



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, JANUARY 17, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA – Revised 01/11/17

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 For Planned Unit Development

NEW BUSINESS

1. Review And Comment Regarding Burt Township Draft Zoning Ordinance Amendment
2. Review Of Definition Of Family Relative To Short Term Rentals

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Draft Zoning Ordinance Amendment for Planned Unit Development

Date: January 10, 2018

Included with this memo please find a copy of the draft amendment document dated 1/8/18. The document remains as last reviewed with the changes as discussed at the most recent meeting.

I have included language from the Master Plan relative to the Lake, River and Stream Protection future land use category in order to help facilitate discussion regarding allowing PUDs in the Lake and Stream Protection District. I will have the Future Land Use Map available for viewing.

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

Draft 1/8/18

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING
ORDINANCE #200 TO PROVIDE STANDARDS AND APPROVAL
REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT (PUD) ZONING
DISTRICT .

Section 1. Amendment of Article 19.

Article 19 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

ARTICLE 19. PLANNED UNIT DEVELOPMENT (PUD)

SECTION 19.1. Purpose The purpose of these provisions is to permit and encourage design flexibility, encourage innovation in land development and variety in design, layout, and type of structures constructed, achieve economy and efficiency with uses of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities. This ordinance will enable both developers and Cheboygan County officials to propose and review site plans which integrate housing, circulation networks, commercial facilities, open space and recreational areas which are compatible with the surrounding area and natural environment.

SECTION 19.2. Eligibility Requirements. To be eligible for a planned unit development, a parcel shall meet all of the following:

1. A PUD may be applied for in any zoning district except Lake and Stream Protection (P-LS), Resource Protection (P-RC) and Natural Rivers Protection (P-NR).
2. Minimum lot size for a PUD shall be five (5) acres with a minimum of 350 lineal feet measured along the front property line. Any PUD with proposed industrial use shall contain a minimum of ten (10) acres with a minimum of 500 lineal feet measured along the front property line. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.
3. The entire lot being considered for a PUD must be under single or unified (“coordinated”?) ownership.
4. The site submitted for a PUD shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses. A PUD proposed to be developed in phases shall require approval of each phase by the Planning Commission. A PUD proposed to be developed in phases shall include development phase descriptions indicating phases in which the project is proposed to be built with events and/or estimated time frames for beginning and completion of each phase. The phase descriptions shall also include specific details about the items constructed at the completion of each phase including but not limited to;

the buildings to be built, the amount of parking to be constructed, the site amenities that will be completed, any open space, fencing and/or greenbelt to be installed.

5. Adequate public streets, sewer, water, utilities and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by this zoning ordinance and other agency or agencies with applicable jurisdiction.

SECTION 19.3. Permitted Uses. Except as provided herein, the permitted uses within a PUD may consist of any use authorized in any zoning district. Any proposed use, however, shall be consistent with the Cheboygan County Master Plan and its land use goals for the location in which the use will be developed. In addition, any use that is authorized exclusively in the Light Industrial Development (D-LI) district and/or the General Industrial Development (D-GI) district shall only be permitted in a PUD located in that respective district.

SECTION 19.4. Development standards for Planned Unit Development (PUD) In addition to eligibility standards under Section 19.2. and general requirements under Section 19.3., the site submitted for PUD shall adhere to the following standards:

1. The development standards for the uses proposed in the PUD shall be consistent with the corresponding standards within this ordinance for those uses except as provided in this section.
2. Minimum lot size, minimum setbacks and minimum structure height based on use type:

USES	Min. Lot Size		Min. Yard Setbacks (ft.)			Max. Structure Height (ft.)
	Area (sq. ft.)	Width (ft.)	Front (ft.)	Sides (ft.)	Rear (ft.)	
Single Family or Two Family Residential	9,900 per dwelling	70	25	8	10	35
Multi-Family Residential and/or Non-Residential	Submit with plan		25	10	15	35
Industrial	Submit with plan		40 ^A	25 ^A	25 ^A	35

A. Buildings with industrial uses shall be setback from buildings with other uses a minimum of seventy five (75) feet.

3. Any portion of a PUD with a non-residential or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which contains a residential use.

4. A minimum of fifteen (15) percent of the land developed on any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Any required perimeter setback area shall not be used to compute area for required open space. The required amount of open space shall be held in common ownership by each owner of property with the development. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final plan

SECTION 19.5. Application and approval standards. The following procedures shall be used for the review and approval of a Planned Unit Development (PUD)

19.5.1. Pre-application Conference. A pre-application conference shall be held with the Planning Commission. The goals of the pre-application conference are to acquaint the Planning Commission with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement, approval, or denial of the PUD.

2. A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit a copy of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and proposed land use(s) for the entire site.

3. The liaison representative to the Planning Commission from the Board of Commissioners shall be invited to the pre-application conference to present any relevant input on behalf of the Board of Commissioners.

19.5.2. Submission of Application and PUD Plan. Following a pre-application conference, if the applicant desires to proceed, they must submit a complete PUD application which shall include an explanation of the PUD, proposed phases of development, PUD site plans, and application fee to the Zoning Administrator.

1. The PUD site plans shall include:

- a. Site plan of existing conditions which shall include the following:
 1. Existing buildings.
 2. Existing parcel boundaries with tax parcel identification numbers.
 3. Existing streets.
 4. Existing woodlands.
 5. Topography with minimum 5-foot contours.
 6. Bodies of water and other significant natural features.
 7. Surrounding land uses and zoning.
 8. Existing utilities, wells and septic systems.
 9. Other information as may be requested by staff or the Planning Commission.

- b. Site plan for the proposed development which shall include the following:
 1. Boundary of the proposed PUD with legal description.
 2. Footprint, dimensions and elevations of proposed buildings
 3. Proposed uses and their general locations.
 4. Layout of streets, drives, parking areas and pedestrian paths.
 5. Proposed parcel boundaries.
 6. Minimum setbacks for district perimeters and individual buildings within the development.
 7. Proposed perimeter buffer zones and screening.
 8. Conceptual landscape plan.
 9. Development phases
 10. Type, estimated number and density range for residential uses within the development.
 11. Proposed open space and acreage thereof.
 12. Table of required and provided parking for all proposed uses.
 13. Proposed location of water and sewer/septic system facilities including easements.
 14. Proposed streets within and adjacent to the development including dimensioned right of way and pavement widths.
 15. Drainage plan and final topography plan with minimum 5 foot contours.
 16. Location of all public utilities including easements
 17. Signage plan.
 18. A tabulation of the number of acres in the proposed development for various uses including open space, the number of housing units proposed by type.
 19. Other information as may be requested by staff or the Planning Commission.

2. The Zoning Administrator shall deem the PUD application and PUD site plans complete if all requirements of this section have been met. The Zoning Administrator shall present the final plan to the Planning Commission for their review, at the next regular meeting which occurs at least thirty (30) days from the date of submission of a complete plans and application.

SECTION 19.6. Review by the Planning Commission. The Planning Commission shall hold a public hearing on the PUD application and PUD site plans within 30 days of the regular meeting at which it is first reviewed. Notice of the public hearing shall be provided as required in Section 24.2. The Planning Commission shall make findings of fact on the standards for approval and shall approve, approve with conditions or deny the PUD.

19.7. Standards for PUD approval; Conditions; Waiver of PUD Standards; Reapplication of a denied PUD.

1. In addition to standards and requirements under Sections 19.2., 19.3. and 19.4., the application and site plans for a PUD shall comply with the following standards:
 - a. The PUD shall be consistent with master plan.
 - b. The PUD is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

- c. The PUD will not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance
- d. The PUD will provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets.
- e. The PUD will have safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided. Motorized and non-motorized traffic within the PUD shall be consistent with existing traffic patterns on public rights of way adjacent to the PUD.
- f. The PUD will not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced
- g. The design of the PUD will ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- h. The PUD will be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
- i. The PUD shall meet the standards of other governmental agencies, where applicable.
- j. The function and design of the PUD shall be consistent with the purpose as set forth in section 19.1.

2. The Planning Commission may impose reasonable conditions to insure that public services and facilities affected by a PUD will be capable of accommodating increased service and facility loads, protect the natural environment, conserve natural resources and energy and insure compatibility with adjacent uses of land and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social well-being of those who will use the PUD under consideration, residents and landowners immediately adjacent to the proposed PUD and the community as a whole.
- b. Be related to the valid exercise of the police power and purposes which are affected by the PUD.
- c. Be necessary to meet the intent and purpose of the requirements and standards established for the PUD under consideration and be necessary to insure compliance with those standards.

3. The Planning Commission may waive any standard for approval upon a finding that all of the following exist:

- a. Presence of limiting conditions related to soils, topography, unusual shape or dimension of the site, or other natural conditions that would inhibit good design.
- b. No good public purpose will be achieved by requiring conformance with the standard(s) to be waived.
- c. The spirit and intent of the PUD provisions will still be achieved.

- d. No nuisance will be created.
- 4. The Planning Commission may modify the minimum dwelling size requirement if it can be shown that the design of the dwellings are either adequately isolated by greenbelts, distance, or topography from neighboring dwelling units or shown to be architecturally similar to neighboring dwelling units.
- 5. Modifications shall not be granted if they are found to be contrary to the spirit and intent of the zoning ordinance or would be contrary to the County's Future Land Use goals.
- 6. No application for a PUD which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or if the county's civil counsel by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedures used in the matter were clearly erroneous. A reapplication shall be processed in the same manner as the original application.

SECTION 19.8. Performance Guarantee.

In connection with the approval of a PUD, the Planning Commission may require the Applicant to furnish Cheboygan County with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the site on which the PUD will be located or which the Applicant has agreed to construct even though located outside the site. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the site on which the special land use will be located. For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the County Treasurer at or before the time the PUD is issued. The performance guarantee shall ensure completion of the public and site improvements in accordance with the PUD approved by the Planning Commission. Any cash deposit or certified funds shall be refunded in the following manner:

- a. One-third of the cash deposit after completion of one-third of the public and site improvements;
- b. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
- c. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If an Applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the County as a third-party beneficiary of the bond, then the

Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

SECTION 19.9. Expiration, Development and Maintenance of approved PUD.

1. An approved PUD application and site plans shall expire **two (2) years** following the date of approval by the Planning Commission, unless construction has begun on the development, or the property owner applies to the Planning Commission for an extension of the approved PUD prior to the expiration of the PUD. The Planning Commission may grant no more than two (2) extensions of an approved PUD for additional one (1) year periods each if it finds both of the following:

- a. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
- b. The requirements and standards for PUD approval that are reasonably related to the development have not changed.

2. If the PUD expires pursuant to subsection 1 above, no work may be undertaken until a new PUD approval is obtained following the procedures for a new PUD.

3. Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application, site plan and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

SECTION 19.10. Amendments to Approved PUD site Plan. Amendments to an approved PUD site plan shall be permitted only under the following circumstances:

1. The owner of property for which a PUD site plan has been approved shall notify the zoning administrator of any desired change. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the final plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- a. Reduction of the size of any building and/or sign.
- b. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met.
- c. Landscaping approved in the final plan that is replaced by similar landscaping to an equal or greater extent.
- d. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after approval of the final plan.
- e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- f. Changes related to items (a) through (e) above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.

g. All amendments to final plan by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

2. An amendment to an approved final plan that cannot be processed by the zoning administrator under subsection 1 above shall be processed in the same manner as the original PUD application by the Planning Commission as required under section 19.7.

Section 2. 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 3. 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:

Its: Chairperson

By:

Its: Clerk

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.

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.



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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PHONE: (231)627-8489 ■ FAX: (231)627-3646

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Review and Comment by the Planning Commission regarding Burt Township zoning ordinance amendments.

Date: January 10, 2018

Please find a copy of an email communication from Claire Karner AICP, Associate with Becket & Rader Inc., who is the planning and zoning consultant for Burt Township along with a copy of the zoning ordinance amendment of Section 6.12.4. of the Burt Township Zoning Ordinance referenced there in relative to a required vegetation strip. I have also included also included a copy of Section 6.12.4. of the Burt Township Zoning Ordinance for your review.

The Planning Commission is being ask for review and comment pursuant to provisions of the Zoning Enabling Act, Act 110 of 2006.

Please do not hesitate to contact me with questions.

Scott McNeil

From: Claire Karner <ckarner@bria2.com>
Sent: Tuesday, January 9, 2018 4:01 PM
To: Scott McNeil
Cc: Jay Jontz
Subject: Burt Township Vegetative Strip Amendment
Attachments: Vegetation Strip Amendment January 9 2018.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings,

Attached you will find draft language for an amendment to the Burt Township Zoning Ordinance pertaining to Vegetative Strips. Please let us know if the County finds any issues with it. I look forward to hearing from you.

Thanks!
Claire

Claire Karner, AICP
Associate

Beckett&Raeder, Inc.
Making Great Places for over 50 Years
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Ann Arbor, MI 734.663.2622
Toledo, OH 419.242.3428

Please visit us at www.bria2.com

Burt Township
Ordinance Number ____ of 2018

An Ordinance to amend the Burt Township Zoning Ordinance Article VI General Provisions pertaining to the Natural Vegetation Strip. The Township of Burt Ordains:

Section 1. Article VI Section 6.12.4 of the Burt Township Zoning Ordinance is hereby amended in its entirety as follows:

4. Natural Vegetation Strip

- a) For any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater, a natural vegetation strip shall be established within 2 years of issuance of the zoning permit.
- b) The natural vegetation strip shall:
 - i. Extend at least twenty-five (25) feet landward of the ordinary high water mark
 - ii. Cover at least seventy percent (70%) of the width of the lake or stream frontage
 - iii. Consist of trees, shrubs herbaceous plants or other northern Michigan indigenous plants, excluding lawn.
 - iv. The natural vegetation strip shall be maintained.
- c) If the property of interest cannot meet the requirements of this ordinance outlined in 6.12.4b due to topography, land elevation, or soil constraints, then an exemption will be considered when issuing a permit. The conditions of the exemption must ensure that the vegetative strip will still perform the same water quality and flood control functions as set forth in this ordinance.
- d) Prior to issuing a zoning permit, such exemption will be reviewed by a qualified organization (such as Tip of the Mitt Watershed Council or Freshwater Future). This review will be facilitated by the zoning administrator.
- e) Once installed or established (either as required or voluntarily), the natural vegetation strip may be modified in accordance with the requirements of this section, but shall not be removed.
- f) The establishment of a natural vegetation strip is encouraged, but not required for the construction of an accessory building.
- g) In the absence of new construction or renovation, vegetation may not be removed from the natural vegetation strip to the point of bringing an existing vegetation strip out of compliance with this ordinance.

Section 2. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township, unless a later date is specified.

Township of Burt

By: _____

Harold Koviak, Supervisor

Adoption date: _____

By: _____

Donna McDougall, Clerk

Effective date: _____

Burt Township Zoning Ordinance - Current Section 6.12.4.

4. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on a least seventy percent (70%) of the lake or stream frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. Once installed or established (either as required or voluntarily), the natural vegetation strip may be modified in accordance with the requirements, but shall not be removed. The natural vegetation strip shall be installed within 2 years of issuance of the zoning permit. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn. The establishment of a natural vegetation strip is encouraged, but not required for the construction of an accessory building.



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PHONE: (231)627-8489 ■ FAX: (231)627-3646

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Definition of Family

Date: January 11, 2018

Included with this memo please find a memo from attorney Bryan Graham dated January 10, 2018.

On Tuesday January 9, 2018 I presented proposed zoning ordinance #144 relating to Bar and Restaurant uses to the Board of Commissioners.

As you may recall, the proposed amendment contained a section changing the definition of Family in order to clarify that an individual is covered under the definition of family and allowed to occupy a dwelling under the zoning ordinance. As you may also recall the definition of Family was changed via amendment #138 in order to allow short term rental of all dwellings in the county without requiring a permit and without additional requirements.

The current definition of Family reads as follows:

FAMILY (Rev. 06/27/17, Amendment #138)

A group of individuals, whether related or unrelated, who are occupying a dwelling

As stated by Mr. Graham in his memo, he expressed his concerns with the definition of family to the Board of Commissioners as they considered adoption of amendment #144. After some discussion the Board of Commissioners adopted the amendment after removing the section relating to the definition of family and remanding the issue to the Planning Commission.

Mr. Graham provides recommendations for definitions of family and short term rental within his memo. Mr. Graham also notes that a provision can be added to the General Provisions article of the zoning ordinance which would allow short term rentals in all zoning districts. I have asked Mr. Graham to prepare such a provision for review.

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

YOUNG, GRAHAM & WENDLING, P.C.

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Peter R. Wendling
Nicole E. Essad

Eugene W. Smith
James G. Young, *Of Counsel*

M E M O R A N D U M

TO: Scott McNeil, Interim Director **VIA EMAIL**
Community Development

FROM: Bryan E. Graham BEG

DATE: January 10, 2018

SUBJECT: Definition of family and short term rentals under the county zoning ordinance

As you know, we have had multiple discussions regarding my concerns over the revised definition of a family under the zoning ordinance. It is my understanding that the definition of a family was revised for the purpose of allowing short term rentals within the county. I expressed those concerns directly to the board of commissioners at its meeting this past Tuesday. The board understood my concerns, and it is my understanding the board would like the planning commission to revisit the definition of a family and to provide an alternative means to allow short term rentals in the county.

I have gone through many discussions concerning short term rentals with our various townships. Generally speaking, a short term rental is a rental for less than 30 days. A rental for a longer period of time would constitute a normal rental of that dwelling.

Clearly, the county has the legal right to allow short term rentals within the county. However, the means to achieve this objective must not jeopardize the stability and residential character of a neighborhood over the long term. As a result, allowing short term rentals should be achieved by regulations addressing short term rentals directly and not by revising the definition of a family.

The current definition of the family states:

FAMILY (Rev. 04/02/10, Amendment #85) (Rev. 06/27/17, Amendment #138)

A group of individuals, whether related or unrelated, who are occupying a dwelling.

Under the current definition of a family, a fraternity or a sorority could rent a single-family dwelling within a neighborhood for multiple years or on a permanent basis. I do not believe this is the intent of a single-family residential neighborhood.

It is my strong recommendation that the definition of a family under the zoning ordinance be revised to read as follows:

FAMILY

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

To allow short term rentals within the county, a definition of the term “Short term rentals” should be added to the zoning ordinance. I recommend the following definition:

SHORT TERM RENTALS

The rental or use of a building customarily used as a dwelling for a period of less than thirty (30) days by an individual, by one or more families, or by a group of individuals who are not the legal owners of the dwelling. A short term rental shall not be occupied by the owner of the building during the period of such rental or use.

The planning commission can then decide in what zoning district short term rentals will be permitted. I am assuming that the planning commission desires to allow short term rentals as a use by right and not by a special use permit. If the planning commission decides to allow short term rentals in all zoning districts, then a simple provision can be added to the General Provisions article.

If you or planning commission members have questions concerning this proposed approach, please do not hesitate to contact me.

BEG

cc: Jeffery B. Lawson, Administrator (via email)