



# Wexford Joint Planning Commission

4830 E. M – 55 Highway

Cadillac, Michigan 49601

231-775-1138 x 6

[planningandzoning@wexfordjpc.org](mailto:planningandzoning@wexfordjpc.org)

[www.wexfordjpc.org](http://www.wexfordjpc.org)

## DECEMBER 2023 STAFF REPORT

### Wexford Joint Planning Commission

Staff is reaching out to potential ‘partners’ that can assist us moving forward with over-all zoning amendments that focus on state recognized housing issues.

Staff asks that the WJPC consider a ‘possible’ amendment / addendum to the recently reviewed Master Plan (if needed to support), followed by an over-all review of the Zoning Ordinance with an emphasis on the current language versus potential future impacts on housing.

Here’s a [great introductory article](#), and a new [LINK to the Zoning Reform Toolkit](#) – the introductory article will give you a greater understanding of how to utilize the tool kit.

### Participating Municipality Concern(s): Short Term Rentals

There is proposed Zoning ordinance amendment language to consider regarding short-term rentals attached to this report. Essentially, the new language does the following:

1. Removes regulation from the definitions of ‘Cottage Industry for Short Term Rental of a Dwelling’
2. Adds ‘specific’ special use standards for the Short-Term Rental of a Dwelling as a Cottage Industry

Staff has received at least two (2) emails from concerned citizens in the Sunset Point area of Cherry Grove Township advising that a ‘petition’ was being circulated expressing opposition to short-term rentals in residential neighborhoods. The senders were informed (Cherry Grove Supervisor was copied) that the WJPC was unaware of any petitions being circulated.

### TRAINING

Training is being scheduled for our January 22<sup>nd</sup>, 2024 meeting by Planner Grobbel. The training will focus on the unique purposes of, and differences between, ZONING and POLICE POWER ordinances. [Here is an article to get you started!](#)

Staff encourages ‘*continued*’ discussion on the feasibility and opportunities that ad hoc committees could present for the WJPC in accomplishing greater efficiency on behalf of the participating municipalities. Consideration should be given to formulating a work-plan for the MDARD Rural Readiness Grant.



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*“Police power ordinances avoid the non-conforming use problem inherent with the zoning approach, because they may regulate activities that are already underway regardless of their lawfulness under zoning.”*

**Land Use Permit Activity** (since last report)

Permit #	Parcel #	Applicant Information	Use Type	ZONE	TWP	Zoning Comments
2023-131	<b>2112-24-4103</b>	Hart, Jonathon	<b>RA</b>	RR	<b>SOU</b>	Residential Accessory
2023-132	<b>2110-17-2102</b>	Clough, Brent	<b>RA</b>	RR	<b>CHE</b>	residential Accessory
2023-133	<b>2110-MPK-142</b>	Green, Greg - Orshal Const.	<b>RAD</b>	R2	<b>CHE</b>	Residential Addition
2023-134	<b>2110-10-1116</b>	Funke, Patrick - Cole Inc.	<b>RAD</b>	R2	<b>CHE</b>	Residential Addition
2023-135	<b>2412-15-2102</b>	Thompson, Tina	<b>ND</b>	RR	<b>WEX</b>	New Dwelling

**ND = New Dwelling      RAD = Residential Addition      RA = Residential Accessory**

For your review,



Robert (Bob) Hall

Planning and Zoning Director



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\_\_\_\_\_ TOWNSHIP

WEXFORD COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND THE WEXFORD JOINT ZONING ORDINANCE EFFECTIVE DECEMBER 31, 2016 BY AMENDING THE DEFINITION OF SHORT TERM RENTAL; BY ADDING PROVISIONS FOR SHORT TERM RENTALS AS A COTTAGE INDUSTRY; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE TOWNSHIP OF \_\_\_\_\_ ORDAINS:

Section 1. Amendment to Article 5, Section 503 of the Wexford Joint Zoning Ordinance.

Article 5, Section 503, of the Wexford Joint Zoning Ordinance (“Ordinance”) is hereby amended by adding the following definition:

SHORT TERM RENTAL means the rental of a house for a term of 30 or fewer days.

Section 2. Amendment to Article 5, Section 503 of the Wexford Joint Zoning Ordinance.

Article 5, Section 503, of the Wexford Joint Zoning Ordinance (“Ordinance”) is hereby amended by deleting the following definition:

COTTAGE INDUSTRY FOR SHORT TERM RENTAL OF DWELLING(S) means a cottage industry which includes rental of a house for a short term (30 or fewer days) carried out for gain by a resident on the property on which the resident lives. Section 1. Amendment to Article 5, Section 503 of the Wexford Joint Zoning Ordinance.

Section 3. Amendment to Article 5, Section 503 of the Wexford Joint Zoning Ordinance.

Article 16, Section 1610 of the Wexford Joint Zoning Ordinance (“Ordinance”) is hereby amended to read as follows:

1610. Cottage Industry; Cottage Industry Short Term Rentals

1) For Cottage Industry:

- a) The use and associated activity is located on the same property as the business operator’s dwelling.
- b) The manufacturing or assembly activity shall be accessory to the residential use of the property.
- c) The activities and carrying on of the enterprise shall be operated in such a manner that, under normal circumstances, will not create a nuisance.
- d) Buildings erected for the business shall be designed to be in keeping with the rural character of the surrounding area

- e) One sign for the enterprise shall be allowed. The sign shall not exceed twelve (12) square feet in size and the sign shall not be lighted.
  - f) The cottage industry shall not involve the
    - i) generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 et. seq.), or [Annotation: M.C.L. 324.11101 et. seq. is formerly P.A. 64 of 1979 (being M.C.L. 299.501 to 299.551, the Hazardous Waste Management Act).]
    - ii) use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies or heating fuel.
  - g) The volume of business is such that there shall not be more than two automobile(s) parked in the vicinity at a time for customers at the Cottage Industry.
  - h) The enterprise shall employ no more than two full time equivalent employees per year in addition to those who live in the dwelling.
  - i) Equipment, materials and waste stored outside shall be screened from view with vegetation, berm or fence, so it cannot be seen from adjacent property or public rights-of-way.
  - j) Major Home-based enterprise is listed as a possible special use in the respective district.
- 2) For Cottage Industry: Short Term Rentals
- a) Short Term Rentals shall qualify as a Cottage Industry subject to the provisions of this Ordinance.
    - i) The Short Term Rental is located on the same property as the business operator's dwelling.
    - ii) The business operator maintains a principal residence exemption for the property on which the Short Term Rental is located.
    - iii) The activities and carrying on of the enterprise shall be operated in such a manner that, under normal circumstances, will not create a nuisance.
    - iv) The volume of business is such that there shall not be more than two automobile(s) parked in the vicinity at a time for customers at the Cottage Industry.
  - ~~b) Buildings erected for the business shall be designed to be in keeping with the rural character of the surrounding area~~
  - ~~c) One sign for the enterprise shall be allowed. The sign shall not exceed twelve (12) square feet in size and the sign shall not be lighted.~~
  - d) The Cottage Industry Short Term Rental shall not involve the
    - i) generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 et. seq.), or [Annotation: M.C.L. 324.11101 et. seq. is formerly P.A. 64 of 1979 (being M.C.L. 299.501 to 299.551, the Hazardous Waste Management Act).]
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counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies or heating fuel.

- ~~e) The enterprise shall employ no more than two full time equivalent employees per year in addition to those who live in the dwelling.~~
- ~~f) Equipment, materials and waste stored outside shall be screened from view with vegetation, berm or fence, so it cannot be seen from adjacent property or public rights-of-way.~~
- ~~g) Major Home based enterprise is listed as a possible special use in the respective district.~~

Section 4. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. Effective Date.

This ordinance shall be effective at 12:01 a.m. on the eighth day following its publication in accordance with the law.

THOSE VOTING IN FAVOR \_\_\_\_\_  
\_\_\_\_\_

THOSE VOTING AGAINST: \_\_\_\_\_

THOSE ABSENT OR ABSTAINING: \_\_\_\_\_

ORDINANCE DECLARED PASSED

\_\_\_\_\_  
Township Clerk

CERTIFICATION

The undersigned, Township Clerk, hereby certifies that the foregoing is a true and correct copy of the ordinance adopted by the Township Board of \_\_\_\_\_ Township at a \_\_\_\_\_[regular or special] meeting thereof, duly called and held on the \_\_ day of \_\_\_\_\_, 202\_ at which a quorum of the Board was present.

\_\_\_\_\_  
Township Clerk