming and forestry.

Public Interest Area

Public Interest Areas are shown on the future land use map with the intention of identifying lands that have natural, historic, recreational, or cultural value to the general public. Most of the Public Interest Lands in the County are owned by the State of Michigan, the County or Townships while some are owned by private land conservancies. It is expected that a relatively small portion of Public Interest Areas will be converted to private ownership. As Public Interest Areas is converted to private ownership, the specific characteristics and features of the land, as well as the overall land use needs of the County, should be considered when determining the appropriate use for the land. Examples of Public Interest Areas include major holdings of State forest lands covering large portions of Mackinaw and Hebron Townships; the Black Mountain Recreation Area in Benton and Grant Townships; and Mackinaw State Forest lands in Mentor, Wilmot, Waverly, Walker, Nunda and Forest Townships.

Appropriate uses for this area include public parks, nature preserves, outdoor education uses, natural resources, such as managed timber production, and oil & gas production.

Forest / Agricultural

The Forest / Agricultural designation is intended to provide areas where management and production of crops and timber is the predominant land use. For comprehensive planning purposes, private lands in Cheboygan County were included in this category to include forestry or agriculture where they are well suited for future farm and forestry use. Forestry operations, farming and pasture are anticipated future uses for this area. Residential uses are consistent with farm and forestry operations when properly designed and located to minimize lands taken out of agricultural or forestry. Mineral extraction, especially sand and gravel operations, is anticipated to continue in the Forest / Agricultural areas. Specific uses directly related to forestry and agriculture, such as sawmills or agricultural product processing, are also consistent with the forest and agricultural classification. Ideally, a parcel size of forty acres or more is consistent with maintaining economically viable forestry and agricultural uses. However, it is also important to recognize that niche, high-value agricultural crops can be grown on as little as 1-2 acres. Open space or cluster residential incentives could encourage maintenance of larger lots for agriculture or forestry use.

Appropriate uses for this area include forestry, agricultural operations, mineral extraction (such as oil & gas production), timber production, sawmills and agricultural product processing centers, smaller niche farming operations, open space or clustered residential. Also, appropriate uses include small to mid-size campgrounds and similar rural tourist lodging uses.

Rural Character/Country Living

This classification is intended to provide open space land areas for both agricultural and country living uses of a rural character. The number of homes per unit of area, referred to as residential density, in this classification would be the second lowest (lowest being the Forest / Agricultural classification) among all the future land use classifications. Consideration of the size of the parcels should be dependent on the resource value of the land to be developed as well as the prolonged safety and sustainability of on-site water supply and sewage disposal systems. Occasional site condominium and platted subdivision developments may be well suited for certain areas where larger, contiguous areas of open space and natural resources can be maintained (blending development with the existing landscape). These development designs should be representative of a traditional country living environment. Opportunities to protect these resources should be encouraged using residential density bonuses offering an incentive to guide development away from valued resource areas and building constraints including wetland buffer areas, non-perking soils, existing farmland, larger forest stands, and retain natural features wherever possible. While commercial agriculture and forestry may be suitable in this area, these activities are not intended to be the predominant uses. The keeping of horses and other limited domestic animals can be considered a compatible accessory use in this class's country setting when situated on parcels of appropriate size. Crop production is a desirable land use at the same level as that considered appropriate as for the Forest/Agricultural category of land use.

Residential

The Residential area is intentionally designed to be restrictive in character, focusing on residential uses. The area is characterized by medium-density residential development. Typical residential development methods could include platted subdivisions, site condominiums or smaller parcel splits. Uses related to residential purposes, such as assembly halls, schools and parks, can be included if designed in a way that preserves the residential character of the area. Day care and group home facilities at residential scale are also anticipated.

Open-space designs, with clustered residential units are also appropriate, particularly where such a design can preserve natural or recreational resources. New clustered residential developments that include small, neighborhood commercial activity as part of a comprehensive site design could be acceptable with proper controls. It is important to ensure adequate home occupation opportunities are available in the residential future land use category.

Lake, River, and Stream Protection

The Lake, River, and Stream Protection category contains undeveloped land as well as developed residential and recreational uses. This classification applies to both current and future residential and smaller commercial uses along the shores of all the County's lakes and inland waterways. The Future Land Use Map presents the locations of this class by highlighting the shores of selected, major lakes and waterways. This class is designed to apply to all residential, small commercial waterfront development and the map was not intended, nor would it be feasible, to show all graphically.

Future development in the Lake, River, and Stream Protection class should be planned in consideration of potential environmental and aesthetic impacts on the water resources. Shoreline

buffers to prevent erosion and filter stormwater run-off, limitations on the application of fertilizers, large setbacks from the water line, lower density, and/or requirements for public sewer for higher density developments are recommended mechanisms for maintaining high water quality.

Accommodations may need to be made for historically smaller waterfront lots such as older platted subdivisions. Larger commercial areas with higher density of commercial activity should be located in the areas designated by the Commercial future land use category.

Appropriate uses for this area include residential, waterfront access, public boat ramps, municipal parks and public beaches.

Commercial

The Commercial designation is intended to provide for business locations outside of village centers designed to meet the variety of commercial needs of a growing community. The Commercial areas are intended to provide retail goods and services to local and regional consumers as well as tourist support services. The Commercial area is also intended to provide space for commercial operations that require significantly more space or parcel size than is normally found in village centers. Examples of such uses may include motor vehicle display and sale, modular home sales, equipment rental, home improvement centers, or shopping centers. Because the Commercial classification includes a diverse collection of land areas with a variety of attributes, access to the area and the impact on the surrounding property should be considered carefully. Also, the specific nature of the land should be reviewed when determining appropriate commercial land uses.

For commercial areas along the waterfront, typical uses in these areas would be marinas, motels, resorts, larger campground resorts, convenience retail and services and recreational uses. Commercial areas located on waterfront property should generally be less intensive and special considerations should be made to mitigate any possible adverse impacts. Possible impacts could include, but are not limited to, shoreline erosion, septic discharge, and removal of natural features along the shoreline.

To ensure a diversity of residential living options, some mixed uses of commercial and residential should be considered where appropriate in this future land use area.

Major general Commercial areas are located along significant highway corridors in Cheboygan County, including U.S. 23 east of Mackinaw City (Mackinaw Township), Old 27 south of Cheboygan (Inverness Township), and Straits Highway (Old 27) north and south of Indian River (Tuscarora Township). Smaller concentrations of general commercial uses exist and are planned at or near the several Interstate-75 interchanges within Cheboygan County.

Commercial – Office, Research & Development

This future land use category is intended to provide a buffer zone to allow some additional commercial uses at the edge of the existing agricultural areas. This area is also intended to be a transitional area between the more intense Commercial land use area and Residential or Agriculture Forestry or other land uses. These uses have less impact on residential and agricultural areas. Land uses in this area should include standards for access management to

keep vehicular movement out of residential neighborhoods and on roads appropriate for light commercial traffic.

Appropriate uses for this area include medical, dental, and other types of health care offices, other forms of common office uses, call centers, very light manufacturing with no externally visible signs of manufacturing and very limited commercial truck traffic.

Village Centers

Village Centers designate areas that are intended to provide for a concentration of residential, social, commercial, and public uses in a small community setting. Although Village Centers may be tourist or recreation destinations or have regionally targeted shopping or employment opportunities, Village Centers are primarily intended to provide for residential neighborhoods, convenience shopping, services, and community centers. A variety of housing opportunities may be available in a Village Center, including single-family or multi-family housing, at medium to high densities. A variety of social and civic functions occur in a Village Centers, including governmental offices, churches and schools, personal services and retail trade. Important land use and design considerations for Village Centers may include shallower setbacks, smaller lot sizes, side or rear yard parking requirements, special sign regulations, consideration of pedestrian amenities, and limits on building height or size. Regulations in these areas should be flexible enough to allow re-use of existing structures and development review procedures should be crafted in such a way as to allow small-scale commercial and multi-family.

These Village Centers may also be a tourist or recreational destination, a regional shopping or an employment center. Examples of Village Centers in Cheboygan County include the city of Cheboygan, the village of Mackinaw City, the village of Wolverine, and the unincorporated community centers of Indian River, Topinabee, Afton, Aloha, and Tower.

To encourage reuse of existing structures, existing buildings formerly used as schools, churches, and assembly halls, for instance, should be considered for similar treatment as Village Centers or similar type of overlay district.

Rural Commercial Nodes

Rural Commercial Node includes land, often at road intersections, which serve as nodes for the surrounding rural community. These areas have a mix of small-scale mixed uses. There would be usually no more than a few of these uses at any intersection due to traffic safety. Larger clustering of such commercial uses would be more appropriate in one of the other Commercial and Village Center future land use areas. Rural Commercial Nodes each have their own unique character and any rezoning must take into consideration the existing uses and uses that are compatible with the existing uses. Although these are commercial areas, they are not necessarily in need of rezoning to the Commercial zoning district. It is more likely that a new and unique zoning district or overlay zoning may be more appropriate.

The following uses may be appropriate for some Rural Commercial Nodes: assembly halls, institutional uses such as fire stations, township halls, recycling centers, schools, community centers, small scale commercial uses such as retail, restaurants, and bars. Alverno is an example of a Rural commercial node.

Light Industrial

The Light Industrial classification designates areas, which have adequate infrastructure, and services available to support industrial uses but the uses have minimal environmental impact. With proper buffering Light Industrial uses can be compatible with adjacent residential developments. Light Industrial uses would not give off any smoke, noise, odors, glare or vibrations and typical light industrial uses would include assembly, machine shops, wholesale distribution, storage and similar activities within enclosed buildings. Limited outdoor storage of equipment or materials may be considered.

General Industrial

The General Industrial classification identifies areas where more intensive industrial uses are located. Good accessibility from a year-round, Class A highway is one important criteria, and depending upon the needs of the particular industry, public services or utilities such as sewer, water, three-phase power or natural gas may be significant location requirements. Depending on the particular industry, impacts on surrounding properties due to noise, odors, traffic, material storage, or visual aspects of the development may need to be screened and buffered. Typical uses in the General Industrial classification would include heavy industrial manufacturing and fabrication, the storage or processing of raw materials such as fuel, lumber, asphalt or concrete and uses with outdoor storage of materials and equipment.

2/10/17

**CHEBOYGAN COUNTY
Zoning Ordinance Amendment # _____**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE No. 200 TO PROVIDE DEFINITION, REGULATIONS FOR VACATION HOME RENTAL

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

Section 1. Amendment of Section 2.2.

Section 2.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following new definition in its appropriate alphabetical location, which new definition shall read in its entirety as follows:

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.

Section 2. Amendment of Sections _____

LIST ZONING DISTRICTS FOR VACATION HOME RENTAL HERE...

Sections ____ of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add new Sections _____ which shall read in their entirety as follows:

_____ Vacation home rental

Section 3. Amendment of Article 17.6.

Article 17.6. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following rows in their appropriate alphabetical location which shall read in their entirety as follows:

Vacation home rental	Two (2) spaces per vacation home rental plus one (1) for each two (2) bedrooms where there are more than three (3) bedrooms in the vacation home rental.
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Section 4. Amendment of Section 20.3.c.

Section 20.3.c. of the Cheboygan County Zoning #200 is hereby amended to read in its entirety as follows:

- c. Any development, except single family dwellings, two family dwellings, home occupations, or vacation home rental, for which off- street parking areas are provided as required in this Ordinance.

Section 5. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 6. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By: Anthony M. Matelski
Its: Chairperson

By: Karen L. Brewster
Its: Clerk

RECEIVED

FEB 08 2017

CHEBOYGAN COUNTY
COMMUNITY DEVELOPMENT DEPT.

Cheboygan County Planning/Zoning Department

870 S. Main, Cheboygan, MI 49721

February 6, 2017

I am very concerned about restrictions that might be placed on lakefront homeowners who rent their homes to resorters. While I do not own waterfront property I understand the value these tourists bring to our county. The value that these rentals bring are both short and long-term. Businesses in the area are immediately impacted and renters who are exposed to our county might later decide to move here.

If noise is a concern property owners could be encouraged to include noise restrictions in their short term lease. When I travel I often rent vacation homes and I am subject to house rules such as noise restrictions, parking boundaries, age (often signer of the lease must be 25 years of age or older) and clutter (no towels or swimwear on outside railings).

To be fair lakefront landowners already pay higher than average property taxes. Short term rentals might make this more affordable to some.

We need these vacation rentals and should be encouraging them in order for Cheboygan County to be more competitive with the surrounding counties of Northern Michigan.

Sincerely,



Michael H Florek, DO

Deborah Tomlinson

From: Scott A. Herceg, CAE [<mailto:scott@cheboygan.com>]
Sent: Wednesday, February 01, 2017 12:56 PM
To: Steve Schnell
Subject: Discussion of Vacation Rentals in Cheboygan County

Steve,

Thanks for taking the time today to go over the background for the "Discussion Of Vacation Rentals" that is the Planning Commission agenda for tonight. As Executive Director of both the Cheboygan Area Chamber of Commerce and the Cheboygan Area Visitors Bureau I know our Members and our Boards of Directors of both organizations will be interested in this discussion. For some of our members this discussion could also be a great concern for the furtherance of their business.

How can we help? As we talked about on the phone today, good communication and informed discussion is the key to reaching an equitable solution to most any issue. I would like to at least offer our assistance in helping to let people and businesses know how they can be a part of this important discussion. If there is any additional way that you think we can help with this process, let's talk.

I am going to try to be present this evening but I do have another commitment that may prevent that. If I am not able to make it, thank you for your offer to keep me in the loop. I'm interested to hear how the discussion goes tonight.

Thanks again! Talk to you soon.....

Scott A. Herceg, CAE
Executive Director

**Cheboygan Area Chamber of Commerce
& Visitors Bureau**
124 N. Main Street
Cheboygan, Michigan 49721
Main Office Line: 231-627-7183
Travel Info: 1800-968-3302

scott@cheboygan.com
www.cheboygan.com



December 19, 2016
Cheboygan County Planning Commission

Dear Commission:

My wife and I own a small house on Long Lake in Cheboygan County. We originally purchased the home in 1991 and proceeded to live there for 4-5 years prior to moving to a home closer to town to raise a family, making it more convenient to attend school functions etc. Since that time we have kept the home up and rented it out in the summer months, on a weekly basis, to make the payments. Our goal was to use the rental income as a means to pay off the mortgage and perhaps move out to the Lake property in our retirement years. This fall we received a notice of violation concerning a Cheboygan County zoning ordinance prohibiting "transient rentals" on properties bordering Lakes and Streams. We had no idea there was a zoning provision prohibiting the rental of our property. While we understand the reasoning behind the zoning, to protect property values, we do not believe renting out our property, on a weekly basis during the summer months negatively affects the value of nearby homes. We rent the cottage as a quiet getaway and try to be selective as to who we rent to in that regard.

We are blessed with an abundance of beautiful lakes in Cheboygan County. While most people cannot afford to purchase a home and live on a lake in the county, a weekly stay with their family allows them to experience northern Michigan at its finest for a reasonable price. The people who stay at our cottage are generally not the same people who would stay in a hotel or motel. They wish to experience a quiet lake experience where they have a chance to get away from the hustle and reconnect with family members (we do not have phone or internet service at our cottage). If they do not find that opportunity in Cheboygan County they will simply take their dollars and vacation in a county which allows for that service. This would deprive Cheboygan County of on average about \$2,000 to \$3,000 per family which the weekly rental spends locally in the area, including rental, gas, groceries, shopping, dining and entertainment. Over a summer this would equate to upwards of \$40,000 generated from our cottage alone which is spent in the local area. In addition to the people who travel, "up north" to vacation, we often get a booking from locals who have family who grew up here and moved away and are visiting with their families. We provide a local place to stay for a weeks' vacation with a more home like experience than a hotel or the crowded experience they may get staying in Mackinaw City.

In my discussion with Mr. Schnell he indicated the main issue is usually noise. We present our house as a quiet getaway and try to rent to smaller families only, with a maximum of 6 people. We are in touch with each renter personally as we talk to them prior to booking and meet every renter upon arrival. We provide our renters and neighbors with our personal phone number, and, should problems arise, we live 15-minutes away and handle it personally.

My wife and I have purchased the home as an investment with the hope of living there again someday. While the rental income does not cover all expenses it helps to defer the cost of the mortgage enough allowing us to make the payments and to provide the necessary repairs and improvements. We

typically rent at the most 14 weeks a year. This includes one week which we donate to a local organization for their fundraiser every year.

In this regard we are requesting a variance which would allow us to rent out our property, on a weekly basis for a maximum of 14 weeks a year. We would rent during the summer months only; screen our renters to a maximum of 6 people. We are requesting this variance for a period of 7 years until we are of retirement age and the home is paid off. We believe this would benefit Cheboygan County including the local bank we have the mortgage with, the local businesses and vendors who provide services to those visiting, the local nonprofit who benefit from the donation of a week's rental donation each summer and local families who are able to rent a home where visiting family members can stay, relax, and reconnect with Northern Michigan. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy and Nancy Stempky". The signature is stylized and cursive, with the first name "Andy" being more prominent.

Andy and Nancy Stempky

February 1, 2017

To: Steve Schnell
Cheboygan County Planning & Zoning

This letter is concerning the front page article in the January 26th issue of the Straitsland Resorter about county zoning in the lake and stream district. I totally agree with the county that it should not be allowed. This has been going on for years and not enforced. I have owned a piece of property on Wildwood Lake in Nunda Township since 1980. Approximately 20 years ago I had a neighbor on my street who would rent out his place on a weekly basis. It wasn't just one family. Sometimes multiple families would all be there at the same time. There would be 4 or more cars, 1 or 2 boats and many children of all ages. These renters let the kids run wild and swim in front of my cottage, fish off of my dock and climb on my pontoon boat. Some of the renters would bring dogs, even though pets were not allowed. The dogs would run free and bark constantly because their owners brought them to a strange environment. Needless to say, the dogs would leave deposits on my lawn and the renters made no effort to clean up the mess. I had more than one confrontation with different renters about the above stated facts.

After a couple of years of this, the owners were also tired of people not taking care of their property, and they quit renting it out. I thought finally that my troubles were over.

Then, about 15 years ago, a new home went up about 500 feet down the road. The owners seemed to be nice people, but then they started renting the home out. The same conditions occurred - multiple families, boats, kids – and this particular place had very little parking. The renters would park on the street and create a dangerous situation because it was up a hill going into a curve. Three years after that home went in, another home was built two lots further up the street. The same things were going on there as well.

What I have observed is that these renters have no respect for their neighbors. They are on vacation and feel it is their right to play loud music and stay up late partying and drinking, sometimes using profanity. Anyone who lives on a lake knows how far voices can travel. They will blow off fireworks any weekend of the summer. I have no problem with 4th of July fireworks. The trouble with transient renters is the owner is not around to see what goes on and they obviously never had to put up with disruptive neighbors.

I'm not saying all of these renters are like this, but the ones that display these behaviors are a good reason why zoning was put in effect in the first place. I understand that any property owner can apply for a special use permit in any zoning district, but I think anyone who applies should be aware of the laws that apply to transient rentals and check with the Cheboygan County Building Department. I talked to Dan Chase, and he said any building used for these rentals must have adequate parking, handicap ramps for access, bathroom with handicap (ADA approved fixtures), wheelchair accessible doors to bedrooms and bathrooms, plus whatever other rules and regulations apply.

Why do I know so much about this? Because I've been a licensed builder in Cheboygan County for over 40 years, and also because I built my own transient rental unit 23 years ago and a second one 15 years ago. Yes, I needed a special use permit

because my property was zoned forestry and agriculture. I applied and received it both times. I also needed engineer stamped plans approved by the Building Department and had to follow all Building Department codes during construction and had all required inspections before I could start renting. So I would expect anyone who applies for a special use permit to be ready for the rules and codes that will be required. Also, they should not forget to check with a CPA about registering with the Michigan Department of Treasury and apply for a tax I.D. number so they can pay the 6% use tax on a monthly basis. Yes, that's the law. You must file every month whether you have a rental or not.

If you go on the VRBO.com or Homeaway.com websites, you will be amazed at how many places on Burt & Mullett Lakes are available for transient renters. I suggest you seek input from their neighbors. The nicer homes get between \$2000 - \$3000 per week. Even these rentals on Wildwood Lake get as much as \$2200 a week in the summer. I don't know what kind of place the Stempky's have on Long Lake, but lets face it – the reason you rent your home out is to have someone else help pay for it, and help to pay the high taxes for being a lake property owner.

Rules are rules and should be enforced.

Thank you.

Richard T. Jurewicz
Indian River, Michigan

Deborah Tomlinson

Attachments: Statement Regarding Vacation Rentals in Cheboygan County.docx

From: Bill [<mailto:northernlakespm@hotmail.com>]
Sent: Wednesday, February 01, 2017 7:32 AM
To: Scott McNeil
Subject: Statement for Planning Commission Members

Dear Planning Commission Members,

We have noticed an agenda item for tonight's meeting regarding vacation rentals. In an effort to provide you with important information regarding that topic, I have attached a statement from our company. We hope that the statement will be provided to the members of the commission.

Sincerely yours,
Bill and Peg Stark

Northern Lakes Property Management One
Bill and Peg Stark, owners
8230 Cordwood Trail
Cheboygan, MI. 49721
231-627-1055

Statement Regarding Vacation Rentals in Cheboygan County

Our company, Northern Lakes Property Management One, located in Cheboygan County, Michigan, is in the business of renting waterfront homes for their owners. We have been in business for 7 years. We currently rent about 15 homes in the area on both a weekly and longer term basis. Our customers are primarily families. These families are from all over the United States. We also provide corporate rentals on a short term basis. In the last few years, we have provided housing for the Walmart Corporation, Enbridge Corporation, Hammond Bay Biological Station, and Michigan State University.

- The homeowners who employ us do so because of their need for a revenue stream to help them pay for their expenses and property taxes.
- Proactive measures are the best way to handle potential problems that may occur in vacation rentals. Companies such as ours, as well as responsible other individuals, do everything possible to vet potential renters, have strict rental agreements that do everything possible to ensure that tenants respect neighbors, and ensure that tenants abide by occupancy maximums. These companies and individuals employ local agents who take care of problems immediately. Because of these proactive measures we take, we are proud to report that we have never had to resort to eviction of tenants.
- Because the vacation rental business is very competitive, our owners are constantly improving, remodeling, and adding value to their homes. These improvements are done by local contractors, which provide needed jobs in our area, and of course raise the value of the homes.
- We employ approximately 6 area people to clean our vacation rentals. These people depend on this income, as do local trades people we employ.
- Because our renters are here in the area for a week or more, they spend thousands of dollars each year in our local grocery and other retail stores, restaurants, marinas, and tourist destinations. For the past 7 years, we have done approximately 100 vacation rentals per year. It cannot be stressed enough that these rentals bring thousands of dollars of needed revenue to both our homeowners and area.

Submitted by;

Bill and Peg Stark
Northern Lakes Property Management One
8230 Cordwood Trail
Cheboygan, MI 49721
231-627-1055

To; Community Development Director Mr. Steve Schnell,

Dear Steve,

I am a lodge owner in Indian River, MI. I purchased the property about seven years ago as an old motel that was due for a total remodel. I could have opened it up in the condition I purchased it but choose to give a community I loved as a child something better that would improve our community. I spent in excess of over \$250,000 to bring the lodging into the 21st century.

My initial plan was to have senior lodging but as we discussed four years ago that would entail changing zoning and state permits that I just decided not to apply for at that time. My property does however fall within the zoning guidelines of a motel commercial property as intended from its inception in 1954. I pay for insurance, my LLC license, taxes, and all things affiliated with owning and operating a lodging retail business. My overhead runs about \$2,600 per month.

I find it ironic that I could have purchased two or three homes in areas not zoned for commercial rentals, saved myself literally thousands of dollars in overhead, not needing permits, commercial building insurance or paying certain taxes and could have avoided all the hard work and effort that went into upgrading my frontage in Indian River.

If you owned a business and complied with all the rules and regulations that were applicable to that business how would you or anybody on the planning commission like it if someone decided to compete with you but they had zero compliance or restrictions? Can you imagine if I start selling groceries out of my shop or if I decide to buy a bunch of vehicles, boats, quads and sell them from a vacant lot down the street from the Indian River Sports Center.

The logic I have heard from those that want to rent their homes is they want to retire here someday and the few weeks they can rent during the summer helps with the mortgage! They also have stated how much more revenue that their renters bring into Indian River for the businesses. Does anybody understand that every rental they have during the summer months is one more rental businesses like mine loose? So if I open up a fireworks stand to help pay for my overhead so I can retire someday that is OK? I think not!

I am big on communication and seeking to understand all sides of a discussion! A logical step here is to first of all distinguish how we all can benefit from these home owners that want to own a rental income property that isn't zoned for rental income properties? Initially a letter should be sent out to every home owner in the county notifying all neighbors what the intent is. To avoid conflict with neighbors not knowing who is living in their neighborhoods on any given week it is only fair to let them know which homes are rentals. It would also give all communities the opportunity to form an association to keep out rental homes if they choose. With regards to these non-compliant rental homes a permit should be applied for, maybe at a \$500.00 cost per summer, which includes information like what weeks out of year they are renting their homes. How many people will be living there and then dropping off the name of the responsible party temporarily living there to the police department. If there is a problem that the police are called out for, the home owner will lose their rental rights!

I can't imagine working my whole life to come to Indian River or anywhere in Cheboygan County, purchasing a home on the water or not, settling in, and then find out that what you just invested in was a neighborhood full of rental homes and strangers?

I understand what it would take to enforce a law to cover all of the items I have mentioned but at the very least these part time landlords should have to purchase a permit at a reasonable cost? Not \$50.00! Many of these homes rent for \$1,000 per week! Our full time residents deserve to know who is in their neighborhoods! The monies could be used to help clean up our communities and enforce the blight ordinance!

In closing I know you, the planning commission have your hands full with all of the requests and challenges that confront you daily. Thank you for all that you do! Being a business owner in compliance is not easy when many individuals want to diminish you potential revenue through black market rentals. We as a county have the leverage to, at the very least, generate revenue from this situation and perhaps create some goodwill between neighbors that are willing to be good neighbors and show concern about their neighbors prior to living here full time.

Respectfully,

John Thompson

Indian River, MI

Deborah Tomlinson

From: carl muscott <carlmuscott@yahoo.com>
Sent: Sunday, February 12, 2017 1:38 PM
To: Steve Schnell; Scott McNeil
Cc: Tony Matelski; Chris Brown; Cal Gouine; Michael "Mike" Newman; Rich Sangster; John Wallace; L. Scott Swanson; Brady Hebert; Deborah Tomlinson
Subject: Vacation rentals? Amendments ? More work for Mr Schnell's Counter-Tourism efforts

Hello Mr Schnell,

This is an open a public letter. Please feel free to share it.

The P & Z staff managed to fill the room to overflowing with concerned citizens and protesters at the last Planning meeting. Those protests were the result of your actions. Ignoring Chuck Freese's comments with additional input from other Planning Commissioners to keep an amendment to allow for short term rentals SHORT, your department has now created a page long amendment. Were you listening?

The amendment needed to stop your enforcement and harassment of people can be as short as this example inserted in any district that allows dwellings: ***An owner may rent a dwelling for any period not restricted by deed, association, or other third party control with adherence to health, safety, and local ordinances in any zoning district allowing a dwelling.*** That adequately addresses that the Ordinance does not define a dwelling based on a rental period and does allow rental subject to restriction by covenant, HOA, or condo by-laws. There are deed restrictions and association rules that presently protect many L & S areas. Speaking with several L & S owners I have discovered many are openly ignoring their own restrictions to accommodate owner's desires and avoid litigation.

The only reason for the amendment is the need to thwart your counter-tourism actions. You created the problem. You falsely stated the short term rentals were a growing problem. You falsely stated to civil counsel in an email there were "more and more complaints". My FOIA uncovered NO documented complaints; only your documents showing VRBO webpages and records of your attempts to enforce an unwritten law.

You now propose to ignore the broad "short term rentals" and narrowly define the use as "vacation rentals". Why would you use the term "vacation rental" when a renter could be a professional or worker here for a short period seeking accommodation more comfortable than a motel room? Your vacation rental:

A commercial use of a single-family or two-family dwelling where the dwelling or a portion which is rented for less than thirty (30) days.

That seems an attempt on your part to erroneously define a "vacation rental" as "commercial use". The majority of protesters at the meeting clearly stated they rent to cover costs, not as a for profit enterprise. Were you listening? Let the owner, state, and IRS determine if any particular home rental is a commercial use under their laws. It's not in your jurisdiction. Why would a planning official state this is a "commercial use" and then allow it in Lake & Stream, possibly opening the door to more issues? You then muddy the water more by adding "a portion thereof"; meaning a room?

You now propose amending under 17.6 adding minimum parking requirements for "vacation rentals" . Two spaces per "vacation home rental" with 3 bedrooms or less plus an additional space for each 2 additional bedrooms. More efforts from your department to create a draconian environment here in Cheboygan County more suited to a gated community with HOA or a condominium.

You also appear to be attempting to make a surreptitious change with your proposed amendment to Section 20.3.c. This section excludes uses not requiring a site plan review by the Planning Commission. Your amendment has added "home occupations" to "c"; it was not there before.

SECTION 20.3. SITE PLAN REVIEW REQUIRED.

Site plan review shall be required in the following situations:

c. Any development, except single family dwellings, two family dwellings for which off- street parking areas are provided as required in this Ordinance. (Rev. 11/24/13, Amendment #120)

As a homeowner, I feel a home occupation starting next door to me warrants a public hearing and site plan review. If a neighbor wants to rent a dwelling for 3 days, 3 weeks, or 3 years and does not affect the peaceful enjoyment of my home, more power to them.

Almost 10 years of your efforts to edit Ordinance #200 into a concise and useful planning document can only be considered a failure. Those elected and appointed Cheboygan County officials, and the residents and taxpayers who have trusted you to act on our behalf have been poorly served. Ordinance amendments are now being processed through your staff in such numbers, at least 4 in play at this at this time, that they are appearing before the Planning Commission and public with a blank space for the amendment number.

Thank you for your time,

Carl Muscott

Future enforcement letter sample for Mr Schnell:

Dear TAXPAYER,

It has come to our attention that a home on your property is being used as a Vacation Home Rental at XXXX BS Drive in Cheboygan County. In accordance with section 17.6 of Zoning Ordinance No. 200, there was a complaint from P & Z staff that 4 vehicles were parked in your drive. Section 17.6 defines the parking requirements for this use. You normally have 2 vehicles parked there. If these guests compensated you financially for rental of all or a portion of this home, you may be in violation of my law. Please provide an affidavit or sworn statement that these vehicles belonged to guests that are part of your family. Please see Ordinance #200 for definition of family.

We are sending this notice in hope that being aware of this violation you will voluntarily take steps to correct the situation. This notice therefore allows 30 days for such compliance. The use of a home as a vacation home rental is not a permitted use in the Lake and Stream zoning district unless it is in compliance with

Section 17.6. If you feel this notice was sent in error or have any questions or concerns please do not hesitate to call me.

Thank you in advance for your cooperation.

Sincerely,

Steve Schnell

Community Development Director.

2/10/17
CHEBOYGAN COUNTY
Zoning Ordinance Amendment # _____

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE No. 200 TO PROVIDE DEFINITION, REGULATIONS FOR VACATION HOME RENTAL

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

Section 1. Amendment of Section 2.2.

Section 2.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following new definition in its appropriate alphabetical location, which new definition shall read in its entirety as follows:

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.

Section 2. Amendment of Sections _____

LIST ZONING DISTRICTS FOR VACATION HOME RENTAL HERE...

Sections ___ of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add new Sections _____ which shall read in their entirety as follows:

_____ Vacation home rental

Section 3. Amendment of Article 17.6.

Article 17.6. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following rows in their appropriate alphabetical location which shall read in their entirety as follows:

Vacation home rental	Two (2) spaces per vacation home rental plus one (1) for each two (2) bedrooms where there are more than three (3) bedrooms in the vacation home rental.
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Section 4. Amendment of Section 20.3.c.

Section 20.3.c. of the Cheboygan County Zoning #200 is hereby amended to read in its entirety as follows:

- c. Any development, except single family dwellings, two family dwellings, home occupations, or vacation home rental, for which off- street parking areas are provided as required in this Ordinance.

Section 5. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: February 8, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Draft zoning ordinance amendment relating to Assembly halls.

Included with this memo is a draft ordinance amendment relative to the subject dated 1/30/17. Also included are the use listings we reviewed at the most recent meeting.

As discussed, please find a new proposed use listing of Assembly, Educational or Social Event Facility for your consideration. This is proposed to replace the former proposed use listing of Assembly hall. You will find the new proposed use listing under section 1 of the amendment document with the same definition as previously proposed.

Section 2 of the amendment document removes the club use with *arcades, bowling alleys, pool or billiard parlors* remaining as uses which require site plan review in the Village Center Indian River and Village Center Topinabee zoning districts and uses which a special use permit in the Village Center Indian River Overlay and Village Center Topinabee Overlay zoning districts.

Section 3 removes the club use with *bowling alleys, pool or billiard parlors* remaining as uses which require site plan review in the Commercial Development and Village Center zoning districts.

Section 4 removes the current use listings of *Churches and Public, parochial and private schools, libraries and municipal structures and uses* from the permitted use listings within the Residential Development and Topinabee Village Center Residential Overlay zoning districts

Section 5 removes the Community buildings use listing with *Public parks and recreational areas, playgrounds and campgrounds* remaining as uses which require a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living zoning districts

Section 6 provides as follows:

Establishes Assembly, Educational or Social Event Facility, as proposed to be defined, as a use which requires a special use permit in the Residential Development zoning district.

Removes the current use listing of *Theaters (excluding drive in theaters)* and provides for Assembly, Educational or Social Event Facility as proposed to be defined as a use which requires site plan review in the Commercial Development zoning district. This will also allow Assembly, Educational or Social Event Facility as a use to be approved by site plan review in the Light Industrial and General Industrial zoning districts pursuant to sections 7.2.1 and 8.2.1.

Replaces the current use listing of *Public, parochial and private schools, libraries and municipal structures and uses* with Assembly, Educational or Social Event Facility as a use which requires a special use permit in the Agriculture and Forestry Management zoning district.

Replaces the current use listing of *Schools, libraries, churches and municipal structures* with Assembly, Educational or Social Event Facility as proposed to be defined as a use which requires a special use permit in the Lake and Stream Protection zoning district

Replaces the current use listing of *Educational, municipal, and religious institutions* with Assembly, Educational or Social Event Facility as a use which requires a special use permit in the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts.

Section 7 repeals section 17.3. This section provides dwelling standards which are otherwise covered under the building code as previously discussed.

Section 8 repeals section 21.9.2. This section provides for charging a double fee for a zoning permit when a construction of a structure commenced without a permit. This type of penalty for construction without a permit is contrary to recommendations of our legal counsel as previously discussed.

I will look forward to further discussion on this matter with the Planning Commission. Please contact me with questions.

1/30/17

CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT #_____

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definition in its appropriate alphabetical location which shall read in their entirety as follows:

ASSEMBLY, EDUCATIONAL or SOCIAL EVENT FACILITY

A building or portion thereof which is used for civic, educational, entertainment, governmental, political, religious or social purposes.

Section 2. Amendment of Sections 13A.2.1., 13B.3.1., 13C.2.1. and 13D.3.1.

Sections 13A.2.1., 13B.3.1., 13C.2.1. and 13D.3.1. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

13A.2.1. Arcades, bowling alleys, pool or billiard parlors

13B.3.1. Arcades, bowling alleys, pool or billiard parlors

13C.2.1. Arcades, bowling alleys, pool or billiard parlors

13D.3.1. Arcades, bowling alleys, pool or billiard parlors

Section 3. Amendment of Sections 6.2.5. and 13.2.4.

Sections 6.2.5. and 13.2.4. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

6.2.5. Bowling alleys, pool or billiard parlors

13.2.4. Bowling alleys, pool or billiard parlors

Section 4. Repeal of Sections 4.2.4. 4.2.5, 13E.2.4. and 13.E.2.5.

Sections 4.2.4., 4.2.5., 13E.2.4. and 13E.2.5. of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

Section 5. Amendment of Sections 9.3.4. and 14.3.5.

Section 9.3.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in their entirety as follows:

9.3.4. Public parks and recreational areas, playgrounds and campgrounds.

14.3.5. Public parks and recreational areas, playgrounds and campgrounds

Section 6. Amendment of Sections 4.3.12., 6.2.22., 9.3.3., 10.3.10., 13.3.4. 13A.3.4., 13C.3.6. and 14.3.7.

Sections 4.3.12., 6.2.22., 9.3.3., 10.3.10., 13.3.4., 13A.3.4., 13C.3.6. and 14.3.7. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to the read in their entirety as follows:

4.3.12. Assembly, Educational or Social Event Facility

6.2.22. Assembly, Educational or Social Event Facility

9.3.3. Assembly, Educational or Social Event Facility

10.3.10. Assembly, Educational or Social Event Facility

13.3.4. Assembly, Educational or Social Event Facility
13A.3.4. Assembly, Educational or Social Event Facility
13C.3.6. Assembly, Educational or Social Event Facility
14.3.7. Assembly, Educational or Social Event Facility

Section 7. Repeal of Section 17.3.

Section 17.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby repealed and reserved for future use.

Section 8. Repeal of Section 21.9.2.

Section 21.9.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby repealed.

Section 9. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 10. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:
Anthony M. Matelski
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk

Listed uses relative to Assembly Halls and Clubs

Current Definition:

CLUB

A non-profit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.

Proposed Definition:

ASSEMBLY HALL

A building or portion thereof which is used for civic, educational, entertainment, governmental, political, religious or social purposes.

Current Listed use	Zoning districts where allowed
Arcades, bowling alleys, pool or billiard parlors and clubs .	VC-IR, VC-T (SPR) VC-IR-O, VC-T-O (SUP)
Bowling alleys, pool or billiard parlors and clubs .	D-CM, D-VC (SPR)
Churches	D-RS, D-CM, D-LI, D-LI, D-VC, VC-T-RO (SPR)
Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses.	M-AF (SUP)
Community buildings , public parks and recreational areas, playgrounds and campgrounds.	M-AF, D-RC (SUP)
Educational, municipal, and religious institutions	D-VC, D-RC (SUP)
Educational, municipal, and religious institutions, private clubs	VC-IR, VC-T (SUP)
Private and commercial clubs and lodges with activities in completely enclosed buildings.	D-RC (SUP)
Private clubs and lodges	D-RS, VC-T-O (SUP)

Listed uses relative to Assembly Halls and Clubs, page 2

Current Listed use	Zoning districts where allowed
Public, parochial and private schools, libraries and municipal structures and uses	D-RS, D-CM, D-LI, D-GI, D-RC, VC-T-RO (SPR)
Schools, libraries, churches and municipal structures	P-LS (SUP)
Theaters, excluding drive in theaters.	D-CM, D-VC, D-LI, D-GI, (SPR)
Golf courses, country clubs and sportsmen's associations or clubs.	M-AF, D-RC (SUP)
Campgrounds, camps and clubs for recreational use.	P-LS (SUP)
Golf courses, driving ranges and country clubs.	P-LS (SUP)



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: February 8, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Draft zoning ordinance amendment relating to Convalescent Home uses.

Included with this memo is a draft ordinance amendment relative to the subject dated 2/3/17. Also included are the use listings we reviewed at the most recent meeting.

By review of the document you will find the new proposed use listings of Adult Day Care Center, Assisted Living Center and Healthcare Living Center under section 1 of the amendment document with the same definitions as previously proposed.

Section 2 of the amendment document repeals the current definition of Convalescent or Nursing Home.

Section 3 removes the current Elder Housing and Convalescent Homes use with Assisted Living Center as use which requires a special use permit in the Residential Development and Village Center Topinabee Residential Overlay zoning districts.

Section 4 removes the current Assisted Living Facility/Convalescent Home use Assisted Living Center or Adult Daycare Center as a use which requires a special use permit in the Village Center Indian River and Village Center Topinabee zoning districts.

Section 5 removes current use listing Elderly housing, nursing and convalescent homes to be replaced with the new 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. This will also allow these uses in the Light Industrial and General Industrial zoning districts with site plan review approval. Section 5 also removes the current use listing and a special use listing Elderly housing, nursing and convalescent homes to be replaced with the new proposed use listing of Adult Daycare Center, Assisted Living Center or Health Care Living Center as uses which require a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living zoning districts.

I will look forward to further discussion on this matter with the Planning Commission. Please contact me with questions.

2/3/17

CHEBOYGAN COUNTY

ZONING ORDINANCE AMENDMENT # _____

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definitions in their appropriate alphabetical location which shall read in their entirety as follows:

ADULT DAY CARE CENTER

A facility which provides care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

ASSISTED LIVING CENTER

A facility which provides primarily nonmedical services and living facilities to individuals in need of personal assistance essential for sustaining the activities of daily living however, state-licensed residential facilities, as defined by Public Act 110 of 2006 are not subject to regulations under this ordinance.

HEALTHCARE LIVING CENTER

A facility which provides health care services and living facilities for the individuals suffering or recovering from illness, injury or mental or physical infirmity, however, state-licensed residential facilities, as defined by Public Act 110 of 2006 are not subject to regulations under this ordinance.

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to delete the following definition:

CONVALESCENT OR NURSING HOME

A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients.

Section 3. Amendment of Sections 4.3.2. and 13E.3.1.

Sections 4.3.3. and 13E.3.2. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

4.3.3. Assisted Living Center

13E.3.2. Assisted Living Center

Section 4. Amendment of Sections 13A.3.1. and 13C.3.1.

Sections 13A.3.1. and 13C.3.1. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

13A.3.1. Assisted Living Center or Adult Daycare Center

13C.3.1. Assisted Living Center or Adult Daycare Center

Section 5. Amendment of Sections 6.2.5., 9.3.14. and 14.3.13.

Sections 6.2.26., 9.3.14. and 14.3.13. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

6.2.26. hi

9.3.14. Adult Daycare Center, Assisted Living Center or Health Care Living Center

14.3.13. Adult Daycare Center, Assisted Living Center or Health Care Living Center

Section 6. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:

Anthony M. Matelski

Its: Chairperson

By:

Karen L. Brewster

Its: Clerk

Listed uses and definitions relative to Convalescent home uses.

January 19, 2017

Current related definitions from the Zoning Ordinance:

CONVALESCENT OR NURSING HOME

A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients.

HOSPITAL (Rev. 09/29/06, Amendment #61)

An institution for the treatment, care, and cure of the sick and wounded, for the study of disease, and for the training of physicians, nurses, and allied health personnel.

New proposed definition:

ADULT DAY CARE CENTER

A facility which provides care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Definitions proposed to replace CONVALESCENT OR NURSING HOME:

ASSISTED LIVING CENTER

A facility which provides primarily nonmedical services and living facilities to individuals in need of personal assistance essential for sustaining the activities of daily living except a state licensed residential facility as defined under Public Act 110 of 2006

HEALTHCARE LIVING CENTER

A facility which provides health care services and living facilities for the individuals suffering or recovering from illness, injury or mental or physical infirmity, except a state licensed residential facility as defined under Public Act 110 of 2006.

Current Zoning use listings:

Current listed use

Zoning districts where allowed

Assisted Living Facility/Convalescent Home

VC-IR, VC-T (SUP)

Elderly housing and convalescent homes.

D-RC, VC-T-O (SUP)

Elderly housing, nursing and convalescent homes.

D-CM, D-LI, D-GI

Nursing or convalescent homes.

M-AF, D-RC (SUP)