



# CHEBOYGAN COUNTY PLANNING COMMISSION

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## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, NOVEMBER 15, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Borowicz, Croft, Lyon, Jazdyk  
**ABSENT:** Churchill, Kavanaugh, Ostwald  
**STAFF:** Scott McNeil  
**GUESTS:** Carl Muscott, Eric Boyd, Roberta Matelksi, John Moore, Karen Johnson, Russell Crawford, Cheryl Crawford

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. Mr. McNeil stated that he presented the amendment for the boat shelter overlay district to the Cheboygan County Board of Commissioners and they expressed a concern regarding the limitation of the size of the boat shelter based on the width of the lot. Mr. McNeil explained that the regulation states 16ft. or 20%, whichever is less. Mr. McNeil stated that the Board voted unanimously to remand that section of the amendment back to the Planning Commission. Mr. McNeil stated that the Board was concerned regarding utility and even though someone may have a small lot there should be a chance for these property owners to have a reasonable size shelter like other lots. Mr. McNeil requested that this item be added to the agenda for review. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to approve the agenda with the addition of the boat shelter amendment under Unfinished Business. Motion carried. 6 Ayes (Bartlett, Freese, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 3 Absent (Churchill, Kavanaugh, Ostwald)

### APPROVAL OF MINUTES

The November 1, 2017 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 6 Ayes (Bartlett, Freese, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 3 Absent (Churchill, Kavanaugh, Ostwald)

### PUBLIC HEARING AND ACTION ON REQUESTS

***An Ordinance to amend Section 17.19. of the Cheboygan County Zoning Ordinance #200 to provide content neutral definitions, regulations and standards for signs.***

Mr. McNeil explained that this ordinance amendment is proposed as a result of a Supreme Court decision known as Reed vs. Town of Gilbert where the Court ruled that sign regulation based on the content is unconstitutional. Mr. McNeil stated that real estate signs, off-premise signs, non-commercial signs, and political signs are listed in the Zoning Ordinance and the Supreme Court has ruled that this is unconstitutional if you have to read the sign to distinguish the type of sign.

Mr. McNeil stated that this amendment will repeal the definitions of Neighborhood identification sign, Noncommercial sign, Off-premise sign, Political sign and Real Estate signs. Mr. McNeil stated that signs that do not require a permit will be defined based on the type of structure and the use of the sign. Mr. McNeil stated that changes were made to signs that are prohibited based on safety concerns. Mr. McNeil stated that there were updates to the Village Center Indian River and Village Center Topinabee zoning district sign requirements to remove reference to off-premise signs. Mr. McNeil stated that the amendment document provides clarifying language regarding billboards as regulated by the State of Michigan.

Ms. Croft asked if legal counsel has reviewed this final amendment. Mr. McNeil stated yes.

Ms. Lyon referred to section 17.19.3 and stated that signs with moving or revolving parts are prohibited. Ms. Lyon asked if this will include digital signs. Mr. McNeil stated that there is a separate section in the Zoning Ordinance for digital signs.

Ms. Croft asked for public comments. Mr. Muscott referred to section 17.19.2.B.1 and stated that a sign not requiring a permit

must be removed no more than 2 days after the subject matter of the sign has expired. Mr. Muscott stated that the content of the sign has to be read to decide whether the event has passed. Mr. Muscott referred to section 17.19.H and stated that this section references balloons, flags, pennants, and pinwheels. Mr. Muscott stated swiffer banners are being used everywhere and would violate this section. Discussion was held. Mr. McNeil stated that these recommendations were presented early on by legal counsel. Mr. McNeil stated that you do have to read the sign to determine if it needs to be removed. Mr. McNeil stated that the criteria for which the signs are permitted are content neutral. Mr. McNeil stated that he emailed this question to legal counsel and he has not heard back from legal counsel yet. Mr. McNeil stated that the public hearing could be adjourned to wait for legal counsel's response. Mr. Borowicz stated that he doesn't believe there

is a problem with content neutrality because the event is over and the sign is supposed to be removed. Ms. Lyon agreed with Mr. Borowicz. Mr. McNeil stated that he doesn't believe that the Planning Commission is done looking this ordinance as there are a few unanswered questions by the Reed vs. Town of Gilbert case. Public comment closed. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to forward the amendment to provide content neutral definitions, regulations and standards for signs to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried.

## **UNFINISHED BUSINESS**

### **Boat Shelter Overlay District**

Mr. Freese recommended deleting the 20%. Mr. Freese stated that if someone has a 40ft. lot, 20% would allow for a canoe and not much else. Mr. Freese stated that 16ft. will allow everyone the same width. Ms. Croft stated that "whichever is lessor" will also be deleted. Ms. Croft asked if another public hearing will have to be held. Mr. McNeil stated yes. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to schedule a public hearing for January 3, 2018. Motion carried. 6 Ayes (Bartlett, Freese, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 3 Absent (Churchill, Kavanaugh, Ostwald)

## **NEW BUSINESS**

No comments.

## **STAFF REPORT**

Mr. McNeil stated that there will be a joint meeting of the Board of Commissioners and Planning Commission on December 20, 2017. Mr. McNeil stated that Mr. Lawson has asked him to put together information on priorities that the Planning Commission has identified and worked on from the Master Plan.

Mr. McNeil stated that Mr. Muscott has submitted a US Sign Council Model Sign Code, which has been uploaded to the tablets.

## **PLANNING COMMISSION COMMENTS**

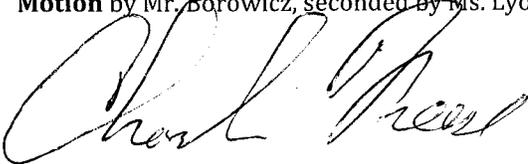
No comments.

## **PUBLIC COMMENTS**

Mr. Muscott stated that recently there was an 8ft. x 40ft. overseas storage container installed behind the Summer Store in Indian River. Mr. Muscott stated that he asked Steve Schell several years ago about these containers and Mr. Schnell explained that they are trailers and can only be used during construction and can't be used as a permanent shed. Mr. Muscott stated that this building is 160sf and is regulated by the Building Code requirements. Mr. Muscott stated that these types of structures weigh about 5,000lbs and are capable of carrying 56,000lbs. Mr. Muscott stated that these structures are very common in most of the country and moving more into Michigan. Mr. Muscott asked if the Planning Commission or Zoning Board of Appeals can make a ruling as to whether these structures are a trailer. Mr. Borowicz stated that a trailer has wheels and these types of structures do not have wheels. Mr. Muscott stated that when the structure is painted, it is as neat as the average shed and they are vandal proof and basically indestructible. Mr. Freese stated that if there are no wheels on the structure, it is not a trailer. Mr. McNeil stated that it is his determination that they are not a trailer and the intended use is what they would be classified under from a zoning standpoint. Mr. Muscott stated that it would qualify as a shed under 200sf and not subject to building code. Mr. McNeil stated that he does not believe that it would be regulated under the building code, but can't say for certain as it may be based on use. Mr. Freese asked Mr. Muscott to submit his questions in writing and he would receive an answer.

## **ADJOURN**

**Motion** by Mr. Borowicz, seconded by Ms. Lyon, to adjourn. Motion carried. Meeting was adjourned at 7:24pm.



Charles Freese  
Planning Commission Secretary