

AGENDA

SUTTONS BAY TOWNSHIP PLANNING COMMISSION

TUESDAY February 2, 2016

6:30 PM

Suttons Bay Township Office
95 W Fourth Street
Suttons Bay, Michigan

Call to Order and Notation of Quorum

Approval of Minutes: January 5, 2016 Planning Commission Meeting

Approval of Agenda

Public Comment

Conflict of Interest

Items of Consideration

1. Public Hearing: Zoning Ordinance Amendment 16-001
Special Events in Agricultural District (enclosure)
2. Zoning Ordinance Overhaul (ZOO)
 - a. Review of re-written Section 25.2 Rezoning (enclosure)
 - b. Residential Committee report
3. Short Term Rental Discussion (enclosure)

Reports:

Zoning Administrator:	Steve Patmore
Planner:	Kathy Egan
Township Board:	Tom Nixon
Chairman's Comments:	Susan Odom

Commissioners' Comments

Public Comment

Adjournment (8:30 PM unless extended by a motion)

This meeting is a session of the Suttons Bay Township Planning Commission held in public for the purpose of conducting the Commission's business and is not to be considered a public community meeting. There is time set aside for public comment during the meeting as noted on the Agenda, and the Planning Commission welcomes the public's input at that time.

SUTTONS BAY TOWNSHIP
Planning Commission
Regular Meeting Minutes
Tuesday, January 5, 2016

CALL TO ORDER - Chair, Susan Odom, called the Suttons Bay Township Planning Commission Meeting to order at 6:30 pm on Wednesday, January 6, 2016, at Suttons Bay Township Offices at 95 W. Fourth Street, Suttons Bay, MI.

ROLL CALL – Quorum Present

Present: Susan Odom, Tom Nixon, Susan Walters, Don Gregory, Amy Coleman,
Doug Periard, Dee McClure

Absent and Excused: Jon Walter

Vacancy: one

Staff Present: Kathy Egan, Planner; Steve Patmore, Zoning Administrator

APPROVAL OF MINUTES- DECEMBER 1, 2015

Consensus to approve the December 1, 2015 Minutes with one correction.

APPROVAL OF AGENDA –

Consensus to amend the Agenda in the following order: 1. Election of Officers; 2. Events in the Ag District; 3. Stoney Point Commerce Park; and 4. Zoning Ordinance Overhaul (ZOO).

PUBLIC COMMENT None

CONFLICT OF INTEREST No conflicts of interest.

ITEMS OF CONSIDERATION

1 Election of Officers –

a. Chairman

Tom Nixon nominated Susan Odom as Chairman. The nominations were closed.
For Susan Odom as Chairman: Ayes: All. No: None

b. Vice-Chairman

Susan Walters nominated Don Gregory as Vice-Chairman. The nominations were closed. For Don Gregory as Vice-Chairman: Ayes: All. No: None

c. Secretary

Doug Periard nominated Susan Walters as Secretary. The nominations were closed.
For Susan Walters as Secretary: Ayes: All. No: None

2. Events in the Agricultural District –

Kathy Egan provided the Planning Commission with draft language for Special Events in the Agricultural District, Legal Review comments, and the definition updated for review.

The Commissioners revised the last sentence of the draft definition: Special event, as follows: “The term “special event” does not include events for the private use by the property owner or lessee.”

Tom Nixon/moved, Don Gregory/supported, PASSED, that the Planning Commission send the revised definition of special event including “The term “special event” does not include events for the private use by the property owner or lessee.” be sent to Attorney Figura for his review, and following his approval the proposed zoning ordinance be noticed for public hearing at the February 2016 meeting.

Steve Patmore said he will notify Fountain Point and winery owners of the upcoming public hearing on special events in the ag district.

3. Site Plan Review – Stoney Point Commerce Park – Chris Branson, Peck Rd.

(re-review of previously approved site plan, now expired)

Steve Patmore submitted a Memo regarding site plan review- Stoney Point Commerce Park. The subject property was approved for a conditional rezoning to commercial in 2007. Mr. Branson had site plan approval and two extensions approved. The site plan has now expired.

Patmore reported that the site plan submitted for the agenda item was the wrong one, and suggested postponing this review until an updated site plan is submitted.

There was discussion regarding conditional rezoning. Consensus of the Planning Commission is to pose a question to the Township Attorney - Is the commercial zoning of the property on Peck Road still in effect as it was a conditional rezoning to commercial, or did the property revert back to agricultural.

Tom Nixon/moved, Dee McClure/supported, PASSED, to reschedule agenda item Site Plan Review, Stoney Point Commerce Park Site to the February Meeting.

4. Zoning Ordinance Overhaul (ZOO) – Notes on Administration Articles

Kathy Egan submitted Notes on Administration Articles. The synopsis in the packet shows changes.

The Planning Commissioners comments –

- Be familiar with the administrative articles.
- Add Article 25, Section 25.2 Rezoning, using the 11 factors as presented, to the Commission at the meeting.
- Add Article 25, Section 25.3 Conditional Rezoning to the amendment.

Don Gregory/moved, Tom Nixon/supported, PASSED, to send the administrative amendments 19 thru 26 with two additions to Article 25 to legal review.

B. Residential Committee Report –

Susan Walters said the Residential Committee Meeting was a catch up session. The Committee will be meeting again, and will need to decide if there should be more than one residential district.

Reports:

Zoning Administrator – Steve Patmore submitted his report for December 2015. It has been the busiest year by far. There has been two inquiries about guest houses in the ag district.

Planner - Kathy Egan said Barbara Nelson-James has resigned from the Planning Commission. Egan also said she met with a realtor regarding developing a parcel for affordable housing.

Township Board - Tom Nixon said the Township Board is involved in developing a budget.

Chairman Comments - Susan Odom said she is glad to be the Chairman.

Commissioners' Comments - None.

Public Comment – No public comment.

Adjournment – Susan Odom said there being no objections, the meeting is adjourned at 8:10 p.m.

Respectfully submitted,
Marge Johnson, Recording Secretary
Reviewed by staff

**SUTTONS BAY TOWNSHIP
Ordinance No. ___ of 2016**

(Zoning Ordinance Amendment 16-001)

**AN ORDINANCE TO AMEND SUTTONS BAY TOWNSHIP ZONING ORDINANCE
BY AMENDING ARTICLE 2 DEFINITIONS AND ARTICLE 4 AGRICULTURAL DISTRICT**

SUTTONS BAY TOWNSHIP ORDAINS:

Suttons Bay Township Ordinance Section 1. Amendment of Article 2-- Section 2.2 Definitions

Section 2.2 of the Suttons Bay Township Zoning Ordinance is hereby amended to add the following definition in the appropriate alphabetical location, which shall read in its entirety as follows:

Special event: An event such as, but not necessarily limited to, an exhibition, banquet, reunion, benefit, ceremony or service, typically occurring in a building, structure, or outdoor area which may be rented, leased, or donated to private parties on a limited basis. The term “special event” does not include events for the private use by the property owner or lessee.

Suttons Bay Township Ordinance Section 2: Amendment of Section 4.4 Special Uses.

Section 4.4 of the Suttons Bay Township Zoning Ordinance is hereby amended to add a new Section 4.4.O and to redesignate the remainder of Section 4.4. The new Section 4.4.O shall be read in its entirety as follows:

O. Special Events

It is the principle intent of this section to continue the support of active agriculture in Suttons Bay Township. In addition, the Planning Commission may grant a special land use permit for special events to property owners to diversify the uses of their land so long as the community’s scenic and rural character is preserved. The Planning Commission will review applications for special events on a case by case basis, and may impose additional conditions based upon site topography, layout, existing vegetation, and the potential impact on the surrounding properties as well as any other condition deemed important by the Planning Commission. The provisions of Article 19 Site Plan Review and Article 20 Special Land use Permits must be met.

Special events are secondary to the primary use of the property. The primary goal for zoning in this district is to encourage and maintain agriculture as part of a balanced and diversified economy. When permitted, special events should have minimal impact on other properties and its residents, and on the ongoing active agriculture practices in the district.

Special land use permits run with the land and are binding on the land owner, his successors, heirs, and assigns. If at any time during the existence of the special land use permit(s) permitted, the lot(s) and/or structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a zoning violation and the permit shall be considered revoked as per Section 20.19 Binding Effect.

These activities may be permitted provided:

1. Parcel requirements:
 - a. The minimum lot area shall be at least five (5) acres.
 - b. The minimum lot width shall be at least three hundred twenty-five (325) feet.
2. Setbacks:
 - a. All buildings and structures, including tents, open to the public shall be set back at least one hundred (100) feet from any lot line.
 - b. Preexisting structures prior to the date of the adoption of this ordinance (1993) may be approved for use of special events, subject to site plan review by the Planning Commission.
 - c. The Planning Commission may require greater setbacks if necessary to buffer adjacent properties as determined during the Special Land use permit process.
3. The number of special events of more than sixty (60) people shall be determined by the Planning Commission at Site Plan Review and shall not exceed four (4) per month during the months of May through October, and not more than three (3) during each of the other months.
4. All activities must be completed by 11:00 PM. Any music or entertainment provided for the event must be for background purposes only, not a featured segment of the activity, and completed by 9:00 PM on Sundays through Thursday and 10:00 PM on Friday and Saturday. Sound amplifiers are permitted only as determined in Site Plan review.
5. Parking areas shall be off-road, forty (40) feet from all lot lines, and appropriately screened from neighboring property. There shall be no parking on county or state roads. Parking may be located on non-paved areas. All parking shall meet the

parking standards as outlined in Section 3.15 Off Street Parking and Loading. Parking must be screened from neighboring properties as required in Section 3.12 Landscaping, Screening, Buffers and Greenbelts. Emergency access to and within the site shall be maintained at all times throughout the event.

6. Entrance from the public road must be approved by the County Road Commission or Michigan Department of Transportation with concurrence from the Suttons Bay Township Planning Commission as part of the site plan review process.
7. The operator must have a written statement from the County Health Department indicating the maximum number of persons that can be accommodated with existing toilet facilities. Additional portable toilets must be provided for any guests exceeding the aforementioned number.
8. The applicant shall maintain a log of the activities including dates, group identity, times and number of guests. This list must be submitted to Suttons Bay Township annually, no later than March 1 for the previous calendar year.
9. Equipment and materials related to the special events must be stored within a structure when not in use or removed from the site.
10. All lighting shall meet the Outdoor Lighting Standards as outlined in Section 3.18 Outdoor Lighting Standards.
11. All signs shall meet the sign standards as outlined in Section 3.17 Signs.
12. Site landscaping requirements must be met as required in Section 3.12 Landscaping, Screening, Buffers and Greenbelts.
13. A Site Plan must be approved by the Planning Commission at a Public Hearing. The following information must be provided in addition to information required for Minor Project Site Plan Review as per Section 19.6.
 - a. Existing and proposed structures, including tents, with maximum capacity of each building where guests have access as established by the Fire Marshall.
 - b. The maximum number of people attending a single event.
 - c. Location of temporary toilet facilities, which may be required.

Suttons Bay Township Ordinance Section 3. 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.

Suttons Bay Township Ordinance Section 4. Effective Date: _____

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

Ordinance No. ____ of 2016 was adopted on the ____th day of _____ 2016 by the Suttons Bay Township Board of Trustees, as follows:

Motion by:

Support by:

Roll Call Vote:

Yeas:

Nays:

Absent:

Motion Carried.

I certify that this true copy of Ordinance No. ____ of 2016 was adopted at a regular meeting of the Suttons Bay Township Board of Trustees on _____, 2016 and published in the *Leelanau Enterprise* on _____, 2016.

Date of Township Approval:

Date of Publication:

Effective Date:

Date: _____

By: _____

Sandra VanHuystee,

Suttons Bay Township Clerk

ARTICLE 25

AMENDMENTS

SECTION 25.1 REQUEST AND FEES

The Township may from time to time, amend or supplement the text of the Ordinance or Zoning Map whenever the public necessity and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more property owners. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay a filing fee as set from time to time by the Township Board.

SECTION 25.2 REZONING

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

- A. The proposed rezoning is consistent with the surrounding uses.
- B. There is no adverse physical impact on the surrounding properties.
- C. There is no adverse effect on property values in the adjacent area.
- D. There have been changes in land use or other conditions in the immediate area or in the community which justify the rezoning.
- E. Rezoning will not create a deterrent to the improvement or development of the adjacent properties in accordance with existing regulations.
- F. Rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public.
- G. There are substantial reasons why the property cannot be used in accordance with its present zoning classification.
- H. The rezoning is not in conflict with the planned use for the property as reflected in the master plan.
- I. If rezoned, the site will be served by adequate public facilities.
- J. There are no sites nearby that already properly zoned that can be used for the intended purposes.

Suttons Bay Township Planning Commission
Short Term Rental Discussion
February 2, 2016

The topic of what, if anything, to do about short-term rentals (STR) in the township has once again come to the foreground. We last discussed them in 2012 and decided to continue to allow them as an unrestricted use. A quick search brought up 15 websites with vacation rental listing for Suttons Bay, and many of the sites are listed on multiple websites. A quick search on the Airbnb website found 299 listings for the Suttons Bay area. This isn't accurate because the geographic area in the search is quite broad and includes south to Benzie County, Traverse City, and into Antrim County. There isn't a way to narrow the geographic searches on the vacation rental websites.

Although the actual number of rooms and homes being rented out in Suttons Bay may be impossible to track, the activity has grown in the four years since we last looked at this topic.

Some thoughts from an article published by MSU Extension, entitled, "Considering Regulation of Short-term Rentals in Light of the Sharing Economy: Part 2"

- The distinction of STR being commercial is reinforced by court ruling on the issue, and communities which have not carefully made that distinction have not fared well in courts.
- Prohibiting short-term rentals may be a legally risky approach, even if motivations for doing so are thoroughly documented in the ordinance and master plan.

Draft Definition:

Short Term Rental: The commercial use of renting a dwelling for a period of less than thirty (30) days.

It is important to define short term rentals as a commercial use. This allows the township to treat them differently from residential uses, thus having the ability to have different standards for them.

Options:

- 1. Do nothing**
Presently we consider them a residential use, thus they are allowed as a use by right with no restrictions.
- 2. Prohibit Short Term Rentals**
As noted in the article from MSU, this may not be defensible if the township is challenged in court.
- 3. Amend the Zoning Ordinance to allow for them**
This would cause issues trying to determine which of the one currently operating are 'grandfathered'.
- 4. Adopt a separate Township Ordinance**
This would require every operation to abide by the new regulations. It would be difficult to police and enforce.

ZONING ADMINISTRATOR'S REPORT

SUTTONS BAY TOWNSHIP

January 2016 (to-date)

For February 2016 Planning Commission and Township Board Meetings

Prepared By Steve Patmore

January 26, 2016

LAND USE PERMITS ISSUED

DATE	TOTAL	NEW HOMES	ADDITIONS	ACCESSORY STRUCTURES	OTHER
Jan 2016 (to date)	0	0	0	0	0
Year To Date	0	0	0	0	0
Year to date 2015	1	0	1	0	0
Year to date 2014	0	0	0	0	0
Year to date 2013	0	0	0	0	0
Year to date 2012	0	0	0	0	0
Year to date 2011	0	0	0	0	0

Land Divisions

Questions on Land Divisions

Zoning Board of Appeals:

One application in process

Other Work:

Several questions on zoning – setbacks – signs

Research on conditional zoning

I will not be in attendance at the March 1st Planning Commission meeting