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Katherine Houghton – Legal Assistant

July 21, 2017

Ronda Huffman
1117 Owaissa
Negaunee MI 49866

In re: Zoning Violation: Need for Special Land Use Approval from Planning Commission

Dear Ms. Huffman:

It has come to our attention that you are operating an Air B n B or Bed & Breakfast in your home at 1117 Owaissa. As you know this area is zoned R-1, Single Family Residential. A Special Land Use Permit from the Planning Commission is required to operate a Bed & Breakfast in an R-1. Enclosed is a summary of relevant provisions of the Ordinance. The entire Zoning Ordinance appears on the City website.

Please complete the enclosed Application for Special Use Permit and return it to the Manager's office with the filing fee by **July 29, 2017** so that it may be brought on for a hearing at the Planning Commission meeting on **August 15, 2017**.

Failure to obtain a Special Use Permit could result in a civil penalty of not less than fifty dollars (\$50.00) and up to five hundred dollars (\$500.00) per day for the number of days the violation(s) continue, and/or the City may seek injunctive relief in the appropriate court of law. In addition to the penalty already outlined, any violation of this Zoning Code is hereby declared to be a public nuisance which may be enjoined.

Sincerely yours,

HOUGHTON LAW OFFICE

Bruce L. Houghton

Negaunee City Attorney & Acting Zoning Administrator

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Enclosure

Negaunee Zoning Ordinances contain the following provisions:

Bed and Breakfast Establishment: A single family residence where no more than 5 (five) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals only to those persons temporarily residing at the establishment.

Bed and Breakfast Inn: A structure used primarily for lodging purposes where the use as a residence is clearly secondary. A structure where more than 5 (five) but not more than 9 (nine) guest rooms are made available for the temporary accommodation of the traveling or vacationing public. Such an establishment may offer meals to the public and persons temporarily residing at the establishment.

1268.03 SPECIAL LAND USES AUTHORIZED BY PERMIT. The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Land Use Permit as provided for in Chapter 1280: 1. Bed and Breakfast Establishment 2. Home Occupation 3. Library 4. Planned Unit Development 5. Recreational Uses: boat launch; cross-country ski trail; fields (soccer, hockey, ballfields); fishing piers; ice rink; passive park; swimming beach 6. Religious Institutions 7. School 8. Wireless Communication Facility, attached

Chapter 1280 Special Land Uses 1280.01 APPROVAL BY PLANNING COMMISSION REQUIRED; STANDARDS. Whenever special land uses are proposed, such uses shall be permitted only after review and approval by the Planning commission as established in Chapter 1220. The Planning Commission shall approve a special land use only upon a finding of compliance with each of the following standards: (a) The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area; (b) The special land use shall not change the essential character of the surrounding area; (c) The special land use shall not interfere with the general enjoyment of adjacent property; (d) The special land use shall represent an improvement to the property under consideration and the surrounding area in general; (e) The special land use shall 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, odor, fumes or glare; (f) The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration; and (g) The special land use shall not place demands on public services and facilities in excess of current capacity.

1280.02 CONDITIONS FOR APPROVAL; ENFORCEMENT; APPEALS; NOTICE. (a) The Planning Commission may impose conditions with the approval of a special land use which are necessary to insure compliance with the standards for approval and any other applicable standards contained in this Zoning Code. Such

conditions shall be considered an integral part of the special land use permit and shall be enforced by the City Zoning Administrator. (b) Any decision made by the Planning Commission concerning special land uses may be appealed to the Board of Zoning Appeals. (c) The notice requirements set forth in this Code and State law shall be observed relative to the consideration of all special land uses by the Planning Commission.
