

# ZONING ORDINANCE No. 200



## CHEBOYGAN COUNTY

ADOPTED: February 8, 1983  
By the County Board of Commissioners

Latest Amendment – Amendment #152  
March 1, 2019

Note: Please note that the provisions and map of the Cheboygan County Zoning Ordinance are subject to amendment and may therefore change from time to time as provided by law. Anyone having any questions on final or pending zoning amendments is hereby advised to check with the Cheboygan County Zoning Administrator.

CHEBOYGAN COUNTY PLANNING COMMISSION  
COUNTY BUILDING  
CHEBOYGAN, MI 49721

# TABLE OF CONTENTS

Article 1 – Short Title And Purpose .....	4
Article 2- Definitions .....	5
Section 2.3 Setback Diagrams And Roof Diagrams .....	27
Article 2- Definitions .....	28
Article 3 - General Provisions.....	29
Article 4 - Residential Development District (D-RS) .....	35
Article 6 - Commercial Development District (D-CM) .....	38
Article 7 - Light Industrial Development District (D-LI).....	41
Article 8 - General Industrial Development District (D-GI).....	43
Article 9 - Agriculture And Forestry Management District (M-AF) .....	45
Article 10 - Lake And Stream Protection District (P-LS).....	48
Article 10a - Lake And Stream Protection Shelter Overlay District (P-LS-SO).....	53
Article 11 - Natural Rivers Protection District (P-NR) .....	54
Article 12 - Resource Conservation District (P-RC).....	58
Article 13 –Village Center (D-VC).....	60
Article 13a – Village Center Indian River District (VC-IR).....	62
Article 13b – Village Center Indian River Overlay District (VC-IR-O) .....	64
Article 13c – Village Center Topinabee District (VC-T) .....	66
Article 13d – Village Center Topinabee Overlay District (VC-T-O).....	68
Article 13e – Village Center Topinabee Residential Overlay District (VC-T-RO).....	70
Article 14 - Rural Character / Country Living (D-RC).....	71
Article 15- Wind Generation .....	74
Article 15a – High Wire Utility Corridor Overlay District.....	79
Article 16 – Open Space Subdivisions .....	80
Article 17 - Supplement Regulations And Standards .....	83
Section 17.1. Area, Width, Lot Size, Setback And Height Requirements .....	83
Section 17.2. Supplemental Area, Width, Lot Size, Setback & Height Requirements .....	85
Section 17.3.....	88
Section 17.4. Off-Street Parking For Motor Vehicles .....	88
Section 17.5. Minimum Lot Space Requirements .....	90
Section 17.6. Table Of Minimum Parking Requirements .....	91
Section 17.7. Use Of Tents, Travel Trailers, Campers, Recreational Vehicles And Undersized Mobile Homes .....	93
Section 17.7.A Storage Of Travel Trailers, Campers, Recreational Vehicles .....	95
Section 17.8. Campgrounds .....	95
Section 17.9. Mobile Home Courts And Parks.....	95
Section 17.11. Outdoor Swimming Pools .....	96
Section 17.12. Outdoor Theatres.....	96

# TABLE OF CONTENTS

Section 17.13. Commercial Television And Radio Towers And Public Utility Microwaves And T.V. Transmitting Towers And Wireless Communication Facilities, Authorized By Special Use Permit. ....	96
Section 17.14. Race Tracks (Including Midget Auto And Carting Tracks) .....	98
Section 17.15. Riding Academies Or Stables .....	98
Section 17.16. Commercial Kennels, Pet Shops And Veterinarian Hospitals .....	98
Section 17.17. Gravel And Mineral Extraction, Mining And Quarrying Activities.....	98
Section 17.18. Greenbelts, Walls Or Fences (Protective & Screening) .....	99
Section 17.19. Signs .....	100
Section 17.20. Highway And Railroad Intersections .....	110
Section 17.21. Home Occupations .....	110
Section 17.22. Sexually Oriented Businesses .....	111
Section 17.23 Private Storage Buildings And Uses (Rev. 11/06/08, Amendment #77) .....	114
Section 17.24 Child Caring Institutions (Rev. 04/28/10, Amendment #85) .....	116
Section 17.25 Medical Marijuana (Rev. 09/12/11, Amendment #91).....	118
Section 17.26 Truck Terminals Or Warehouses .....	120
Section 17.27 Indoor Storage Facilities .....	120
Section 17.28 Planned Projects.....	121
Section 17.29 Mobile Food Unit.....	124
Section 17.30 Solar Energy Systems – Photovoltaic (SES-PV) .....	125
Article 18 - Special Land Use Permit Procedures And Standards.....	136
Article 19. Planned Unit Development.....	141
Article 20 - Site Plan Review .....	146
Article 21. - Administration And Enforcement.....	152
Article 22. - Non-Conforming Uses, Structures .....	156
Article 23. - Zoning Board Of Appeals.....	157
Article 24 – Amendments .....	162
Article 25 - Enactment & Effective Date .....	164
Zoning Maps .....	165

# ARTICLE 1 – SHORT TITLE AND PURPOSE

## SECTION 1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the Cheboygan County Zoning Ordinance.

## SECTION 1.2 PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals and general welfare of the people of the unincorporated portions of Cheboygan County. The provisions herein are intended to encourage the use of lands, waters and other natural resources as they pertain to the social, physical and economic well being of the county, to limit the improper use of land and natural resources, to reduce hazards to life and property, to provide for orderly development within the county, to avoid overcrowding of land and water resources, to provide for adequate light, air and health conditions in dwellings and buildings hereafter installed, erected or altered, to lessen congestion on the public roads and streets, to protect and conserve natural recreational areas, agricultural, residential and other areas suited to particular uses, to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public facilities, to conserve the expenditure of monies for public improvements and services to conform with the most advantageous uses of land, resources and properties, and to be one means of implementing the policies, goals and objectives as set forth in the Cheboygan County Comprehensive Plan.

## SECTION 1.3 REPEAL OF PRIOR ORDINANCE

Zoning Ordinance No. 100 and all amendments thereto previously adopted by Cheboygan County are hereby repealed. The repeal of Ordinance No. 100 and its amendments does not affect or impair any act, violation or offense committed, or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance No. 200 became effective and was enforced, prosecuted or inflicted.

## SECTION 1.4 INTERPRETATION

In the interpretation and application, the provisions of this ordinance shall be held to be the minimum requirement adopted for the promotion of the public health, safety, morals, comfort, convenience or general welfare. Where this ordinance imposes a greater restriction than is required by prior ordinance or by rules, regulations or permits, the provisions of this ordinance shall control. Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

## SECTION 1.5 SEVERABILITY

This ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

## SECTION 1.6 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

## SECTION 1.7 GENERAL RESPONSIBILITY

The County Board of Commissioners or its duly authorized representative is hereby charged with the duty of enforcing this ordinance, and said board is hereby empowered to begin and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court or any other court having jurisdiction to restrain and/or prevent any non-compliance with, or violation of any of the provisions of this ordinance, and to correct, remedy and/or abate such non-compliance or violation. And, it is further provided that any person aggrieved or adversely affected by such non-compliance or violation may institute suit and/or join the County Board of Commissioners in such a suit to abate the same.

## ARTICLE 2- DEFINITIONS

### SECTION 2.1. GENERAL

- 2.1.1. In case of a difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- 2.1.2. The particular shall control the general.
- 2.1.3. The words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 2.1.4. A "building" or "structure" includes any part thereof.
- 2.1.5. The phrase "used for" includes "arranged for," "designed for," "intended for" or "occupied for."
- 2.1.6. The word "person" includes an individual, a corporation, a partnership, and incorporated association or any other similar entity.
- 2.1.7. The word "lot" includes the word "plot," "tract" or "parcel."
- 2.1.8. Terms not herein defined shall have the meaning customarily assigned to them.

### SECTION 2.2. DEFINITIONS OF SPECIFIC TERMS USED IN THIS ORDINANCE

#### ABANDONMENT

The cessation of activity in, or use of a dwelling, structure or lot other than that which would normally occur on a seasonal basis, for a period of six months or longer.

#### ABUTTING

Having property or district lines in common, e.g., two lots are abutting when they have property lines in common.

#### ACCESS

A way of approaching or entering a property. For the purposes of this ordinance, all lots of record shall have access to a public street or highway or to a permanent unobstructed access easement of record to a public road.

#### ACCESSORY BUILDING

A building or a portion of a building subordinate to and on the same lot as the main building and occupied by or devoted exclusively to uses which are incidental or secondary to that of the main building, but such use shall not include residential or living quarters for human beings.

#### ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the building or land.

#### ADDITION (Rev. 03/09/05, Amendment #39)

Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or floor area.

#### ADULT DAY CARE CENTER (Rev. 09/01/17, Amendment #141)

A facility which provides care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

#### AGGRIEVED PARTY (Rev. 03/09/05, Amendment #39), (Rev. 04/12/07, Amendment #67)

1. Any person who can demonstrate that he/she or his/her property will suffer some special damages not common to other property owners by a decision of the Zoning Administrator, Planning Commission, or Zoning Board of Appeals.
2. In decisions concerning the completion, presumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, any person requiring notice pursuant to this ordinance.

## ARTICLE 2- DEFINITIONS

### **ALLEY (Rev. 03/09/05, Amendment #39)**

A public right-of-way, affording a secondary means of access to abutting property but not intended for general traffic circulation.

### **ANEMOMETER (Rev. 06/17/04, Amendment #31)**

An instrument for measuring and recording the speed of the wind.

### **ANEMOMETER TOWER (Rev. 06/17/04, Amendment #31)**

A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of wind generation.

### **ASSEMBLY, EDUCATIONAL or SOCIAL EVENT FACILITY (Rev. 09/01/17, Amendment #140)**

A building or portion thereof which is used for civic, educational, entertainment, governmental, political, religious or social purposes.

### **ASSISTED LIVING CENTER (Rev. 09/01/17, Amendment #141)**

A facility which provides primarily nonmedical services and living facilities to individuals in need of personal assistance essential for sustaining the activities of daily living; however, state licensed residential facilities, as provided under Public Act 110 of 2006 are not subject to regulation under this ordinance.

### **BAR (Rev. 01/16/18, Amendment #144)**

An establishment where alcoholic beverages are primarily served for consumption within a principal building on the premises, where food may also be served and consumed and where hours of operation extend beyond 11:00 PM on any day of the week. Dancing and entertainment where permitted may also take place at a bar. Food and beverages may be served outdoors on the premises as an accessory use where allowed by the Michigan Liquor Control Commission.

### **BASEMENT (Rev. 03/09/05, Amendment #39)**

That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the perimeter of the outer walls has exposed areas in excess of five feet from grade of over 50% of its total length of the perimeter walls, this is considered a first story.

### **BED & BREAKFAST (Rev. 03/09/05, Amendment #39) (Rev. 01/28/06, Amendment #53)**

An owner-occupied dwelling where lodging and breakfasts are provided for compensation to three or more individuals.

### **BIG-BOX RETAIL STORE (Rev. 03/09/05, Amendment #39)**

A singular retail or wholesale user, who occupies no less than 50,000 square feet of gross floor area and has a regional sales market. Retail and wholesale can include, but are not limited to bulk sales, discount stores, and department stores.

### **BLUFFLINE (Rev. 03/09/05, Amendment #39)**

The line which is the edge or crest of the elevated segment of the waterline above the beach or floodplain which normally has a precipitous front inclining steeply on the water side.

### **BOARDINGHOUSE**

A dwelling where lodging or meals or both are provided for compensation to three or more individuals.

## ARTICLE 2- DEFINITIONS

### **BOATHOUSE (Rev. 01/28/06, Amendment #53)**

A building at the water's edge which has the sole purpose of storing a boat(s).

### **BOAT LIVERY (Rev. 03/09/05, Amendment #39)**

Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, or providing use thereof to persons other than the owners for a charge or fee.

### **BOAT SHELTER (Rev. 02/27/18, Amendment #146)**

A structure constructed over a boat well which is designed and used solely for the purpose of protecting or storing watercraft and related equipment for noncommercial purposes.

### **BOAT WELL (Rev. 09/21/14, Amendment #122)**

An artificial embayment created by the removal of earth located at the shore or bank of waters on a waterfront lot for mooring of boats and other water craft.

### **BUFFER**

A designated area within a land use district and along the perimeter (or one or more of the edges) of a particular land use area, where all land use is regulated so as to screen that use and/or protect it. In most cases a buffer will be in the form of a well vegetated or landscaped strip of land that acts to ensure that a development activity fits harmoniously into an existing natural environment.

### **BUILDABLE AREA (Rev. 03/09/05, Amendment #39)**

The space remaining on a lot or lots of record after the minimum setback, open space requirements, and non-buildable areas have been complied with.

### **BUILDABLE LAND (Rev. 12/18/02, Amendment #21)**

The area of a parcel remaining after the minimum setback and open space requirements are met, and not to include wetlands, steep slopes, floodplains, or other similarly unbuildable land.

### **BUILDING (Rev. 03/09/05, Amendment #39)**

A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

### **BUILDING FOOTPRINT (Rev. 03/09/05, Amendment #39) (Rev. 03/30/13, Amendment #115)**

For a single story building, the square footage of floor space measured from exterior wall to exterior wall; for a multi-story building, the largest square footage of floor space on any story measured from exterior wall to exterior wall.

### **BUILDING HEIGHT**

The vertical distance from the established grade of a building to the following roof lines: a) flat roof - to the highest point; b) mansard roof - to the deck; c) gable, hip, and gambrel roofs - to the mean height between eaves and ridge. The average ground level at the wall line, in the case of sloping terrain, will be used for measuring height. (See Section 2.3, Roof Diagrams)

### **BUILDING LINE**

A line parallel to the front lot line at the minimum required front setback line.

### **BUILDING PERMIT**

The written authority issued by the Zoning Administrator or his agent of the County permitting the construction, removal, moving, alterations or use of a building in conformity with the provisions of this Ordinance.

## ARTICLE 2- DEFINITIONS

### **CABIN**

Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

### **CAMPGROUND (Rev. 09/20/03, Amendment #23) (Rev. 10/13/16, Amendment #135)**

An area of land under the control of a person or other legal entity, in which pre-established sites are offered for the use of the public, private groups, or members of an organization, a fee or other compensation for the establishment of temporary living quarters for two (2) or more camping cabins, tents, travel trailers, motor homes, or other types of recreational vehicles.

### **CAMPING CABIN (Rev. 10/13/16, Amendment #135)**

A cabin located within a campground which is intended for temporary (thirty (30) days or less) shelter and includes sleeping quarters, may include a bathroom, but does not include a kitchen.

### **CANAL (Rev. 02/27/18, Amendment #146)**

An artificial waterway constructed to allow the passage of boats.

### **CAR WASH (Rev. 11/27/18, Amendment #149)**

A commercial establishment with facilities provided for cleaning, drying and waxing of motor vehicles.

### **CARETAKER (Rev. 11/20/15, Amendment #130)**

A person who is employed or otherwise retained to maintain and/or manage a property.

### **CHILD CARING INSTITUTION (Rev. 04/28/10, Amendment #85)**

A child caring institution under this Ordinance is a child caring institution defined and licensed by the Michigan Department of Human Services, or a successor agency or department, under Act 116 of the Public Acts of 1973, as amended.

### **COMMERCIAL FARM (Rev. 10/24/13, Amendment #120)**

Land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products to be sold at a profit.

### **COMMERCIAL FARM BUILDING (Rev. 10/24/13, Amendment #120)**

A structure or building used solely for and on a commercial farm.

### **COMMERCIAL PRODUCTION OF FARM PRODUCTS (Rev. 10/24/13, Amendment #120)**

The act of producing or manufacturing farm products intended to be marketed and sold at a profit.

### **COMPOSTING (Rev. 04/28/00, Amendment #14)**

The controlled biological degradation of organic matter to make compost.

### **CONDOMINIUM SUBDIVISION (SITE CONDOMINIUM) (Rev. 12/18/02, Amendment #21)**

A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended. Any condominium unit or portion thereof consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and minimum setbacks.

## ARTICLE 2- DEFINITIONS

### **CONDOMINIUM UNIT (Rev. 12/18/02, Amendment #21)**

That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure.

### **CONSERVATION LAND (Rev. 12/18/02, Amendment #21)**

Any parcel or area of land that remains undeveloped through deeds or other legal means. Uses of these areas shall be limited to agricultural, forestry, or recreational activities.

### **CONTRACTOR (Rev. 12/24/03, Amendment #27)**

General builders engaged in the construction or modification of residential, commercial, and industrial structures and/or involved in activities such as masonry, paving, highway construction, and utility construction and excluding home occupations as defined in the ordinance.

### **CONTRACTOR'S YARD (Rev. 12/24/03, Amendment #27)**

A lot or parcel upon which a contractor maintains storage of construction equipment and materials used in the trade.

### **COUNTY**

Where used in this Ordinance shall mean County of Cheboygan, State of Michigan.

### **DAY CARE HOME (Rev. 06/29/05, Amendment #44)**

A dwelling in which a permanent resident provides for the care of children or adults who do not reside on the site. Such activities shall meet the requirements for home occupations and meet State standards for registration and inspection of child care as described in PA 116 of 1973 and PA 218 of 1979.

### **DAY CARE CENTER (Rev. 04/28/10, Amendment #85)**

Any facility other than a dwelling and other than a Child Caring Institution that provides care to unrelated children and adults for a fee. Such activities shall meet the requirements for State standards for registration and inspection of child care as described in PA 116 of 1973 and PA 218 of 1979.

### **DENSITY**

The intensity of development in any given area, measured in this ordinance by the number of dwelling units per acre.

### **DEVELOPMENT (Rev. 03/09/05, Amendment #39)**

The construction of a new building or other structure on a parcel of land, the relocation of an existing building on another parcel of land, or the use of open land for a new use.

### **DISTRICT**

A portion of the unincorporated area of the County in which certain building and activities are permitted and in which, certain regulations, in accordance with this ordinance, are applicable.

### **DRIVE-IN (Rev. 03/09/05, Amendment #39)**

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles rather than within a building or structure.

### **DRIVE-THROUGH (Rev. 01/16/18, Amendment #144)**

An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

## ARTICLE 2- DEFINITIONS

### **DWELLING or DWELLING UNIT (Rev. 04/12/07, Amendment 67) (Rev. 06/27/17, Amendment #138)**

Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including bed and breakfast, boarding or lodging houses, resorts, resort hotels, recreation farms, vacation lodges, motor inns, hotels, motels and other tourist lodging facilities.

### **DWELLING: APARTMENT**

A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this ordinance.

### **DWELLING: CONDOMINIUM**

An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

### **DWELLING, MULTI-FAMILY (Rev. 04/12/07, Amendment #67)**

A building, or portion thereof, containing three (3) or more dwellings.

### **DWELLING, PATIO HOUSE (Rev.01/13/12, Amendment #105)**

A single family dwelling that is part of a two-family or multi-family dwelling development and that orients outdoor activities within rear or side yard patio areas.

### **DWELLING, SINGLE-FAMILY (Rev. 04/12/07, Amendment #67)**

A building, or portion thereof, containing one (1) dwelling.

### **DWELLING: TOWN HOUSE**

A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

### **DWELLING, TWO-FAMILY (Rev. 04/12/07, Amendment #67)**

A building, or portion thereof, containing two (2) dwellings.

### **EASEMENT (Rev. 03/09/05, Amendment #39)**

Recorded authorization by a property owner for the use by another, and for a specified purpose, of a designated part of said property.

### **ENCLOSED, LOCKED FACILITY (Rev. 09/12/11, Amendment #91)**

That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

### **ELECTRICAL ENERGY STORAGE SYSTEM (Rev. 03/01/19, Amendment #150)**

A system for storage of electrical energy (usually battery) for release and use in connection with a SES-PV System.

### **ERECTED**

As used in this ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration on the premises, including the excavating, moving, and filling of earth.

### **ESSENTIAL SERVICES (Rev. 06/17/04, Amendment #31)**

The erection, construction, alteration or maintenance by public utilities or commissions of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles,

## ARTICLE 2- DEFINITIONS

electrical substations, gas regulator stations, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, and general welfare. Provided, however, that telecommunication towers, alternative tower structures, antennas, wind generation and anemometer towers shall not be considered essential services.

### EXCAVATION

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

### EXISTING GRADE

The vertical location of the existing ground surface prior to cutting or filling.

### FAMILY (Rev. 04/02/10, Amendment #85) (Rev. 06/27/17, Amendment #138) (Rev. 05/02/18, Amendment #144)

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.

### FARM PRODUCTS (Rev. 10/24/13, Amendment #120)

Plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

### FEEDLOT (Rev. 09/29/06, Amendment #61)

Any tract of land or structure wherein cattle, sheep, goats or swine are kept, for the purpose of fattening such livestock for final shipment to market.

### FENCE (Rev. 06/29/05, Amendment #44)

An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening, or confinement, but not including hedges, shrubs, trees, or other natural growth.

### FILLING

The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

### FLOOD PLAIN

The relatively flat area or lowlands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by flood water. Determination of a flood plain is:

- a) Contiguous areas paralleling a river stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.
- b) Principal estuary courses of wetland areas that are part of the river flow system.
- c) Contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

## ARTICLE 2- DEFINITIONS

### **FLOOD PRONE AREA**

Area adjacent to the channel of a river, stream, ocean, lake, or other body of surface water, which has been or may be covered by water. Generally areas that flood at least once every one hundred years are defined as flood prone.

### **FLOOR AREA: USABLE (For the purpose of computing parking)**

That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

### **FLOOR AREA, TOTAL (Rev. 03/30/13, Amendment #115)**

The total floor area of all stories within a building measured from exterior wall to exterior wall, but excluding enclosed and unenclosed porches, breezeways, and attic, basement, and cellar areas.

### **FOREST MANAGEMENT ACTIVITIES**

Timber cruising and other forest resource evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities.

### **GAMBLING (Rev. 06/29/05, Amendment #44)**

To deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, pari-mutuel, or any other form of wagering.

### **GAMBLING ESTABLISHMENT (Rev. 06/29/05, Amendment #44)**

Room(s) or building(s) in which legal gambling is conducted. This definition does not apply to games of chance by charitable organizations.

### **GARAGE: PRIVATE**

A building used primarily for the storage of self-propelled vehicles for the use of occupants of a premise on which such building is located.

### **GENERATION STATION STEP-UP TRANSFORMER FACILITY (Rev. 03/01/19, Amendment #150)**

A security fenced compound including transformers, switching gear and all associated equipment necessary to accept low voltage, alternating current (AC) converted by inverters located within a Level 3 Solar Energy System and increase the voltage for high voltage transmission.

### **GARDENING (Rev. 10/13/16, Amendment #135)**

Non-commercial production of flowers, fruit, vegetables, and herbs.

### **GLARE (Rev. 08/25/13, Amendment #119)**

The effect produced by the brightness of light sufficient to cause annoyance, discomfort or loss in visual performance and visibility to a person of reasonable sensitivity.

### **GRADE**

For purposes of this ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

**GREENBELT** - See [BUFFER](#)

## ARTICLE 2- DEFINITIONS

### **GROUNDWATER**

Any water beneath the soil surface where all pore spaces are saturated. The upper limit of the zone of saturation is considered the water table.

### **GUEST HOUSE (Rev. 05/25/12, Amendment #110)**

An detached structure or portion of an detached structure located on the same lot as a single-family dwelling that is used for sleeping and/or eating purposes by nonpaying friends, relatives, or acquaintances of the resident or owner of the single-family dwelling.

### **HAZARDOUS AND TOXIC MATERIALS**

Materials which are corrosive, reactive, ignitable or radioactive. Toxic materials are materials poisonous to humans and/or fish and wildlife. Hazardous and toxic materials include but are not limited to automotive fluid, solvents, paints, pesticides, acids and bases, gasoline, diesel fuel and oil.

### **HEALTH AND FITNESS CENTER (Rev. 01/16/18, Amendment #143)**

A commercial establishment where passive or active exercises and/or use of equipment or apparatus for health maintenance and improvement, weight control, muscle building and muscle massage may take place. Associated merchandise and health food may also be sold.

### **HEALTHCARE LIVING CENTER (Rev. 09/01/17, Amendment #141)**

A facility which provided healthcare services and living facilities for individuals suffering or recovering from illness, injury or mental or physical infirmity; however, state licensed residential facilities, as provided under Public Act 110 of 2006 are not subject to regulation under this ordinance.

### **HIGH WATER MARK**

That line on the shores and banks of waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relates to the area where vegetation changes from predominantly aquatic to predominantly terrestrial.

### **HOBBY FARM (Rev. 10/24/13, Amendment #120)**

Land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment and other appurtenances which are not used in the commercial production of farm products and not intended to be sold at a profit.

### **HOBBY FARM BUILDING (Rev. 10/24/13, Amendment #120)**

A building or structure used for and on hobby farm.

### **HOME OCCUPATION (Rev. 06/29/05, Amendment #43)**

Any commercial business operation on a residential use parcel by the resident(s) thereof and that does not conflict with or operate out of character with any surrounding land uses.

### **HOSPITAL (Rev. 09/29/06, Amendment #61)**

An institution for the treatment, care, and cure of the sick and wounded, for the study of disease, and for the training of physicians, nurses, and allied health personnel.

### **HOUSEBOAT (Rev. 06/29/05, Amendment #44)**

A boat designed and equipped to be used as a dwelling.

## ARTICLE 2- DEFINITIONS

### **IMMEDIATE FAMILY (Rev. 11/20/15, Amendment #130)**

A person's parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild.

### **INDOOR STORAGE FACILITY (Rev. 12/24/03, Amendment #27) (Rev. 05/25/13, Amendment #116)**

Any structure that is limited to indoor storage, for a fee, of goods, materials, or personal property which may provide individual renters to control individual storage spaces. No other commercial activities shall be allowed.

### **INTERMITTENT STREAM**

A watercourse with a definite bank and streambed which periodically conveys water.

### **INVERTER (Rev. 03/01/19, Amendment #150)**

A device that converts direct current (DC) captured by solar panels into alternating current (AC).

### **JUNK**

For the purpose of this ordinance, this term shall refer to any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or materials that are damaged or deteriorated.

### **JUNK YARD**

An area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap and other metals, paper, rags, rubber tires, bottles and similar items. A junk yard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk as described here, but does not include uses established entirely within enclosed buildings.

### **KENNELS, COMMERCIAL (Rev. 11/23/09, Amendment #81)**

Any building(s), structure(s), or location(s), where either of the following apply: (A) four (4) or more dogs more than four (4) months of age are housed for one or more of the following purposes: grooming, breeding, boarding, training for compensation or (B) more than nine (9) dogs more than four (4) months of age are housed for any purpose. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses, or other agricultural livestock are housed or located shall not be included in the definition of a commercial kennel after verification by the Zoning Administrator.

### **KENNELS, PRIVATE (Rev. 11/23/09, Amendment #81)**

Any building(s), structure(s), or location(s), where between four (4) and nine (9) dogs, inclusive, which are more than four (4) months of age, are housed but not boarded, bred, groomed for compensation, trained for compensation, or sold. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses, or other agricultural livestock are housed or located shall not be included in the definition of a private kennel after verification by the Zoning Administrator.

### **LARGE DOMESTICATED ANIMALS (Rev. 10/27/11, Amendment #101)**

Equine, bovine, swine, deer, sheep, goats, or any other domesticated animal that traditionally weigh more than 20 pounds at full maturity and maintained primarily outside of a dwelling.

### **LEVEL 3 SES-PV FACILITY PERIMETER (Rev. 03/01/19, Amendment #150)**

The boundary of the leased parcel(s) or any portion thereof upon which any solar panels, fencing, screening, equipment, support buildings, electrical storage system or service drives are located. The facility may be one contiguous unit or several non-contiguous parcels connected by an easement(s).

## ARTICLE 2- DEFINITIONS

### **LOADING SPACE**

An off-street space on the same lot with a building for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

### **LOT (Rev. 04/26/08, Amendment #73)**

A parcel of land, either described by metes and bounds or by reference to a recorded plat, or a site condominium unit created in a recorded master deed, occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width as required by this Ordinance for the zoning district in which it is located.

### **LOT AREA**

The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating lot from the private street, and not the center line of said private street.

### **LOT COVERAGE**

That portion of the lot occupied by main and accessory buildings.

### **LOT DEPTH (Rev. 08/26/10, Amendment #87)**

The distance measured from the front lot line to the rear lot line. In cases where the front and rear lot lines are not parallel or there is a change in bearing along a front or rear lot line, the lot depth shall be measured by drawing imaginary lines from the front lot line to the rear lot line perpendicular to the front lot line at ten (10) foot intervals and averaging the length of these imaginary lines.

### **LOT LINE, FRONT (Rev. 08/26/10, Amendment #87)**

In the case of a corner lot, through lot, or waterfront lot in the D-GI, D-LI, D-CM, or D-VC zoning districts it is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or occupancy permit. In the case of an interior lot it is the line separating the lot from the abutting public or private road right-of-way. In the case of a waterfront lot in the P-LS and P-NR zoning districts it is the ordinary high water mark.

### **LOT LINE, REAR (Rev. 08/26/10, Amendment #87)**

The lot line opposite and most distant from the front lot line. In the case of a lot irregularly shaped at the rear it is an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

### **LOT LINE, SIDE (Rev. 08/26/10, Amendment #87)**

A lot line other than a front lot line or a rear lot line. A side lot line separating a lot from an abutting public or private road right-of-way is a street side lot line. A side lot line separating a lot from another lot is an interior side lot line.

### **LOT LINES (Rev. 08/26/10, Amendment #87)**

The property lines as defined in this Ordinance bounding a lot, or two or more lots used as one development site.

### **LOT OF RECORD (Rev. 04/26/08, Amendment #73)**

A lot defined by a legal description and recorded in the office of the Cheboygan County Register of Deeds Office on or before the effective date of this Ordinance, or any applicable amendment of this Ordinance.

### **LOT WIDTH**

The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.

## ARTICLE 2- DEFINITIONS

### **LOT, CORNER (Rev. 08/26/10, Amendment #87)**

A lot located at the intersection of two (2) public or private roads, or a lot bounded on two (2) sides by a curving public or private road, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

### **LOT, INTERIOR (Rev. 08/26/10, Amendment #87)**

A lot other than a corner lot with only one (1) lot line fronting on a public or private road.

### **LOT, THROUGH (Rev. 08/26/10, Amendment #87)**

Any interior lot having frontage on two (2) more or less parallel public or private roads.

### **LOT, WATERFRONT (Rev. 08/26/10, Amendment #87)**

A lot having a lot line abutting the shore of a lake or river.

### **LOT: FLAG (Rev. 06/29/05, Amendment #44)**

A lot where access to the public roadway or access easement is limited to a narrow drive or strip.

### **MAIN BUILDING**

A building in which is conducted the principal use of the lot upon which it is situated.

### **MAIN USE**

The principal use to which the premises are devoted and the principal purpose for which the premises exists.

### **MARIJUANA OR MARIHUANA (Rev. 09/12/11, Amendment #91)**

That term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

### **MASTER PLAN**

The County Comprehensive Plan as may be amended or updated, including graphic and written proposals indicating general locations for roads, streets, parking, schools, public buildings, and other physical development features, including resource conservation objectives.

### **MEDICAL MARIHUANA OR MEDICAL USE OF MARIHUANA PRIMARY CAREGIVER (Rev. 09/12/11, Amendment #91)**

Marihuana as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106, that meets the definition of "medical use" in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

### **MINERALS: COMMERCIAL EXTRACTION**

Removal of mineral resources with the intent of selling for profit.

### **MOBILE FOOD UNIT (Rev. 02/25/17, Amendment #137)**

A temporary establishment that is a vehicle-mounted food service designed to be readily movable without disassembly where food and beverages are served primarily for consumption off-premises, but may have limited outdoor seating.

### **MOBILE HOME**

A single family dwelling designed for transportation after fabrication on street and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking for assembly operations, location on jacks or permanent foundations, connection to utilities and the like. This does not include travel trailers.

## ARTICLE 2- DEFINITIONS

### **MOBILE HOME PARK**

Any parcel or plot of ground upon which three (3) or more mobile homes occupied for dwelling or sleeping purposes are located.

### **MOBILE HOME, UNDERSIZED (Rev. 11/20/15, Amendment #130)**

A Mobile Home which does not meet the minimum floor area and building width requirements for a dwelling unit as required by this ordinance for a particular zoning district.

### **MOTEL OR MOTOR INN (Rev. 10/13/16, Amendment #135)**

A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space to provide lodging for thirty (30) days or less for a fee.

### **MOTOR VEHICLE SALES AND/OR REPAIR FACILITY (Rev. 11/27/18, Amendment #149)**

A commercial establishment for the repair of motor vehicles such as automobiles, boats, motorcycles, all-terrain vehicles, snowmobiles, motor homes, recreational vehicles, tractors and motor vehicle equipment such as farm equipment and trailers. This definition shall include the sale, installation and servicing of motor vehicles and motor vehicle equipment parts including engine rebuilding and includes specialty services such as brake, muffler, tire service, body and frame repair and collision repair services including vehicle painting.

### **MOTOR VEHICLE SERVICE STATION (Rev. 11/27/18, Amendment #149)**

A commercial establishment primarily operated and designed for the dispensing and sale of motor fuels, together with the sale of minor accessories and retail items. In addition, such a facility may provide minor motor vehicle servicing, minor repair and maintenance. Motor vehicle service station use does not include any of the following or similar activities: reconditioning of motor vehicles, collision services such as body and frame repair or overall painting of vehicles.

### **NATURAL GROUND SURFACE**

The ground surface in its original state before any grading, excavation or filling.

### **NATURAL VEGETATION STRIP**

A band of vegetation at least 40 feet wide, paralleling a lake shore or stream bank for the purpose of filtering out nutrients and sediment from surface run-off and preventing erosion. Natural Vegetation Strips shall be composed of undisturbed native vegetation where possible but may be created or enhanced through selective planting. A lawn is not an acceptable Natural Vegetation Strip.

### **NON-RESIDENTIAL USE (Rev. 10/13/16, Amendment #136)**

Any use allowed in the current Cheboygan County Zoning Ordinance which does not provide for a dwelling and is not an industrial use.

### **NONCONFORMING BUILDING OR STRUCTURE**

A building or structure or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to the provisions of the ordinance in the zoning district in which it is located.

### **NONCONFORMING LOT OF RECORD (Rev. 04/26/08, Amendment #73)**

A lot of record which lawfully existed on the effective date of this Ordinance or lawfully exists on the effective date of any amendment to this Ordinance that is applicable to the lot of record and which fails to conform to the dimensional regulations of the zoning district in which it is located.

## ARTICLE 2- DEFINITIONS

### **NONCONFORMING USE**

An activity existing at the time of the enactment of this ordinance, on a lot or lots of record, which is not in conformance with the use regulations for the zoning district in which it is located according to the ordinance.

### **NUISANCE**

An offensive, annoying, unpleasant, or obnoxious thing, act, or practice; a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line or another so as to cause harm or discomfort, to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, smoke, fumes, vibration, objectionable effluent, noise of congregation of people and odor are examples of nuisances.

### **NURSERY: PLANT MATERIALS**

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees, and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

### **OFF-ROAD VEHICLE (Rev. 01/28/06, Amendment #53)**

Any motorized vehicle, such as an all-terrain vehicle (ATV), snowmobile, dirt bike, etc., designed for or capable of cross-country travel on land, snow, ice, sand, or other natural terrain.

### **OFF-STREET PARKING LOT**

A parking area off the street, which may require drives and aisles for maneuvering, for the parking of four (4) or more vehicles.

### **OFFICE (Rev. 09/28/11, Amendment #92) (Rev. 01/16/18, Amendment #143)**

The use of a building or portion of a building for conducting the affairs of a business such as architectural, accounting, education, engineering, governmental, insurance, legal, real estate, stock broker and similar services excluding a home occupations.

### **ORDINARY HIGH WATER MARK- Lake Huron (Rev. 09/21/14, Amendment #122)**

The line between upland and bottomland that is created by the edge of a seawall or the line that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law of government, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark..

### **OUTDOOR STORAGE FACILITY (Rev. 12/24/03, Amendment #27)**

Storage, for a fee, of goods, materials, or personal property in an unenclosed and/or uncovered area. Outdoor storage shall require fencing or screening from view from public or private roads and adjoining properties under different ownership.

### **PARENT PARCEL (Rev. 12/18/02, Amendment #21)**

A parcel of record on the effective date of this ordinance amendment, or the "parent parcel" or "parent tract" as defined by Public Act 288 of 1967, Michigan Land Division Act, (MCL 560.101 et. seq.).

### **PARK**

Any area of land designated for outdoor recreational purposes.

### **PARKING AREA**

An area other than a street used for the temporary parking of more than four vehicles and available to the public if it is a public parking area, either for free or for compensation.

## ARTICLE 2- DEFINITIONS

### **PERSONAL SERVICE CENTER (Rev. 01/16/18, Amendment #143)**

A commercial establishment where barbering, cosmetology and other nonmedical body treatment services may be offered including body massage, nail care and tanning. Associated merchandise may also be sold.

### **PET GROOMING. (Rev. 01/16/18, Amendment #143)**

A commercial establishment where the hygienic care and cleaning of a domesticated pet including haircuts and grooming is provided and where pets are not kept overnight.

### **PLANNED PROJECT (Rev. 10/13/16, Amendment #136)**

A development of land which provides mixing residential and non-residential uses which are permitted uses or uses which require a special use permit in the zoning district in which a Planned Project is located. A Planned Project will have specific requirements and may be granted certain exceptions from some development standards.

### **PORTABLE SAWMILL (Rev. 10/13/16, Amendment #135)**

Equipment for the purpose of sawing logs into lumber, designed to be conveniently portable rather than permanently fixed in place.

### **PRIMARY CAREGIVER (Rev. 09/12/11, Amendment #91)**

That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

### **PRIVATE STORAGE BUILDING (Rev. 11/06/08, Amendment #77)**

A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping, cooking, and/or sanitation including but not limited to a toilet facility.

### **PRIVATE STORAGE / WORKSHOP BUILDING (Rev. 10/24/13, Amendment #120)**

A building that is used for private, noncommercial storage or home workshop purposes, with no provisions for overnight living or sleeping areas.

### **PRIVATE WIND GENERATION (Rev. 06/17/04, Amendment #31)**

WG 150 kilowatts or less designed and used primarily to generate electricity or produce mechanical energy for use on the property where located. Provided, however, that WG used primarily to produce mechanical energy for use on the property where located with a wind generation tower height of 35 feet or less shall not be considered private wind generation.

### **PROFESSIONAL ENGINEER**

An engineer duly registered or otherwise authorized by the State of Michigan to practice in the field of civil engineering.

### **PUBLIC SERVICES**

Those services related to filling the need for water supply, waste disposal, fire and police protection, public utilities, hospital and health services, transportation and education.

### **PUBLIC UTILITY**

A person, firm, or corporation, municipal department, board or commission duly authorized to provide and providing, under Federal, State, or Municipal regulations to the general public any of the following: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

## ARTICLE 2- DEFINITIONS

### **QUALIFYING PATIENT (Rev. 09/12/11, Amendment #91)**

That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act, and includes the parents or legal guardians of a qualifying patient under the age of 18 who are serving as the primary caregiver as required by the Michigan Medical Marijuana Act exclusively for that qualifying patient under the age of 18.

### **RECREATIONAL VEHICLE (HABITABLE) (Rev. 03/09/05, Amendment #39)**

A motorized or non-motorized vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, but not to include manufactured or mobile homes.

### **RECREATIONAL FACILITIES**

Forms of development that are essential to conduct particular recreational activities, e.g., ski lifts, golf courses, sporting camps, hiking/ski trails, and campsites. Also included are facilities which support, but are not essential to, the performance of the recreational activity, e.g., access roads and parking lots.

### **RECREATIONAL RESOURCES**

Natural areas, such as bodies of water, shorelands, forest, fish and wildlife, and areas of historic, scenic or scientific interest which provide a means of refreshment and diversion to people during leisure-time activity.

### **RESIDENTIAL USE (Rev. 10/13/16, Amendment #136)**

Any use allowed in the current Cheboygan County Zoning Ordinance which provides for a dwelling.

### **RESTAURANT (Rev. 01/16/18, Amendment #144)**

An establishment where food and beverages are served and consumed primarily within a principal building on the premises and where food sales constitute the primary source of the gross sales. Food and beverages may be served outdoors on the premises as an accessory use. Alcoholic beverages may be served where allowed by the Michigan Liquor Control Commission.

### **RESTAURANT, CARRY OUT (Rev. 01/16/18, Amendment #144)**

An enterprise where food and beverages are served primarily for consumption off premises and may serve food to patrons via a Drive-through and/or via an accessory parking lot. Carry out restaurants may have limited seating (no more than 15 seats) within a building or outdoors.

### **RESTAURANT, DRIVE IN (Rev. 01/16/18, Amendment #144)**

An establishment where food and beverages are prepared in a principal building and served primarily to patrons in motor vehicles which are parked in an accessory parking lot. A drive in restaurant may have limited outdoor seating (no more than 15 seats) and may also serve food and beverages for carry out.

### **RESTAURANT, FAST FOOD (Rev. 01/16/18, Amendment #144)**

An establishment where food and beverages are served and consumed within a principal building on the premises and to patrons via a Drive-through. Food and beverages may be served outdoors on the premises as an accessory use.

### **RETAIL SALES ESTABLISHMENT, GENERAL (Rev. 01/28/06, Amendment #53)**

Unless otherwise noted in this Ordinance, retail operation establishments that carry an assortment of merchandise and may include but not limited to department stores, discount stores, and similar stores.

## ARTICLE 2- DEFINITIONS

### **RETAIL SALES ESTABLISHMENT, HOUSEHOLD (Rev. 01/28/06, Amendment #53)**

Unless otherwise noted in this Ordinance, retail operation establishments that carry goods for furnishing or improving dwelling units and may include but not limited to furniture stores, electronic stores, appliance stores, hardware stores, and similar stores.

### **RETAIL SALES ESTABLISHMENT, SMALL-SCALE CONVENIENCE (Rev. 11/27/18, Amendment #149)**

A small-scale retail use (5,000 square feet or less) that offer for sale motor vehicle fuels, beverages and food items for consumption off the premises, retail items and tangible consumer goods.

### **RETAIL SALES ESTABLISHMENT, SPECIALTY (Rev. 01/28/06, Amendment #53)**

Unless otherwise noted in this Ordinance, retail operation establishments that carry goods in one type of line or merchandise and may include but not limited to shoe stores, jewelry stores, antique stores, book stores, clothing stores, and similar stores.

### **RIGHT-OF-WAY (ROW) (Rev. 01/28/06, Amendment #53)**

An area determining the street or highway public limit or ownership used to accommodate a public transportation system and necessary public utility infrastructure. In addition to the roadway and utilities, it normally incorporates curbs, sidewalks and drainage facilities.

### **RIVER'S EDGE - See [HIGH WATER MARK](#)**

### **ROADSIDE STAND**

An accessory and temporary farm structure operated for the purpose of selling local agricultural products raised or produced on the same farm premises.

### **ROOMING HOUSE**

A building, or part of a building, other than a hotel, motel, or motor court, where sleeping facilities are provided and meals may be served regularly for remuneration.

### **RUBBISH**

The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, auto parts, junked cars, or any similar or related combination thereof.

### **SCIENTIFIC RESOURCE**

An area containing unique or rare land forms, water resources, vegetation, animals or archeological sites which are of special interest for scientific research or educational purposes.

### **SEAWALL (Rev. 09/21/14, Amendment #122)**

A permanent revetment structure for erosion protection or bank stabilization located along the shore or bank of a waterfront lot.

### **SETBACK (Rev. 08/26/10, Amendment #87)**

The minimum horizontal distance from an applicable lot line within which no building or structure can be placed, except as otherwise provided in this Ordinance.

### **SETBACK, FRONT (Rev. 08/26/10, Amendment #87)**

The required setback measured from the front lot line.

## ARTICLE 2- DEFINITIONS

### **SETBACK, REAR (Rev. 08/26/10, Amendment #87)**

The required setback measured from the rear lot line.

### **SETBACK, SIDE (Rev. 08/26/10, Amendment #87)**

The required setback measured from a side lot line.

### **SHORT TERM RENTALS (Rev. 05/02/18, Amendment #147)**

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.

### **SITE PLAN REVIEW**

A procedure for evaluating proposed development or conservation projects based on the quality of and/or concept incorporated in the proposal and designed to meet general performance standards for such projects. Site plan review should allow more flexibility and innovation in development or conservation proposals than traditional zoning regulations.

### **SLOPE**

Degree of deviation of surface from the horizontal usually expressed in percent or degree.

### **SMALL DOMESTICATED ANIMALS (Rev. 10/27/11, Amendment #101)**

Birds of poultry, rabbits, or other domesticated animals that traditionally weigh 20 pounds or less at full maturity that are kept and maintained primarily outside of a dwelling.

### **SOIL**

All unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

### **SOLAR ENERGY SYSTEM - PHOTOVOLTAIC (SES-PV) (Rev. 03/01/19, Amendment #150)**

All components and subsystems necessary to convert incident solar radiation into electric energy for immediate use on-site or for wholesale or retail sales off-site. Electrical energy storage systems may be integrated with these systems. Solar Energy Systems (SES-PV) are classified as follows:

- A. Level 1 SES-PV System – Any building mounted SES-PV System used to produce electrical energy primarily for on-site use in accordance with Section 17.30.6.A.
- B. Level 2 SES-PV System – Any ground mounted SES-PV System used to produce electrical energy for use primarily on-site in accordance with Section 17.30.6.B. Level 2 SES-PV Systems shall be subcategorized as follows:
  - i. Type I, Level 2 SES-PV System – Level 2 SES-PV Systems that include solar panel arrays larger than 1,333 square-feet, but smaller than 33,323 square-feet (0.765 acres).
  - ii. Type II, Level 2 SES-PV System – Level 2 SES-PV Systems that include solar panel arrays and their supporting equipment larger than 33,323 square-feet (0.765 acres).
- C. Level 3 SES-PV System – Any ground mounted SES-PV System used to produce electrical energy for wholesale distribution and use off-site in accordance with Section 17.30.6.C.

### **SOLAR FARM (Rev. 03/01/19, Amendment #150)**

A Level 3 SES-PV System, including the land upon which it is located, and related facilities such as road and fencing, generating electricity for wholesale distribution through the electric grid operated by a utility.

### **SOLAR INTEGRATED SYSTEM (Rev. 03/01/19, Amendment #150)**

Any solar energy system directly or indirectly connected to the commercial energy grid for the wholesale or retail sale of electric energy or on site self-consumption.

## ARTICLE 2- DEFINITIONS

### **SPRAWL (Rev. 01/28/06, Amendment #53)**

Low-density land use patterns that are automobile-dependant, energy and land consumptive, and require a very high ratio of road surface to development served.

### **STABLE**

A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

### **STORY**

That portion of a building included between the upper surface of any floor and the upper surface of a floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifth (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

### **STREET**

A publicly dedicated right-of-way which affords general traffic circulation and access to abutting property, but does not include alleys.

### **STRUCTURE**

Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, mobile homes, sheds and permanent signs, and exclude vehicles, sidewalks and paving.

### **STRUCTURAL ALTERATION**

Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in width or number of exits, or any substandard change in the roof, or any addition.

### **SURFACE WATERS**

Bodies of standing or flowing waters on the earth's surface. These waters include lakes, ponds, rivers and streams.

### **TEMPORARY BUILDING AND USE**

A structure or use permitted by the building inspector to exist during periods of construction of the main use or for special events.

### **TENT (Rev. 11/20/15, Amendment #130)**

A portable temporary shelter, typically made of canvas, nylon or similar material, stretched over a supporting framework and used for a brief period of time and for recreational purposes only.

### **TRAVEL TRAILER OR CAMPER**

Any trailer coach, motor home, demountable camper, tent camper or unit designed as a vacation unit for short term seasonal occupancy, which measures eight (8) feet or less in width and/or is designed to be operated on highways.

### **TRAVEL TRAILER PARK**

Any parcel or plot of ground upon which five (5) or more travel trailers or campers occupied for dwelling or sleeping purposes are located.

## ARTICLE 2- DEFINITIONS

### **TRUCK (Rev. 03/28/12, Amendment #107)**

Any motor vehicle with a gross vehicle weight rating more than 26,000 pounds designed to carry or otherwise transport property or a motor vehicle designed to serve as a power unit to draw a truck trailer and is designed to accommodate a gross combination weight rating more than 26,000 pounds when combined with a truck trailer.

### **TRUCK TERMINAL (Rev. 03/28/12, Amendment #107)**

A premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of trucks.

### **TRUCK TRAILER (Rev. 03/28/12, Amendment #107)**

Any vehicle without the motive power used to carry or otherwise transport property so constructed that some part of its weight and that of its load rests upon or is carried by a truck.

### **USE**

The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

### **VARIANCE**

Action taken by the Board of Appeals granting a property owner relief from certain provisions of the ordinance when because of the particular physical surroundings, shape, or topographical conditions of the property compliance would result in an undue hardship upon the owner, as distinguished from a mere inconvenience or desire for an increased economic return.

### **VEHICLE (Rev. 02/25/17, Amendment #136)**

Every device that possesses a current license registration under the laws of the State of Michigan in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

### **WAREHOUSE (Rev. 03/28/12, Amendment #107)**

The principal building on a lot or the principal use of land for the storage and distribution of products and supplies for commercial or industrial purposes.

### **WATCHMAN (Rev. 11/20/15, Amendment #130)**

A person who is employed or otherwise retained to stand guard or keep watch over a property.

### **WATERCOURSE**

Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or flood water.

### **WETLAND**

Any land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

## ARTICLE 2- DEFINITIONS

### **WIND GENERATION (WG) OR PUBLIC WG (Rev. 06/17/04, Amendment #31)**

A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

### **WIND GENERATION TOWER HEIGHT (Rev. 06/17/04, Amendment #31)**

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point on the arc of the rotor wind blades mounted on a horizontal axis wind turbine generator.
2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the wind turbine generator.

### **WIRELESS COMMUNICATION FACILITIES**

Includes transmitters, antenna structures, towers and other types of equipment necessary for providing wireless services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which gives subscribers the ability to access or receive calls from the public switched telephone network. Common examples are Personal Communications Systems (PCS), cellular radiotelephone services, paging, and wireless internet. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers.

### **YARD (Rev. 08/26/10, Amendment #87)**

The space between a principal building, excluding steps, and a lot line.

### **YARD, FRONT (Rev. 08/26/10, Amendment #87)**

The yard between the principal building and the front lot line extending across the entire width of the lot.

### **YARD, REAR (Rev. 08/26/10, Amendment #87)**

The yard between the principal building and the rear lot line extending across the entire width of the lot.

### **YARD, SIDE (Rev. 08/26/10, Amendment #87)**

The yard between the principal building and a side lot line extending between the front yard and the rear yard.

### **ZONING ADMINISTRATOR**

The official designated by the County Board of Commissioners to administer and enforce the provisions of the ordinance, and which individual may be the Building Official, Building Inspector, or other person charged with the responsibility of administering building, land use, and/or other codes in Cheboygan County.

### **ZONING DISTRICT (Rev. 03/09/05, Amendment #39)**

A portion of the unincorporated area of the County in which certain building and activities are permitted and in which, certain regulations, in accordance with this ordinance, are applicable.

## ARTICLE 2- DEFINITIONS

### ZONING EXCEPTIONS AND VARIANCES.

Permitted only after review of an application to the Zoning Administrator.

- a) Variance: A modification of the literal provision of the Zoning Ordinance where such interpretation would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
- b) Exception: The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. Review is necessary because provisions of the ordinance covering conditions and requirements are not precise enough to interpret for all situations. Exceptions found in this ordinance are approved through the issuance of a special land use permit.

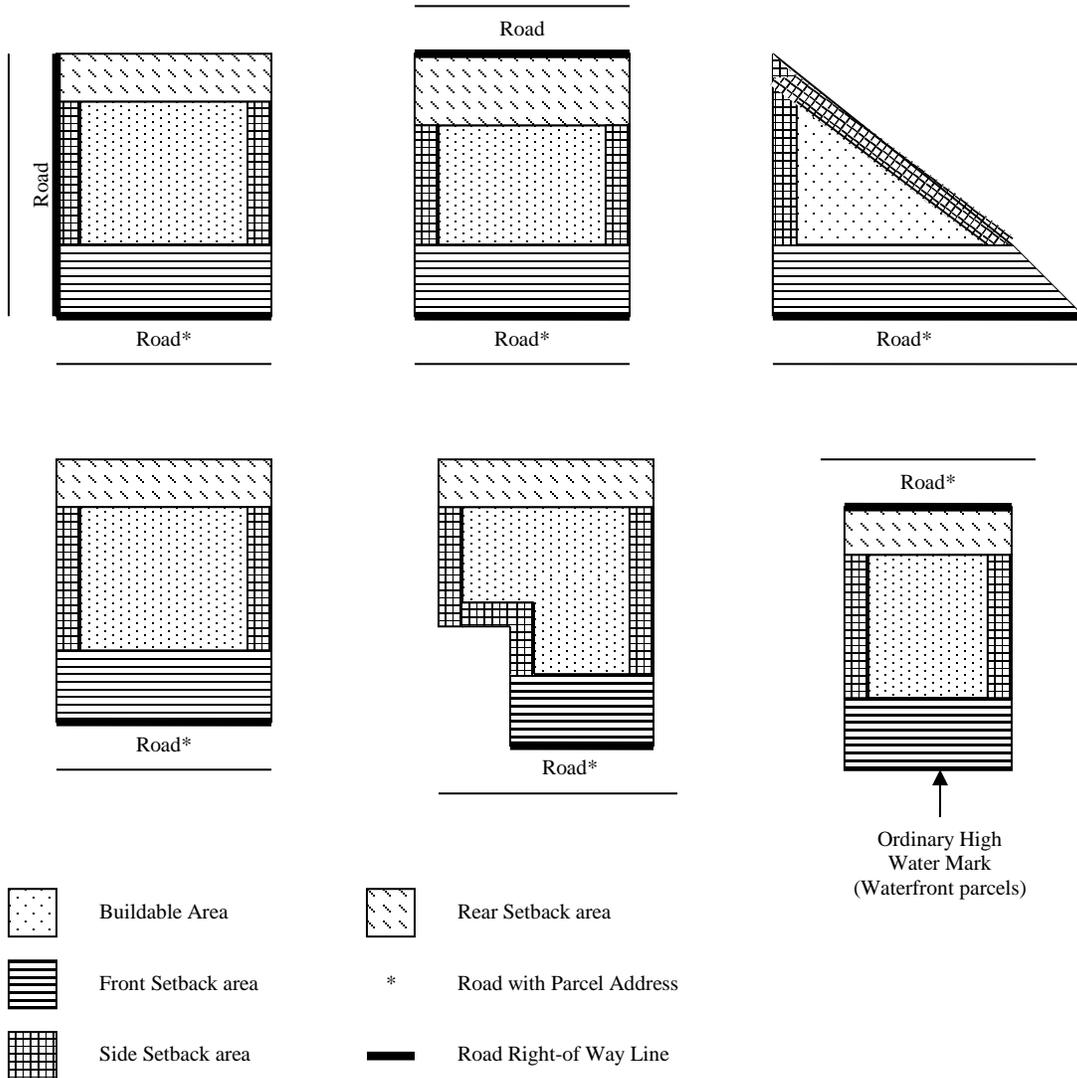
### ZONING PERMIT (Rev. 03/09/05, Amendment #39)

The written authority issued by the Zoning Administrator or his agent of the County permitting the construction, removal, moving, alterations or use of a building in conformity with the provisions of this Ordinance.

# ARTICLE 2- DEFINITIONS

## SECTION 2.3 SETBACK DIAGRAMS AND ROOF DIAGRAMMS

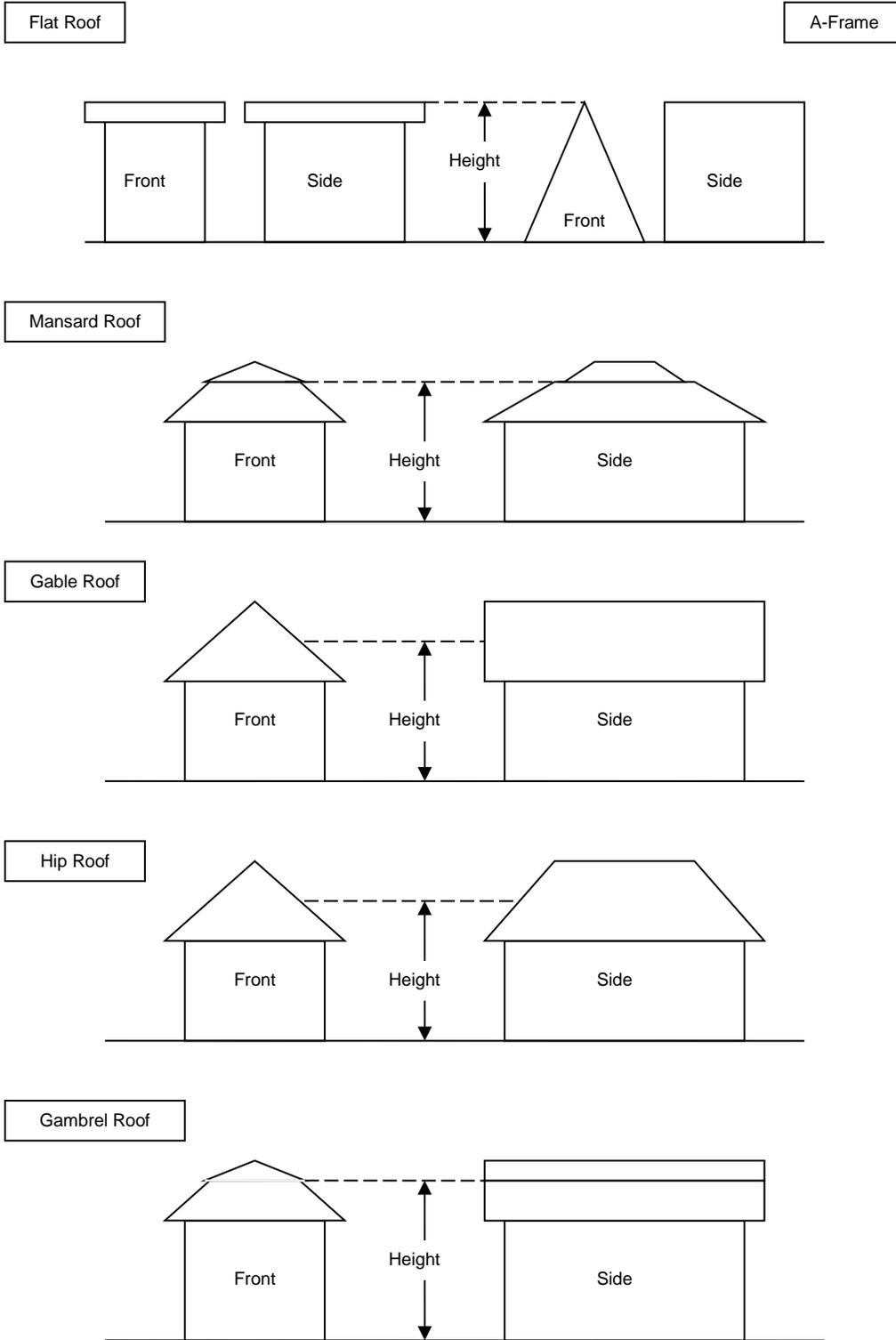
### SETBACK DIAGRAMS (Rev. 10/28/05, Amendment #51)



*Note: The above diagrammed 'Buildable Area' may exclude such potential unbuildable areas as wetlands, steep slopes, and easements.*

# ARTICLE 2- DEFINITIONS

## ROOF DIAGRAMS (Rev. 03/04/06, Amendment #56)



## ARTICLE 3 - GENERAL PROVISIONS

### SECTION 3.1. THE EFFECT OF ZONING.

In order to carry out the intent of this ordinance, hereinafter no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered or moved upon any property unless it is in conformance with the provisions and intent of this ordinance and of the specific zoning district.

### SECTION 3.2. LOT ACCESSIBILITY.

No dwelling unit shall be built on a lot unless the lot abuts upon a public road or upon a permanent unobstructed access easement of record to a public road. Such easement of record shall have a minimum width of 30 feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. All regulations contained in this ordinance shall apply to such easements of record in the same manner as if the same were dedicated roads.

### SECTION 3.3. ACCESSORY BUILDINGS AND USE.

- 3.3.1. [Accessory buildings](#) built only as a construction facility use shall terminate upon completion of the principal building or buildings upon the premises.
- 3.3.2. Where the [accessory building](#) is attached to or within 200 feet of a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main buildings.
- 3.3.3. (Rev. 05/25/12, Amendment #110)  
A Guest House shall be allowed as an accessory use to a single family dwelling, provided it complies with all of the following regulations and standards:
- a. It does not exceed six hundred (600) square feet in total floor area.
  - b. It is located on a lot that conforms with the minimum lot area requirements of the zoning district in which it is located.
  - c. It contains no more than two (2) bedrooms.
  - d. The single family dwelling and guest house will both be serviced by potable water and a sanitary sewer system that meet the applicable requirements of the Health Department.
  - e. No more than one (1) guest house is located on the same lot as the single family dwelling.
- 3.3.4. Front and side setback requirements for [accessory buildings](#) shall be the same as for the main structure.
- 3.3.5. When an [accessory building](#) is located on a corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.
- 3.3.6. Vans or enclosed semitrailers may be used as temporary accessory buildings for storage only while construction of a principal building is underway on the property. Upon completion of the principal building or buildings, such vans or semi-trailers for storage are not permitted and shall be removed.
- 3.3.7. *This section has been deleted and is reserved for future use. (Rev. 08/26/10, Amendment #87)*

## ARTICLE 3 - GENERAL PROVISIONS

### SECTION 3.4. ESSENTIAL PUBLIC SERVICES.

The erection, construction, alteration and maintenance of facilities considered to be essential to serve the general public shall be exempt from the regulations set forth in this ordinance, except the regulations in Section 15A.4.2 of the High Wire Utility Corridor Overlay District, and shall be permitted in any use district except those considered by the Planning Commission to be a danger to the health, safety or welfare of the general public. (Rev. 06/17/04, Amendment #31), (Rev. 11/01/06, Amendment #65)

### SECTION 3.5. DISMANTLED, NON OPERATING, JUNK OR UNLICENSED MOTOR VEHICLES

- 3.5.1. Outdoor storage and accumulation of junk vehicles, unused vehicles and dilapidated non operating motor vehicles is detrimental to the general welfare of the community. Such accumulations present an unsightly and unattractive appearance, create a health and safety hazard, discourage adjoining property owners from improving their property, threaten property values and diminish the quality of life in the community. The purpose of these regulations is to limit and control such outdoor accumulations and storage and thereby protect the general welfare of the community.
- 3.5.2. No person, firm or corporation shall store, place or permit to be stored or placed, or allowed to remain on any parcel of land for a period of more than thirty (30) days in any one year, a dismantled, partially dismantled and inoperable or unlicensed and inoperable motor vehicle, unless the same is kept in a wholly enclosed structure, or is located in a junkyard which has been approved in accordance with this ordinance (see [SECTION 3.6.](#)) or unless a variance therefore has been first obtained from the board of appeals. Such variances shall be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected and where the spirit and purpose of these regulations is still observed.
- 3.5.3. These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse or junk but shall be construed as supplementary to any such ordinances as well as statutes of the State of Michigan relating thereto.

### SECTION 3.6. JUNK YARDS AND DUMPING OF MATERIALS

- 3.6.1. Accumulation, dumping or storage of waste materials shall not be permitted except in approved junkyards and solid waste disposal sites.
- 3.6.2. Dumping of soil, sand and clay materials except for landscaping of the site shall not be permitted without approval of the zoning administrator.
- 3.6.3. Dumping and/or transport of hazardous materials and/or nuclear wastes shall not be allowed in Cheboygan County except as permitted by P.A. 113 of 1978, State of Michigan.
- 3.6.4. No junkyard or waste disposal site shall be established unless a Special Land Use Permit has been obtained in accordance with the procedures and applicable requirements of ARTICLE 18 – SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS. (Rev. 04/28/00, Amendment #14)
- 3.6.4.1. Junkyards, salvage yards and waste disposal sites may be permitted only in the [D-CM, Commercial Development](#), [D-LI, Light Industrial Development](#), [D-GI, General Industrial Development](#) and [M-AF, Agriculture and Forestry Management Districts](#).

## ARTICLE 3 - GENERAL PROVISIONS

- 3.6.4.2. Dumping, disposal, disassembly or storage shall not negatively affect the water table or cause pollution of surface or ground waters. Natural terrain shall not be altered in any fashion which would create safety or health hazards upon termination of the activity.
- 3.6.4.3. Junkyards, salvage yards and places for storage, wrecking, dismantling and disposing of industrial, agricultural and automotive vehicles, powered and non-powered, and other junk and refuse materials must be located in completely enclosed buildings or have open junk or storage yards or areas entirely enclosed by an obscuring eight (8) foot high wall, fence or green belt. Junk and salvage yard facilities shall be located not less than two hundred feet (200) feet from any [Residential District \(D-RS\)](#) or [Lake and Stream Protection District \(P-LS\)](#) and not less than one hundred (100) feet from any other district. (Rev. 05/23/15, Amendment #127)
- 3.6.4.4. Due to the nature of salvage and junkyards, release of hazardous and toxic materials into the environment is a constant threat requiring the utmost regard for site design, location and operation so as to protect human and environments health. Junkyards shall not be permitted in environmentally sensitive areas such as wetlands, areas where the water table is within six (6) feet of the ground surface, in the [Lake and Stream Protection District](#), the [Natural Rivers Protection District](#) or the [Resource Conservation District](#).
- 3.6.5. In addition to the documentation requirements of [ARTICLE 18](#) and [ARTICLE 19](#), applications for special land use permits to establish junkyards, salvage yards, waste disposal sites or facilities for handling, disposal or storage of hazardous and/or toxic materials shall contain a written plan detailing how these materials will be handled and disposed of and how they will be prevented from entering the ground water. The plan must contain a spill contingency plan for hazardous and toxic materials. Work areas where spills of oil and gasoline are inevitable shall have impervious floors with an internal floor drain collection system which drains into a blind sump where spilled materials can be recovered and be roofed to prevent rainfall from washing these materials off site into the surface or ground water. Storage vaults shall be provided for temporary storage of batteries and vehicle fluids which comply with federal and state laws and standards.

### **SECTION 3.7. GENERAL LIGHTING REQUIREMENTS**

(Rev. 08/25/13, Amendment #119).

- 3.7.1. All outdoor lighting used for illumination of any premises, within the Residential Development (D-RS), Lake and Stream Protection (P-LS) and Natural Rivers Protection (P-NR) zoning districts shall be shielded to prevent glare. (Rev. 05/23/15, Amendment #127)
- 3.7.2. This section has been deleted and is reserved for future use. (Rev. 08/25/13, Amendment #119).
- 3.7.3. This section has been deleted and is reserved for future use. (Rev. 08/25/13, Amendment #119).
- 3.7.4. This section has been deleted and is reserved for future use. (Rev. 08/25/13, Amendment #119).

## ARTICLE 3 - GENERAL PROVISIONS

### SECTION 3.8. ZONING DISTRICTS

3.8.1. This ordinance establishes the following zoning districts in Cheboygan County. (Rev. 05/23/15, Amendment #127)

#### Development Districts

<a href="#">D-RS</a>	<a href="#">Residential</a>
<a href="#">D-CM</a>	<a href="#">Commercial</a>
<a href="#">D-LI</a>	<a href="#">Light Industrial</a>
<a href="#">D-GI</a>	<a href="#">General Industrial</a>
<a href="#">D-RC</a>	<a href="#">Rural Character/Country Living</a>

#### Management District

<a href="#">M-AF</a>	<a href="#">Agriculture &amp; Forestry</a>
----------------------	--

#### Protection Districts

<a href="#">P-LS</a>	<a href="#">Lake and Stream</a>
<a href="#">P-NR</a>	<a href="#">Natural Rivers</a>
<a href="#">P-RC</a>	<a href="#">Resource Conservation</a>

#### Village Center Districts

<a href="#">D-VC</a>	<a href="#">Village Center</a>
<a href="#">VC-IR</a>	<a href="#">Village Center Indian River</a>
<a href="#">VC-IR-O</a>	<a href="#">Village Center Indian River Overlay</a>
<a href="#">VC-T</a>	<a href="#">Village Center Topinabee</a>
<a href="#">VC-T-O</a>	<a href="#">Village Center Topinabee Overlay</a>
<a href="#">VC-T-RO</a>	<a href="#">Village Center Topinabee Residential Overlay</a>

3.8.2. Unless specified otherwise in this ordinance, all platted subdivisions in the jurisdiction of Cheboygan County Ordinance No. 200 are zoned [D-RS, Residential Development Districts](#).

### SECTION 3.9. ZONING DISTRICT BOUNDARIES

3.9.1. The location and boundaries of zoning districts are established and described in Appendix 1, "Cheboygan County" Zoning Map" and in [Articles 10](#) and [11](#). This map is for general reference. The Official Cheboygan County Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date by the Zoning Administrator. Additional detailed maps of appropriate scale and descriptions documenting decisions by the Zoning Administrator, the Planning Commission, the Zoning Board of Appeals or enacted amendments to the zoning ordinance shall be filed and maintained adjacent to the official map until the official map is corrected. This map with the clarifying information shall be as much a part of this ordinance as if fully described herein and shall be certified as the official copy by the Zoning Administrator and the County Clerk.

3.9.2. Zoning district boundary lines are intended to follow property and lot lines, or be parallel or perpendicular thereto, or along the center lines of [alleys](#), streets, [rights-of-way](#) or watercourses.

3.9.3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shorelines. In the case of streams, such boundaries shall be considered to follow the center line of the streams. Where shorelines of lakes have changed, the boundary lines shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.

## ARTICLE 3 - GENERAL PROVISIONS

- 3.9.4. Unless fixed by dimensions shown on the zoning map or otherwise specified in this ordinance, exact boundaries will be interpreted by the most logical continuations or interpolations of property lines, section lines, physical features, rights-of-way and municipal lines in accordance with these standards or be an assumed depth of three hundred (300) feet, whichever is the most reasonable for the subject area. Otherwise, the map scale will be used.
- 3.9.5. If, after application of the foregoing rules, uncertainty exists as to the exact location of a zoning district boundary, the Zoning Administrator shall ask the Zoning Board of Appeals to decide. The Zoning Board of Appeals shall determine and fix the location of said line or boundary in a reasonable manner applying the preceding standards.

### SECTION 3.10. ACCESSORY USES ASSUMED

For each district established in this ordinance it shall be assumed that customary buildings and uses which are incidental to any principal uses or uses allowed by special use permit are permissible as part of the main use.

### SECTION 3.11. ZONING OF VACATED AREAS

Whenever any [street](#), [alley](#), highway or other public [right-of-way](#) within the county shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the center line of such abandoned right-of-way shall remain in the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

### SECTION 3.12. ZONING OF FILL AREAS

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a useable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the county unless appropriate permits are obtained.

### SECTION 3.13. ZONING DISTRICT CHANGES

When district boundaries change, any non-conforming use may be continued subject to all other applicable provisions of the ordinance.

### SECTION 3.14. USE PERMITTED BY RIGHT

Permitted uses are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found elsewhere in this ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions.

### SECTION 3.15. USES REQUIRING SPECIAL LAND USE PERMITS

The uses listed in this ordinance as special approval uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

## ARTICLE 3 - GENERAL PROVISIONS

### SECTION 3.16 OTHER LAND USE CONTROLS

In addition to the provisions of this ordinance, provisions contained in the following federal, state and county laws and regulations shall be complied with:

[PA 203, Wetland Protection Act](#)

PA 297, Soil Conservation Law

PA 347, Soil Erosion Control Law

[PA 288, Subdivision Control Law](#)

[PA 247, Sale, Lease and Alteration of Submerged Lands](#)

PA 291, Inland Lakes and Streams Regulations

Michigan Construction Code

Corps of Engineers Regulations on Work and Structures on Navigable Waters

Cheboygan County Nuisance Abatement Regulations

PA 245, Shorelands Protection and Management Act, 1970

### SECTION 3.17 KENNELS, PRIVATE

(Rev. 11/23/09, Amendment #81)

[Private kennels](#) are permitted by right as an accessory use to approved residential uses in the [D-CM](#), [M-AF](#), and [P-RC](#) zoning districts. A zoning permit application for a [private kennel](#) shall be issued when the zoning administrator finds, based on information provided by the applicant, that all of the following requirements have been met:

- a. There shall be no more than nine (9) dogs more than four (4) months of age housed on the premises at any time.
- b. If more than nine (9) dogs more than four (4) months of age are housed on the premises at any time, regardless of whether the owner receives compensation, then such establishment shall be deemed a [commercial kennel](#).
- c. If between four (4) and nine (9) dogs, inclusive, more than four (4) months of age are housed on the premises at any time, then those dogs shall not be boarded, bred, groomed for compensation, trained for compensation, or offered for sale.
- d. All dogs within the facility must have a current rabies vaccination provided by a veterinarian.
- e. A single family home must exist on the property and the owner(s) of the dogs must be the resident(s) of the home for the period of time that four (4) or more dogs more than four (4) months of age are housed on the property.
- f. The lot on which the [private kennel](#) will be located must be no less than two (2) acres in area.
- g. All dog enclosures shall be screened so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs.
- h. All dog enclosures shall be set back a minimum of 100 feet from the side and rear lot lines of the lot on which located.
- i. The facility shall comply with the requirements to obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply with this section.
- j. All dogs must be housed within an enclosure that meets the requirements of [Section 3.17.g.](#) between the hours of 10:00pm and 8:00am.

### SECTION 3.18 SHORT TERM RENTALS (Rev. 05/02/18/, Amendment #147)

Short term rentals shall be permitted uses in all zoning districts.

## ARTICLE 4 - RESIDENTIAL DEVELOPMENT DISTRICT (D-RS)

### SECTION 4.1. PURPOSE

This district classification is designed to be the most restrictive to encourage an environment of predominantly low-density single family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents of the area. The intent is to keep this district relatively quiet and free from detrimental use influences. New residential development is to be encouraged adjacent to existing developed residential areas and kept separate from commercial or industrial development.

### SECTION 4.2. PERMITTED USES

- 4.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108).
- 4.2.2. Gardening. (Rev. 10/13/16, Amendment #135)
- 4.2.3. Existing [farms](#) and agricultural uses.
- 4.2.4. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 4.2.5. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 4.2.6. [Home occupations subject to the limitations as defined.](#)
- 4.2.7. Office or studio of a physician, dentist or other professional person residing on the premises.
- 4.2.8. [Essential public utility services](#), excluding buildings and regulator stations.
- 4.2.9. *Reserved for future use* (Rev. 10/13/16, Amendment #135)
- 4.2.10. State licensed residential facilities (6 or less persons).
- 4.2.11. [Private storage buildings](#), subject to the requirements of Section 17.23 (Rev. 11/06/08, Amendment #77)

### SECTION 4.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 4.3.1. See [ARTICLE 17, SUPPLEMENTAL REGULATIONS](#) for standards and conditions for special uses and [ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS](#) for instructions on applying for permits.
- 4.3.2. Nurseries and [day care centers](#) for children.
- 4.3.3. Assisted Living Center (Rev. 09/01/17, Amendment #141)
- 4.3.4. [Multi-family housing](#).
- 4.3.5. Patio homes, [townhouses](#), [apartment buildings](#), [condominiums](#).
- 4.3.6. [Parks](#), playgrounds, golf courses, and other [recreational facilities](#).
- 4.3.7. Cemeteries.
- 4.3.8. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards).
- 4.3.9. Private non-commercial recreation camps.
- 4.3.10. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 4.3.11. Marinas.
- 4.3.12. Assembly, Educational or Social Event Facilities (Rev. 09/01/17, Amendment #140)
- 4.3.13. Planned Projects subject to provisions of Section 17.28 (Rev. 01/16/18, Amendment #143)

## ARTICLE 4 - RESIDENTIAL DEVELOPMENT DISTRICT (D-RS)

### **SECTION 4.4. SUPPLEMENTAL REQUIREMENTS FOR D-RS RESIDENTIAL DEVELOPMENT ZONING DISTRICT**

(Rev. 11/28/15, Amendment #131)

- 4.4.1. A 40 ft setback shall be required for structures from the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any stream, pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Walkways and pathways, if not wider than eight (8) feet, are not restricted by this paragraph.

## ARTICLE 5

*This article has been deleted and is reserved for future use. (Rev. 05/23/15, Amendment #127)*

## ARTICLE 6 - COMMERCIAL DEVELOPMENT DISTRICT (D-CM)

### SECTION 6.1. PURPOSE

This District is designed to provide for General Business Activities such as retail sales, commercial service uses, and selected light manufacturing, production, processing and fabrication uses. Additional commercial development will be encouraged in existing Commercial Districts rather than creating new Commercial Districts.

### SECTION 6.2. PERMITTED USES

- 6.2.1. Any use permitted in the [D-RS, Residential Development District](#). (Rev. 05/23/15, Amendment #127)
- 6.2.2. Car wash (Rev. 11/27/18, Amendment #149)
- 6.2.3. Bar and Restaurant, Restaurant, carry out, Restaurant, drive in and Restaurant, fast food. (Rev. 01/16/18, Amendment #144)
- 6.2.4. [Bed and Breakfast](#) (Rev. 10/25/09, Amendment #80)
- 6.2.5. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140)
- 6.2.6. Cabinet making shops.
- 6.2.7. Dance, music, voice studios.
- 6.2.8. Dress making, millinery, clothing stores.
- 6.2.9. Drive-through. (Rev. 04/12/07, Amendment #67) (Rev. 01/16/18, Amendment #144)
- 6.2.10. Farm product stands.
- 6.2.11. Funeral homes, undertaking establishments.
- 6.2.12. Hotels, motels.
- 6.2.13. Laboratories.
- 6.2.14. [Nurseries for flowers and plants](#).
- 6.2.15. Offices.
- 6.2.16. Parking lots, buildings and garages.
- 6.2.17. [Retail sales establishment, General](#)
- 6.2.18. [Retail sales establishment, Household](#)
- 6.2.19. [Retail sales establishment, Specialty](#)
- 6.2.20. Retail lumber yards.
- 6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.22. Assembly, educational or social even facilities (Rev. 09/01/17, Amendment #140)
- 6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)
- 6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)
- 6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)
- 6.2.26. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)
- 6.2.28. Medical clinics and doctor's offices. (Rev. 05/23/15, Amendment #127)
- 6.2.29. [Private storage buildings, subject to the requirements of Section 17.23](#). Rev. 05/23/15, Amendment #127)
- 6.2.30. Mobile food units, subject to the requirements of Section 17.29 (Rev. 02/25/17, Amendment #137)
- 6.2.31. Health and fitness center (Rev. 01/16/18, Amendment #143)
- 6.2.32. Personal service center (Rev. 01/16/18, Amendment #143)
- 6.2.33. Pet grooming (Rev. 01/16/18, Amendment #143)
- 6.2.34. Motor Vehicle Service Station (Rev. 11/27/18, Amendment #149)
- 6.2.35. Retail sales establishment, small scale convenience (Rev. 11/27/18, Amendment #149)
- 6.2.36. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 6.2.37. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

## ARTICLE 6 - COMMERCIAL DEVELOPMENT DISTRICT (D-CM)

### SECTION 6.3 USES REQUIRING SPECIAL LAND USE PERMITS

- 6.3.1. Bus Terminals. Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)
- 6.3.2. Commercial cleaning plants, dry cleaning, laundry establishments.
- 6.3.3. [Contractor's yards](#), equipment storage and materials handling operations.
- 6.3.4. Motor vehicle sales and/or repair facility. (Rev. 11/27/18, Amendment #149)
- 6.3.5. [Commercial kennels](#), pet shops, and veterinary hospitals, according to Section 17.16. (Rev. 11/22/09, Amendment #81)
- 6.3.6. Outdoor, drive-in theaters.
- 6.3.7. Outdoor commercial recreation activities.
- 6.3.8. Trailer and mobile home parks.
- 6.3.9. Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust.
- 6.3.10. [Junk yards](#), salvage yards and waste disposal sites.
- 6.3.11. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the
- 6.3.12. [Public](#) and [private wind generation](#) and [anemometer towers](#). (Rev. 06/17/04, Amendment #31)
- 6.3.13 [Child Caring Institutions](#), subject to the requirements of Section 17.24 (Rev. 04/28/10, Amendment #85)
- 6.3.14 Boat Storage (Rev. 08/26/10, Amendment #88)
- 6.3.15 Truck Terminals or Warehouses subject to the requirements of Section 17.26 (Rev. 03/28/12, Amendment #107)
- 6.3.16 Indoor Storage Facilities (Rev. 05/25/13, Amendment #116)
- 6.3.17 Planned Projects subject to provisions of Section 17.28 (Rev. 10/13/16, Amendment #136)
- 6.3.18 Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 6.3.19 Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

### SECTION 6.4. SUPPLEMENTAL REQUIREMENTS FOR D-CM, COMMERCIAL DEVELOPMENT DISTRICTS

- 6.4.1. See [ARTICLE 17, SUPPLEMENTAL REGULATIONS](#) for standards and conditions for special uses and [ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS](#) for instructions on applying for permits.
- 6.4.2. When adjacent to a [Residential Development District \(D-RS\)](#), [Rural Character Development District \(D-RC\)](#), [Lake and Stream Protection District \(P-LS\)](#), or [Natural Rivers Protection District \(P-NR\)](#), uses described in Sections 6.2. and 6.3. shall be located not less than fifty (50) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with [Section 17.18](#). (Rev. 08/05/06, Amendment #60), (Rev. 05/23/15, Amendment #127)
- 6.4.3. Applicants for permits for new construction or for alterations to existing structures, for permitted and for uses requiring special land use permits, shall be required to submit their plans showing how they will comply with these supplemental requirements.

## ARTICLE 6 - COMMERCIAL DEVELOPMENT DISTRICT (D-CM)

- 6.4.4. New walls, septic systems and absorption fields shall comply with District Health Department standards. See [ARTICLE 22, NONCONFORMING USES, STRUCTURES](#) in cases where lots of record at the time of adoption of this ordinance cannot meet area, setback or other requirements.
- 6.4.5. Any property which is within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County shall be subject to the following special conditions. These conditions are deemed the minimum necessary to protect surface and ground water resources, flood plains and wetlands from adverse construction and alteration which would be detrimental to water quality and ecology.
- 6.4.6. There shall be no fill or permanent construction on any flood way or wetland appurtenant to property in this district. Fill can be approved only if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way or wetland and that such is documented by a Registered Professional Engineer.
- 6.4.7. All dredging, filling, grading and other earth changes shall comply with the provisions of Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972), the Soil Erosion and Sedimentation Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979)
- 6.4.8. Landfills, open pits and industries producing, storing or handling toxic or hazardous wastes shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.
- 6.4.9. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat wells, ramps, marinas, seawalls or other water dependent uses, shall observe both a minimum setback of forty (40) feet from the ordinary high water mark and a minimum setback of twenty-five (25) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)
- 6.4.10. On property where existing structures on both sides are within two hundred (200) feet of a new building wall and said structures do not meet waterfront setback standards, the required setback need not be greater than the average setback on the adjoining developed lots.
- 6.4.11. For any use which in the opinion of the Zoning Administrator would constitute a danger or nuisance because of the nature of the operation (fire, explosion, radiation, noise, air pollution, emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed use meets at least the minimum safety-health requirement prescribed by the state and/or federal standards pertaining to the specific use.

## ARTICLE 7 - LIGHT INDUSTRIAL DEVELOPMENT DISTRICT (D-LI)

### SECTION 7.1. PURPOSE

The D-LI, Light Industrial Development District is designed to provide for wholesale activities, warehouses and industrial operations whose external physical effects are not detrimental to surrounding districts.

### SECTION 7.2. PERMITTED USES

- 7.2.1. Any use permitted in the D-CM, Commercial Development District which does not require a Special Land Use Permit.
- 7.2.2. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 7.2.3. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

### SECTION 7.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 7.3.1. Any use which requires a Special Land Use Permit in the D-CM, Commercial Development District, except [Child Caring Institutions](#). (Rev. 04/28/10, Amendment #85)
- 7.3.2. Greenhouses and plant materials.
- 7.3.3. [Junk yards](#), salvage yards and waste disposal sites.
- 7.3.4. [Commercial kennels](#) and veterinarian hospitals, according to Section 17.16 (Rev. 11/23/09, Amendment #81)
- 7.3.5. Manufacturing, fabricating, processing and assembling activities.
- 7.3.6. Manufacture and processing of products such as food, cosmetics, pharmaceuticals and hardware.
- 7.3.7. Petroleum, gas a flammable liquid storage when accessory to a use permitted in the district, excluding tank farms or bulk storage.
- 7.3.8. [Public utilities](#).
- 7.3.9. Tool, die, gauge and machine shops.
- 7.3.10. Vehicle and equipment repair and maintenance, engine overhaul, vehicle body repair, undercoating and rustproofing.
- 7.3.11. Warehousing, wholesale establishments, trucking facilities and terminals, meat locker and/or freezer plants.
- 7.3.12. Water treatment plants and reservoirs, recycling operations and sewage treatment plants.
- 7.3.13. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)
- 7.3.14. Storage facility for building materials, sand, gravel stone, lumber, storage of contractor's equipment and supplies. (Rev. 04/28/00, Amendment #14)
- 7.3.14. Commercial composting (Rev. 04/28/00, Amendment #14)
- 7.3.16. [Public](#) and [private wind generation](#) and [anemometer towers](#). (Rev. 06/17/04, Amendment #31)
- 7.3.17. Indoor Storage Facilities (Rev. 05/25/13, Amendment #116)
- 7.3.18. Outdoor Storage Facilities (Rev. 05/25/13, Amendment #116)
- 7.3.19. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 7.3.20. Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

## ARTICLE 7 - LIGHT INDUSTRIAL DEVELOPMENT DISTRICT (D-LI)

### SECTION 7.4. SUPPLEMENTAL REQUIREMENTS FOR D-LI, LIGHT INDUSTRIAL DEVELOPMENT DISTRICT

- 7.4.1. See [ARTICLE 17, SUPPLEMENTAL REGULATIONS](#) for standards and conditions for special uses and [ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS](#) for instructions on applying for permits.
- 7.4.2. When adjacent to a [Residential Development District \(D-RS\)](#), [Rural Character Development District \(D-RC\)](#), [Lake and Stream Protection District \(P-LS\)](#), or [Natural Rivers Protection District \(P-NR\)](#), uses described in Sections 7.2. and 7.3. shall be located not less than seventy five (75) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with [Section 17.18](#). (Rev. 08/05/06, Amendment #60), (Rev. 05/23/15, Amendment #127)
- 7.4.3. Applicants for permits for new construction or for alterations to existing structures, for permitted and for uses requiring special land use permits, shall be required to submit their plans showing how they will comply with these supplemental requirements.
- 7.4.4. New wells, septic systems and absorption fields shall comply with District Health Department standards. See [ARTICLE 22, NONCONFORMING USES, STRUCTURES](#) in cases where lots of record at the time of adoption of this ordinance cannot meet area, setback or other requirements.
- 7.4.5. Any property which is within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County shall be subject to the following special conditions. These conditions are deemed the minimum necessary to protect surface and ground water resources, flood plains and wetlands from adverse construction and alteration which could be detrimental to water quality and ecology.
- 7.4.6. There shall be no fill or permanent construction on any flood way or wetland appurtenant to property in this district. Fill can be approved only if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way or wetland and that such is documented by a Registered Professional Engineer.
- 7.4.7. All dredging, filling, grading and other earth changes shall comply with the provisions of Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972), and the Soil Erosion and Sedimentation Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).
- 7.4.8. Landfills, open pits and industries producing, storing or handling toxic wastes shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.
- 7.4.9. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat wells, ramps, marinas, seawalls or other water dependent uses, shall observe both a minimum setback of one hundred (100) feet from the ordinary high water mark and a minimum setback of sixty (60) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)
- 7.4.10. For any use which in the opinion of the Zoning Administrator would constitute a danger or nuisance because of the nature of the operation (fire, explosion, radiation, noise, air polluting emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed use meets at least the minimum safety-health requirements prescribed by the state and/or federal standards pertaining to the specific use.

## ARTICLE 8 - GENERAL INDUSTRIAL DEVELOPMENT DISTRICT (D-GI)

### SECTION 8.1. PURPOSE

This district is designed to provide for manufacturing, fabrication, assembling, mineral extraction, servicing and similar activities which require greater outdoor storage, larger sites and may have an adverse affect on adjacent non-industrial districts.

### SECTION 8.2. PERMITTED USES

- 8.2.1. Any use permitted in the [D-CM, Commercial Development District](#) which does not require a Special Land Use Permit.
- 8.2.2. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 8.2.3. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

### SECTION 8.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 8.3.1. Any use which requires a Special Land Use Permit in the [D-CM, Commercial Development District](#) or the [D-LI, Light Industrial Development District](#), except [Child Caring Institutions](#). (Rev. 04/28/10, Amendment #85)
- 8.3.2. Blast furnace, steel furnace, blooming or rolling mill.
- 8.3.3. [Contractor's equipment and storage yard](#).
- 8.3.4. Fuel and any flammable liquid or gas production, refining or storage.
- 8.3.5. Gravel and mineral extraction, mining and quarrying.
- 8.3.6. Heating and electrical power generating plants.
- 8.3.7. Incineration or garbage or refuse when conducted within an approved and enclosed incinerator plant (non-pyrolysis type).
- 8.3.8. [Junkyards](#), salvage yards and waste disposal sites.
- 8.3.9. Major utility service yards and buildings, either public or private.
- 8.3.10. Manufacture of corrosive acid or alkali, cement, lime gypsum or plaster of paris.
- 8.3.11. Meat packing plants and slaughter houses.
- 8.3.12. Metal plating, buffing and polishing.
- 8.3.13. Research laboratories and experimental operations not permitted in the Light Industrial Development District.
- 8.3.14. Sawmills and planing mills.
- 8.3.15. Smelting of metals and foundries.
- 8.3.16. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)
- 8.3.17. [Public](#) and [private wind generation](#) and [anemometer towers](#). (Rev. 06/17/04, Amendment #31)
- 8.3.18. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 8.3.19. Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

## ARTICLE 8 - GENERAL INDUSTRIAL DEVELOPMENT DISTRICT (D-GI)

### SECTION 8.4.

#### SUPPLEMENTAL REQUIREMENTS FOR D-GI, GENERAL INDUSTRIAL DEVELOPMENT DISTRICTS.

- 8.4.1. See [ARTICLE 17, SUPPLEMENTAL REGULATIONS](#) for standards and conditions for special uses and [ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS](#) for instructions on applying for permits.
- 8.4.2. When adjacent to a [Residential Development District \(D-RS\)](#), [Rural Character Development District \(D-RC\)](#), [Lake and Stream Protection District \(P-LS\)](#), or [Natural Rivers Protection District \(P-NR\)](#), uses described in Sections 8.2. and 8.3. shall be located not less than seven to five (75) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with [Section 17.18](#). (Rev. 08/05/06, Amendment #60), (Rev. 05/23/15, Amendment #127)
- 8.4.3. Applicants for permits for new construction or for alterations to existing structures, for permitted and for uses requiring special land use permits, shall be required to submit their plans showing how they will comply with these supplemental requirements.
- 8.4.4. New wells, septic systems and absorption fields shall comply with District Health Department standards. See [ARTICLE 22, NONCONFORMING USES AND STRUCTURES](#) in cases where lots of record at the time of adoption of this ordinance cannot meet area, setback or other requirements.
- 8.4.5. Any property which is within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County shall be subject to the following special conditions. These conditions are deemed the minimum necessary to protect surface and ground water resources, flood plains and wetlands from adverse construction and alteration which could be detrimental to water quality and ecology.
- 8.4.6. There shall be no fill or permanent construction on any flood way or wetland appurtenant to property in this district. Fill can be approved only if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way or wetland and that such is documented by a Registered Professional Engineer.
- 8.4.7. All dredging, filling, grading and other earth changes shall comply with the provisions of Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972), the Soil Erosion and Sedimentation Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).
- 8.4.8. Landfills, open pits and industries producing, storing or handling toxic wastes shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.
- 8.4.9. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat wells, ramps, marinas, seawalls or other water dependent uses, shall observe both a minimum setback of one hundred (100) feet from the ordinary high water mark and a minimum setback of sixty (60) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)
- 8.4.10. For any use which in the opinion of the Zoning Administrator would constitute a danger or nuisance because of the nature of the operation (fire, explosion, radiation, noise, air pollution, emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed use meets at least the minimum safety-health requirements prescribed by the state and/or federal standards pertaining to the specific use.

## ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

### SECTION 9.1. PURPOSE

Agriculture and Forestry Management Districts are those areas where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. They include areas which, although not currently so used, have a potential for agriculture and forestry. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply and timber resources are essential to the health and welfare of the county, state and nation.

### SECTION 9.2. PERMITTED USES

- |   |  |
|---|--|
| 9.2.1. Single Family Dwellings and Two Family Dwellings (Rev. 03/28/12, Amendment #108).  | 9.2.11. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related activities.  |
| 9.2.2. Commercial Farm Buildings. (Rev. 10/24/13, Amendment #120)   | 9.2.12. Hunting grounds, fishing sites and wildlife preserves.   |
| 9.2.3. Commercial Farms. (Rev. 10/24/13, Amendment #120)  | 9.2.13. Private hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)   |
| 9.2.4. Greenhouses and <a href="#">nurseries</a> .  | 9.2.14. Private Storage Buildings, Private Storage/Workshop Buildings and Agricultural/Private Storage/Workshop Buildings (Rev. 04/12/07, Amendment #67) (Rev. 10/24/13, Amendment #120) |
| 9.2.5. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business. | 9.2.15. Hobby Farm Buildings. (Rev. 10/24/13, Amendment #120)  |
| 9.2.6. <a href="#">Home occupations</a> as defined in this ordinance.   | 9.2.16. Hobby Farms. (Rev. 10/24/13, Amendment #120)   |
| 9.2.7. <a href="#">Essential services</a> .   | 9.2.17. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)  |
| 9.2.8. Cemeteries.  |  |
| 9.2.9. Private aircraft landing strips.   |  |
| 9.2.10. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)   |  |

## ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

### SECTION 9.3.

#### USES REQUIRING SPECIAL LAND USE PERMITS

- 9.3.1. See [ARTICLE 17, SUPPLEMENTAL REGULATIONS](#) for standards and conditions for special uses and [ARTICLE 18, SPECIAL LAND USE \(SLU\) PERMIT PROCEDURES AND STANDARDS](#) for instructions on applying for permits.
- 9.3.2. Motor vehicle sales and/or repair facility. (Rev. 11/27/18, Amendment #149)
- 9.3.3. Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140).
- 9.3.4. Public parks and recreational areas, playgrounds and campgrounds. (Rev. 09/01/17, Amendment #140)
- 9.3.5. Bar and Restaurant. (Rev. 01/16/18, Amendment #144)
- 9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.3.7. Golf courses, country clubs and sportsmen's associations or clubs.
- 9.3.8. Retail sales establishment, small-scale convenience. (Rev. 11/27/18, Amendment #149)
- 9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.
- 9.3.10. Slaughter houses and meat packing plants.
- 9.3.11. Travel trailer courts, tenting areas and general camping grounds.
- 9.3.12. Public airports and landing fields, with appurtenant facilities.
- 9.3.13. Non-essential public utility and service buildings.
- 9.3.14. Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 9.3.15. Animal [feedlots](#) or piggeries.
- 9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.
- 9.3.17. [Commercial kennels](#), pet shops, and veterinary hospitals according to Section 17.16. (Rev. 11/23/09, Amendment #81)
- 9.3.18. [Junk yards](#), salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)
- 9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)
- 9.3.20. [Contractor's Yards](#), provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)
- 9.3.20.1. Minimum 10 acre parcel.
- 9.3.20.2. Minimum 330' of road frontage / lot width.
- 9.3.20.3. Minimum Setbacks: 100' front; 75' side; 100' rear.
- 9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.
- 9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner's primary residence.
- 9.3.21. [Public](#) and [private wind generation](#) and [anemometer towers](#). (Rev. 06/17/04, Amendment #31)

## ARTICLE 9 - AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)

### SECTION 9.3.

#### USES REQUIRING SPECIAL LAND USE PERMITS

- 9.3.22. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)
- 9.3.23 [Child Caring Institutions](#), subject to the requirements of Section 17.24. (Rev. 04/28/10, Amendment #85)
- 9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.1. (Rev. 05/25/13, Amendment #116)
- 9.3.25 Planned Projects subject to provisions of Section 17.28. (Rev. 05/25/13, Amendment #116)
- 9.3.26 Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 9.3.27 Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

### SECTION 9.4. SUPPLEMENTAL REQUIREMENTS FOR M-AF AGRICULTURE AND FORESTRY MANAGEMENT ZONING DISTRICT

(Rev. 11/28/15, Amendment #131)

- 9.4.1. A 40 ft setback shall be required for structures from the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any stream, pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Walkways and pathways, if not wider than eight (8) feet, are not restricted by this paragraph.

# ARTICLE 10 - LAKE AND STREAM PROTECTION DISTRICT (P-LS)

## SECTION 10.1. PURPOSE

10.1.1. Cheboygan County has the distinction of having more water surface than any other county in the State of Michigan. 77.3 square miles (9.69% of its area) are inland waters. The county has 344 inland lakes and 420 miles of streams. When 32 miles of Lake Huron shoreline are added, it becomes apparent that there is considerable pressure for development of waterfront property for homes, tourism and recreation. It is vital to the orderly future development of the county that these waters and natural resources be protected and that environmental control be exercised. The purpose of the conditions and requirements to be met in this district is to:

- 10.1.1.1. Avoid excessive structural encroachment on the waters and waterways except for uses traditionally depending upon direct water access.
- 10.1.1.2. Promote high water quality by encouraging natural vegetation strips along waterfronts to filter out nutrients and sediment from surface run-off, keep them from entering the waters, prevent erosion and help maintain cool water temperatures through shading.
- 10.1.1.3. Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent possible, the natural image of landscapes.
- 10.1.1.4. Promote the general welfare of the county by protecting water quality, ground water resources, public health, property values, recreational values, riparian rights and erecting safeguards against flooding.

10.1.2. (Rev. 11/28/15, Amendment #131)

The [Lake and Stream Protection District](#) includes all property within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any perennial stream as identified on the zoning maps incorporated into the Cheboygan County Zoning Ordinance No. 200, Section 3.9.1 as amended, and all property within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of the following bodies of water;

Black River (Lower)	Munro Lake	Reswell Lake
Cheboygan River	Mullett Lake	Roberts Lake
Indian River	Kleber Pond	Silver Lake (Koehler Township)
Sturgeon River	Lake Huron	Silver Lake (Wilmot Township)
Black Lake	Lake Rondo	Tower Pond
Burt Lake	Lancaster Lake	Twin Lakes
Devereaux Lake	Lance Lake	Vincent Lake
Douglas Lake	Long Lake	Wildwood Lake
Echo Lake	Paradise Lake	Woldan Pond

Exact boundaries shall be interpreted by the most logical continuations or interpolations of property lines. In following such continuations, district boundaries may be greater than 500 feet from the shoreline but never less. If there are questions on the interpretation of district boundaries, the Zoning Board of Appeals shall decide.

10.1.3. The requirements of the Lake and Stream Protection District do not apply in the Commercial Development (D-CM), Light Industrial Development (D-LI), General Industrial Development (D-GI), Natural Rivers Protection (P-NR), Village Center Indian River (VC-IR), Village Center Indian River (VC-IR-O), Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) and Village Center Topinabee Residential Overlay (VC-T-RO) zoning districts. See ARTICLES 6, 7, 8, 11 13, 13A, 13B, 13C, 13D, and 13E for separate requirements in those districts. (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105)

## ARTICLE 10 - LAKE AND STREAM PROTECTION DISTRICT (P-LS)

### SECTION 10.2. PERMITTED USES.

- 10.2.1. [Single family dwellings.](#) (Rev. 03/28/12, Amendment #108)
- 10.2.2. Gardening. (Rev. 10/13/16, Amendment #135)
- 10.2.3. [Home occupations](#) as defined in Section 17.21. (Rev. 05/17/06, Amendment #57)
- 10.2.4. [Private storage buildings](#), subject to the requirements of Section 17.23 (Rev. 11/06/08, Amendment #77)
- 10.2.5. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 10.2.6. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

### SECTION 10.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 10.3.1. See [ARTICLE 17, SUPPLEMENTAL REGULATIONS](#) for standards and conditions for special land uses and [ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS](#) for instructions on applying for special land use permits.
- 10.3.2. [Campgrounds](#), camps and clubs for recreational use. (Rev. 09/20/03, Amendment #23)
- 10.3.3. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 10.3.4. Retail stores and shops.
- 10.3.5. [Boat liveries](#), marinas and launching ramps.
- 10.3.6. Golf courses, driving ranges and country clubs. (Rev. 09/20/03, Amendment #23)
- 10.3.7. Motels and hotels.
- 10.3.8. Duplexes, [multi-family](#) and [apartment buildings](#).
- 10.3.10. Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140).
- 10.3.11. Housing of any animals other than pet dogs and/or cats.
- 10.3.12. Use of any parcel of waterfront property as a common use area for access to the water by one (1) or more non-waterfront single family dwelling(s). (See [Section 10.4.4](#)) (Rev. 02/23/11, Amendment #90)
- 10.3.13. Public access sites.
- 10.3.14. Bar and Restaurant. (Rev. 04/28/00, Amendment #14) (Rev. 01/16/18, Amendment #144)
- 10.3.15. [Bed & Breakfasts](#) (Rev. 05/17/06, Amendment #57)
- 10.3.16. Level 3 SES-PV Systems in accordance with Section 17.30.6.C (Rev. 03/01/19, Amendment #150)

### SECTION 10.4. SUPPLEMENTAL REQUIREMENTS FOR LAKE AND STREAM PROTECTION DISTRICT

- 10.4.1. There shall be no fill or permanent construction in any flood way appurtenant to property in this district. Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way and that such is documented by a Registered Professional Engineer.
- 10.4.2. All dredging, filling, grading and other earth changes shall comply with the provisions of the Soil Erosion and Sedimentation Control Act (P.A. 347 of 1972), Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).
- 10.4.3. Landfills, open pits and industries producing, storing or handling toxic wastes or hazardous materials shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.

## ARTICLE 10 - LAKE AND STREAM PROTECTION DISTRICT (P-LS)

### 10.4.4. Shared Waterfront Access. (Rev. 06/20/07, Amendment #70)

Any land within this district with frontage on a body of water may provide access to that body of water for more than one dwelling upon compliance with the requirements of this section and the issuance of a zoning permit for such use by the zoning administrator. For purposes of the shared waterfront access regulations contained in this section and its subsections, "body of water" means a navigable body of water as defined under Michigan law and not a privately owned body of water to which the public has no lawful right of access. This section is intended to preserve the quality of water, avoid congestion, and to preserve the quality of recreational use of all waters within the county. Therefore, in addition to the other regulations of this district, any shared waterfront access shall comply with all of the following waterfront access regulations, whether such waterfront access is gained by joint fee ownership; a common element or a limited common element in a condominium development; a covenant running with the land or an easement benefiting a non-waterfront lot or condominium unit; a lease or license; or another legally recognized personal or property interest:

- 10.4.4.1. The land providing the shared waterfront access shall have no less than 150 feet of frontage as measured at the ordinary high water mark and shall be no less than 22,500 square feet in area.
- 10.4.4.2. Except as provided in subsection 10.4.4.3, a total of not more than two (2) dwellings located on either or both the waterfront lot and non-waterfront lots may have legal access to the body of water either from or over a waterfront lot.
- 10.4.4.3. For each dwelling in excess of two (2) benefited with the legal right to access a body of water from or over a waterfront lot, the land providing the shared waterfront access, in addition to meeting the dimensional requirements of subsection 10.4.4.1, shall have no less than fifty (50) additional feet of frontage as measured at the ordinary high water mark and shall have no less than 7,500 square feet of additional area.
- 10.4.4.4. Any legal access to the body of water over a waterfront lot which benefits dwellings located on non-waterfront lots shall have frontage of no less than twenty-five (25) feet. For each dwelling located on a non-waterfront lot in excess of two (2) benefited with the legal right to access a body of water over a waterfront lot the legal access to the body of water shall have an additional ten (10) feet of frontage as measured at the ordinary high water mark.
- 10.4.4.5. The legal access to the body of water over a waterfront lot which benefits dwellings located on non-waterfront lots shall be setback no less than twenty-five (25) feet from any adjoining property.
- 10.4.4.6. One (1) off-street parking space shall be provided on the waterfront lot for each dwelling located on a non-waterfront lot benefited with the legal right to access a body of water over a waterfront lot. The required off-street parking shall be setback no less than twenty-five (25) feet from any adjoining property, no less than fifteen (15) feet from a public or private road right-of-way, and no less than forty (40) feet from the water's edge.
- 10.4.4.7. No boat launching facilities or clubhouses shall be permitted on the land providing the shared waterfront access.
- 10.4.4.8. Except for the owners of the waterfront lot, no person shall store a watercraft, boat hoist, or dock on the upland portion of the lot outside of a completely enclosed building for more than three (3) consecutive days.

## ARTICLE 10 - LAKE AND STREAM PROTECTION DISTRICT (P-LS)

- 10.4.4.9 One (1) storage building accessory to the dwellings located on non-waterfront lots benefited with the legal right to access a body of water over the waterfront lot which is no greater than 149 square feet in area and no more than 12 feet in height shall be permitted on that portion of the waterfront lot which provides the legal access to the body of water, provided that the required setback from the waterfront is met.
- 10.4.4.10 For each dwelling located on a non-waterfront lot benefited with the legal right to access a body of water over a waterfront lot no more than one (1) watercraft slip, mooring, boat hoist, or other means of non-temporary anchorage shall be permitted. In addition, no more than one (1) dock shall be permitted on the land providing the shared waterfront access. If a dock is used to provide the watercraft slips or moorings, the dock shall provide no less than two (2) of the allowed watercraft slips or moorings, shall be no more than eight (8) feet in width, and shall be no longer than thirty (30) feet or a longer length, if necessary to provide a maximum water depth for the watercraft using the dock of five (5) feet. No dock, boat hoist, mooring anchor, or other means of non-temporary anchorage shall be located within twenty-five (25) feet of the riparian boundaries of adjoining property, as projected into the water under the laws of the state of Michigan.
- 10.4.4.11 The regulations of Section 10.4.4 and its subsections provided above, however, shall not apply to a public access site or waterfront lot under the possession and control of a governmental agency, including but not limited to Cheboygan County, townships located within Cheboygan County, the Cheboygan County Road Commission, or the State of Michigan, that is intended to provide the general public with access to the body of water.
- 10.4.5. New wells, septic systems and absorption fields shall comply with District Health Department standards. See [ARTICLE 22, NONCONFORMING USES AND STRUCTURES](#) in cases where lots of record at the time of adoption of this ordinance cannot meet area, setback or other requirements.
- 10.4.6. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat wells, ramps, marinas, seawalls or other water dependent uses, shall observe both a minimum setback of forty (40) feet from the ordinary high water mark and a minimum setback of twenty-five (25) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)
- 10.4.7. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Railed decks and enclosed patios shall observe the setback lines for the main buildings. Walkways and pathways, if not wider than eight (8) feet are not restricted by this paragraph.
- 10.4.8. On property where existing structures on both sides are within two hundred (200) feet of a new building wall and said structures do not meet waterfront setback standards, the required setback need not be greater than the average setback on the adjoining developed lots.
- 10.4.9. Except as provided in section 10.4.7., a 40 ft setback shall be required for structures from the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any stream or pond which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. (Rev. 11/28/15, Amendment #131)

## ARTICLE 10 - LAKE AND STREAM PROTECTION DISTRICT (P-LS)

### SECTION 10.5. NATURAL VEGETATION STRIP

- 10.5.1. Native trees, shrubs and vegetation should be maintained and enhanced along the banks of the rivers, streams, ponds and lakes in this district. Maintenance of the natural vegetation strip is required to help stabilize the riverbanks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water run-off, provide screening of manmade elements and protect fisheries and wildlife habitat. The zoning administrator shall notify each applicant for a building permit of the purpose of the natural vegetation strip and of the provisions of this section.
- 10.5.2. Maintenance of a natural vegetation strip with a minimum distance of forty (40) feet measured horizontally from the ordinary high water mark is encouraged. (Rev. 11/28/15, Amendment #131)
- 10.5.3. A lawn is not an acceptable natural vegetation strip.
- 10.5.4. A planting of native species is encouraged in the vegetation strip to enhance and protect the water's edge. The Department of Natural Resources, the Soil Conservation District and the Cooperative Extension Service may be consulted for selection of native plant species.
- 10.5.5. Applicants for permits for new waterfront development are encouraged to develop plans for the establishment and maintenance of a natural vegetation strip. (Rev. 11/28/15, Amendment #131)
- 10.5.6. The zoning administrator should annually publicize through local media the desirability and need for establishment of waterfront natural vegetation strips on existing waterfront properties.
- 10.5.7. See [ARTICLE 17, SUPPLEMENTAL REGULATIONS AND STANDARDS](#) for additional information on lot sizes, setback and other requirements.

### SECTION 10.6. RESERVED FOR FUTURE USE (Rev. 11/20/11, Amendment #102)

## ARTICLE 10A - LAKE AND STREAM PROTECTION SHELTER OVERLAY DISTRICT (P-LS-SO)

(Rev. 02/27/18, Amendment #146)

### SECTION 10A.1. PURPOSE.

The purpose of this overlay district is to provide for construction of boat shelters in areas where boathouses exist. Boat shelters will be required to meet certain conditions in order to be consistent with land use goals of the Master Plan including the Lake and Stream Residential future land use category.

### SECTION 10A.2. BOUNDARIES.

The boundaries of this overlay district shall be those waterfront lots located on the Cheboygan River, Indian River, the Lower Black River, and any canal connected to those rivers as shown on the Cheboygan County Zoning Map.

### SECTION 10A.3. PERMITTED USES.

10A.3.1. All uses permitted by right in the underlying zoning district.

10A.3.2 Boat shelters, subject to the following conditions and requirements:

10A.3.2.1 No more than one (1) boat shelter shall be permitted on a lot of record.

10A.3.2.2 A boat shelter shall not be enclosed and shall not contain walls. Only structural components necessary to support the roof structure shall be permitted. The ability to see through the boat shelter from all angles must be maintained at all times as represented in the following illustration:



10A.3.2.3 The width of the boat shelter structure, with exception of the eaves, shall not exceed sixteen (16) feet.

10A.3.2.4 No part of the boat shelter shall extend more than two (2) feet from the wall or edge of the boat well with exception of the eaves.

10A.3.2.5 The boat shelter shall contain eaves no greater than two (2) feet.

10A.3.2.6 The boat shelter shall have a pitched roof that is no greater than 4/12 pitch, and shall not be designed or used as a deck, observation platform or for other similar uses.

10A.3.2.7 A boat shelter shall not exceed a building height of twelve (12) feet.

10A.3.2.8 Boat shelters shall be permitted in the waterfront setback of the underlying zoning district.

### SECTION 10A.4 USES REQUIRING SPECIAL LAND USE PERMITS.

10A.4.1. All uses requiring special land use permits in the underlying zoning district.

### SECTION 10A.5 DEVELOPMENT REQUIREMENTS.

10A.5.1 Except as modified below, all development within this overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

10A.5.2 Where the regulations of this overlay district differ from the regulations of the underlying zoning district, then the regulations of this overlay district shall control.

## ARTICLE 11 - NATURAL RIVERS PROTECTION DISTRICT (P-NR)

### SECTION 11.1. PURPOSE

#### 11.1.1. (Rev. 06/28/12, Amendment #113)

The area of the Pigeon River and its tributaries and an area of the Upper Black River and its tributaries has been assigned a Natural Resource Protection land use designation pursuant to the Cheboygan County Comprehensive Plan. The Natural Rivers Protection District is established to preserve, protect and enhance the unique and significant values, qualities and natural resources of the Pigeon River and Upper Black River and to provide measures to protect those invaluable natural assets in the interest of present and future generations. The Pigeon River has been designated as a wild-scenic river, under authority of part 305 of the Natural Resources and Environmental Resources Protection Act, Public Act 451 of 1994, based on its water quality, resource and recreation values. The Upper Black River has been identified as a priority stream by the Michigan Department of Natural Resources, Natural River Program, noting qualities and resource values similar to the designated portions of the Pigeon River.

#### 11.1.2. Based on this designation and identification, the portions of the Pigeon River, Upper Black River and their tributaries delineated in SECTION 11.2 are included in Cheboygan County's Natural River Protection District for the following purposes:

- a. To maintain the water quality, clarity and free flowing condition of the Pigeon and Upper Black Rivers and their tributaries for total body contact recreation (swimming), cold water fish species and other uses.
- b. To prevent ecological and aesthetic damage which may result from overcrowding or disorderly development.
- c. To permit reasonable and compatible uses of land which complement the natural characteristics of the rivers and further the purposes of this ordinance while protecting the rivers' scenic qualities.
- d. To limit or prohibit those developments and activities which may damage or destroy the rivers' fish, wildlife, scenic, economic, historic and recreation values and uses.
- e. To protect the rivers' natural floodwater storage capacity and provide for the conservation of soil, riverbed and banks and adjoining uplands.
- f. To ensure that recreational uses which do occur are done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream, and that a quality recreation experience is maintained.

### SECTION 11.2. DESIGNATED AREA

#### (Rev. 11/28/15, Amendment #131)

The Natural Rivers Protection District includes an area 500 feet deep on each side of and parallel to all channels of the mainstream of the Pigeon and Upper Black Rivers and to their tributaries, as noted below. This distance is measured from the river's edge, determined by the ordinary high water mark of the river or tributary, as defined in the Inland Lakes and Streams Act, P.A. 346 of 1972.

#### Pigeon River:

Mainstream - From the river's entry into Cheboygan County in Section 33, T33N, R1W, downstream to the East Mullett Lake Road Bridge in Section 9, T35N, R2W.

Tributaries - All streams which flow into the Pigeon River upstream of M-68, from their sources to their confluence with the Pigeon River.

#### Upper Black River:

Mainstream - From the river's entry into Cheboygan County in Section 32, T33N, R1E, downstream to the Upper Black River Road Bridge in Section 34, T36N, R1E.

Tributaries - McMasters, Little McMasters and Milligan Creeks, from their sources to their confluence with the Upper Black River.

## ARTICLE 11 - NATURAL RIVERS PROTECTION DISTRICT (P-NR)

### SECTION 11.3. RESIDENTIAL USES

Single family dwellings are permitted within the district with the following conditions:

- 11.3.1. Building setbacks for new structures or appurtenances shall be 200 feet from the water's edge along the mainstreams and 150 feet from the water's edge along tributaries.
- 11.3.2. Unplatted lots and new subdivisions shall provide minimum lot widths of 200 feet on the mainstreams and 150 feet on tributaries.
- 11.3.3. Lots or properties of record which are non-conforming at the date this ordinance takes effect because of a lack of size to accommodate setback or width requirements may be built upon, following review of site conditions and building plans and granting of a variance by the Zoning Board of Appeals following the requirements of [ARTICLE 23](#) of this ordinance. Buildings on substandard lots should be located so as to best meet the objectives of Natural River Protection District.
- 11.3.4. One single family dwelling shall be permitted on each lot or parcel.
- 11.3.5. All habitations shall be provided with sanitary waste disposal facilities approved by the District Health Department. New septic systems shall meet the standards in SECTION 11.6

### SECTION 11.4. INDUSTRIAL AND COMMERCIAL USES

- 11.4.1. New industrial uses and buildings and expansion of such existing uses and buildings are not permitted within the Natural River Protection District.
- 11.4.2. Commercial uses and buildings, such as gas stations, motels, restaurants, retail stores, mobile home parks, etc. are not permitted within the Natural River Protection District.
- 11.4.3. Commercial uses which are compatible with maintaining the natural character of the rivers may be permitted as special land uses, based on the requirements of [ARTICLE 18](#) of this ordinance. These commercial uses include:
  - a. Small home operated businesses such as photography studio, beauty shop, home repair, insurance, or other businesses which do not alter the residential nature of the property and are in conformance with established setbacks.
  - b. Small rental cabins with light housekeeping, but not motels, which are in conformance with setback requirements.
- 11.4.4. Buildings must be set back 200 feet from the water's edge along mainstreams and 150 feet from the water's edge along tributaries.

### SECTION 11.5. NATURAL VEGETATION STRIP

- 11.5.1. Trees, shrubs and other vegetation native to the Pigeon and Upper Black River areas shall be maintained and enhanced on each side of the rivers and their tributaries to retain the rivers' natural values. Maintenance of the natural vegetation strip is required to help stabilize the riverbanks, minimize erosion, provide shading which will help maintain cool water temperatures, help protect water quality by absorbing nutrients from surface water run-off, provide screening of man-made elements, protect fisheries and wildlife habitat, and maintain the aesthetic quality of the river. The zoning administrator shall notify each applicant for a building permit of the purpose of the natural vegetation strip and of the provisions of this section.
- 11.5.2. A vegetation strip shall be maintained on each side of the stream to a distance of 100 feet along the mainstreams and 75 feet along tributaries. The following provisions shall apply within the natural vegetation strip:
  - a. Distances of the natural vegetation strip shall be measured horizontally from the ordinary high water mark.
  - b. Dead, diseased, unsafe or fallen trees, shrubs and noxious plants, including poison ivy, poison sumac and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 357 of 1941, as amended, may be removed.

## ARTICLE 11 - NATURAL RIVERS PROTECTION DISTRICT (P-NR)

- c. Trees and shrubs may be pruned for a filtered view of the river.
- d. Upon approval of the local zoning administrator, trees and shrubs may be selectively removed for harvest of merchantable timber, public utility facilities, to achieve a filtered view of the river from the principal structure, and for reasonable private access to the structure, and for reasonable private access to the river.
- e. Clear cutting within the above described management zones generally is not permitted. However, it may be allowed if it is necessary to maintain or enhance native vegetation, upon approval of the Pigeon River Country Area Forester.
- f. Planting of native species is encouraged in the vegetation strip to enhance and protect the river's edge. The Department of Natural Resources or the Soil Conservation Service may be consulted for selection of native plant species.

### **SECTION 11.6. ON-SITE SANITATION SYSTEMS**

- 11.6.1. Minimum standards for new septic systems within the Natural Rivers Protection District.
  - a. The setback for septic tanks and absorption fields shall be a minimum of 150 feet from the ordinary high water mark.
  - b. The bottom of the absorption field shall be at least four feet above the known high ground water table.
  - c. No absorption field shall be closer than 50 feet from any permanent surface or subsurface drainage system.
  - d. Variances from these standards may be allowed by the district health departments where existing lots of record cannot conform because of their size.
- 11.6.2. The bottom of an earth privy shall be not less than six feet above the known high ground water table. Where this is not feasible, a water tight vault shall be installed.

### **SECTION 11.7 SOLAR ENERGY SYSTEMS(Rev. 03/01/19, Amendment #150)**

Solar Energy Systems shall be allowed in the Natural Rivers Protection District (P-NR) as provided in this Section.

- 11.7.1 A Level 1 SES-PV System shall be a permitted use in accordance with Section 17.30.6.A.
- 11.7.2 A Type I, Level 2 SES-PV System shall be a permitted use in accordance with Section 17.30.6.B.
- 11.7.3 A Type II, Level 2 SES-PV System shall be a use requiring a special use permit in accordance with Section 17.30.6.B.

## ARTICLE 11 - NATURAL RIVERS PROTECTION DISTRICT (P-NR)

### SECTION 11.8. AGRICULTURAL ACTIVITIES

- 11.8.1. Agricultural practices existing on the effective date of the ordinance will be permitted within the natural vegetation strip. Grazing will be permitted within the natural vegetation strip unless the Bureau of Environmental Protection of the Department of Natural Resources determines that it contributes to stream degradation (Act 245, P.A. 1929). In those cases, livestock will be fenced out to protect the riverbanks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation District, Soil Conservation Service, County Extension Service, and/or Department of Natural Resources.
- 11.8.2. Water withdrawal for irrigation will continue to be permitted in accordance with the rights of other riparians and the public values associated with the Pigeon River system.
- 11.8.3. New agricultural uses and practices including commercial tree farms and feedlots shall be allowed in the Natural River District provided they are landward of the natural vegetation strip.

### SECTION 11.9. GENERAL PROVISIONS

- 11.9.1. Docks  
The construction of docks along streams and tributaries in the Natural River Protection District is strongly discouraged. However, if necessary to provide safe and ecologically sound access for the riparian landowner, "log-sod covered docks" may be constructed of natural materials. Docks must be constructed in accordance with the rules of Act 346, P.A. 1972. Upon request of the property owner, the Department of Natural Resources will assist in the siting and location of a dock so as to blend in with the natural surroundings and best meet the objectives of the natural river designation.
- 11.9.2. Minerals:  
Extraction of sand or gravel is not permitted within 300 feet of the rivers or tributaries included in the Natural Rivers Protection District. Additionally, new development, exploration or production of gas, oil, salt brine or other minerals except groundwater are not permitted within 300 feet of the designated portions of the Pigeon River and its tributaries.
- 11.9.3. Disposal of Solid Wastes:  
No unsightly or offensive material, including, but not limited to: trash, refuse, junk cars, junk appliances or garbage, shall be dumped or stored within the Natural River Protection District or as provided by Act 641, P.A. 1978. No dumps or sanitary landfills shall be permitted within the district.
- 11.9.4. Land Alteration:  
Land alteration for building such as grading, dredging and filling of the land surface outside of the natural vegetation strip is permitted, unless the groundwater table is within six feet of the land surface or on lands subject to flooding. All activities must meet provisions of Michigan's Inland Lakes and Streams Act, Act 346, P.A. 1972, Soil Erosion and Sedimentation Control Act, Act 347, P.A. 1972, and the Wetlands Protection Act, Act 203, P.A. 1979.
- 11.9.5. General Recommendations:
  - a. Wherever possible, natural materials and unobtrusive colors should be used in construction of new or remodeling of existing buildings.
  - b. Buildings visible from the rivers should be screened with native vegetation wherever possible.
  - c. Planting of perennial native vegetative species in the natural vegetation strip should be considered wherever possible, especially where exposed soil and steep slopes exist.

## ARTICLE 12 - RESOURCE CONSERVATION DISTRICT (P-RC)

(Rev. 11/01/06, Amendment #64)

### SECTION 12.1. PURPOSE

The Resource Conservation District is designed to protect, preserve or manage natural, recreational, historic and scenic resources such as wetlands, prime forestlands, aquifer recharge areas, flood hazard zones, fish spawning areas, wildlife habitats, parks, campgrounds, swimming areas, historic structures, archeological discoveries, scientific and educational facilities, open spaces and similar resources. Development in this district shall be closely regulated to protect against erosion, water supply contamination, flood damage, malfunctioning waste disposal systems, permanent loss of fish and wildlife habitats and destruction of historical structures or archeological remains, while allowing for the management of resources as permitted in this article. Examples of Resource Conservation areas include Dingman Marsh, Black Mountain Recreation Area, and Mackinaw State Forest. Privately owned parcels within the Resource Conservation zone are not part of the Resource Conservation zone, but are in fact Agriculture/Forestry.

### SECTION 12.2. PERMITTED USES

- 12.2.1. Agricultural activities including accessory buildings.
- 12.2.2. Management or enhancement of fish and wildlife habitats.
- 12.2.3. Public campgrounds.
- 12.2.4. Public outdoor recreational activities.
- 12.2.5. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards, accessory buildings, and related activities.
- 12.2.6. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)
- 12.2.7. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

### SECTION 12.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 12.3.1. Mineral/gravel extraction.
- 12.3.2. Structures serving educational or scientific purposes.
- 12.3.3. *Reserved for future use.* (Rev. 10/13/16, Amendment #135)
- 12.3.4. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)
- 12.3.5. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)

### SECTION 12.4. PROHIBITED USES AND ACTIVITIES

- 12.4.1. Any development on slopes of 20% or more.
- 12.4.2. Sanitary landfills and other filling, dredging, and draining operations.
- 12.4.3. Manufacturing, use or disposal of flammable substances, pesticides, or toxic materials.
- 12.4.4. Any development that limits the forest production capabilities of designated prime forest parcels.
- 12.4.5. Closure of any seasonal roads, except by the Cheboygan County Road Commission.

## ARTICLE 12 - RESOURCE CONSERVATION DISTRICT (P-RC)

### **SECTION 12.5. SUPPLEMENTAL REQUIREMENTS FOR P-RC RESOURCE CONSERVATION ZONING DISTRICT**

(Rev. 11/28/15, Amendment #131)

- 12.5.1. A 40 ft setback shall be required for structures from the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any stream pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Walkways and pathways, if not wider than eight (8) feet, are not restricted by this paragraph.

## ARTICLE 13 –VILLAGE CENTER (D-VC)

(Rev. 08/05/06, Amendment #58)

### SECTION 13.1. PURPOSE

This District is intended to provide for a concentration of residential, social, local commercial and public uses in a small community setting, while lessening the effects of sprawl. Reuse of existing structures shall be encouraged, with development review procedures implemented to provide for multi-family structures, pedestrian amenities, and small-scale commercial uses as well as recreational, shopping, and employment opportunities. Examples for this district include the unincorporated community centers of Topinabee, Afton, Indian River, Tower, and Alverno.

### 13.2.

#### PERMITTED USES

- |   |   |
|---|---|
| 13.2.1 Any use permitted in the D-RS District.                                      | 13.2.10 Parking lots and garages.   |
| 13.2.2 Bar and Restaurant. (Rev. 01/16/18, Amendment #144)                          | 13.2.11 Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150).        |
| 13.2.3 Bed and Breakfasts.  | 13.2.12 Retail sales establishments, General.   |
| 13.2.4 Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140) | 13.2.13 Retail sales establishments, Household.   |
| 13.2.5 Chambers of Commerce.  | 13.2.14 Retail sales establishments, Specialty.   |
| 13.2.6 Day care centers.  | 13.2.15 Theaters, excluding drive-in theaters. (Rev. 09/28/11, Amendment #92)                               |
| 13.2.7 Farm product stands.   | 13.2.16 Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |
| 13.2.8 Grocery and party stores.  |   |
| 13.2.9 Offices  |   |

### SECTION 13.3.

#### USES REQUIRING SPECIAL LAND USE PERMITS

- |   |   |
|---|---|
| 13.3.1 Car wash (Rev. 11/27/18, Amendment #149)   | 13.3.10 Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75) |
| 13.3.2 Bus terminals.   |   |
| 13.3.3 Dry cleaning and laundry establishments.   |   |
| 13.3.4 Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140) |   |
| 13.3.5 Motor vehicle service station. (Rev. 11/27/18, Amendment #149)                   |   |
| 13.3.6 Hotels and motels.   |   |
| 13.3.7 Multiple-family housing.   |   |
| 13.3.8 Outdoor recreation activities.   |   |
| 13.3.9 Veterinary hospitals.  |   |
|   | 13.3.11 Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)  |

## ARTICLE 13 –VILLAGE CENTER (D-VC)

### SECTION 13.4. SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER DISTRICT

Unless otherwise noted, buildings and uses shall comply with the following requirements:

- 13.4.1. Any outside storage shall be clearly an accessory use to the principal permitted use.
- 13.4.2. Vehicles parked on a site shall not be used principally for storage or advertising.
- 13.4.3. No use shall have a building footprint of more than 20,000 square feet.
- 13.4.4. The Planning Commission may waive off-street parking requirements of [Article 17](#) if an applicant can show that sufficient parking would exist through shared and/or on-street parking.
- 13.4.5. On property where existing structures on both sides are within one hundred (100) feet of a new building wall and said structures do not meet front yard setback standards, the required front setback need not be greater than the average front setback on the adjoining developed lots.
- 13.4.6. Any property which is within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any river, stream, pond or lake which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County shall be subject to the following special conditions. These conditions are deemed the minimum necessary to protect surface and ground water resources, flood plains and wetlands from adverse construction and alteration which would be detrimental to water quality and ecology.
- 13.4.7. There shall be no fill or permanent construction on any flood way or wetland appurtenant to property in this district. Fill can be approved only if accomplished in such a way as to not reduce or diminish the water holding capacity of the flood way or wetland and that such is documented by a Registered Professional Engineer.
- 13.4.8. All dredging, filling, grading and other earth changes shall comply with the provisions of Michigan's Inland Lakes and Streams Act (P.A. 346 of 1972), the Soil Erosion and Sedimentation Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979).
- 13.4.9. Landfills, open pits and industries producing, storing or handling toxic or hazardous wastes shall not be permitted within one half (1/2) mile of the ordinary high water mark of any river, stream, pond or lake in this district.
- 13.4.10. Buildings, permanent structures, parking lots and other impervious surfaces, except boat docks, boat slips, boat well, ramps, marinas, seawall or other water dependent uses, shall observe both a minimum setback of forty (40) feet from the ordinary high water mark and a minimum setback of twenty-five (25) feet from any boat well as measured in any direction from the boat well. Except for potential interference in flood ways or wetlands, setbacks for this paragraph shall not apply to drains or intermittent streams. An intermittent stream is a water course with a definite bank and streambed which periodically conveys water. (Rev. 09/21/14, Amendment #122)
- 13.4.11. On property where existing structures on both sides are within two hundred (200) feet of a new building wall and said structures do not meet waterfront setback standards, the required setback need not be greater than the average setback on the adjoining developed lots.
- 13.4.12. For any use which in the opinion of the Zoning Administrator would constitute a danger or nuisance because of the nature of the operation (fire, explosion, radiation, noise, air pollution, emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed use meets at least the minimum safety-health requirement prescribed by the state and/or federal standards pertaining to the specific use.

## ARTICLE 13A – VILLAGE CENTER INDIAN RIVER DISTRICT (VC-IR)

(Rev. 09/28/11, Amendment #92)

### SECTION 13A.1 PURPOSE

This District is intended to provide for a concentration of residential, social, local commercial and public uses in a small community setting, while lessening the effects of sprawl. Reuse of existing structures shall be encouraged, with development review procedures implemented to provide for multi-family structures, pedestrian amenities, and small-scale commercial uses as well as recreational, shopping, and employment opportunities.

### SECTION 13A.2. PERMITTED USES

- |   |   |
|---|---|
| 13A.2.1. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140) | 13A.2.13. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)         |
| 13A.2.2. Artisan workshop which may include an artisan residence                      | 13A.2.14. Retail sales establishments, General  |
| 13A.2.3. Bakeries   | 13A.2.15. Retail sales establishments, Household  |
| 13A.2.4. Bar, Restaurant and Restaurant, carry out. (Rev. 01/16/18, Amendment #144)   | 13A.2.16. Retail sales establishments, Specialty  |
| 13A.2.5. Bed and Breakfasts.  | 13A.2.17. Single-family, two-family dwellings   |
| 13A.2.6. Day care centers.  | 13A.2.18. Personal service center (Rev. 01/16/18, Amendment #143)   |
| 13A.2.7. Farm product stands, farmers markets   | 13A.2.19. Pet grooming (Rev. 01/16/18, Amendment #143)  |
| 13A.2.8. Grocery and party stores.  | 13A.2.20. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |
| 13A.2.9. Home occupations subject to Section 17.21.                                   |   |
| 13A.2.10. Hotels and motels   |   |
| 13A.2.11. Multiple-family housing   |   |
| 13A.2.12. Offices   |   |

### SECTION 13A.3.

#### USES REQUIRING SPECIAL LAND USE PERMITS

- |   |   |
|---|---|
| 13A.3.1. Assisted Living Center or Adult Daycare Center (Rev. 09/01/17, Amendment #141)   | 13A.3.5. Motor vehicle sales and/or repair facility (Rev. 11/27/18, Amendment #149)                           |
| 13A.3.2. Car wash (Rev. 11/27/18, Amendment #149)   | 13A.3.6. Outdoor recreation activities  |
| 13A.3.3. Dry cleaning and laundry establishments  | 13A.3.7. Veterinary hospitals   |
| 13A.3.4. Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140) | 13A.3.8. Visitor Center   |
|   | 13A.3.9. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |

### SECTION 13A.4.

#### SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER INDIAN RIVER

- 13A.4.1. The Planning Commission may waive all or a portion of the off-street parking requirements normally assigned to uses according to Article 17.6 if the Planning Commission finds that sufficient parking would exist through shared and/or on-street parking.
- 13A.4.2. Any outside storage shall be clearly an accessory use to the principal permitted use.
- 13A.4.3. Vehicles parked on a site shall not be used principally for storage or advertising.
- 13A.4.4. No use shall have a building footprint of more than 20,000 square feet.

## ARTICLE 13A – VILLAGE CENTER INDIAN RIVER DISTRICT (VC-IR)

- 13A.4.5. Outdoor seating for any use shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating. (Rev. 01/16/18, Amendment #144)
- 13A.4.6. The area for the outdoor display of merchandise in connection with a non-residential use shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.
- 13A.4.7. The following requirements apply to lots which abut a body of water:
- a. No development shall be allowed within a flood plain or wetland regulated by the State of Michigan, including dredging, filling, grading and other earth changes and including the construction or placement of any structure, unless the property owner obtains all required permits showing compliance with the provisions of Part 301, Inland Lakes and Streams; Part 91, Soil Erosion and Sedimentation; and Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended.
  - b. Buildings, permanent structures, parking lots and other impervious surfaces, except walkways no wider than 8 feet, boat docks, boat slips, ramps, or other water dependent uses shall observe a minimum setback of twenty (20) feet from the ordinary high water mark.

## ARTICLE 13B – VILLAGE CENTER INDIAN RIVER OVERLAY DISTRICT (VC-IR-O)

(Rev. 09/28/11, Amendment #93)

### SECTION 13B.1 PURPOSE

This is an overlay district in the Village Center Indian River zoning district and is intended to promote a densely developed pedestrian-oriented retail shopping atmosphere for the resident and visitor. Office uses and retail service establishments are intended to be of secondary importance compared to pedestrian-oriented retail and restaurant uses.

### SECTION 13B.2. PERMITTED USES

- |  |   |
|--|---|
| 13B.2.1. Bakeries  | 13B.2.8. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)          |
| 13B.2.2. Bar, Restaurant and Restaurant, carry out. (Rev. 01/16/18, Amendment #144)  | 13B.2.9. Retail sales establishments, General   |
| 13B.2.3. Bed and Breakfasts.   | 13B.2.10. Retail sales establishments, Household  |
| 13B.2.4. Farmers markets which meet the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices for Farm Markets | 13B.2.11. Retail sales establishments, Specialty  |
| 13B.2.5. Home occupations subject to Section 17.21.  | 13B.2.12. Single-family, two-family dwellings according to Section 13A.4.3                                    |
| 13B.2.6. Multiple-family housing   | 13B.2.13. Personal service center (Rev. 01/16/18, Amendment #143)   |
| 13B.2.7. Offices   | 13B.2.14. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |

### SECTION 13B.3.

#### USES REQUIRING SPECIAL LAND USE PERMITS

- |   |   |
|---|---|
| 13B.3.1. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140) | 13B.3.4. Grocery and party stores.  |
| 13B.3.2. Artisan workshop which may include an artisan residence                      | 13B.3.5. Visitor Center   |
| 13B.3.3. Farm product stands, farmers markets   | 13B.3.6. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |

### SECTION 13B.4.

#### SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER INDIAN RIVER OVERLAY

Except as modified below, all development within the overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

- 13B.4.1. There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-IR-O zoning district except residential uses, which shall comply with the following:
- One (1) off-street parking space shall be required for each dwelling unit.
  - The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.
  - The required parking space(s) shall be maintained as long as each dwelling is occupied.
- 13B.4.2. The following requirements apply to lots which abut a body of water:

## ARTICLE 13B – VILLAGE CENTER INDIAN RIVER OVERLAY DISTRICT (VC-IR-O)

- a. No development shall be allowed within a flood plain or wetland regulated by the State of Michigan, including dredging, filling, grading and other earth changes and including the construction or placement of any structure, unless the property owner obtains all required permits showing compliance with the provisions of Part 301, Inland Lakes and Streams; Part 91, Soil Erosion and Sedimentation; and Part 303, Wetlands Protection of the Natural Resources and Environmental Protection Act (NREPA), Public Act 451 of 1994, as amended.
- b. Buildings, permanent structures, parking lots and other impervious surfaces, except walkways no wider than 8 feet, boat docks, boat slips, ramps, or other water dependent uses shall observe a minimum setback of twenty (20) feet from the ordinary high water mark.

### 13B.4.3. For residential uses, the following requirements shall apply:

- a. No single-family, two-family, or multi-family residential uses shall be permitted unless within a lot of record which also includes at least one (1) commercial use.
- b. All single-family, two-family, and multi-family dwellings and uses accessory to the residential use(s) shall not be located in a building within thirty (30) feet of any public right-of-way, unless such dwelling and its accessory uses are located above the ground floor of that building. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to a dwelling and its accessory uses may be located in a building within thirty (30) feet of any public right-of-way.

## ARTICLE 13C – VILLAGE CENTER TOPINABEE DISTRICT (VC-T)

(Rev. 01/13/12, Amendment #105)

### SECTION 13C.1 PURPOSE

This District is intended to provide for a concentration of residential, social, local commercial and public uses in a small community setting, while lessening the effects of sprawl. Reuse of existing structures shall be encouraged, with development review procedures implemented to provide for multi-family structures, pedestrian amenities, and small-scale commercial uses as well as recreational, shopping, and employment opportunities.

### SECTION 13C.2. PERMITTED USES

- |   |  |
|---|--|
| 13C.2.1. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140) | 13C.2.11. Offices  |
| 13C.2.2. Artisan workshop which may include an artisan residence                      | 13C.2.12. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)          |
| 13C.2.3. Bakeries   | 13C.2.13. Retail sales establishments, General   |
| 13C.2.4. Bar, Restaurant and Restaurant carry out. (Rev. 01/16/18, Amendment #144)    | 13C.2.14. Retail sales establishments, Household   |
| 13C.2.5. Detached single family dwellings   | 13C.2.15. Retail sales establishments, Specialty   |
| 13C.2.6. Farm product stands, farmers markets   | 13C.2.16. Two family dwellings according to Section 13A.4.3  |
| 13C.2.7. Grocery and party stores   | 13C.2.17. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150). |
| 13C.2.8. Home occupations subject to Section 17.21                                    |  |
| 13C.2.9. Hotels and Motels  |  |
| 13C.2.10. Multi-family housing  |  |

### SECTION 13C.3.

#### USES REQUIRING SPECIAL LAND USE PERMITS

- |   |   |
|---|---|
| 13C.3.1. Assisted Living Center or Adult Daycare Center (Rev. 09/01/17, Amendment #141)   | 13C.3.7. Motor vehicle sales and/or repair facility (Rev. 11/27/18, Amendment #149)                           |
| 13C.3.2. Car wash (Rev. 11/27/18, Amendment #149)   | 13C.3.8. Outdoor recreation activities  |
| 13C.3.3. Bed and Breakfasts   | 13C.3.9. Veterinary hospitals   |
| 13C.3.4. Day Care Centers   | 13C3.10. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |
| 13C.3.5. Dry cleaning and laundry establishments  |   |
| 13C.3.6. Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140) |   |

### SECTION 13C.4.

#### SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER TOPINABEE

- 13C.4.1. The Planning Commission may waive all or a portion of the off-street parking requirements normally assigned to uses according to Section 17.6 if the Planning Commission finds that sufficient parking would exist through shared and/or on street parking.
- 13C.4.2. Any outside storage shall be clearly an accessory use to the principal permitted use.
- 13C.4.3. Vehicles parked on a site shall not be used principally for storage or advertising.
- 13C.4.4. No use shall have a building footprint of more than 20,000 square feet.
- 13C.4.5. For all uses in this district, including food service, any outdoor seating shall meet the following requirements:

## ARTICLE 13C – VILLAGE CENTER TOPINABEE DISTRICT (VC-T)

- a. The outdoor seating shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating.
  - b. Any outdoor seating shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.
  - c. Any outdoor seating shall be located so that the seating itself or the access to and from that seating does not impede the safe and efficient movement of pedestrians along a public sidewalk or public right-of-way and does not impede the safe ingress and egress for pedestrians to any building.
- 13C.4.6. The area for the outdoor display of merchandise in connection with a non-residential use shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit.
- 13C.4.7. For residential uses, the following requirements shall apply:
- a. All detached single family and two family residential uses and uses accessory to the residential use shall require a thirty (30) foot front setback and an eight (8) foot side setback unless such dwelling and its accessory uses are located above the ground floor of a building containing a commercial use. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to the dwelling and its accessory uses may be located in a building within thirty (30) feet of any public right-of-way
  - b. Unenclosed attached porches no greater than ten (10) feet in depth may extend into the required front setback but not nearer to the front lot line than twenty (20) feet.

## ARTICLE 13D – VILLAGE CENTER TOPINABEE OVERLAY DISTRICT (VC-T-O)

(Rev. 01/13/12, Amendment #105)

### SECTION 13D.1 PURPOSE

This is an overlay district in the Village Center Topinabee zoning district and is intended to promote a densely developed, pedestrian-oriented retail shopping atmosphere for the resident and visitor. Office uses and retail service establishments are intended to be of secondary importance compared to pedestrian-oriented retail and restaurant uses.

### SECTION 13D.2. PERMITTED USES

- |   |  |
|---|--|
| 13D.2.1. Bar, Restaurant and Restaurant carry out. (Rev. 01/16/18, Amendment #144)  | 13D.2.6. Retail sales establishments, General  |
| 13D.2.2. Farmers markets which meet the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices for Farm Markets. | 13D.2.7. Retail sales establishments, Household  |
| 13D.2.3. Home occupations according to Section 17.21.   | 13D.2.8. Retail sales establishments, Specialty  |
| 13D.2.4. Real Estate Offices (see Section 13D.4.2.b.)   | 13D.2.9. Single family dwellings according to Section 13D.4.1  |
| 13D.2.5. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150).   | 13D.2.16 Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |

### SECTION 13D.3.

#### USES REQUIRING SPECIAL LAND USE PERMITS

- |   |   |
|---|---|
| 13D.3.1. Arcades, bowling alleys or billiard parlors. (Rev. 09/01/17, Amendment #140) | 13D.3.6. Offices, according to Section 13D.4.2.   |
| 13D.3.2. Artisan workshop which may include an artisan residence                      | 13D.3.7. Two Family and Multi-Family Housing, according to Section 13D.4.1.a.                                 |
| 13D.3.3. Bed and Breakfasts   | 13D.3.8. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) |
| 13D.3.4. Grocery and party stores.  |   |
| 13D.3.5. Municipal uses   |   |

### SECTION 13D.4.

#### SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER TOPINABEE OVERLAY

Except as modified below, all development within the Village Center Topinabee Overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

- 13D.4.1. There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-T-O zoning district except residential uses, which must comply with the following:
- Two (2) off-street parking spaces shall be required for each dwelling unit.
  - The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.
  - The required parking spaces shall be maintained as long as each dwelling unit is occupied.
- 13D.4.2. For Office uses the following requirements shall apply;
- Except as provided in subsection b, Office uses and uses accessory to the office use shall not be located in a building within thirty (30) feet of any public right-of-way, unless such office or retail service establishment use and its accessory use(s) are located above the ground floor of that building. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to an office or retail service establishment use and accessory use(s) may be located in a building within thirty feet of any public right-of-way.

## ARTICLE 13D – VILLAGE CENTER TOPINABEE OVERLAY DISTRICT (VC-T-O)

b. Real estate offices may be located in a building within thirty feet of any public right-of-way.

13D.4.3. For residential uses, the following requirements shall apply:

- a. No single family uses shall be permitted except on a lot of record which also includes at least one commercial use.
- b. All single family, two family, and multi-family residential uses and uses accessory to the residential use shall not be located in a building within thirty (30) feet of any public right-of-way, unless such dwelling and its accessory uses are located above the ground floor of that building. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to the dwelling and its accessory uses may be located in a building within thirty (30) feet of any public right-of-way.

## ARTICLE 13E – VILLAGE CENTER TOPINABEE RESIDENTIAL OVERLAY DISTRICT (VC-T-RO)

(Rev. 01/13/12, Amendment #105)

### SECTION 13E.1 PURPOSE

This is an overlay district in the Village Center Topinabee zoning district and is intended to promote consistency in area, height, bulk and density for those parcels of land which are located above the bluff that borders a residential zoning district. This overlay district is also intended to encourage an environment of predominantly medium density single family dwellings together with other residentially related facilities and activities primarily of service to residents of the area.

### SECTION 13E.2. PERMITTED USES

- |  |  |
|--|--|
| 13E.2.1. Single family and two family dwellings.   | 13E.2.7. Office or studio of a physician, dentist or other professional person residing on the premises. |
| 13E.2.2. Gardening. (Rev. 10/13/16, Amendment #135)  | 13E.2.8. Essential public utility services, excluding buildings and regulator stations.                  |
| 13E.2.3. Existing farms and agricultural uses.   | 13E.2.9. <i>Reserved for future use.</i> (Rev. 10/13/16, Amendment #135)                                 |
| 13E.2.4. Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)         | 13E.2.10. State licensed residential facilities (6 or less persons)                                      |
| 13E.2.5. Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150) | 13E.2.11. Private storage buildings, subject to the requirements of Section 17.23                        |
| 13E.2.6. Home occupations subject to the limitations as defined.   |  |

### SECTION 13E.3.

#### USES REQUIRING SPECIAL LAND USE PERMITS

- |   |   |
|---|---|
| 13E.3.1. Nurseries and day care centers for children.                         | 13E.3.7. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards). |
| 13E.3.2. Assisted Living Center (Rev. 09/01/17, Amendment #141)               | 13E.3.8. Private non-commercial recreation camps.   |
| 13E.3.3. Multi-family housing.  | 13E.3.9. Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150).  |
| 13E.3.4. Patio homes, townhouses, apartment buildings, condominiums.          | 13E.3.10. Marinas.  |
| 13E.3.5. Parks, playgrounds, golf courses, and other recreational facilities. |   |
| 13E.3.6. Cemeteries.  |   |

### SECTION 13E.4.

#### REQUIREMENTS FOR VILLAGE CENTER TOPINABEE RESIDENTIAL OVERLAY

All development within the Village Center Topinabee Residential Overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

## ARTICLE 14 - RURAL CHARACTER / COUNTRY LIVING (D-RC)

(Rev. 08/05/06, Amendment #59)

### SECTION 14.1. PURPOSE

Rural Character / Country Living is intended to provide open space land areas for both agricultural and country living uses of a rural character that would act as a buffer between residential and agricultural/forestry areas. The number of homes per unit of area, referred to as residential density, in this district would be the second lowest (lowest being the Agriculture/Forestry classification) among all the land use classifications. Consideration of the size of the parcels should be dependent on the resource value of the land to be developed as well as the prolonged safety and sustainability of on-site water supply and sewage disposal systems. Site condominium and platted subdivision developments may be well suited for certain areas where larger, contiguous areas of open space and natural resources can be maintained (blending development with the existing landscape). These development designs should be representative of a traditional country living environment. Opportunities to protect agricultural and natural resources are encouraged using residential density bonuses offering an incentive to guide development away from valued resource areas and building constraints including wetland buffer areas, non-perking soils, existing farmland, larger forest stands, and retention of natural features wherever possible. While commercial agriculture and forestry may be suitable in this area, these activities are not intended to be the predominant uses.

### SECTION 14.2. PERMITTED USES

- |   |   |
|---|---|
| 14.2.1 Single Family Dwellings and Two Family Dwellings. (Rev. 03/28/12, Amendment #108)  | 14.2.7 Private greenhouses and <a href="#">nurseries</a> .  |
| 14.2.2 Essential public utility services and buildings.   | 14.2.8 Sheltering, stabling, or raising of livestock (see <a href="#">section 14.4</a> ).                       |
| 14.2.3 Existing farms and agricultural uses.  | 14.2.9 State licensed residential facility (6 or less persons).   |
| 14.2.4 Existing forest production and forest harvesting operations, log storage yards and related activities. (Rev. 10/13/16, Amendment #135)   | 14.2.10 Portable sawmill subject to provisions of Section 14.4.2. (Rev. 10/13/16, Amendment #135)               |
| 14.2.5 <a href="#">Home occupations</a> .   | 14.2.11 Tree farms  |
| 14.2.6 Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business. | 14.2.12 Private storage buildings, subject to the requirements of Section 17.23 (Rev. 10/27/11, Amendment #101) |
|   | 14.2.13 Level 1 SES-PV Systems in accordance with Section 17.30.6.A (Rev. 03/01/19, Amendment #150)             |
|   | 14.2.14 Type I, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)     |

## ARTICLE 14 - RURAL CHARACTER / COUNTRY LIVING (D-RC)

### SECTION 14.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 14.3.1 Motor vehicle sales and/or repair facility (Rev. 11/27/18, Amendment #149)
- 14.3.2 [Bed & Breakfasts](#).
- 14.3.3 Cemeteries.
- 14.3.4 Commercial greenhouses and [nurseries](#).
- 14.3.5 Public parks and recreational areas and playgrounds. (Rev. 09/01/17, Amendment #140)
- 14.3.6 [Day care centers](#).
- 14.3.7 Assembly, educational or social event facilities (Rev. 09/01/17, Amendment #140)
- 14.3.8 Gas stations.
- 14.3.9 Golf courses, country clubs and sportsmen's associations or clubs.
- 14.3.10 Retail sales establishment, small-scale convenience (Rev. 11/27/18, Amendment #149)
- 14.3.11 [Multiple family housing](#).
- 14.3.12 Non-essential public utility and service buildings.
- 14.3.13 Adult Daycare Center, Assisted Living Center or Health Care Living Center. (Rev. 09/01/17, Amendment #141)
- 14.3.14 Type II, Level 2 SES-PV Systems in accordance with Section 17.30.6.B (Rev. 03/01/19, Amendment #150)
- 14.3.15 Public greenhouses and [nurseries](#).
- 14.3.16 Offices (Rev. 09/28/11, Amendment #92)
- 14.3.17 Veterinary hospitals.
- 14.3.18 Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)
- 14.3.19 Planned Projects subject to provisions of Section 17.28 (Rev. 10/13/16, Amendment #136)

### SECTION 14.4. SUPPLEMENTAL REQUIREMENTS FOR RURAL CHARACTER / COUNTRY LIVING DISTRICT

(Rev. 10/27/11, Amendment #101)

14.4.1. The keeping of large domesticated animals and the keeping of small domesticated animals is hereby authorized as an accessory use to a one family dwelling in the Rural Character/Country Living District when all of the following applicable regulations are met.

14.4.1.1 Large Domesticated Animals (Rev. 06/23/13, Amendment #118)

Animal Type	Number of Animals	Minimum fenced land area required subject to section 14.4.1.3.
Equine, bovine or deer	Two or less	One acre
	Three or more	An additional one half acre for each additional equine, bovine or deer over two.
All large domesticated animals except equine, bovine and deer.	Three or less	One acre
	Four or more	An additional one half acre for every two animals over three.

## ARTICLE 14 - RURAL CHARACTER / COUNTRY LIVING (D-RC)

### 14.4.1.2. Small Domesticated Animals (Rev. 06/23/13, Amendment #118)

Number of Animals	Minimum fenced land area required subject to section 14.4.1.3.
Nineteen or less	One acre
Twenty or more	An additional one half acre for every five animals over twenty.

14.4.1.3. All large domesticated animals and small domesticated animals shall be maintained within a fenced area and/or a structure. The fenced area and any structure used for the keeping of large domesticated animals and small domesticated animals shall be located a minimum of twenty five (25) feet from any property line and seventy five (75) feet from any pre-existing dwelling unit on a neighboring parcel. These distance limitations shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point of the fenced area or structure used for the keeping large domesticated animals and small domesticated animals, to the nearest point of the property line or dwelling unit.

14.4.2. A 40 ft setback shall be required for structures from the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any stream, pond or lake which can be identified on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County. Ground decking and patios without railings and which are less than thirty (30) inches above the natural grade at the deck building line may extend into the setback area but not nearer to the shoreline than twenty five (25) feet. Walkways and pathways, if not wider than eight (8) feet, are not restricted by this paragraph. (Rev. 11/28/15, Amendment #131)

### 14.4.3 (Rev. 10/13/16, Amendment #135)

The use of Portable sawmills is hereby authorized as a permitted use in the Rural Character/Country Living zoning district when all of the following requirements and standards are met::

- a. This Section shall not apply to, nor shall it prohibit, a portable sawmill used for the purpose of sawing logs into lumber from one's own trees on one's own property.
- b. The location and operation of a portable sawmill shall take place within an enclosed structure which is in compliance with all applicable provisions of the zoning ordinance or shall be located and operated at least one hundred (100) feet from any lot line.
- c. All storage, loading, unloading and other activities related to a portable sawmill shall be set back a minimum of fifty (50) feet from any lot line. The storage of logs, lumber and other materials shall be sufficiently contained and placed so as to prevent any adverse effect upon adjacent property owners.
- d. All activities related to a portable sawmill shall be limited to one hundred and twenty (120) days on a lot.

## ARTICLE 15- WIND GENERATION

(Rev. 04/12/07, Amendment #68)

### SECTION 15.1. PURPOSE

The purpose of this Article is to establish general guidelines for the location of [Wind Generation \(WG\)](#), commonly known as wind turbines or windmills, and [anemometer towers](#). The county recognizes that it is in the public interest to permit the location of wind turbine generators within the county. The county also recognizes the need to protect the scenic beauty of Cheboygan County from unnecessary and unreasonable visual interference. As such, this ordinance seeks to:

- 15.1.1 Protect residential areas from any potential adverse impacts of WG and anemometer towers;
- 15.1.2 Encourage the location of WG and anemometer towers in nonresidential areas;
- 15.1.3 Consider the public health and safety of WG and anemometer towers; and
- 15.1.4 Avoid potential damage to adjacent property from the failure of WG and anemometer towers.

### SECTION 15.2. APPLICATION REQUIREMENTS

In addition to the application requirements of [Article 18](#) and [Article 20](#) of this ordinance, an application for a special use permit for WG or an anemometer tower shall include all of the following information, unless expressly indicated otherwise:

- 15.2.1 A site plan meeting all of the requirements of [Article 20](#) of this Ordinance.
- 15.2.2 A detailed analysis by a qualified registered engineer describing the specific WG structure(s) or anemometer tower proposed and all phases for implementing the development, if any. Provided, however, this application requirement shall not apply to [private wind generation](#).
- 15.2.3 A study prepared by a qualified registered engineer documenting that the site of the WG has sufficient wind resources for the proposed WG equipment. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.
- 15.2.4 A resume or other written summary of the education, experience, and other qualifications of all experts providing information concerning the WG or anemometer tower project. Provided, however, this application requirement shall not apply to private wind generation.
- 15.2.5 An avian study based on U.S. Fish and Wildlife Service, "Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines", Federal Register: July 10, 2003 (Volume 68, Number 132). Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.
- 15.2.6 An inventory of endangered and/or threatened species impacted by the proposed WG or anemometer tower in the vicinity of the proposed site conducted by qualified biologist. Vicinity shall be based on the species. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.
- 15.2.7 A detailed written statement, with supporting evidence, demonstrating how the proposed WG or anemometer tower will comply with all of the standards for approval specified in this section.
- 15.2.8 Written documentation establishing whether the proposed WG location on the site will create shadow flicker on any existing structures located off the property on which the WG will be constructed, and if so, the extent and duration of the shadow flicker on these existing structures and the steps to be taken to minimize the shadow flicker on these existing structures. Provided, however, this application requirement shall not apply to an anemometer tower.
- 15.2.9 Written documentation that the applicant has notified the FAA and any other applicable state and federal regulatory agencies of the proposed WG or anemometer tower.

## ARTICLE 15- WIND GENERATION

- 15.2.10 Written documentation that the applicant has notified the operators of any microwave or communication link towers or similar facilities of a proposed WG when the proposed location of the WG is within the line of sight between two or more microwave or communication link towers or similar facilities. Provided, however, this application requirement shall not apply to an anemometer tower.
- 15.2.11 Elevation drawings, computer generated photographic simulations or other images, or other visual aids that depict how the WG tower and all accessory structures or anemometer tower will appear as constructed on the proposed site from vantage points north, south, east, and west of the WG tower or anemometer tower. Provided, however, this application requirement shall not apply to private wind generation and an anemometer tower.
- 15.2.12 Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for WG or anemometer tower approval specified in this section and the impact of the proposed WG or anemometer tower on adjacent properties, public infrastructure, and the county as a whole. This information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, and/or information from officials representing federal, state, or county departments or regulatory agencies.

### SECTION 15.3. APPLICATION REVIEW BY ZONING ADMINISTRATOR

- 15.3.1 The zoning administrator shall review the application and information submitted under Section 15.2 of this Ordinance to determine if all required information was supplied. If the zoning administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the WG or anemometer tower shall not proceed until all required information has been supplied.
- 15.3.2 Once all required information is submitted, the zoning administrator shall forward the application to the Planning Commission for its review under the procedures of this section.

### SECTION 15.4. PUBLIC HEARING REQUIREMENTS

Following receipt of a complete application for a WG or an anemometer tower, the Planning Commission shall hold at least one (1) public hearing. Notice of the public hearing shall be given as required by Section 18.5 of this Ordinance.

### SECTION 15.5. STANDARDS FOR WG AND ANEMOMETER TOWER APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for WG or an anemometer tower only upon a finding that the proposed WG or anemometer tower complies with all of the following applicable standards:

- 15.5.1 The proposed site shall have documented annual wind resources sufficient for the operation of the proposed WG. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.
- 15.5.2 The minimum site area for WG or an anemometer tower shall be as necessary to meet required setbacks and any other standards of this section.
- 15.5.3 A WG shall produce sound levels that are no more than fifty (50) decibels as measured on the dBA scale at the property lines of the site in question. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.4 The WG shall not produce vibrations beyond the property lines of the site in question of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on any reasonable person of normal sensitiveness. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.5 The potential blade and ice throw for the proposed WG shall not cross the property lines of the site in question. Provided, however, this standard shall not apply to an anemometer tower.

## ARTICLE 15- WIND GENERATION

- 15.5.6 A WG shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to 1,500 feet. The setback shall be measured from the outermost point on the base of the WG. The Planning Commission shall reduce this setback to the shortest distance, not less than 500 feet for a Public WG and not less than 180 feet for a Private WG, where the proposed WG meets standards 15.5.3, 15.5.4, and 15.5.5 above. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.7 An anemometer tower shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to the height of the anemometer tower. The setback shall be measured from the outermost point on the base of the anemometer tower. Provided, however, this standard shall not apply to any WG.
- 15.5.8 The maximum [wind generation tower height](#) shall be 300 feet for a Public WG and 80 feet for a Private WG. The maximum height of an anemometer tower shall be 400 feet. The Planning Commission shall approve an increased height for a Public WG, not to exceed 400 feet, and an increased height for a Private WG, not to exceed 110 feet, if all of the following conditions are met. The increased height, however, shall be the smallest increase necessary to meet both of the following conditions:
- 15.5.8.1 The increased height is necessary for the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
- 15.5.8.2 The increased height is necessary to achieve a reasonable rate of return on the operation of the WG given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.
- Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.9 For both horizontal and vertical axis WG turbines, the rotor shall be located on the tower such that the minimum blade clearance above the ground level is 25 feet for Private WG and 50 feet for Public WG. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.10 All WG turbines shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific WG. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.11 The on-site electrical transmission lines connecting the WG to a public utility electricity distribution system shall be located underground. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.
- 15.5.12 The WG or anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate WG or other tall structures in effect at the time the WG or anemometer tower approval is granted.
- 15.5.13 The WG or anemometer tower shall, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WG or anemometer tower is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
- 15.5.14 The WG or anemometer tower shall not be artificially lighted unless required by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA. Unless the FAA requires otherwise, the lighting shall be a nonpulsating or nonblinking red light.

## ARTICLE 15- WIND GENERATION

- 15.5.15 The WG or anemometer tower shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only. Provided, however, this standard shall not apply to private wind generation.
- 15.5.16 The WG or anemometer tower shall be constructed and operated so that it does not interfere with television, radio, or microwave reception in neighboring areas. If degradation of television, radio, or microwave reception occurs as the result of the WG or anemometer tower, the developer shall pay to correct the television, radio, or microwave reception.
- 15.5.17 A Public WG shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires. A Private WG or anemometer tower may be a lattice-style tower and may utilize guy wires.
- 15.5.18 The WG or anemometer tower shall have posted on the site in a visible, easily accessible location a sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays. Provided, however, this standard shall not apply to private wind generation.
- 15.5.19 The WG or anemometer tower shall have no advertising painted on or attached to the tower or any other structure of the WG.
- 15.5.20 The WG shall be designed and sited in such a manner to minimize shadow flicker expected to fall on a roadway and on any existing structures located off the property on which the WG is constructed. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.21 The WG or anemometer tower shall be sited on the property in a location that takes into consideration all of the following:
- 15.5.21.1 The WG or anemometer tower will be in an area with economically viable wind resources. Provided, however, this standard shall not apply to private wind generation and an anemometer tower.
  - 15.5.21.2 The WG or anemometer tower will be in an area that reduces the adverse aesthetic impacts from adjacent properties.
  - 15.5.21.3 The WG or anemometer tower will not have a significant adverse impact on existing, off-site WG.
- 15.5.22 The construction and operation of WG shall comply with all applicable requirements of the U.S. Fish and Wildlife Service, the Michigan Department of Natural Resources, and any other agency of the state or federal government with the authority to regulate WG. Provided, however, this standard shall not apply to an anemometer tower.
- 15.5.23 The Applicant provides a legally binding and recorded covenant running with the land on which the WG or anemometer tower will be located placing ultimate responsibility on the property owner, his or her heirs, successors, and assigns, to remove the WG or anemometer tower from the property in the event the owner of the WG or anemometer tower fails to do so as required by this ordinance. Provided, however, this standard shall not apply to private wind generation.

### SECTION 15.6. CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a WG or anemometer tower. These conditions may include those necessary to insure that public services and facilities affected by the WG or anemometer tower will be capable of accommodating increased service and facility loads caused by the WG or anemometer tower, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

## ARTICLE 15- WIND GENERATION

- 15.6.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the WG or anemometer tower under consideration, residents and landowners immediately adjacent to the proposed WG or anemometer tower, and the community as a whole.
- 15.6.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed WG or anemometer tower.
- 15.6.3 Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the WG or anemometer tower under consideration, and be necessary to insure compliance with those standards.

### **SECTION 15.7. ONGOING COMPLIANCE**

The owner of a Public WG shall conduct physical inspections of the Public WG structure(s) and associated equipment annually to ensure continuing compliance with this section and any conditions imposed with the approval of the Public WG. Copies of all inspection reports shall be submitted to the zoning administrator within thirty (30) days of the inspection.

### **SECTION 15.8. PERFORMANCE GUARANTEE**

In connection with the approval of a Public WG or anemometer tower, the Planning Commission shall require the owner of the Public WG to furnish the 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 removal of the Public WG or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition.

### **SECTION 15.9. REMOVAL OF WG AND ANEMOMETER TOWERS**

Public WG and anemometer towers that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the Public WG or anemometer tower within 90 days of receipt of a notice from the county requiring such removal. For purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the anemometer instrument(s) being removed from the anemometer tower or disconnected so that wind resources are no longer being measured, the blades of the Public WG remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the Public WG is no longer connected to the public utility electricity distribution system. Any foundation associated with a Public WG or anemometer tower shall be removed to a minimum depth of three (3) feet below the final grade and site vegetation shall be restored.

## ARTICLE 15A – HIGH WIRE UTILITY CORRIDOR OVERLAY DISTRICT

(Rev. 11/01/06, Amendment #65)

### **SECTION 15A.1 PURPOSE**

The High Wire Utility Corridor Overlay District is designed to provide open access to and promote greater utilization of the deep water Port of Calcite on Lake Huron. The greater utilization of this deep water port will enhance economic development within Cheboygan County and the surrounding region by promoting and encouraging the expansion and development of markets for products produced in Cheboygan County and the surrounding region utilizing overland and water-based transportation systems.

### **SECTION 15A.2 DISTRICT BOUNDARIES**

The High Wire Utility Corridor Overlay District shall apply to all property within the M33 & M68 rights-of-way between the east half of Section 1 and Section 12, as well as to all property within the Countyline Road right-of-way in Sections 12 and 13 of Forest Township, Cheboygan County, Michigan.

### **SECTION 15A.3 PERMITTED USES**

All uses by right and by special use permit allowed in the underlying zoning district shall be permitted in the High Wire Utility Corridor Overlay District.

### **SECTION 15A.4 REGULATIONS**

- 15A.4.1 All uses by right and by special use permit within the High Wire Utility Corridor Overlay District shall comply with all dimensional regulations of the underlying zoning district.
- 15A.4.2 All electric, cable television, cable internet, telephone, and other public or private utility lines crossing the M33 & M68 rights-of-way between the east half of Section 1 and Section 12, as well as to all property within the Countyline Road right-of-way in Sections 12 and 13 of Forest Township, Cheboygan County, Michigan, shall be either buried beneath the right-of-way or located no less than twenty-eight feet above the right-of-way.

## ARTICLE 16 – OPEN SPACE SUBDIVISIONS

(Rev. 12/18/02, Amendment #21)

### SECTION 16.1. PURPOSE

The purpose of this section is to regulate and control the division of land within the County of Cheboygan, as well as the development of condominium subdivisions, in order to promote safety, public health, and general welfare in accordance with Public Act 183 of 1943, County Zoning Act, (MCL 125.201 *et. seq.*) as amended 12/01. This section also conforms to the Cheboygan County Master Plan as follows:

- a. To maintain a friendly and safe small-town or rural atmosphere.
- b. To match development densities to available services, and to the environmental characteristics of the site.
- c. To expand open space and recreational opportunities for residents.
- d. To recommend future land use patterns that respect the environmental integrity and limitations of the land.
- e. To develop zoning and land use regulations that protect environmental values, especially air and water quality.
- f. To carefully evaluate waterfront developments for environmental impacts.
- g. To preserve historic sites where practicable.
- h. To preserve wildlife and waterfowl habitat.
- i. To maintain adequate farm and forest lands to meet the economic, social, and environmental needs of Cheboygan County.
- j. To direct development to areas where appropriate public services exist.
- k. To require that road and utility improvements be made to coincide with new development.

Notwithstanding provisions of the Ordinance relating to dimensional requirements, the Planning Commission, in reviewing and approving proposed open space subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design. This flexibility shall not be construed as granting variances.

### SECTION 16.2. OPEN SPACE SUBDIVISION DEVELOPMENT

This section is to provide for residential development on the buildable portion of land that may not exceed 50% developed. At least 50% of the Buildable Land portion must remain undeveloped with two (2) or fewer dwellings per acre, or three (3) or fewer dwellings per acre if serviced by a public sewer. The remaining 50% or greater of the parent parcel shall be kept as open space, or Conservation Land, in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission.

- 16.2.1 Open space refers to those areas established specifically for common use by all residents or homeowners of the PUD. In an effort to preserve and enhance open space and to provide adequate recreational areas for residential developments, the designated common open space shall comprise of at least 50% of the total buildable area of the PUD to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, golf courses, building setbacks, or utility easements.
- 16.2.2 Determining Maximum Allowable Parcel Divisions: The maximum number of new parcels that may be created within the parent parcel is determined by dividing the total buildable area of the parent parcel by the minimum parcel area required in the respective zoning district. To illustrate this density, a conceptual plan of division of the parent parcel shall be submitted by the applicant to the Zoning Administrator. This plan shall contain proposed parcels, roads, rights-of-way, areas that are not in the buildable area, and other pertinent features. This plan must be drawn to scale, but does not need to be based on a field survey.

## ARTICLE 16 – OPEN SPACE SUBDIVISIONS

- 16.2.3. Design Guidelines for New Parcels: Diversity and originality in parcel layout shall be encouraged to achieve the best possible relationship between Buildable and Conservation Land areas. The Planning Commission shall evaluate proposals to determine whether the proposed site plan meets the following criteria and Site Plan criteria contained in this Ordinance:
- a. Protects and preserves all shorelines contiguous to a lake or stream, wetlands, areas not accepted by District #4 Health Department of jurisdiction for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department, flood plains, existing public utility easements, existing public rights-of-way, waterfront setback areas, and slopes over 20% from clearing, grading, filling, or construction.
  - b. As practical, preserves and maintains existing fields, meadows, crop land, pastures, and orchards and creates significant buffer areas to minimize conflicts between residential and agriculture/forestry uses. When new development must be located in these areas due to greater constraints in all other parts of the site, buildings should be sited on the least prime and important or unique farmland or forest land soils, and in locations at the far edge of a field, as seen from existing roads.
  - c. Maintains or creates a buffer of natural native species vegetation of at least 40 feet in depth adjacent to wetlands and surface waters.
  - d. Minimizes impacts on woodlands greater than 5 acres, especially those located on upland soils considered prime for forest production.
  - e. Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
  - f. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
  - g. Meets Federal and State environmental requirements.
  - h. Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.
  - i. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and so on.
  - j. Provides that Conservation Lands shall be reasonable and contiguous. While Conservation Lands are exempt from the 4:1 maximum parcel depth to width ratio as described under the Land Division Act, fragmentation of these lands shall as much as practical be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small parcels located in various parts of the development.
  - k. When Conservation Lands are held in common by surrounding parcel owners, the proposed site plan shall:
    - 1) Provide for active recreational areas in suitable locations that offer convenient access to residents and adequate screening from nearby parcels in the buildable area(s).
    - 2) Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features, and contiguous developments.
    - 3) Ownership of Conservation Lands may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the township, or a recognized non-profit land conservancy.
    - 4) Conservation Lands shall be covered by a conservation easement prohibiting the further splitting or development of these lands in the future. Such conservation easement shall be held jointly by both the township and one of the following: a homeowners association consisting of parcel owners in the development or a recognized non-profit land conservancy.
  - l. All applications that meet these requirements shall be approved.

## ARTICLE 16 – OPEN SPACE SUBDIVISIONS

### SECTION 16.3. APPLICATION AND REVIEW PROCESS

- 16.3.1 A pre-application conference between the applicant, the site designer, and the Zoning Administrator to discuss the applicant's objective and how these may be achieved shall be mandatory for all parcels to be split under this section of the Ordinance. Engineering, site plans, or surveys shall not be accepted or reviewed at the pre-application conference. If necessary, a site visit may be scheduled during this conference.
- 16.3.2. The application shall then be processed under [Article 20\(Site Plan Review\)](#) of this Ordinance. The County shall simultaneously approve the land division splits, if applicable, as part of the review. (Rev. 03/09/05, Amendment #38)

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.1. AREA, WIDTH, LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS

(Rev. 05/17/06, Amendment #57), (Rev. 08/05/06, Amendment #58 & #59) (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105), (Rev. 05/25/12, Amendment #111),(Rev. 06/28/12, Amendment #112) (Rev. 06/28/12, Amendment #113), (Rev. 10/24/13, Amendment #120), (Rev. 05/23/15, Amendment #127)

Zoning Districts		Min. Floor Area	Min. Bldg. Width	Min. Lot Size		Minimum Yard Setbacks (Feet)			Maximum Height of Structures
		Sq. Ft.	Feet	Area (Sq.Ft.)	Width (Ft.)	Front	Sides	Rear	Feet
<u>D-RS</u>	<u>Residential Development</u>	720 <sup>D</sup>	14 <sup>D</sup>	12,000 <sup>D</sup>	75 <sup>D</sup>	30	8	12	35
<u>D-CM</u>	<u>Commercial Development</u>	Submit Site Plan				25	10	10	35 <sup>I</sup>
<u>D-LI</u>	<u>Light Industrial Development</u>	Submit Site Plan				25	10	10	
<u>D-GI</u>	<u>General Industrial Development</u>	Submit Site Plan				25	10	10	
<u>D-RC</u>	<u>Rural Character Development</u>	720 <sup>D</sup>	14 <sup>D</sup>	1 Acre <sup>D</sup>	150 <sup>D</sup>	25	10	12	35
<u>M-AF</u>	<u>Agriculture &amp; Forestry Management</u>	720 <sup>D</sup>	No Min.	1 Acre <sup>D</sup>	150 <sup>D</sup>	50	10	30	35 <sup>L</sup>
<u>P-LS</u>	<u>Lake &amp; Stream Protection</u>	720 <sup>D</sup>	24 <sup>D</sup>	15000 <sup>D</sup>	100 <sup>D</sup>	40 <sup>A</sup>	8 <sup>J</sup>	12	35
<u>P-NR</u>	<u>Natural River Protection</u>	720	24	50,000 Waterfront Main stream 30,000 Waterfront Tributaries 15,000 Non Waterfront	200 <sup>K</sup> Waterfront Mainstream 150 <sup>K</sup> Waterfront Tributaries 100 Non Waterfront	200 <sup>A</sup> Mainstream  150 <sup>A</sup> Tributaries	15 Waterfront  8 Non Waterfront	25 Waterfront  12 Non Waterfront	35
<u>P-RC</u>	<u>Resource Conservation</u>	Submit Site Plan							
<u>VC-IR</u>	<u>Village Center Indian River</u>	720	16	No Min.	50	0	0	10	35
<u>VC-IR-O</u>	<u>Village Center Indian River Overlay</u>	720	No Min.	No Min.	No Min.	0 <sup>F</sup>	0 <sup>F</sup>	0 <sup>F</sup>	35
<u>VC-T</u>	<u>Village Center Topinabee</u>	720	16	No Min.	50	0 <sup>G</sup>	0 <sup>G</sup>	10 <sup>G</sup>	35
<u>VC-T-O</u>	<u>Village Center Topinabee Overlay</u>	500	16	No Min.	25	0 <sup>H</sup>	0 <sup>H</sup>	0 <sup>H</sup>	35
<u>VC-T-RO</u>	<u>Village Center Topinabee Residential Overlay</u>	720 <sup>D</sup>	14 <sup>D</sup>	9000 <sup>D</sup>	60 <sup>D</sup>	30	8	12	35
	All Districts	B			C				

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.1. AREA, WIDTH, LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS (Continued)

NOTES: (Rev. 05/17/06, Amendment #57) (Rev. 02/23/11, Amendment #90) (Rev. 09/28/11, Amendment #92) (Rev. 11/20/11, Amendment #102) (Rev. 01/13/12, Amendment #105), (Rev. 05/25/12, Amendment #111), (Rev. 06/28/12, Amendment #112), (Rev. 06/28/12, Amendment #113)

- A. The minimum front setback for non waterfront lots in the P-LS and P-NR Districts shall be thirty (30) feet.
- B. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.
- C. Minimum; Duplex, 100ft.; Multi-family, 50ft. per family.
- D. Required minimum measured per dwelling unit.
- E. Notwithstanding any other provision of this Section, no single family dwelling(s) shall be permitted on a waterfront lot that provides shared waterfront access under Section 10.4.4. of this Ordinance, unless such single family dwelling(s) meets the dwelling unit requirements of this Section independent of the requirements of the shared water front access.
- F. See Section 13B.4.3.b.for setback requirements for residential uses in Village Center Indian River Overlay (VC-IR-O) district.
- G. See Section 13C.4.7. for setback requirements for residential uses in Village Center Topinabee (VC-T) district.
- H. See Section 13D.4.3.b. for setback requirements for residential uses in Village Center Topinabee Overlay (VC-T-O) district..
- I. Antennas and Flag Poles which are accessory to a main use shall be allowed a maximum height of fifty (50) feet.
- J. If the lot is less than 80 feet in width, then each side setback shall be 10% of the lot width, or 5 feet, whichever is greater.
- K. A lot in the P-NR District shall meet the definition of lot width within this Ordinance and lots on a Main Stream shall have a minimum lot width of 200 feet as measured between the side lot lines at the front setback line, and lots on a Tributary shall have a minimum lot width of 150 feet as measured between the side lot lines at the front setback line.
- L. Commercial Farm Buildings are exempt from maximum structure height requirements. (Rev. 10/24/13, Amendment #120)
- M. Lots in the Lake and Stream Protection District shall contain a minimum of one hundred (100) feet of frontage in addition to minimum lot width requirements. (Rev. 11/28/15, Amendment #131)

In addition, be sure to check the sections of this ordinance pertinent to the particular land use for exceptions to the above or for special requirements.

- 17.1.1 Developments within the Village Center Indian River (VC-IR), Village Center Indian River Overlay (VC-IR-O), Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) zoning districts shall have a maximum lot coverage of eighty (80) percent. (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105)

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS.

### SECTION 17.2. SUPPLEMENTAL AREA, WIDTH, LOT SIZE, SETBACK & HEIGHT REQUIREMENTS

17.2.1. All areas within 500 feet of lakes, ponds, flowing rivers, streams and bodies of water, see [ARTICLE 10, LAKE AND STREAM PROTECTION DISTRICT](#).

17.2.2. Setbacks – General Requirements (Rev. 08/26/10, Amendment #87)

Except as provided herein, no building or structure shall be located within any required setback. Provided, however, the following buildings and structures may be located in a required setback under the terms and conditions specified herein:

- a. Telephone, gas, electrical, and fire suppression equipment shall be permitted within any required setback.
- b. Decks, covered porches, or similar structures, including attached railings, which provide ingress and egress from a building and is no larger than the minimum width and depth as required by the adopted Michigan Building Code shall be permitted in any required setback in the Commercial Development Zoning District. Decks, covered porches, or similar structures, including attached railings, which provide ingress and egress from a building which are no larger than nine (9) square feet shall be permitted in any required setback in all zoning districts except the Commercial Development Zoning District. (Rev. 08/02/15, Amendment #129)
- c. Stairways, including any railings, and powered lifts used to traverse up and down a steep slope to the shore of a lake or river shall be permitted within the waterfront setback.
- d. Except as provided herein, fences that are no taller than 8 feet (measured from the surface of the ground to the top of the fence posts) shall be permitted in any required setback. Provided, however, a fence within a waterfront setback shall meet all of the following requirements:
  - 1) Except as provided in subsection 2) below, fences located in a required waterfront setback shall have an opacity of no more than fifty percent (50%) of the fence surface area (the area calculated between the surface of the ground and the top of the fence posts) as determined within each eight (8) feet segment of the fence.
  - 2) Fences with an opacity of fifty percent (50%) or more of the fence surface area (the area calculated between the surface of the ground and the top of the fence posts) as determined within each eight (8) feet segment of the fence may be located in a required waterfront setback along the side lot line if and only if a building greater than 150 square feet in area is located on the adjacent lot or within 100 feet of the side lot line, whichever results in the lesser distance, but such fence shall be located no closer to the ordinary high water mark than the distance the adjacent building is from the ordinary high water mark.
- e. Ramps and similar structures built according to Americans with Disabilities Act design standards and as required by the adopted Michigan Building Code shall be permitted in any required setback.
- f. Decks or decking material, without railings, no more than thirty (30) inches in height as measured from the surface of the ground, whether portable or permanently attached to the ground, shall be permitted in the required waterfront setback if the deck or decking material is less than 8 feet in width.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- g. Architectural features such as chimneys, flues, cornices, eaves, gutters and similar features shall be permitted to project into any required setback a maximum of twenty-four (24") inches.
  - h. Retaining walls used as landscaping shall be permitted in any required setback.
  - i. Accessory buildings shall be permitted in any required setback if the accessory building meets all of the following requirements:
    - 1) The accessory building is no more than one hundred fifty (150) square feet in floor area and is no more than twelve (12) feet in height.
    - 2) The accessory building is not constructed on a permanent foundation.
    - 3) The accessory building is used exclusively for residential storage purposes.
    - 4) No more than two (2) accessory buildings are located on the same lot within any required setback.
    - 5) On corner lots the accessory building is setback no less than thirty (30) feet from both abutting road rights-of-way.
  - j. Outdoor seating for restaurants shall be permitted in any required setback when approved through site plan review or special use permit application process as applicable.
  - k. Accessory buildings authorized under Section 3.3.1 shall be permitted in any required setback, but shall be removed upon completion of the principal building or buildings upon the lot.
  - l. Permanent in-ground private pools shall be allowed in any required setback, except the required setback from a road right-of-way, if the pool is located on the lot such that the outside pool wall is no less than six (6) feet from the property line.
  - m. On waterfront lots permanent above-ground private pools shall be permitted in the waterfront setback but no closer than twenty-five (25) feet from the ordinary high water mark.
  - n. Buildings or structures which have been approved as part of a Planned Unit Development according to Section 19 of this Zoning Ordinance shall be permitted in any required setback.
  - o. Approved signs which conform to the sign placement requirements of Section 17.19 shall be permitted in any required setback.
- 17.2.3. For the purpose of applying yard regulations, multiple dwellings shall be considered as one building occupying one lot. When more than one multiple dwelling building occupies one lot, the two or more structures must be separated by at least 20 feet when end to end and 50 feet when face to face or back to back for structures up to two stories. These isolated distances shall be increased by 8 feet for each story above the first two stories.
- 17.2.4. *This section has been deleted and is reserved for future use. (Rev. 08/26/10, Amendment #87)*
- 17.2.5. Minimum yard setback requirements between multiple dwellings, condominiums, duplexes, patio houses, and townhouses, and corresponding front, side and rear property lines shall conform to the requirements of SECTIONS 17.1. and 17.2. for the district in which such dwellings are located.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

17.2.6. For apartments, the minimum required floor space per dwelling unit shall be:

Efficiency	350 square feet
One bedroom apartment	500 square feet
Two bedroom apartment	700 square feet
Three bedroom apartment	800 square feet
Plus an additional 80 square feet for each bedroom in excess of three bedrooms in any dwelling unit.	

17.2.7. Minimum floor areas for condominiums, duplexes, multiplexes, patio houses, town houses and similar structures shall be the same as for single-family units.

17.2.8. MULTIPLE-FAMILY LAND AREA REQUIREMENTS IN SQUARE FEET PER DWELLING UNIT, EXCLUDING PUBLIC ROADS.

Type of Unit	Apartments	Condominiums, Duplexes, Patio Houses, Townhouses, Multiplexes
Efficiency or one bedroom	3000	4200
Two bedroom	4200	5100
Three bedroom	5100	5700
Each additional bedroom	300	400

**NOTES:**

- a. A den, library or extra room shall count as a bedroom.
- b. In a rooming house, boarding house, group quarters or residential care facility, every 3 persons of occupancy shall count as equivalent to one bedroom.
- c. Subject to approval of the site plan, the multiple-family land area requirements may be reduced by 30%, provided approved community sewers serve the units, there is at least 150 feet of frontage on a State Highway or County Primary Road, or the Planning Commission determines that land uses on adjoining properties are of an intensity and/or density that would be comparable and compatible with such a 30% reduction, and a plan for site landscaping is submitted for approval as part of the site plan.

17.2.9. (Rev. 06/28/12, Amendment #112)

Following a Public Hearing held pursuant to requirements of Section 18.5 of this ordinance, the Planning Commission may approve the height of buildings in all zoning districts to exceed the maximum height of structures, without an upper limit, if it finds that all of the following conditions are met:

1. The added height will not significantly interfere with line-of sight scenic views of lakes and rivers from neighboring properties.
2. There is no conflict with airport zoning height restrictions.
3. The percent of lot coverage for all buildings, parking lots and other impervious surfaces do not exceed 50%.
4. The applicant has demonstrated that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise has demonstrated to the Planning Commission that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.3.

*This section has been deleted and is reserved for future use. (Rev. 09/01/17, Amendment #140)*

### Section 17.4. OFF-STREET PARKING FOR MOTOR VEHICLES

- 17.4.1. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces unless waived by the Planning Commission according to section 13.C.4.1., and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property. Provided however, that loading and unloading facilities shall not be required in the VC-IR, VC-IR-O, VC- T or VC-T-O zoning districts. (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105)
- 17.4.2. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
- 17.4.3. Off-street parking shall be prohibited in the areas between buildings and the abutting street line or lines within the Residence Development Districts except for such temporary parking within private driveways not exceeding 20 feet in width.
- 17.4.4. (Rev. 06/29/05, Amendment #45)  
Off-street parking may be permitted in the front yard, except that a ten foot wide grass or landscaped buffer must be maintained between the front lot line (or right-of-way line) and the parking area.
- a. Landscaping shall also be encouraged for parking lots of 25 or more spaces using the following ratios:
    - Multi-family- 1 canopy tree per 8 spaces
    - Commercial- 1 canopy tree per 7 spaces
    - Industrial- 1 canopy tree per 15 spaces
  - b. All parking lot trees shall be placed within the parking lot envelope, described as the area including the parking lot surface and extending 15 feet from the edge of the parking lot. Landscaping and canopy tree placement shall be dispersed throughout the parking lot in order to balance and soften large areas of pavement and help direct traffic flow within the lot. All parking lot tree calculations and requirements shall be rounded up.
- 17.4.5. Off-street parking existing at the effective date of this ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this ordinance.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

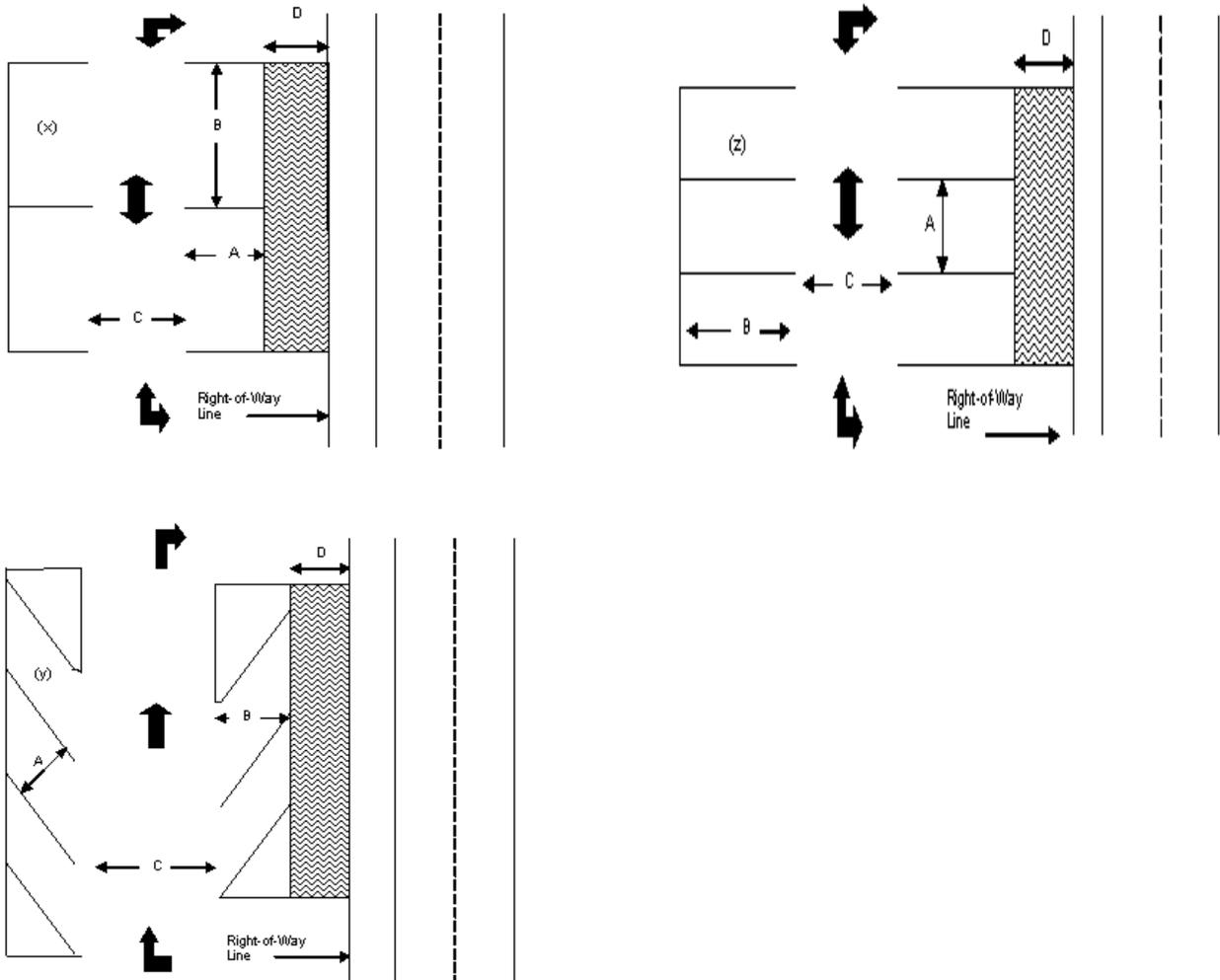
- 17.4.6. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed 3/4 ton. The parking of any other type of commercial vehicle, or buses, except for those parked on school property, is prohibited in a residential zone.
- 17.4.7. The Zoning Board of Appeals may grant variances from these parking requirements where it is satisfied under the circumstances prevailing that the requirements for off-street parking are excessive for the particular development.
- 17.4.8. Requirements for all parking spaces and parking lots:
- a. *This section has been deleted and is reserved for future use. (Rev. 06/29/05, Amendment #45)*
  - b. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust-free surface resistant to erosion.
  - c. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light down and away from any adjoining residential lots. (Rev. 06/29/05, Amendment #45)
  - d. In all cases where parking lots abut public sidewalks, wheel blocks or chocks will be provided to prevent vehicles from extending closer than 5 feet a lot or setback line or a public sidewalk.
  - e. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a walk fence or compact planting not less than 4 feet or more than 8 feet high. Planting shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
  - f. The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line and shall consist of a parking strip, parking apron and/or a garage.
  - g. The off-street parking facilities required for other than residential uses may be located on the same lot as the structures and uses to be served on or other lots within 300 feet of the location served.
  - h. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one to two family dwellings.
  - i. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement. Loading and unloading space shall be provided in the rear yard in the ratio of at least ten square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards, if screened or obscured from view from public streets and residential districts.

# ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

## SECTION 17.5. MINIMUM LOT SPACE REQUIREMENTS

(Rev. 06/29/05, Amendment #45)

	Parallel (x)	Up to 53° (y)	54° to 74° (y)	75° to 90° (z)
Parking Space Width (A)	9'	9'	9'	9'
Parking Space Length (B)	24'	22'	21'	20'
Aisle Width (C)	12' (one way) 20' (two way)	13'	18'	22'
Front Setback / Landscaped Buffer (D)	10'	10'	10'	10'



## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.6. TABLE OF MINIMUM PARKING REQUIREMENTS

(Rev. 03/09/05 Amendment #40) (Rev. 06/29/05 Amendment #45)

All Uses	1 per 2 employees, in addition to the following, unless shown otherwise in the table
Appliance, Furniture, Hardware, Household equipment, and similar stores	1 per 800 sq. ft. useable floor area
Auditoriums, Assembly halls, Religious Institutions, Theatres, Stadiums	1 per 4 seats of maximum seating capacity
Automobile dealerships- new and used, Open air businesses	1 per 5,000 sq. ft. outdoor sales area plus 1 per 250 sq. ft. indoor display area
Automobile repair garages, gas stations	2 per service bay plus 1 per 4 fuel pumps
Automobile wash establishment (self service)	4 stacking spaces per wash stall
Automobile wash est. (other than self service)	4 stacking spaces per 20 ft. wash operation line
Banks, Credit Unions, Post Offices	1 per 250 sq. ft. useable floor area plus 4 stacking spaces per teller window plus 2 stacking spaces per drive-thru ATM
Bars, Night Clubs	1 per 100 sq. ft. useable floor area
Barber shops, beauty parlors	2 per service chair
Bowling alleys	4 per bowling lane
Child & Adult day care centers	1 per 10 children, 1 per 5 adults plus 1 per employee
Child Caring Institution (Rev. 04/28/10, Amendment #85)	1 space for each 4 beds plus 1 space for each employee on the largest shift
Clinics- medical & dental, Doctors' offices (Rev. 07/03/15, Amendment #128)	2 per examination/treatment room plus 1 per employee on largest working shift
Dance halls, Exhibition halls, Pool halls, Assembly halls w/o seating	1 per 4 persons of maximum capacity
Funeral homes	1 per 4 persons of maximum capacity
Golf courses	5 per hole
Hospitals	1 per 2 beds plus 1 per employee on largest working shift

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

Industrial, wholesale, research est.	1 per employee on largest working shift
Laundromat	1 per 2 machines
Libraries, Museums	1 per 800 sq. ft. useable floor area
Machinery sales, plumbing, electrical or similar trade showrooms	1 per 1,000 sq. ft. useable floor area
Miniature or Par 3 golf course	2 per hole
Motels, Hotels, Bed & Breakfasts	1 per rental unit
Multiple family dwelling	2 per dwelling
Nursing homes, Hospice facilities	1 per 3 beds
Offices- Business and Professional	1 per 300 sq. ft. gross floor area
Private clubs, Fraternities, Dormitories	1 per 3 members
Residential, single family, multiple or mobile homes	2 per dwelling unit
Restaurants- carry out	1 per 125 sq. ft. gross floor area with a minimum of 4 spaces
Restaurants- regular	1 per 3 persons of seating capacity
Restaurants- fast food, drive in	1 per 75 sq. ft. of customer service and dining area plus 5 stacking spaces for drive-thru window
Retail stores unless otherwise provided herein	1 per 250 sq. ft. useable floor area
Roadside stands	5 per establishment
Schools, Colleges, Universities	1 per teacher, administrator plus 1 per classroom plus 1 per 10 students
Shopping centers Up to 15,000 sq.ft. 15,001 to 45,000 sq. ft. 45,001+	1 per 200 sq. ft. useable floor area 1 per 225 sq. ft. useable floor area 1 per 250 sq. ft. useable floor area
Video Rental stores	1 per 300 sq. ft. useable floor area

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.7. USE OF TENTS, TRAVEL TRAILERS, CAMPERS, RECREATIONAL VEHICLES AND UNDERSIZED MOBILE HOMES

(Rev.11/20/15 Amendment #130)

A person may use a tent, travel trailer, camper, recreational vehicle or undersized mobile home outside of a campground in any zoning district as a temporary dwelling, as an office for a caretaker or watchman, as a contractor's office and/or as a contractor's storage purposes, for vacation and hunting stays, for short term stays on a lot with a principal single family dwelling and a travel trailer, camper or recreational vehicle may be stored out of doors as provided in this section.

17.7.1. A tent, travel trailer, camper, recreational vehicle or undersized mobile home may be used as a temporary dwelling while the owner of the lot completes construction of a single family or two family dwelling on that lot, provided all of the following requirements are met:

- 17.7.1.a The owner obtains a zoning permit for the temporary dwelling under Section 21.3 of this Ordinance.
- 17.7.1.b The temporary dwelling fully complies with all setbacks requirements of the zoning district within which it is located.
- 17.7.1.c No more than one (1) tent, travel trailer, camper, recreational vehicle or undersized mobile home is located on the lot while construction is ongoing.
- 17.7.1.d A building permit has been issued for construction of the dwelling.
- 17.7.1.e Except as provided herein, the temporary dwelling is occupied for no more than twelve (12) consecutive months. A zoning permit may be issued for an additional twelve (12) consecutive month period provided construction of the dwelling for which a building permit has been issued in conjunction with the temporary dwelling is 50% complete or more. A zoning permit may be issued for a second additional twelve (12) consecutive month period provided construction of the dwelling for which a building permit has been issued in conjunction with the temporary dwelling is 75% complete or more.
- 17.7.1.f The temporary dwelling has a method of sewage and waste disposal that meets the requirements of the local Health Department.
- 17.7.1.g Use of the temporary dwelling shall cease within thirty (30) days of the issuance of an occupancy permit for the dwelling for which the building permit was issued.
- 17.7.1.h The temporary dwelling is removed from the lot within thirty (30) days of the issuance of an occupancy permit for the dwelling for which the building permit was issued unless used or stored in conformance with this ordinance.

17.7.2. An undersized mobile home may be used as an office for a caretaker or watchman provided all of the following requirements are met:

- 17.7.2.a The use is located in the Agriculture and Forestry Management, Commercial Development, Light Industrial Development or General Industrial Development District.
- 17.7.2.b The owner obtains a zoning permit for the office use under Section 21.3 of this Ordinance.
- 17.7.2.c The undersized mobile home fully complies with all setback requirements of the zoning district within which it is located.
- 17.7.2.d The office use is accessory to a main use on the same lot.
- 17.7.2.e No more than one (1) undersized mobile home is located on the lot for use as an office for the caretaker or watchman.
- 17.7.2.f The undersized mobile home has a method of sewage and waste disposal that meets the requirements of the local Health Department.

17.7.3. A travel trailer, camper, recreational vehicle or undersized mobile home may be used as a temporary contractor's office and/or storage purposes, provided all of the following requirements are met:

- 17.7.3.a The owner obtains a zoning permit for the office and/or storage use under Section 21.3 of this Ordinance.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- 17.7.3.b The office and/or storage use is in conjunction with a construction project that has been authorized in accordance with this ordinance.
- 17.7.3.c The travel trailer, camper, recreational vehicle or undersized mobile home fully complies with all setbacks requirements of the zoning district within which it is located.
- 17.7.3.d The travel trailer, camper, recreational vehicle or undersized mobile home has a method of sewage and waste disposal that meets the requirements of the local Health Department.
- 17.7.3.e The travel trailer, camper, recreational vehicle or undersized mobile home is removed from the lot within thirty (30) days of the completion of the construction project authorized under this Ordinance.

17.7.4. A tent, travel trailer, camper or recreational vehicle may be used in the Agriculture and Forestry Management zoning district without a zoning permit, for vacation and hunting stays provided all of the following conditions and requirements are met: (Provisions for camping under Public Act 368 of 1978, part 125 as amended may also apply)

- 17.7.4.a. Each tent, travel trailer, camper, or recreational vehicle fully complies with rear setback requirements of the district. The front setback shall be seventy five (75) feet. Side setbacks shall be 30% of the lot width or one hundred and fifty (150) feet whichever is less.
- 17.7.4.b. Each tent, travel trailer, camper, or recreational vehicle has a method of sewage and waste disposal that meets the requirements of the local Health Department.

17.7.5. A tent, travel trailer, camper or recreational vehicle may be used in the all zoning districts except the Agriculture and Forestry Management zoning district (See section 17.7.4. for requirements in the Agriculture and Forestry Management District.) without a zoning permit, for vacation and hunting stays provided all of the following conditions and requirements are met: (Provisions for camping under Public Act 368 of 1978, part 125 as amended may also apply.)

- 17.7.5.a. For lots less than one half (1/2) acre in area, no more than one (1) tent, travel trailer, camper or recreational vehicle shall be used as authorized by this subsection on the lot at the same time.
- 17.7.5.b. For each additional full one half (1/2) acre of lot area one (1) additional tent, travel trailer, camper or recreational vehicle may be used as authorized by this subsection on the lot at the same time with a maximum of four (4) such tents, travel trailers, campers or recreational vehicles.
- 17.7.5.c. Each tent, travel trailer, camper, or recreational vehicle fully complies with the front and rear setback requirements of the zoning district within which it is located. Side setbacks shall be 30% of the lot width or one hundred and fifty (150) feet whichever is less.
- 17.7.5.d. The use of tents, travel trailers, campers or recreational vehicles shall be limited to three (3) periods of thirty (30) consecutive days in a calendar year when located within three hundred (300) feet of a dwelling which is located on a separate lot.
- 17.7.5.e. Each tent, travel trailer, camper, or recreational vehicle has a method of sewage and waste disposal that meets the requirements of the local Health Department.
- 17.7.5.f. Each tent, travel trailer, camper, or recreational vehicle that is used in the Lake and Stream Protection and Residential Development zoning districts, in addition to complying with the regulations of subsections 17.7.5.a through 17.7.5.d. shall be removed from the lot during periods when not being used for vacation or hunting stays, unless stored under the requirements of Section 17.7A of this Ordinance.

17.7.6. Notwithstanding the regulations of subsection 17.7.5, if a tent, travel trailer, camper, or recreational vehicle is used on a lot that has a principal single family dwelling within all zoning districts except the Agricultural and Forest Management zoning district, then that tent, travel trailer, camper, or recreational vehicle may be used without a zoning permit for short term stays by the guests and immediate family of the owner or occupant of the lot, provided all of the following applicable requirements are met:

- 17.7.6.a. No more than a total of four (4) tents, travel trailers, campers, or recreational vehicles are used as authorized by this subsection on the lot at the same time.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- 17.7.6.b. Each tent, travel trailer, camper, or recreational vehicle is used in no more than three (3) periods of use in a calendar year, with each period of use being no more than twenty-one (21) consecutive days.
- 17.7.6.c. Each tent, travel trailer, camper, or recreational vehicle fully complies with all setback requirements of the zoning district within which it is located.

### **SECTION 17.7.A STORAGE OF TRAVEL TRAILERS, CAMPERS, RECREATIONAL VEHICLES**

(Rev.11/20/15 Amendment #130)

An unoccupied travel trailer, camper, or recreational vehicle may be stored outdoors without a zoning permit by the owner thereof on their own property, provided the following requirements are met:

- 17.7A.1. When a travel trailer, camper, or recreational vehicle is stored on a lot with a main building the travel trailer, camper, or recreational vehicle shall be stored in the rear yard of the lot when the rear yard can be accessed without traveling on the adjacent lots. When the rear yard cannot be accessed without traveling on the adjacent lots, then the travel trailer, camper, or recreational vehicle may be stored in the side yard of the lot.
- 17.7A.2. When a travel trailer, camper, or recreational vehicle is stored on a vacant non waterfront lot, the travel trailer, camper, or recreational vehicle shall be stored on the one half (1/2) of the lot furthest from the road.
- 17.7A.3. When a travel trailer, camper, or recreational vehicle is stored on a vacant waterfront lot, the travel trailer, camper, or recreational vehicle shall be stored on the one half (1/2) of the lot furthest from the front lot line. A travel trailer, camper, or recreational vehicle shall not be stored on a vacant waterfront lot which does not meet minimum lot size requirements for a dwelling.
- 17.7A.4. The travel trailer, camper, or recreational vehicle is stored in full compliance with all setback requirements of the zoning district within which it is located.
- 17.7.A.5. If stored within thirty (30) feet of a side property line, all such travel trailers, campers, or recreational vehicles must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet, privacy fence with a minimum height of six (6) feet or natural foliage sufficient to provide screening from view of the side property line.

### **SECTION 17.8. CAMPGROUNDS**

Campgrounds shall be permitted only on sites of 10 acres or more in area with a minimum property width of 600 feet. (Rev. 08/05/06, Amendment #60)

### **SECTION 17.9. MOBILE HOME COURTS AND PARKS.**

Where permitted by special approval, mobile home courts and parks shall comply with the following requirements:

- a. Development shall be in accordance with the requirements of Act 419 of 1976 & Act 243 of 1959 of the Public Acts of the State of Michigan, as amended.
- b. Each mobile home site shall contain a minimum area of 5,000 square feet. All such trailer site areas shall be computed exclusive of service drives, facilities and recreation space.
- c. A wall, greenbelt or obscuring fence at least four feet and six inches (4'6") high shall be provided on all sides of the mobile home park or court, with the exception of that portion providing ingress and egress to the site which must be landscaped and kept in a neat and presentable condition. Landscaping shall be as indicated on the site plan.
- d. No mobile home shall be sited nearer than ten (10) feet to the boundary line of any individual site or lot. Minimum lot width shall be fifty (50) feet.
- e. The land parcel being proposed for a mobile home court or park shall be of such area as to provide for a minimum of at least twenty (20) sites and shall not exceed a maximum of one hundred (100) sites.
- f. For each mobile home space in the park, there shall be provided an area of not less than two hundred (200) square feet for outdoor recreation, with a minimum area of not less than five thousand (5,000) square feet, which shall be no

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

longer than two times its width. Such area shall be developed and maintained by the management so as to provide recreation for the children housed in the mobile home park.

### **SECTION 17.10. RESERVED FOR FUTURE USE (Rev. 04/26/08, Amendment #74)**

### **SECTION 17.11. OUTDOOR SWIMMING POOLS**

- a. Protective and adequate fencing shall be required around all outdoor swimming pools to be not less than four feet six inches above the established grade.

### **SECTION 17.12. OUTDOOR THEATRES**

- a. Points of ingress and egress shall be from streets and roads capable of serving the use, but shall not impair the use of abutting properties, especially residential uses.
- b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space.
- c. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.

### **SECTION 17.13. COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND T.V. TRANSMITTING TOWERS AND WIRELESS COMMUNICATION FACILITIES, AUTHORIZED BY SPECIAL USE PERMIT. (Rev. 08/2001, Amendment #20)**

- 17.13.1. Radio and television towers, public utility microwaves and public utility T.V. transmitting towers.
  - a. May be permitted by the Planning commission after a Hearing, in D-CM, D-LI, D-GI and M-AF Districts provided said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line. The isolation standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback of the district.
  - b. In order to protect the rural dark sky environment and reduce lighting confusion for approaching aircraft, all towers shall be designed or painted to be without lighting. If the FAA requires lighting, the applicant shall apply to the FAA for painting requirements and red lighting. Intermittent strobes shall be a last option and only then with written documentation from the FAA certifying its necessity.
  - c. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- 17.13.2. The following standards will be required for all Wireless Communication Facilities:
  - a. Wireless Communication Facilities may locate in any zoning district if located on an existing building or structure, or a new structure is built within fifty (50) feet of the base of an existing tower and the Wireless Communication Facility is located within the new structure, or is otherwise hidden from view by being incorporated in an existing building, or if collocates on an existing tower, and the proposed does not require a change in lighting by FCC and/or FAA regulations. (Rev. 02/23/11, Amendment #90)
  - b. Wireless Communication Facilities may be permitted by the Planning Commission, after a public hearing, by special use permit if it is found that there is no reasonable opportunity to locate per item 1 above. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure. The proposed tower must also meet the following conditions and standards:

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

1. The proposed height meets FCC and/or FAA regulations.
  2. Towers must be equipped with devices to prevent unauthorized climbing.
  3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting, and/or concealing the tower in a “stealth design.
  4. New towers should be engineered as appropriate for co-location of other antennae.
  5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
  6. All new towers must meet the applicable requirements for a commercial tower, per [Article 17.13.1](#) of this Ordinance.
- c. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).
- d. Visible damage must be repaired within 90 days of occurrence.
- 17.13.3. Wireless communication facilities may be permitted after a public hearing by special use permit, approved for locations in the Residential Development District (D-RS), subject to the following conditions and findings: (Rev. 05/23/15, Amendment #127)
- a. All reasonable measures to co-locate or locate on or adjacent to an existing structure must be documented; and such location proves feasible.
  - b. The type of facility is a pole, and not a tower.
  - c. All reasonable efforts to locate in Commercial or Forestry/Ag zones have been made and are proven to infeasible, unavailable, or not a compatible land use as deemed by the Planning Commission.
  - d. The structure shall not exceed a height of 115 feet, including the antenna, and no lights are used or required.
  - e. The applicant must find a location, and/or use construction materials that will blend the pole into the physical or natural landscape in such a manner as to be compatible with the surrounding neighborhood, and so as not to be a dominant structural feature in the neighborhood skyline. The Planning Commission finds that the structure or planned site, does not change the character of the residential area.
  - f. The applicant proposed, or can incorporate innovative design and construction methods (or materials), and by locating in a Residential District, the applicant uses poles that are lower in height and/or narrower in profile than towers.
  - g. The Planning Commission finds that a location in a Residential District is the best overall alternative considering tall factors of land use, visibility, and satisfactory signal coverage and that the proposed pole complies with the standards of [Article 17.13.1](#), of this ordinance.
  - h. Four (4) known County Airports to be provided copies of the Special Use Permits.
  - i. Tower shall not encumber the normal air traffic within the district.
- 17.13.4. Maximum height of structures recited in tables of [17.1](#) does not apply.
- 17.13.5. The conditions of this section are in addition to the conditions imposed by [Section 18.7](#). (Rev. 04/26/08, Amendment #73)
- 17.13.6. Advertising is prohibited on towers or antennas.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.14. RACE TRACKS (including midget auto and carting tracks)

Because race tracks develop a concentration of vehicular traffic and cause noise levels which project beyond the property, race tracks shall be permitted only in the Commercial and Industrial Districts subject to the following conditions and such other controls as the Planning Commission, after holding a hearing, deems necessary to promote health, safety and general welfare.

- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction in the area shall be required.
- c. All sides of the development except access points shall be provided with twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.

### SECTION 17.15. RIDING ACADEMIES OR STABLES

Commercial facilities for horseback riding may be allowed in the Commercial, Light Industrial, General Industrial and Agriculture/Forestry Districts, subject to the review and approval of the Planning Commission. Animal housing facilities must be located at least 300 feet from any off-premises residential structure.

### SECTION 17.16. COMMERCIAL KENNELS, PET SHOPS AND VETERINARIAN HOSPITALS

(Rev. 11/23/09, Amendment #81)

Commercial kennels, pet shops and veterinarian hospitals may be permitted upon approval of a Special Land Use Permit only in Rural Character (D-RC), Commercial (D-CM), Light Industrial (D-LI), General Industrial (D-GI) Development Districts, and in Agriculture and Forestry Management (M-AF) Districts. The special use permit application for a commercial kennel shall be issued when all other zoning requirements have been met and the planning commission finds, based on information provided by the applicant, that all of the following requirements have been met:

- a. The commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts. (Rev. 05/23/15, Amendment #127)
- b. All dog enclosures shall be screened so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs.
- c. The facility shall comply with the requirements to obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply with this section.
- d. All dogs must be housed within completely enclosed buildings between the hours of 10:00pm and 8:00am.

### SECTION 17.17. GRAVEL AND MINERAL EXTRACTION, MINING AND QUARRYING ACTIVITIES

Applicants for special land use permits to use land for gravel and mineral extraction and mining and quarrying activities must submit plans outlining their operation and reclamation procedures. The number of truck trips to and from the proposed site and the tonnage of material to be hauled shall be included with the operations plan. These figures shall be given as a daily or weekly average, as appropriate. The operations plan shall also include the proposed routing of trucks to and from the site. The reclamation plan shall include an outline and commitment for restoring the land as closely as possible upon termination of its use to its original natural configuration and ground cover. Revegetation of the site and the elimination of uncovered holes and steep slopes shall be required as part of the reclamation plan.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.18. GREENBELTS, WALLS OR FENCES (PROTECTIVE & SCREENING)

- 17.18.1. Fences within any zoning district shall comply with the following regulations and standards (Rev. 02/22/14, Amendment #121):
- 17.18.1.a Fences containing barbed wire or which are electrified, may be used provided any of the following conditions are met:
- 17.18.1.a.1. The barbed wire or electrified fence is located within an Agriculture and Forestry Management (M-AF) zoning district or a Rural Character/Country Living (D-RC) zoning district. A zoning permit is not required to locate a barbed wire or electrified fence in the Agriculture and Forestry Management (M-AF) zoning district or a Rural Character/Country Living (D-RC) zoning district.
  - 17.18.1.a.2. The barbed wire or electrified fence is identified on a site plan approved pursuant to Article 20 of this Ordinance,
  - 17.18.1.a.3. The barbed wire or electrified fence is approved in conjunction with a special use permit pursuant to Article 18 of this Ordinance.
  - 17.18.1.a.4. The barbed wire or electrified fence is used in conjunction with a lawful non-conforming commercial farm use.
  - 17.18.1.a.5. An electrified fence is used to enclose a garden in zoning districts other than Agriculture and Forestry Management (M-AF) and Rural Character/Country Living (D-RC), provided it is not placed within any required setback and a sign is placed on the fence facing each lot line which states “electric fence” with wording at least eighteen (18) inches long and four (4) inches high.
- 17.18.1.b No fence shall obscure the vision of operators of vehicles or pedestrians at any driveway entrance or exit, or access point to any access easement of record, street or right of way.
- 17.18.1.c. All fences shall be constructed so visible structural supports are located toward the subject property and the finished or smooth side located toward the neighboring property.
- 17.18.2. For nonresidential uses, except farms, which abut a permitted residential area, or which are adjacent to a [Residential](#) or [Lake and Stream Protection District](#), greenbelts, walls or fences shall be provided as follows. These requirements do not apply whenever the use is more than two hundred (200) feet from any adjacent [Residential](#) or [Lake and Stream Protection District](#) Boundary. (Rev. 05/23/15, Amendment #127)

Specific Nonresidential Uses Requiring Greenbelts, Walls or Fence	Greenbelt, Wall or Fence Height At Property Line	Protective	Screening or Obscuring
Drive-in Restaurants, gasoline stations & vehicle repair	6 Feet	X	X
Institutional and school playground	6 Feet	X	
Parking lot accessory to nonresidential uses	6 Feet		X
Hospital and Funeral Home service entrances	6 Feet		X
Utility buildings and substations	6 Feet	X	
Open storage areas larger than 200 square feet	6 Feet		X
Junk Yards	8 Feet	X	X

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- 17.18.3. All plans for greenbelts, walls or fences must be approved by the Zoning Administrator for construction specifications and shall be designed and maintained to fulfill the primary function of protection and/or screening.
- 17.18.4. Wherever a greenbelt or planting is required in this ordinance, it shall be planted within eighteen (18) months from the date of issuance of a Zoning Permit and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties. Material equal to characteristics to the plant materials listed here with the spacing as required shall be provided.
- a. Plant materials shall not be closer than 4 feet from the fence line or property line.
  - b. Where planting materials are planted in two or more rows, planting shall be staggered in rows.
  - c. Evergreen trees shall be planted not more than 30 feet on centers.
  - d. Narrow evergreens shall be planted not more than 3 feet on centers.
  - e. Deciduous trees shall be planted not more than 30 feet on centers.
  - f. Tree like shrubs shall be planted not more than 10 feet on centers.
  - g. Large deciduous shrubs shall be planted not more than 4 feet on centers.
- 17.18.5. The following are suggested plant materials:

<u>SUGGESTED PLANT MATERIALS (HEIGHT IN FEET)</u>	<u>MINIMUM</u>
Evergreen Trees, Juniper, Red Cedar, White Cedar, Pines	5 feet
Narrow Evergreens, Irish Juniper, Pyramidal Arbor Vitea, Columnar Juniper	3 feet
Flowering Crabs, Russian Olives, Mountain Ash, Redbud, Rose of Sharon	4 feet
Large Deciduous Shrubs, Honeysuckle, Viburnum, Mock Orange, Forsythis, Lilacs, Ninebark	6 feet
Large Deciduous Trees, Oak, Birch, Beech, Hard Maples, Ash, Hackberry, Sycamore	8 feet

- 17.18.6. The Board of Appeals may waive or modify greenbelt, wall or fence requirement where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns and natural barriers and screens.
- 17.18.7. On corner lots, no greenbelts, walls or fence shall be established or maintained which obstruct the view of vehicular traffic in any direction. All right-of way intersections shall be provided and maintained with a clear unobstructed vision corner extending not less than 20 feet from all right-of-way line intersections along said right-of-way line in the form of a triangle. (Rev. 08/25/13, Amendment #119)

### **SECTION 17.19. SIGNS**

(Rev. 12/24/03, Amendment #25), (Rev. 02/25/15, Amendment #125)

The purpose of this section is to regulate the size, location, number, and types of signs that are constructed or reconstructed within the County. These regulations are intended to promote the health, safety and welfare of the general public, and protect the economic value of land within and the aesthetic quality and character of Cheboygan County. In addition, these sign regulations are intended to be a comprehensive system of reasonable, content-neutral, time, place, and manner restrictions for signs that are designed to accomplish all of the following:

- To allow for adequate and effective signage for business identification and other commercial speech.
- To provide for the dissemination of public information, including but not limited to public safety information and notification as required by law.
- To promote safety by providing that signs do not create a hazard from collapse, fire, collision, decay or abandonment, obstruction of police and fire services, and vehicular and pedestrian traffic impairments.
- To protect the public right to receive messages, especially non-commercial types such as religious, social, political, economic, and others protected by the 1st Amendment of the U.S. Constitution.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### 17.19.1. SIGN DEFINITIONS

#### **BANNER**

Any sign of lightweight fabric or similar material that is mounted to a pole, building, or other structure. National, state, and municipal flags are not included.

#### **CANOPY**

Any sign that is part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding marquees.

#### **DOUBLE-FACED SIGN (Rev. 06/20/08, Amendment #76)**

A sign having back-to-back sign surfaces.

#### **ELECTRONIC SIGN SURFACE (Rev. 06/20/08, Amendment #76)**

That portion of a sign surface capable of changing its message or image electronically.

#### **FREESTANDING SIGN**

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

#### **GOVERNMENTAL SIGN**

A sign by Cheboygan County, the State of Michigan, the federal government, or other governmental agency for street direction, destination, hazardous condition, traffic control, or other similar purposes.

#### **INCIDENTAL SIGN**

A sign that is informational and non-commercial, such as "No Parking", "Entrance", "Telephone", etc.

#### **MARQUEE SIGN**

A permanent roof-like structure projecting over an entrance.

#### **NEON SIGN (Rev. 09/28/11, Amendment #94)**

A sign formed from neon lamps containing neon gas.

#### **NON-CONFORMING SIGN**

Any sign lawfully in existence that does not conform to the requirements of this ordinance.

#### **PENNANT**

Any lightweight plastic, fabric, or other material, with or without a message, which is suspended and designed to move in the wind.

#### **PORTABLE SIGN**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported such as those transported by means of wheels, excluding such vehicles used in the day-to-day operations of the business.

#### **PROJECTING SIGN**

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall.

#### **ROOF SIGN**

Any sign erected and constructed wholly on and over the roof structure.

#### **SIGN (Rev. 06/20/08, Amendment #76), (Rev. 02/25/15, Amendment #125)**

A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is placed or displayed upon any structure, building, parcel of land, and afforded public visibility from out of doors on behalf of or for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### **SIGN HEIGHT**

The distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade is the existing grade prior to construction or the newly established grade after construction, not including any filling or mounding solely for the purpose of locating the sign.

### **SIGN SURFACE (Rev. 06/20/08, Amendment #76)**

That portion of a sign excluding its base, foundation and erection supports on which information pertaining to an idea, belief, opinion, product, use, occupancy, function, service, or activity is displayed.

### **TEMPORARY SIGN**

Any sign that is used temporarily and not permanently mounted.

### **V-TYPE SIGN (Rev. 06/20/08, Amendment #76)**

A sign constructed in a "V" pattern but having only one sign surface visible from any one direction.

### **WALL SIGN**

Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

### **WINDOW SIGN (Rev. 02/25/15, Amendment #125)**

A sign affixed to, etched or painted onto, or placed in or immediately adjacent to a window of a building that is intended to be viewed from a street or from adjacent property.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### 17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT

(Rev. 02/25/15, Amendment #125) (Rev. 01/04/18, Amendment #142)

The following signs may be placed in any zoning district without a zoning permit, provided such signs are established in a lawful manner and do not create a nuisance or safety hazard:

- A. Incidental signs, not exceeding 3 square feet of sign surface area.
- B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:
  1. Each sign shall be removed no more than two (2) days after the subject matter of the sign has expired, except as otherwise provided by law.
  2. The total sign surface area of all signs shall be no more than forty (40) square feet on lots with a lot width up to one hundred (100) feet. An additional ten (10) square feet of sign surface shall be allowed for each additional one hundred (100) feet of lot width up to a maximum of eighty (80) square feet of sign surface area except as otherwise provided by law.
  3. All signs shall be limited to 4 feet in height unless otherwise provided by law.
- C. Governmental signs.
- D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.
- E. Signs that have been approved in conjunction with a valid site plan or PUD.
- F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:
  1. Each sign shall be removed from the lot within thirty (30) days after the contract authorizing the sign matter of the sign has expired.
  2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
  3. There shall be no more than one (1) sign per lot.
- G. Signs on motor vehicles not used primarily for advertising purposes.
- H. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:
  1. Balloons, flags, pennants or pinwheels, shall not be placed on the lot more than fifteen (15) days before the specific event.
  2. Balloons flags, pennants or pinwheels shall be removed from the lot within two (2) days after the specific event is over.

### 17.19.3. PROHIBITED SIGNS

(Rev. 09/11/04, Amendment #35) (Rev. 01/04/18, Amendment #142)

The following signs are prohibited in all zoning districts.

- A. Signs with moving or revolving parts.
- B. Signs affixed to any governmental utility structure or public utility structure, except incidental signs.
- C. Signs located in the right-of-way of a public sidewalk or highway, unless the governmental body with jurisdiction over the public sidewalk or highway consents in writing to the placement of the sign and such sign otherwise meets the applicable sign regulations of this Ordinance.
- D. Signs utilizing vehicles, trucks, vans, trailers or other similar wheeled devices, including those where the wheels have been removed, excluding signs on vehicles that are used in the day to day operations of the business to which the sign pertains.
- E. Signs that interfere with traffic visibility or public services.
- F. Signs located as to constitute a safety hazard to vehicular traffic.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### 17.19.4. ILLUMINATION (Rev. 06/20/08, Amendment #76)

- A. Except as permitted under [Section 17.19.8.1](#) for electronic sign surfaces, no sign shall contain flashing, oscillating, moving, animated, or intermittent lights.
- B. All external lighting intended to illuminate the sign surface shall be white, shall be directed downward so as not to unnecessarily illuminate the night sky, and shall be shielded so as not to interfere with the vision of persons on adjacent streets or properties.
- C. For internally lighted signs, the sign background or field shall be opaque. Letters, numerals, logos and similar message elements may be of a transparent material to permit the internal lighting to reveal the message or image on the sign surface.
- D. Any light bulbs or other illumination devices used as part of a message or image within the sign surface shall automatically dim to a light level such that the surface of the illuminated sign reflects no greater than 186 foot candles at or before one-half hour following sunset and until one-half hour before sunrise.

### 17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS (Rev. 09/28/11, Amendment #94 Rev. 01/04/18, Amendment #142)

In addition to requirements of section 17.19.8., signs in the Village Center Indian River zoning district shall comply with the following requirements:

- A. All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. For lots which face more than one (1) street, sign requirements of Section 17.19.8 shall apply to each street front.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to the placement of such sign.
- D. In addition to the maximum sign surface area, all lots shall be allowed a bonus of three (3) square feet of sign surface area for each additional use above one (1). This bonus applies to Projecting, Freestanding, and Wall signs only.

### 17.19.5.A VILLAGE CENTER TOPINABEE SIGN REQUIREMENTS (Rev. 01/13/12, Amendment #106) (Rev. 01/04/18, Amendment #142)

In addition to requirements of section 17.19.8., signs in the Village Center Topinabee zoning district shall comply with the following requirements:

- A. All signs shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.
- B. Lots with more than one (1) lot line abutting a public right-of-way may have one (1) permanent sign located on the lot along each public right-of-way, subject to the total size requirements under Section 17.19.8. Provided, however, this provision shall not apply to canopy signs.
- C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to the placement of such sign.

### 17.19.6. SIGNS IN EXISTENCE ON OR BEFORE SEPTEMBER 25, 2014 AND NONCONFORMING SIGNS (Rev. 02/25/15, Amendment #125)

- A. Purpose. It is often difficult to determine whether a sign that does not comply with the current zoning ordinance sign regulations was erected lawfully at the time and thus constitutes a lawful nonconforming sign or whether the sign was erected at the time in violation of the zoning ordinance sign regulations. In an effort to more effectively enforce sign regulations in the future the Zoning Administrator conducted an inventory of those signs that existed on or before September 25, 2014 which did not comply with the sign regulations in effect on that date. The purpose of this subsection

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

is to classify those signs that existed on or before September 25, 2014 which do not comply with the zoning ordinance sign regulations in effect on that date as nonconforming signs regardless of whether those signs were lawful when first erected. It is further the purpose of this subsection to enforce zoning ordinance sign regulations against signs that were erected after September 25, 2014 in violation of the sign regulations in effect at the time the sign was erected.

- B. Nonconforming Sign Status. Any sign in existence on or before September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be deemed a nonconforming sign for purposes of this section, regardless of whether that sign was lawful when first erected.
- C. Sign Conformity Requirement. Any sign erected after September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be subject to enforcement action under Section 21.9 of this Ordinance.
- D. Nonconforming Sign Regulations.
  - 1. Any nonconforming sign may be altered or repaired and may be replaced by a different sign in the same location, provided that the sign nonconformity, including but not limited to sign surface area, sign height, or setback, is not increased.
  - 2. Any nonconforming sign that is moved to a new location and any nonconforming sign that is replaced with a different sign by the owner in a different location, either on the same lot or a different lot shall be considered a new sign and shall comply with all zoning ordinance sign regulations in effect at that time.

### 17.19.7. SIGN PERMITS

- A. Except for the signs allowed without a zoning permit under Section 17.19.2, a person who desires to erect or display a sign shall obtain a zoning permit for a sign. All sign permit applications shall be submitted to the Zoning Administrator on the appropriate form. (Rev. 02/25/15, Amendment #125).
- B. Each application shall be accompanied by the applicable fees as established by the Cheboygan County Board of Commissioners.
- C. All applicable signs shall comply with the building and electrical requirements of the Construction Code Department.
- D. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106), that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance. (Rev. 08/19/04, Amendment #34) (Rev. 01/04/18, Amendment #142)
- E. A permit shall be required for any sign type not specifically covered in this Ordinance and will be reviewed on a case-by-case basis.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### 17.19.8. SIGN REGULATIONS AND STANDARDS

(Rev. 06/20/08, Amendment #76) (Rev. 09/28/11, Amendment #94) (Rev 01/13/12, Amendment #106)  
 (Rev. 02/25/15, Amendment #125)

RS	Residential	LI	Light Industrial	
D-RC	Rural Character/Country Living	GI	General Industrial	
CM	Commercial	AF	Forestry/Agriculture	P= Permitted, no zoning permit for sign required
VC	Village Center	LS	Lake & Stream Protection	S= Zoning permit for sign required
VC-IR	Village Center Indian River	P-RC	Resource Conservation	N= Not Permitted
VC-IR- O	Village Center Indian River	NRP	Natural Rivers Protection	NA= Not Applicable
VC-T	Overlay			
VC-T-O	Village Center Topinabee			
	Village Center Topinabee			
	Overlay			

	RS	D-RC	CM	VC <sup>3</sup>	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP <sup>4</sup>
Freestanding	S	S	S	S	S	N	S	N	S	S	S	S	S	S
Banner <sup>1</sup>	N	N	P	N	N	N	P	P	P	P	P	N	N	N
Canopy	S	S	P	P	P	P	P	P	P	P	S	S	S	S
Marquee	N	N	S	S	S	S	S	S	S	S	N	N	N	N
Portable	N	N	P	S	S	N	S	N	P	P	N	N	N	N
Projecting	S	S	P	S	S	S	S	S	P	P	S	S	S	S
Roof	N	N	S	N	N	N	N	N	S	S	N	N	N	N
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall	S	S	P	P	S	S	S	S	P	P	S	S	S	S
Window	N	N	P	P	P	P	P	P	P	P	P	P	N	N

#### Freestanding Sign Requirements

	RS	D-RC	CM	VC <sup>3</sup>	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP <sup>4</sup>
Maximum Sign Surface Area (sq. ft.)	8	8	80	32	32	NA	32	NA	120	120	18	8	8	8
Maximum Height (ft.)	6	6	25	15	15	NA	15	NA	25	25	12	6	6	6
Minimum Setback <sup>2</sup> (ft.)	4	4	0	0	0	NA	0	NA	0	0	5	4	5	5
Max. number per Parcel	1	1	3	1	1	NA	1	NA	3	3	1	1	1	1

#### Window Sign Requirements

Non-illuminated – No maximum number and no maximum sign surface area

Illuminated – Maximum of 2 per structure and maximum of 10 sq. ft. of sign surface area each.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

**Building Sign Type Regulations** (Rev. 08/19/04, Amendment #34), (Rev. 09/29/06, Amendment #62), (Rev. 06/20/08, Amendment #76) (Rev. 09/28/11, Amendment #94) (Rev. 01/13/12, Amendment #106), (Rev. 02/25/15, Amendment #125)

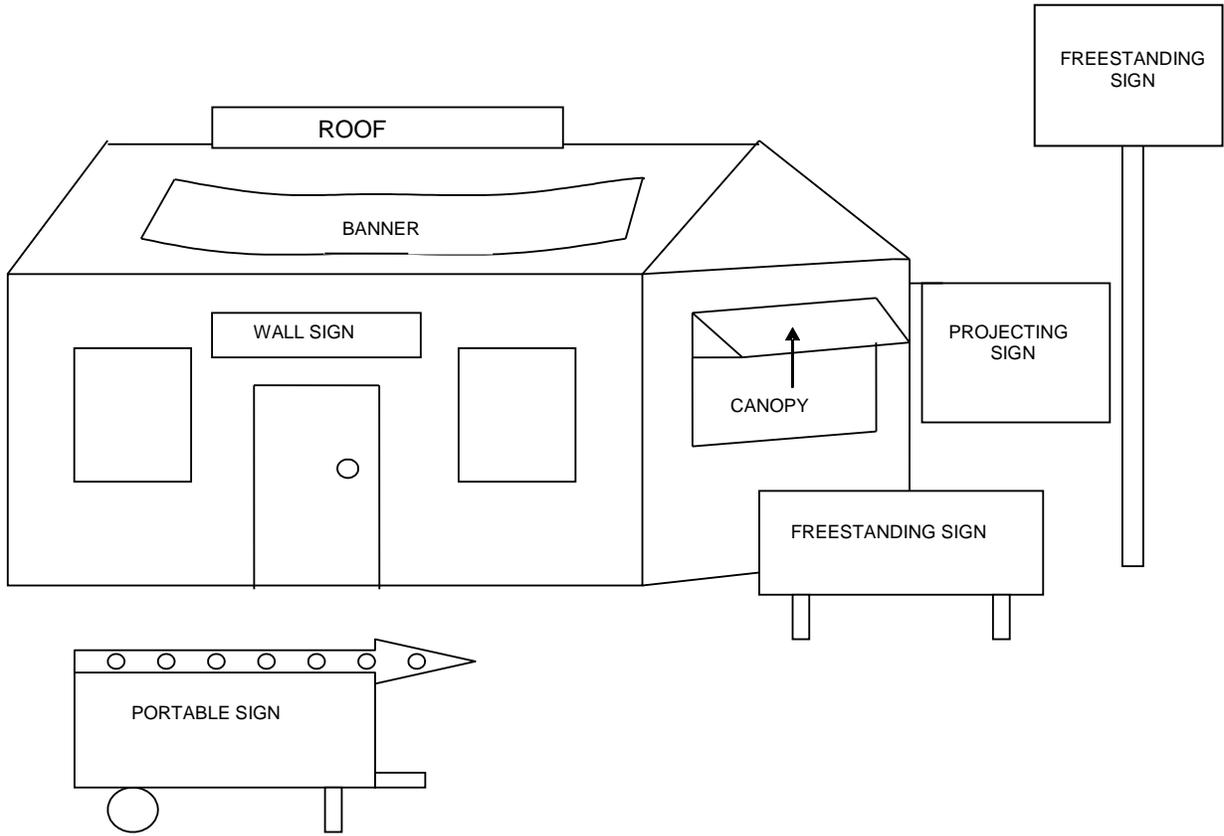
In addition to the Freestanding signs and Window signs as may be permitted, parcels may include signs from up to two (2) of the following categories, as permitted.

	Maximum Number Permitted <sup>4</sup>		Maximum Sign Surface Area		
	Banner <sup>1</sup>	2 per parcel	VC-T 3 per parcel VC-T-O 1 per parcel	18 sq. ft.	VC-T 36 sq. ft. VC-T-O 12 sq. ft.
Canopy	2 per structure		NA		
Marquee	1 per parcel		40 sq. ft.		
Portable	1 per parcel		32 sq. ft.		
Projecting	1 per structure		18 sq. ft.		
Roof	1 per parcel		40 sq. ft.		
Temporary	1 per parcel		18 sq. ft.		
Wall	No Maximum		D-CM, D-LI, D-GI	VC-IR, VC-T, VC-IR-O VC-T-O	All other zoning districts
			2 per structure or one (1) per individual business up to 40 square feet each or 10% of structure wall area facing a public road or street, whichever is greater. The total aggregate area of wall signs shall not exceed three hundred (300) sq. ft.	18 sq.ft. for first 25 feet of street frontage <sup>5</sup>	18 sq. ft.

<sup>1</sup> See Section 17.19.3.F, <sup>2</sup> See Section 17.19.3.D., <sup>3</sup> See Section 17.19.5., <sup>4</sup> See Section 11.7,

<sup>5</sup> Additional sign surface area according to the following: One (1) additional sq.ft. of sign surface area for each additional one (1) foot of street frontage above twenty five (25) with a maximum sign surface area of 32 sq. ft.

# ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS



## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### 17.19.8.1 ELECTRONIC SIGN SURFACE REQUIREMENTS (Rev. 06/20/08, Amendment #76)

Electronic sign surfaces shall comply with all of the following requirements:

- A. The electronic sign surface shall only be within a [freestanding sign](#) or a [wall sign](#).
- B. The area of the electronic sign surface shall not exceed 75% of the total sign surface.
- C. The message or image shall be static during its display and shall not move or be animated in any way.
- D. The message or image displayed shall remain static for no less than three (3) seconds before changing.
- E. Any change of message or image shall be completed simultaneously throughout the entire electronic sign surface so that no portion of the new message or image is visible in the electronic sign surface at the same time as the old message or image.
- F. Any light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices used to display the message or image within the electronic sign surface shall automatically dim to a light level no greater than 2000 NITS (candelas per square meter) at or before one-half hour following sunset and until one-half hour before sunrise.

### 17.19.8.2 SIGN SURFACE AREA AND TOTAL SIGN AREA (Rev. 06/20/08, Amendment #76)

The following regulations shall apply to the calculation of sign area:

- A. The maximum [sign surface](#) area shall be computed around the perimeter of the frame or border of the [sign surface](#) where such exists or around the perimeter of the symbols or letters or other display elements where no border or frame exists. Where a [sign surface](#) is composed of letters or images attached directly to a façade, window, door, or marquee, and the letters or images are not enclosed by a border or trimming, the [sign surface](#) shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points of the letters or images.
- B. [Double-faced signs](#) and [V-type signs](#) shall be considered one sign with the area of the [sign surface](#) calculated on the larger of the sign surfaces.
- C. A structure containing multiple sign surfaces shall be considered one sign if all of the sign surfaces are included in the same border or frame of the sign. The maximum [sign surface](#) area for such a sign shall be computed around the perimeter of the frame or border of the sign surfaces. Otherwise, each [sign surface](#) shall constitute a separate sign.
- D. The area of a [sign surface](#) shall not include the area of its supporting structure or canopy if the supporting structure or canopy contains no message or image.
- E. For a [sign surface](#) that is in the form of a three-dimensional object, the area of the [sign surface](#) shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the projected image of the object and multiplying that area by two (2). For purposes of this subsection, the "projected image" is that image created by tracing the largest possible two-dimensional outline of the object.
- F. The total sign area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the base, foundation and erection supports of the sign.
- G. The total sign area shall not exceed 120% of the sign surface area within the sign, if the sign surface is not in the form of a three-dimensional object. If the sign surface is in the form of a three-dimensional object, then the total sign area shall not exceed 60% of the sign surface area.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.20. HIGHWAY AND RAILROAD INTERSECTIONS

- A. At the intersections of highways where grades are not separated, setback lines are hereby established across each sector between the intersecting highways. (Includes railroads.) Such setback lines shall be straight lines connecting points on the intersecting highway right-of-way lines.
- B. At the intersection of any Cheboygan County Primary or scenic-recreation road or any Michigan State trunkline highway with any other highway, said connection points shall be located one hundred (100) feet distant from the intersections of the highway right-of-way lines. At the intersection of any highway which is not included in either the Cheboygan County Primary or Michigan State trunkline system with any other such highway, said points shall be located fifty (50) feet distant from the intersection of the highway right-of-way lines
- C. No building or structure of any kind, except necessary highway and traffic signs and open fences through which there shall be clear vision, shall hereafter be constructed, erected or moved into the space within such setback lines. Except as herein provided, no building or structure, except necessary highway and traffic signs, presently existing within such setback lines, shall be renewed or replaced hereafter in any way, except outside the setback lines.
- D. No building or structure within the established setback lines, except necessary highway and traffic signs and open fences hereinbefore mentioned, shall be altered, enlarged or added to in any way which will increase or prolong the permanency of any portion within the established setback lines.
- E. When any highway, or part thereof, is officially adopted into the Cheboygan County Primary Road or the Michigan State trunkline system, such highway shall automatically be subject to the provisions of this ordinance.

### SECTION 17.21. HOME OCCUPATIONS

(Rev. 06/29/05, Amendment #43)

Cheboygan County recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce trip generation and to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

#### 17.21.1 ADMINISTRATION

- A. Home occupations requiring zoning permits are those involving any of the following:
  - 1.) Requires an additional on site, non-resident employee.
  - 2.) Requires commercial signage.
  - 3.) Requires additional parking for or results in additional traffic from customers.
  - 4.) Requires commercial deliveries or pick ups of materials or supplies used in the home occupation.
- B. No home occupation shall be conducted until a zoning application has been approved by the Zoning Administrator. The application shall include the following:
  - 1.) The type of business and business activities.
  - 2.) The number of employees.
  - 3.) The vehicles used in the home occupation.
  - 4.) The number of expected customer visits per day.
  - 5.) The number of expected deliveries/drop offs.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### 17.21.2 PERMITTED USES

It is recognized that this list may not be totally inclusive. The Zoning Administrator shall determine whether a request is similar to a following listed use as to approve or deny.

- A. Home offices, including architects, counselors, clergy, doctors, dentists, engineers, attorneys, contractors, and accountants
- B. Home studios, including artists, sculptors, musicians, photographers, and authors
- C. Personal services, including barbershops and beauty parlors
- D. Instructional services, including music, dance, art, and craft classes
- E. Repair services, including small appliances, small engines, and computers/electronics
- F. Workrooms, including weaving and woodworking
- G. Day care homes

### 17.21.3 STANDARDS

- A. Home occupations must be conducted within the principal residential structure and permitted accessory structures.
- B. Customer visits and delivery vehicles are limited to the hours of 8am to 7pm.
- C. Delivery vehicles are limited to passenger vehicles, mail carriers, and express carriers.
- D. Nonresident employees on the premises are limited to one (1) at any one time.
- E. Home occupations shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare, or other similar nuisances not normally found in the surrounding area.
- F. Home occupations shall not generate waste or sewage in volume or type which is not normally associated with residential use.

### 17.21.4 CONDITIONAL APPROVALS

The Zoning Administrator may impose reasonable conditions with the approval of an application, pursuant to Section 17.21.3 of this Ordinance.

## **SECTION 17.22. SEXUALLY ORIENTED BUSINESSES**

(Rev. 01/13/06, Amendment #52)

**PURPOSE** The purpose and intent of the sections of this ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the county, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health safety, and welfare of county residents. The provisions of this ordinance are not intended to offend the guarantees of the first amendment of the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this ordinance to legitimize activities which are prohibited by county ordinances, township ordinances, state or federal laws. If any portion of this ordinance relating to the regulation of sexually oriented businesses or referenced in this section is found to be invalid or unconstitutional by a court of competent jurisdiction, the county intends that this portion be disregarded, reduced and so be revised so as to be recognized to the fullest extent possible by law. The county further states that it would have passed and adopted what remains of any portion of this ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### 17.22.1. DEFINITIONS

#### ADULT ARCADE

Any place to which the public is permitted or invited wherein there are coin operated, token operated, or credit and/or debit card operated electronic or mechanically controlled still or motion picture machines, projectors, or other image producing devices maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

#### ADULT BOOK STORE

An establishment which has in excess of twenty five percent (25%) of its stock-in-trade for sale or rent, which stock-in-trade consists of books, magazines, newspapers, videotapes, video discs, DVD's, slides, digital photographs, computer discs, photographic reproductions, and motion pictures of any kind, which are characterized by an emphasis on "specified sexual activities" or "specified anatomical areas", or which establishment excludes admission to minors by virtue of age.

#### ADULT CABARET

A cafe, restaurant or bar where patrons are entertained by dancers, strippers or male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

#### ADULT MOTEL

A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

#### ADULT MOTION PICTURE THEATER

An establishment, or part thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein.

#### ADULT NOVELTY BUSINESS

A business which has a principle activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

#### ADULT PERSONAL SERVICE BUSINESS

A business having as its principle activity a person, while nude or while displaying specified anatomical areas, and/or providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, escort agency, wrestling studios, and theatrical performances or entertainment.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### ADULT VIDEO STORE

An establishment which has in excess of twenty five percent (25%) of its stock-in-trade for sale or rental to the public or patrons, video cassettes, video tapes, DVD's, slides, digital photographs, computer discs, photographic reproductions, and motion pictures of any kind, having as a dominant theme an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas".

### NUDE MODELING STUDIO

Any building, structure, premises or part thereof used primarily as a place which offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee.

### SEXUALLY ORIENTED BUSINESS

Includes, but is not limited to "adult arcade", "adult book store", "adult cabaret", "adult motel", "adult motion picture theater", "adult novelty business", "adult personal service business", "adult video store", and "nude modeling studio".

### SPECIFIED SEXUAL ACTIVITIES

1. The stimulation or arousal of human genitalia;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or other erotic touching of human genitalia, pubic region, buttock or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

### SPECIFIED ANATOMICAL AREAS

1. Less than completely and/or opaquely covered:
  - a. Human genitalia and pubic region;
  - b. Buttock; or
  - c. Female breast below a point immediately above the top of the areola; or
2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

#### 17.22.2 SEXUALLY ORIENTED BUSINESSES- STANDARDS

The Planning Commission may issue a Special Use Permit to authorize the uses specified within this Ordinance in the Commercial zoning district and in compliance with [Article 18](#) and the procedures and regulations set forth below:

- a. No [sexually oriented business](#) shall be established on a parcel within one thousand feet (1000') of any public park, school, child care facility, or religious institution. The distance between a proposed sexually oriented business and any public park, school, child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the public park, school, child care facility, church or place of worship.
- b. No [sexually oriented business](#) may be established, operated or maintained within fifteen hundred (1,500) feet of any other adult business.
- c. Distance limitations shall be measured in a straight line, without regard to intervening structures or objects, from the parcel or lot line of the [sexually oriented business](#) to the nearest lot line of the protected use specified above.
- d. No person shall reside in or permit any person to reside on the premises of a [sexually oriented business](#).
- e. Each booth, room or cubicle shall be accessible to and from aisles and public areas of the [sexually oriented business](#) to the extent as required by the Americans with Disabilities Act, and shall be unobstructed by any door, lock or other control-type devices.
- f. Any individual viewing booths, entertainment rooms, or similar cubicles designed or used for individuals to view specified anatomical areas or to view [specified sexual activities](#) shall not be completely enclosed from the common areas, hallways, or other areas of the adult business.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- g. The lighting level of the parking lot shall be a minimum of 10 foot candles and shall remain lit during regular business hours and until one hour after closing time.
- h. Daily hours of operation of any adult business shall be limited to the period of time from 8:00 a.m. to 12:00 a.m., Monday – Sunday.
- i. Any sign or signs proposed for the [sexually oriented business](#) must comply with the provisions of [section 17.19](#) of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- j. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any areas where they can be viewed from a public sidewalk or road adjacent to the establishment.

### SECTION 17.23 PRIVATE STORAGE BUILDINGS AND USES (Rev. 11/06/08, Amendment #77)

Cheboygan County recognizes the desire and/or need of some citizens to have a parcel that is used primarily for indoor storage of items that are typically used in a home or to store equipment used for maintenance of a single family home or enjoyment by the residents of a single family home. Private storage is a primary use, not subordinate to another use on the same property. Placement of a private storage building on the property should support the future placement of a residence.

#### 17.23.1 STANDARDS

The following standards apply to private storage buildings and uses on the [Residential \(D-RS\)](#), [Rural Character/Country Living \(D-RC\)](#) and [Lake and Stream Protection\(P-LS\)](#) zoning districts. [Private storage buildings](#) that are allowed in other zoning districts do not have to abide by this section, but must follow all other applicable standards.

(Rev. 10/27/11, Amendment #101), (Rev. 05/23/15, Amendment #127)

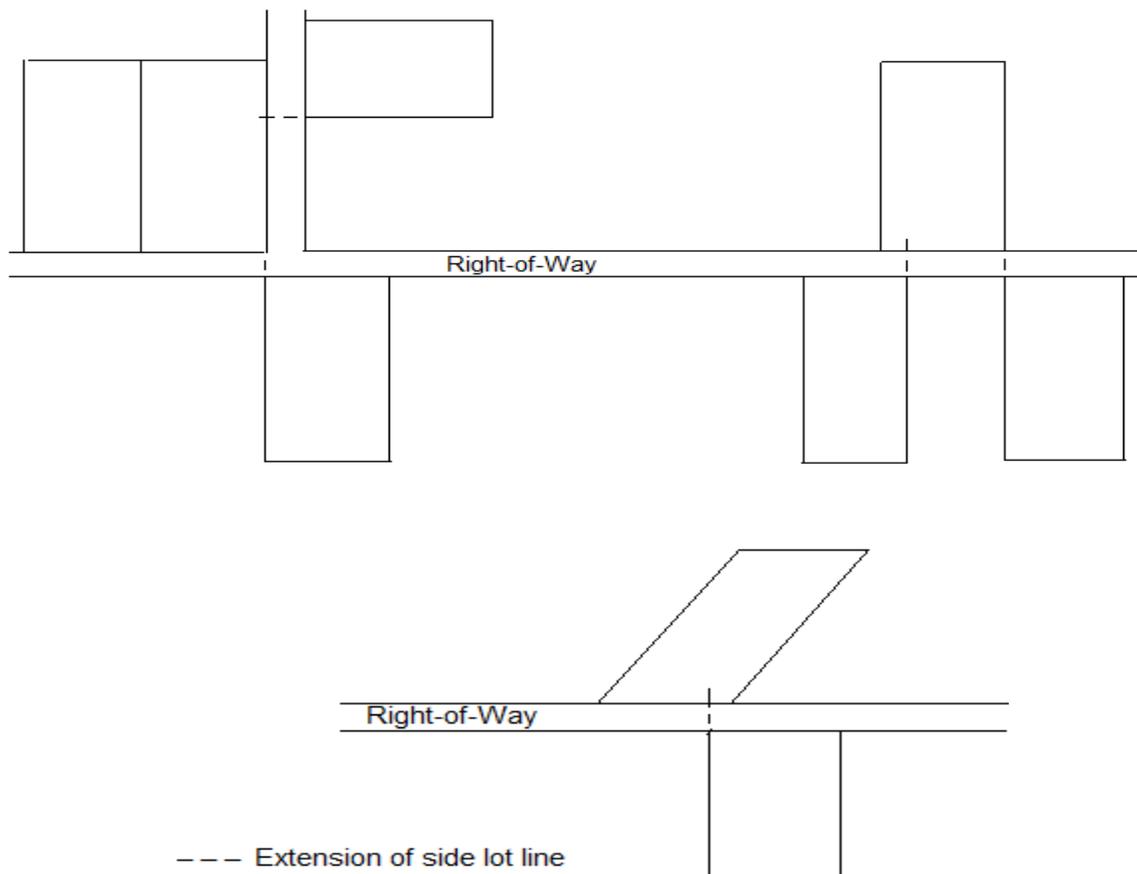
- a. The structure shall not serve as a residence or dwelling of any kind.
- b. No home occupations or home occupation related activity can occur on the property or within the building.
- c. Only goods and material storage is permitted in the private storage structure. The structure is not to be used for human habitation at any time.
- d. If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- e. No more than two (2) private storage buildings are allowed per acre of contiguous property under the same ownership as recorded with the office of the register of deeds with a maximum of four (4) storage buildings allowed for all properties under the same ownership.
- f. The total floor area of the foot print(s) of all private storage buildings on the same lot of record or on one or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds, shall comply with the following applicable requirements: (Rev. 03/28/12, Amendment #109)
  - 1. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is two (2) acres or less, then the total floor area shall be no more than 1,600 square feet.
  - 2. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than two (2) acres but is three (3) acres or less, then the total floor area shall be no more than 3,200 square feet.
  - 3. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than three (3) acres, then the total floor area shall be no more than 6,000 square feet.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- g. In the [P-LS district](#), all private storage buildings must meet a minimum setback from the water's edge of 50 feet and must meet all other applicable setbacks for the zoning district in which located.
- h. No bathroom facilities are permitted in the private storage structure.
- i. The structure may not be used to house or support animals of any type.
- j. The structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

k. (Rev. 05/25/13, Amendment #117)

Contiguous lots of record for purposes of Section 17.23.1.e and Section 17.23.1.f. shall also include lots of record separated by a right-of-way, but only when at least one of the lot's side lot lines when extended over the right-of-way either aligns with a side lot line of the other lot or is located between the side lot lines of the other lot as illustrated by the following diagrams;



*Note: Lots must be under the same ownership as recorded within the office of the register deeds.*

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.24 CHILD CARING INSTITUTIONS (Rev. 04/28/10, Amendment #85)

In addition to meeting the general standards for special use permit approval under [Section 18.7](#) of this Ordinance, a [Child Caring Institution](#) shall comply with all of the following applicable supplemental regulations and standards:

1. **Compliance with state licensing requirements**  
The proposed Child Caring Institution shall at all times be licensed by the Michigan Department of Human Services, or a successor agency or department, under Act 116 of the Public Acts of 1973, as amended.
2. **Prohibited Principal Uses**  
The Child Caring Institution shall not consist of an education program (i.e., a public or private school in the facility buildings), a psychological treatment and/or counseling program, or substance abuse assessment and/or treatment program that are singularly the principal use of the property. However, these uses may, either singularly or in combination, be accessory uses to the Child Caring Institution.
3. **Minimum Lot Area (Rev. 05/23/15, Amendment #127)**  
The Child Caring Institution shall be located on a lot meeting the following applicable minimum lot area requirements:
  - a. In the [M-AF zoning district](#) the minimum lot area shall be 2 acres or 4,000 square feet of lot area per resident, whichever is greater.
  - b. In the [D-CM zoning district](#) the minimum lot area shall be 20,000 square feet or 3,000 square feet of lot area per resident, whichever is greater.
4. **Setbacks**  
All buildings used in connection with a Child Caring Institution and all outdoor recreation areas accessory to the Child Caring Institutions shall comply with a minimum setback of 100 feet from all residentially used property, regardless of the zoning district in which the Child Caring Institution is located.
5. **Loading/Unloading area**  
If the Child Caring Institution provides a daytime psychological or substance abuse assessment, treatment and/or counseling program or provides a private or public education program provided to children who are brought to the facility only for those purposes, then the Child Caring Institution shall provide a bus loading/unloading zone that meets the following requirements:
  - a. One (1) bus loading/unloading space shall be provided for every twenty (20) children/students authorized for service under the Child Caring Institution state license for the program(s) provided (based on the maximum number authorized), regardless of the actual number of children/students being served.
  - b. The size of each bus loading/unloading space shall be no less than twelve (12) feet wide and no less than thirty-five (35) feet long.
  - c. Adequate maneuvering space shall be provided immediately adjacent to each bus loading/unloading space for a 28' bus to turn around.
6. **Parking Requirements**  
The Child Caring Institution shall comply with the parking requirements in [Section 17.6](#) of this Ordinance and the following applicable parking requirements:

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- a. If the Child Caring Institution provides an educational program in the form of a private or public school as an accessory use, then one (1) parking space shall be provided for every ten (10) students who are brought to the facility for the educational program, and one (1) parking space shall be provided for every teacher.
- b. If the Child Caring Institution provides a daytime psychological or substance abuse assessment, treatment and/or counseling program, then one (1) parking space shall be provided for every five (5) children who are brought to the facility for the assessment, treatment and/or counseling program.

### 7. Screening Requirements

All accessory buildings and structures, including any outdoor recreation areas, shall comply with the greenbelt, wall, or fence requirements of [Section 17.18](#) of this Ordinance.

### 8. Required public meeting with township board

The applicant for a Child Caring Institution shall document to the County Planning Commission, either by a letter signed by a township official, by a copy of township board minutes, or by a certified mailing receipt, that no more than thirty (30) days before filing an application for a Child Caring Institution with the zoning administrator pursuant to [Section 18.2](#) of this Ordinance the applicant presented, or requested to present, the substance of the proposed Child Caring Institution development to the township board of the township in which the proposed development will be located. The township board may submit any written comments concerning the proposed Child Caring Institution to the County Planning Commission up to the date of any public hearing on the proposed Child Caring Institution. Any changes to the proposed development through the County Planning Commission review process, however, shall not require additional presentations to the township board.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.25 MEDICAL MARIJUANA (Rev. 09/12/11, Amendment #91)

#### 17.25.1. INTENT AND PURPOSE

With the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the “MMMA”), Initiated Law 1 of 2008, MCL 333.26423, *et seq*, and its administrative rules, R 333.101, *et seq*, the Cheboygan County Zoning Ordinance has not kept pace with this recent legislation. As a result, the purpose of this section is to implement land use regulations to address medical marijuana in accordance with the MMMA.

#### 17.25.2. REGULATIONS FOR QUALIFYING PATIENTS

The medical use of marijuana by a qualifying patient in that qualifying patient’s dwelling is hereby recognized as an accessory use to the principal residential use of the dwelling and can be established without a zoning permit, but shall be subject to the following regulations:

- a. The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- b. All marijuana plants or products must be contained within the dwelling in an enclosed, locked facility that permits access only by the qualifying patient.
- c. If a room with windows within the dwelling is utilized to grow medical marijuana, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
- d. The qualifying patient shall not trade or exchange medical marijuana for any service or item of value.

#### 17.25.3. REGULATIONS FOR PRIMARY CAREGIVERS

The medical use of marijuana by a primary caregiver is hereby authorized as a use by right in a dwelling in any zoning district, provided that all of the following regulations are met:

- a. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- b. The primary caregiver must obtain a zoning permit under Section 21.3 of this Ordinance.
- c. All marijuana plants or products must be contained within the dwelling in an enclosed, locked facility that permits access only by the primary caregiver.
- d. If a room with windows within the dwelling is utilized to grow medical marijuana, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
- e. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single dwelling. Provided, however, a husband and wife; two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities (domestic partners); and the parents, children, grandparents, grandchildren, brothers, and sisters of the husband, wife, or either domestic partner who reside with the husband and wife or domestic partners may be primary caregivers within the same dwelling.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- f. Except for any qualifying patients who reside with the primary caregiver at the dwelling, no more than five (5) qualifying patients per primary caregiver may be present at the same time at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a dwelling in which a primary caregiver of medical marijuana is providing services for purposes unrelated to primary caregiver services.
- g. Qualifying patient visits to a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients shall be restricted to between the hours of 7 a.m. and 8 p.m., except when the qualifying patient resides with the primary caregiver at the dwelling and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- h. No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- i. No medical marijuana shall be dispensed by the primary caregiver to qualifying patients at the dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except when the qualifying patient resides with the primary caregiver at the dwelling. Except as provided herein, the primary caregiver shall deliver all medical marijuana for the use of such qualifying patient and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all medical marijuana delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.
- j. No medical marijuana shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except when the qualifying patient resides with the primary caregiver at the dwelling.
- k. A dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients shall display indoors and in a manner legible and visible to his/her qualifying patients:
  - 1. A notice that qualifying patients under the age of eighteen (18) are not allowed at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services, and
  - 2. A notice that no dispensing or consumption of medical marijuana shall occur at a dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients, except to or by a qualifying patient who resides with the primary caregiver at the dwelling.
- l. A dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the dwelling
- m. A dwelling in which a primary caregiver of medical marijuana is providing primary caregiver services to qualifying patients shall not be located within 1,000 feet of a lot on which any of the following uses are located:
  - 1. Any church or place of worship and its accessory structures.
  - 2. Any public or private school, having a curriculum including kindergarten through twelve grade and its accessory structures.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

3. Any preschool, child care or day care facility and its accessory structures.
  4. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children congregate.
- n. The primary caregiver shall not trade or exchange medical marijuana for any service or item of value.

### 17.25.4 RELATIONSHIP TO FEDERAL LAW

Nothing within this section is intended to grant nor shall it be construed as granting immunity from federal law.

### **SECTION 17.26 TRUCK TERMINALS OR WAREHOUSES**

(Rev. 03/28/12, Amendment #107)

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, a Truck Terminal or Warehouse use within the Commercial Development District shall comply with all of the following applicable supplemental regulations and standards:

- 17.26.1. A truck terminal or warehouse shall provide a designated overnight parking area and a designated overflow parking area that are both screened by the truck terminal or warehouse building or by a fence or evergreen hedge no less than eight (8) feet in height located at the edge of the parking areas so that the parking areas are not visible from a public or private road or from an adjoining property. This screening requirement, however, shall not be required if the planning commission finds that because of the remote locations of the parking areas or the topography of the site the visual impact of the parking areas would not cause a substantial detrimental effect on adjacent properties.
- 17.26.2. No more than a total of eight (8) trucks and truck trailers in any combination may be parked outdoors in the designated overnight parking area.
- 17.26.3. No more than a total of three (3) trucks and truck trailers in any combination may be parked outdoors in the designated overflow parking area.
- 17.26.4. No outdoor storage of materials, truck or trailer equipment or parts, or truck cargo shall be permitted, unless placed within the screened overflow parking area as required in section 17.26.1.
- 17.26.5. Truck Terminals shall be located no closer than 1,000 feet from any other Truck Terminal.
- 17.26.6. Materials that are labeled flammable or explosive as regulated by the United States Department of Transportation pursuant to Title CFR 49 – Federal Code of Regulations, shall not be stored in a truck terminal.

### **SECTION 17.27 INDOOR STORAGE FACILITIES**

(Rev. 05/25/13, Amendment #116)

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, an Indoor Storage Facility use within the Agricultural and Forestry Management District shall comply with all of the following applicable supplemental regulations and standards:

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- 17.27.1. A solid evergreen hedge, wall or fence a minimum of 6 feet in height shall be placed a minimum of 3 feet from a rear or side lot line which screens all Indoor Storage Facilities from adjoining lots which are under different ownership.
- 17.27.2. A minimum distance of 30 feet shall be required between Indoor Storage Facility structures where a wall with doors faces another Indoor Storage Facility structure.
- 17.27.3. *Reserved For Future Use (Rev. 03/01/19, Amendment #151)*

### SECTION 17.28 PLANNED PROJECTS

(Rev. 10/13/16, Amendment #136)

**SECTION 17.28.1. PURPOSE** The purpose of this section 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 section will enable both developers and Cheboygan County officials to propose and review site plans which include a mix of permitted uses that are compatible with the surrounding area and natural environment.

**17.28.2. Permitted Uses.** No use shall be approved for a Planned Project that is not a permitted use or a use which requires a special use permit in the zoning district in which the Planned Project is proposed.

**17.28.3. General requirements.** All applications and plans submitted for a Planned Project shall adhere to the following requirements:

1. In the Residential Development, Agriculture and Forestry Management and Rural Character/Country Living zoning districts non-residential uses may not exceed twenty (20) percent of the developable land area of the Planned Project. Non-residential uses may be allowed up to thirty five (35) percent of the developable land area of the Planned Project if the Planning Commission finds that the proposed non-residential uses are compatible with the surrounding land uses.
2. In the Commercial Development zoning district residential uses may not exceed thirty five (35) percent of the developable land area of the Planned Project. Residential uses may be allowed up to fifty (50) percent of the developable land area of the Planned Project if the Planning Commission finds that the proposed residential uses are compatible with the surrounding land uses.
3. Proposed uses shall be designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities with proposed uses and existing uses. A Planned Project shall be designed to create a single integrated and controlled development at its completion and at the completion of each phase of development, if phased development is approved.
4. All parcels of land within a Planned Project shall be controlled by one owner or the application shall be filed jointly by all property owners.
5. A Planned Project shall consist of five (5) contiguous acres or more in area.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

6. Any non-residential use shall maintain a perimeter setback of not less than 30 feet from any adjoining or abutting property with a residential use.
7. A designated common open space comprised of no less than 15% of the total developable area to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development shall be required. Open space shall not include public or private streets, driveways, or utility easements: provided, however, that up to ten (10) percent of the required open space may be composed of open space on privately owned properties dedicated by easement to ensure that the open space will be permanent.
8. Minimum lot size for a dwelling in a Planned Project proposed in the Commercial Development zoning district shall be the same as required in the Residential Development zoning district.

**17.28.4. Pre-application Conference.** Prior to the submittal of a Planned Project application, the applicant is encouraged to schedule a pre-application conference with the Cheboygan County Zoning Administrator to discuss the purpose and effect of this Ordinance and the criteria and standards herein. At this pre-application conference, the applicant is encouraged to provide the Zoning Administrator a concept plan. This concept plan should include information on the types and placement of structures, utilities and public facilities, and recreational facilities; minimum lot sizes; densities; landscaping and environmental treatment; pedestrian and auto circulation; the compatibility of the proposed development with surrounding uses; and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development. Following this pre-application conference, the Zoning Administrator shall present the concept plan, if any, with a report to the Cheboygan County Planning Commission at their next regular public meeting for their information, review and comment. The applicant may schedule an informal informational meeting with the Planning Commission at a regular meeting of the Planning Commission, but no official action shall be taken at such meeting. A special meeting of the Planning Commission may also be scheduled at the request of the Planning Commission with applicable fees paid by the applicant.

**17.28.5. Approval procedure.** In addition to meeting the general standards for special use permit approval under Section 18.7. of this Ordinance, a Planned Project shall also meet the requirements of this section and other applicable requirements of the Cheboygan County Zoning Ordinance No. 200 unless granted an exception by the Planning Commission pursuant to Section 17.28.6.

**17.28.6. Exceptions to parking space, dwelling floor area, lot size, and setback requirements.** Except to the extent that a Planned Project or a portion of a Planned Project is subject to area regulations mandated by a state agency, a Planned Project may be granted exceptions by the Planning Commission to the minimum lot size, minimum yard setbacks, and minimum dwelling floor area requirements of the underlying zoning district required under section 17.1. and minimum number of off-street parking spaces required under Section 17.4. if the Planning Commission finds that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of the future occupants of the Planned Project, the surrounding neighborhood or the county as a whole. Exceptions are limited to the following extents:

1. The minimum lot size for a dwelling shall not be reduced by more than thirty (30) percent of that required in the underlying zoning district.
2. Minimum yard setbacks shall not be reduced by more than thirty (30) percent of that required in the underlying zoning district. No exception to the perimeter setback requirement as provided in subsection 17.28.3.6. shall be granted.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

3. Required parking spaces shall not be reduced by more than thirty (30) percent of the parking space requirement for each proposed use. In no case shall a dwelling have less than two (2) parking spaces. In reducing required parking spaces, the Planning Commission may require the reservation of a portion of the Planned Project developable land area for future parking.
4. Minimum dwelling floor area requirements may be reduced by no more than thirty (30) percent of that required in underlying zoning district.

**17.28.7. Amendment of planned project special use permit.** The owner of property for which a Planned Project special land use permit has been approved shall notify the zoning administrator of any desired change to the approved special use permit. 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 special land use, nor any specified conditions imposed as part of the original approval.

1. 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 special use permit 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 (10) percent 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 the Planning Commission approves the original Planned Project special use permit application.
  - e. Changes related to subsections a through d. 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 change(s) does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
2. All amendments to a planned project special land use permit approved 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 site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
3. An amendment to an approved Planned Project special use permit that cannot be processed by the zoning administrator under subsection 1 above shall be processed in the same manner as the original Planned Project special use permit application.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.29 MOBILE FOOD UNIT (Rev. 02/25/17, Amendment #137)

A mobile food unit shall comply with the following regulations and standards:

- a. A mobile food unit shall not be placed within a right-of-way of any public road unless the governmental unit with jurisdiction over that public road right of way consents in writing to such placement.
- b. A zoning permit shall be required for each lot on which a mobile food unit will be open for business to the public unless that location is part of a special event as approved by the local governmental unit. The zoning permit application shall include statements as to the days and hours of operation and shall indicate that all of the applicable regulations and standards of this section are met.
- c. The use of a mobile food unit shall be limited to food sales.
- d. A mobile food unit shall meet applicable requirements of the Health Department.
- e. In addition to signage placed on the mobile food unit, a mobile food unit shall be allowed one (1) temporary accessory sign no greater than 8 square feet in sign surface area and no greater than three (3) feet in height displayed at the location of the mobile food unit. The sign shall be displayed only during times when food is being served from the mobile food unit. The temporary sign shall not be placed in a road right of way without the approval of the governmental unit with jurisdiction.
- f. No more than twelve (12) accessory chairs and no more than three (3) accessory tables may be placed out of doors on the lot.
- g. Each mobile food unit shall have a minimum of two (2) off street parking spaces if no accessory seating is offered or a minimum of three (3) off street parking spaces if accessory seating is offered. Parking spaces as required for the main use or uses of the lot shall be maintained in addition to those required for the mobile food unit. If parking space requirements for the property may be waived as permitted in other parts of this ordinance, then the required parking spaces for the mobile food unit may be waived in the same manner.
- h. A mobile food unit shall have a minimum of one (1) trash receptacle with a minimum capacity of thirty (30) gallons available for use by its customers. Trash shall be removed from the lot daily or more frequently as needed.
- i. A mobile food unit shall meet all setback requirements as would pertain to a structure greater than 150 square feet even if that mobile food unit is of a smaller size.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### SECTION 17.30 SOLAR ENERGY SYSTEMS – PHOTOVOLTAIC (SES-PV) (Rev. 03/01/19, Amendment #150)

#### 17.30.1 PURPOSE

The purpose of this Section is to promote the development of renewable solar energy resources in Cheboygan County, and promote economic development, protect the health, safety and welfare and prevent adverse impacts on the agricultural, water, recreational, scenic and wildlife resources of the county while furthering the State of Michigan's renewable energy goals. This Section will address Solar Energy Systems - Photovoltaic (SES-PV) for a range of applications, from strictly on-site utilization to wholesale distribution off-site, and will provide guidance on the planning, design, construction, operation and subsequent decommissioning of solar facilities at the end of their economic lives.

#### 17.30.2 GENERAL PROVISIONS APPLICABLE TO ALL SOLAR ENERGY SYSTEMS

##### Code Compliance:

Any SES-PV Systems shall meet or exceed any applicable standards and regulations of the International Fire Code as amended, the National Electric Safety Code as amended and any other applicable regulations of the state and federal government with the authority to regulate solar energy systems in effect at the time of SES-PV System approval.

#### 17.30.3 APPLICATION REQUIREMENTS

In addition to the application requirements of Article 18 and Article 20 of this Ordinance, an application for site plan review and/or special use permit for SES-PV Systems shall be required to furnish all of the following information unless expressly indicated otherwise.

1. Level 1 SES-PV Systems shall require the following:

A site plan review for any electrical storage system associated with the Level 1 SES-PV to include the type, size and location of all components in addition to the requirements of Section 20.10.

2. Type I, Level 2 SES-PV Systems shall require the following:

- A. Site plan review per the requirements of Section 20.10. for any Type I, Level 2 SES-PV System that includes panels in the solar collection array less than 1,333 square-feet.
- B. Site plan review for Type I, Level 2 SES-PV Systems that include panels in the solar collection array larger than 1,333 square-feet shall include the following information in addition to the requirements of Section 20.10.:
  - i. Information on the height, length and angle of panels in the solar collection array.
  - ii. The size, height, length, and location of solar arrays, parcel boundaries, setback lines and location of all buildings on site.
  - iii. The type, size, location and engineering specifications for any energy storage system proposed to be part of the Type I, Level 2 SES-PV System.

3. Type II, Level 2 SES-PV Systems shall require the following:

Special use permit per the requirements of Section 18.7. The application shall also include the following information:

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- i. All land/timber clearing proposed.
  - ii. The percentage of private farm land to be used.
  - iii. Access or service roads to be developed.
4. Level 3 SES-PV Systems shall require a special use permit in accordance with Section 18.7. and a site plan review in accordance with Section 20.10.

The following information shall be required in addition to that required in Section 18.7. and Section 20.10.:

- A. Project Description:  
Identify the Level 3 SES-PV Facility perimeter of the project development area, maximum rated power output, safety and noise characteristics of the individual components of the system, including inverters and transformers system including the transmission line/grid connection. Identify the project construction timeframe, project life, potential development phases and potential future expansions.
- B. Visual Impacts:  
Graphically demonstrate the visual impact of the project using digital and/or photographic renditions with consideration given to required setbacks and proposed landscaping.
- C. Waste:  
Identify any solid or hazardous waste generated by the project and provide a disposal plan for such waste.
- D. Lighting:  
Provide a plan showing all lighting within the facility. All lighting shall be in compliance with the standards of Sections 3.7.1 and 20.10h.
- E. Transportation Plan:  
Provide a proposed access plan to be utilized during construction and operational phases. The plan must show proposed project service road ingress and egress locations to adjacent roadways. Due to infrequent access following construction, it is not required to provide for paved curbs and gutters on access drives unless required by the State Department of Transportation or County Road Commission.
- F. Public Safety:  
Identify emergency and normal shutdown procedures, potential hazards to adjacent properties, public roadways and to the general public that may be created.
- G. Engineering and Installation:  
A preliminary design layout shall be provided to include standard drawings of the structural components of the solar farm and any electrical storage system in support of the Level 3 SES-PV System, including base and footings along with engineering data and calculations to demonstrate compliance with the applicable approval standards of this Ordinance.
- H. Drainage and Soil Erosion:
  - i. The application shall show compliance with stormwater runoff and soil erosion control requirements and shall demonstrate how solar panels shall be positioned to prevent erosion.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- ii. The application shall also demonstrate how vegetative cover will be maintained under and around the solar panels.
- I. Impervious Surface/Stormwater:  
If more than 8,000 square-feet of impervious surface will be located on the site, the application shall require a drainage plan prepared by a registered civil engineer showing how stormwater runoff from hardstand areas will be managed and demonstrating that runoff from the site will not exceed the natural runoff rate or otherwise cause undue flooding. Material Safety Data Sheets (MSDS) shall be supplied for all hazardous materials to be used on site. Any necessary permits from outside agencies for off-site discharge or disposal shall be provided. Solar panels are not considered impervious.
- J. Safety Access:  
A security access plan shall be provided with the application for Level 3 SES-PV Systems. Lockboxes and keys shall be provided for any locked entrances for emergency personnel access to any locked fenced portions of the facility.
- K. County Review:  
Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the County Planning Commission will have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this Section as part of the special land use review process.
- L. Telecommunications Infrastructure:  
Identify any electromagnetic fields that are generated that will interfere with electronic communication devices located outside the perimeter of the facility.
- M. Final Decommissioning and Reclamation Plan:  
A decommissioning and reclamation plan shall be developed and furnished to the Planning Commission describing actions to be taken at the end of the Level 3 SES-PV System's useful life or in the event of abandonment and termination of the project. The information shall include a description of how the following conditions shall be met:
  - i. Removal of all non-utility owned equipment, including conduit buried at less than three (3) feet, structures, fencing, roads and foundations.
  - ii. Restoration of the property to its original condition prior to construction of the Level 3 SES-PV System, subject to reasonable wear and tear. The owner of the leased parcel, however, may request the restored ground surface not to be revegetated, and may request that graveled areas, developed access roads, fences, vegetative screening and berms remain.
  - iii. A timeframe for completion of decommissioning with specific timeframes specified for:
    - a) All above ground buildings, equipment and structures.
    - b) All below ground foundations and electrical cables.
    - c) Restoration of all ground surfaces not specifically exempt.
    - d) Furnishing a description and copy of any memorandum of lease or any other agreement(s) with the landowner(s) regarding decommissioning.
    - e) Providing a list of names, addresses and telephone numbers of persons or parties responsible for designating the contractor(s) responsible for decommissioning.
    - f) Providing a plan and schedule for updating the decommissioning plan every 5 (five) years.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- g) Justification for the requested decommissioning time period requested must be sufficient to allow the Planning Commission to approve or revise the proposed decommissioning timeframe based on the material submitted.

### 17.30.4 APPLICATION REVIEWED BY ZONING ADMINISTRATOR

- A. The Zoning Administrator shall review the application and information submitted under Section 17.30.3 of this Ordinance within 15 business days to determine if all required information is provided. If the Zoning Administrator determines that the application is deficient, written notification shall be sent to the applicant identifying all deficiencies. Applications for Level 3 SES-PV Systems shall not proceed until all required information has been submitted.
- B. Once all the required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for review under the procedures of Section 17.30.3 and 18.5.

### 17.30.5 PUBLIC HEARING COMMENTS

Following receipt of a complete application for a Level 3 SES-PV System, the Planning Commission shall hold at least one (1) public hearing. Notice of the public hearing shall be provided per the requirements of Section 18.5. of this Ordinance.

### 17.30.6 STANDARDS AND CONDITIONS

#### 17.30.6.A Level 1 Solar Energy Systems - Photovoltaic (SES-PV):

Level 1 SES-PV Systems can be placed on any building, and shall comply with all of the following:

- i. Permitted Districts: Level 1 SES-PV systems shall be permitted uses in all zoning districts.
- ii. Size: A Level 1 PV-SES PV System should be sized small enough that it does not exceed the customer's electrical needs on an annual basis, and can either be connected or not connected to the electrical grid operated by a commercial public utility provider.
- iii. Setbacks: Level 1 SES-PV Systems shall meet the setback requirements of the zoning district in which the building(s) on which they are mounted is located.
- iv. Height Restrictions: Except for buildings with a flat roof, the placement of a Level 1 SES-PV System shall not exceed the height limitations of the building on which the system is placed. A Level 1 SES-PV System installed on a building(s) with a flat roof shall not be higher than ten (10) feet above the flat roof.
- v. Placement on residential structures: solar collection panels of any type shall be placed in accordance with Michigan Residential Code (2015 MRC, dated February 8, 2016 as amended).

See Diagrams in Enclosure 1

#### 17.30.6.B Level 2 Solar Energy Systems - Photovoltaic (SES-PV):

Any ground-mounted solar energy photovoltaic system accessory to the primary or secondary use of any principal or accessory building(s) on a parcel or combination of contiguous parcels under the same ownership or control and producing electric power primarily for the use of the owner or tenant shall comply with all of the following requirements:

- A Type I, Level 2 SES-PV Systems shall be permitted uses in all zoning districts.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- B. Type II, Level 2 SES-PV Systems (Systems that include solar panel arrays and their supporting equipment larger than 33,323 square-feet [0.765 acres]) shall be permitted in all zoning districts subject to special use permit approval.
- C. Location and Placement:  
Level 2 SES-PV Systems may be located on any lot or lot of record to service each building on that lot or lot of record. However, Level 2 SES-PV Systems shall not be placed between the front lot line and the principal structure on the lot or lot of record.
- D. Size:  
Level 2 SES-PV Systems should be sized small enough so that they do not exceed the customer's electrical needs on an annual basis, and can be connected or unconnected to the electrical grid operated by a commercial public utility provider.
- E. Setbacks:  
All Level 2 SES-PV Systems shall comply with all setback requirements of the zoning district in which located.
- F. Height Restriction:  
All Level 2 SES-PV Systems shall not exceed 16-feet in height when oriented at maximum tilt and as measured from the grade at the base of the system structures.
- G. Maximum Lot Coverage:
- i. Level 2 SES-PV Systems on parcels of less than two (2) acres shall be limited to 50% of the area within the setback boundaries of the parcel after subtracting the areas covered by any building(s) on the parcel.
  - ii. Level 2 SES-PV Systems on parcels of two (2) acres or more with more than 1,333 square-feet of solar collection surface shall require a site plan review application in accordance with Section 20.10. If the solar array covers more than 33,323 square-feet (0.765 acres), setbacks shall be as follows:
    - a) 100 feet from any dwelling not owned by the owner of the proposed Level 2 SES-PV System. This setback may be waived upon written request of the owner of the dwelling.
    - b) 50 feet from any adjacent parcel boundary not abutting a public or private road.
    - c) 50 feet from any public or private road right of way.
    - d) 500 feet from any major body of water as listed in Section 10.1.2.
    - e) 40 feet from any perennial stream, other than those listed in Section 10.1.2, shown as part of the Lake and Stream Protection (P-LS) zoning district.

### 17.30.6.C. Level 3 Solar Energy Systems - Photovoltaic (SES-PV):

Level 3 SES-PV Systems shall be allowed in the Commercial Development (D-CM), Light Industrial Development (D- LI), General Industrial Development (D-GI), Agriculture and Forestry Management (M-AF) and Lake and Stream Protection (P-LS) zoning districts. All Level 3 SES-PV Systems and associated electrical storage facilities shall comply with the following requirements:

- A. Setbacks:
- i. All Level 3 SES-PV Systems along with their supporting structures, inverters and supporting buildings and equipment (excluding fencing, vegetative screening, berms, roads, underground cables and generator system step-up transformer facilities) shall comply with the following setbacks:
    - a) 100 feet from any dwelling. This setback may be waived or reduced if requested by the owner of the dwelling to be screened.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- b) 50 feet from any Level 3 SES-PV Facility perimeter not abutting a private or public road unless requested to be waived by the property owner of the parcel to be screened.
  - c) 50 feet from any public or private road right of way..
  - d) 500 feet from any major body of water as listed in section 10.1.2.
  - e) 40 feet from any perennial stream, other than those listed in Section 10.1.2, shown as part of the P-LS zoning district. However, underground cables may be allowed if permitted by the Michigan Department of Environmental Quality (MDEQ) and the Army Corps of Engineers.
  - ii. The generator system step-up transformer facility and any electrical storage facility shall meet the following setbacks:
    - a) 500 feet from any dwelling.
    - b) 250 feet from any public or private road abutting the Level 3 SES-PV Facility perimeter of or bisecting the project.
    - c) 500 feet from the ordinary high water mark of any body of water listed in Section 10.1.2.
  - iii. All tree plantings utilized for screening shall have setbacks of seven (7) feet from any property line, public or private road right(s)-of-way, utility or driveway easement(s) or the Level 3 SES-PV Facility perimeter. The seven (7) foot setback shall be measured at the time of planting from the center of the trunks of the trees used for screening.
  - iv. Fencing shall be no closer than one (1) foot from any property line, public road right(s)-of-way, utility or driveway easement(s) or the established Level 3 SES-PV Facility perimeter. Fencing is considered a security measure and cannot be considered as adequate screening for a Level 3 SES-PV System.
- B. Vegetative Screening and Landscaping:
- i. Level 3 SES-PV facilities abutting a public or private road or property line of an adjacent parcel shall comply with the following requirements:
    - a) Screening shall be required along any public or private road right(s)-of-way and opposite any dwelling on the same or adjacent parcels unless the owner of the dwelling to be screened requests in writing otherwise.
    - b) Evergreen coniferous trees or a combination of trees and berms shall be the minimum acceptable methods of screening wherever screening is required.
    - c) Minimum height at time of planting requirements for trees utilized for screening are as follows:
      - 1. Trees planted opposite a dwelling shall be a minimum of eight (8) feet tall at the time of planting. The tree height may be reduced by one (1) foot for each one (1) foot in the height of the berm on which it is planted, i.e., the total of the berm and tree height must be a minimum of eight (8) feet in height. If the road bed is elevated above the surrounding land surface at the location requiring screening, tree tops shall be at least eight (8) feet above the road surface.
      - 2. Tree height at the time of planting shall not be allowed to be reduced below four (4) feet in height regardless of berm height (see Figure 2).
      - 3. Trees planted for screening along road rights-of-way not opposite a dwelling shall require a minimum height at the time of planting of five (5) feet.
  - ii. Buried electrical cables within easements used to connect noncontiguous parcels with the Level 3 SES-PV facility, although an integral part of the facility, shall not require screening regardless of proximity to any dwelling.
  - iii. All tree plantings or combination of trees and berms utilized for screening opposite a dwelling shall extend 100 feet in either direction from a point on the Level 3 SES-PV facility perimeter directly opposite the midpoint of the opposing dwelling.
  - iv. In the event a property line lies within the road right(s)-of-way, setbacks shall be measured from the edge of the road right(s)-of-way.
  - v. At road or driveway intersections, vegetative screening or combination of trees and berms or fences shall be established or maintained in a manner that does not obstruct the view of vehicular traffic in any direction. All right-of-way intersections shall be provided and maintained with a clear unobstructed vision corner extending not less than 20 feet from all right-of-way line intersections along said right-of-way line in the form of a triangle.

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

- vi. Natural vegetative screening is encouraged to be incorporated and maintained into the evergreen coniferous tree screening requirements per Section 17.30.6.C.B. However, natural vegetative screening shall be considered an addition to, and not a replacement for, the evergreen coniferous tree screening requirements.
- vii. All trees planted for screening shall be maintained in good condition for the life of the project. All dead, dying or diseased trees shall be replaced within one (1) year with trees in compliance with the standards set forth in this Section.

### C. Noise:

No Level 3 SES-PV facility shall generate noise that, when measured at the Level 3 SES-PV Facility's perimeter, shall exceed 60 decibels (dBA). This standard does not apply during construction, routine equipment maintenance, repair or replacement, or at the time of decommissioning and reclamation.

### D. Electrical Interconnection:

All electrical interconnections or distribution lines shall comply with all applicable codes and standards. Only existing above-ground transmission lines as well as above-ground transmission lines from the project generation station step-up transformer facility to the point of interconnection with transmission lines are permitted above ground. All other electrical interconnections shall be buried unless other requirements are determined at the time of building permit review.

### E. Height Restriction:

Level 3 SES-PV solar collection panels with their support structures shall not exceed 20 feet in height when oriented at maximum tilt. All other structures except those within the generation station step-up transformer facility and associated transmission towers shall be limited to thirty-five (35) feet. Equipment within the generation station step-up transformer facility shall be exempt from height restrictions.

### F. Performance Guarantee:

In conjunction with the approval of a Level 3 SES-PV System the Planning Commission shall require the owner of the Level 3 SES-PV System to furnish the County with a performance guarantee in the form of a cash deposit, certified check, irrevocable letter of credit or surety bond acceptable to the County in an amount equal to the estimated costs associated with removal of the Level 3 SES-PV facility, including all solar panels, supporting structures, inverters, transformers and all associated equipment in accordance with the decommissioning and restoration plan in Section 17.30.3.3.M. This performance guarantee shall be furnished prior to the construction of the Level 3 SES-PV System and may be combined with any performance guarantee required to be given to the owner of the site.

### G. Final Reclamation:

Any Level 3 SES-PV System not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of any Level 3 SES-PV System that is abandoned as provided herein shall be removed from the property upon receipt of notice from the Zoning Administrator of such abandonment, or the end of operation under the terms and conditions of this subsection. The timeframe for final reclamation shall be determined and approved by the Planning Commission and made a condition of approval of the special use permit.

Except as provided herein, the Level 3 SES-PV System shall be removed from the property by the owner of the Level 3 SES-PV System, including all structures, equipment, components, and subsystems, except underground cables buried at a depth greater than three (3) feet. Berms and trees, service roads and fencing, however, if requested by the owner of the property on

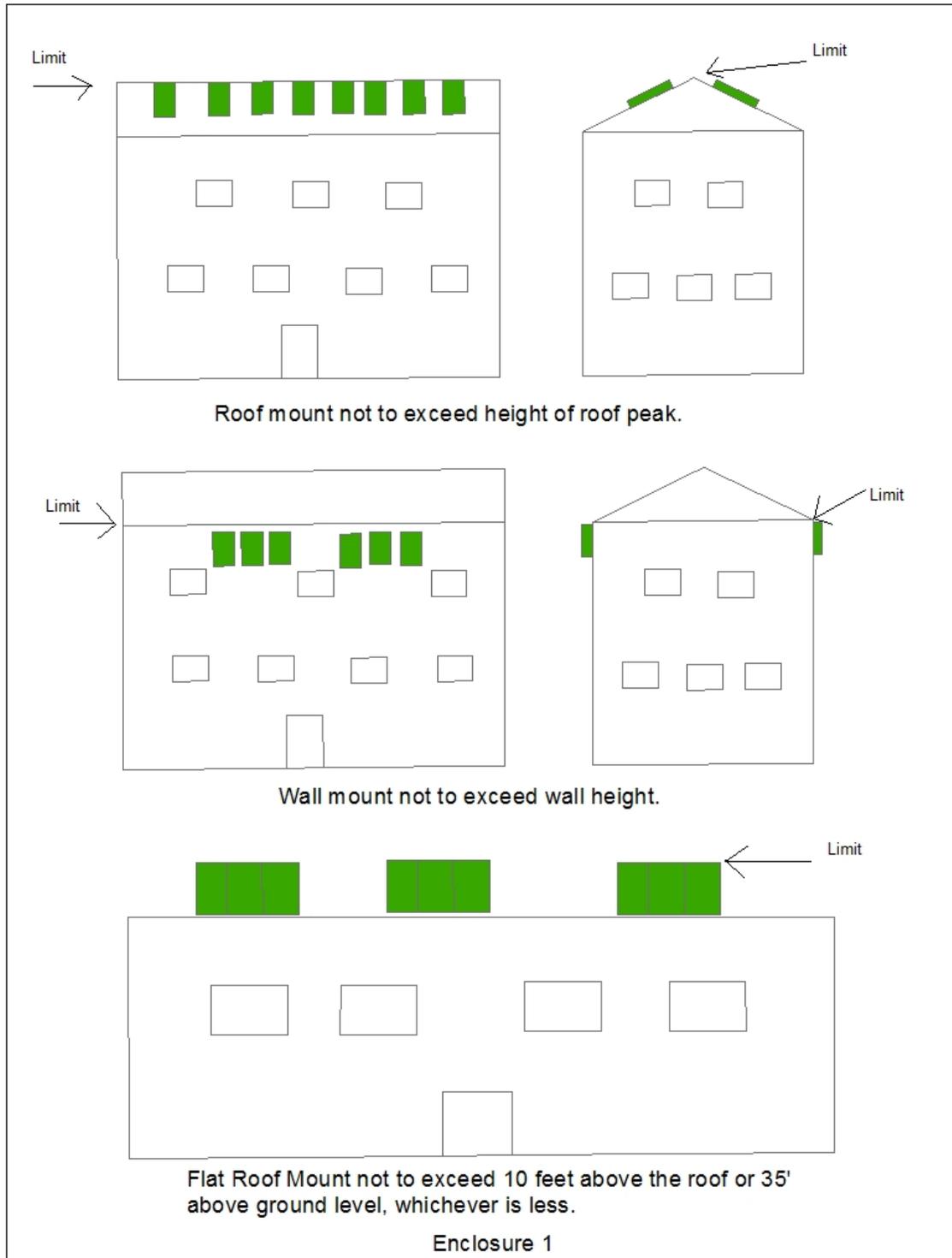
## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

which the Level 3 SES-PV System is located, shall be permitted to remain. Furthermore, the property owner may request that the property on which the Level 3 SES-PV System functioned remain unvegetated.

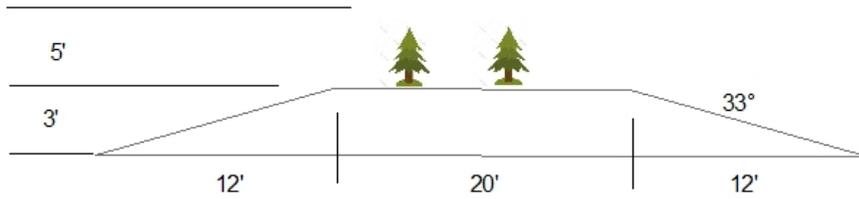
If the property owner on which the Level 3 SES-PV System is located obtains zoning approval for a Level 2 SES-PV System on the same property that incorporates a portion of a Level 3 SES-PV System, then that portion of the Level 3 SES-PV System incorporated into the approved Level 2 SES-PV System may remain as part of the approved Level 2 SES-PV System and the associated trees and berms allowed to remain. The owner of the Level 3 SES-PV System shall remediate the property to its condition immediately prior to the construction of the Level 3 SES-PV System, subject to reasonable wear and tear.

Failure to remove the Level 3 SES-PV System during the timeframe approved by the Planning Commission at a public hearing and made as a condition of approval of the special use permit shall be grounds for the County to remove the Level 3 SES-PV System as provided herein at the expense of the owner of the Level 3 SES-PV System.

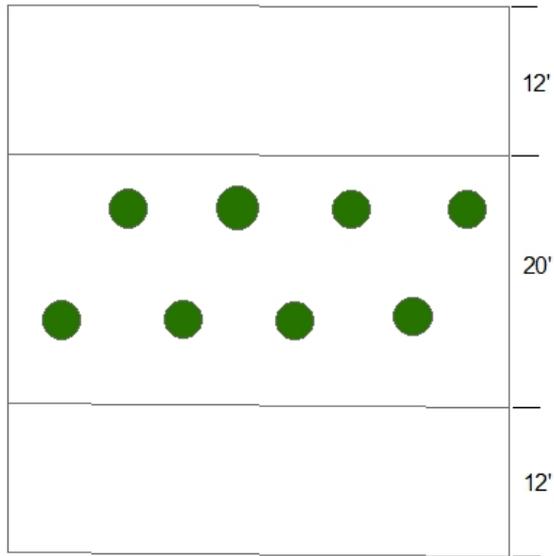
ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS



ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS



Cross Section View



Top View

Enclosure 2

## ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

### Data To Be Considered

This is not part of Amendment #150 to Cheboygan County Zoning Ordinance #200

1. 1 acre = 43,560 square-feet or approximately 208.71 feet x 208.71 feet.
2. 43,560 square-feet/acre x 15 watts/square-foot = 653,400 watts/acre.
3. 1 megawatt = 1,000 kilowatts.
4. A solar farm of 300 - 400 acres would produce approximately 196 - 261 MV.
5. 20 kW is a manufacturing standard for non-commercial systems. This equates to 1,333 square-feet of solar collection surface (36.3 feet x 36.3 feet).
6. 40kW requires 51.6 feet x 51.6 feet (2,663 square-feet) of solar panel surface.
7. 500KW requires 33,323 square-feet or 0.765 acres of solar panel surface.
8. 15 Watts/square-foot = expected output currently for PV.
9. Maximum solar efficiency output is 1000 watts per square-meter at the equator at high noon.
10. It is anticipated that electric car batteries will be repurposed into systems for electrical storage in the future.
11. Current car batteries have a storage capacity of 60-160kV and it is anticipated they will have a capacity of 200kV in the near future.
12. Michigan's Net Metering Program ended June 1, 2018, replaced with an avoided-cost tariff or "inflow/outflow" model. ([https://www.michigan.gov/documents/mpsc/U-18383\\_4-18-18\\_620947\\_7.pdf](https://www.michigan.gov/documents/mpsc/U-18383_4-18-18_620947_7.pdf))
13. Bodies of water listed in Section 10.1.2.:

Black River (Lower)  
Cheboygan River  
Indian River  
Sturgeon River  
Black Lake  
Burt Lake  
Devereaux Lake  
Douglas Lake  
Echo Lake

Munro Lake  
Mullett Lake  
Kleber Pond  
Lake Huron  
Lake Rondo  
Lancaster Lake  
Lance Lake  
Long Lake  
Paradise Lake

Reswell Lake  
Roberts Lake  
Silver Lake (Koebler Township)  
Silver Lake (Wilmot Township)  
Tower Pond  
Twin Lakes  
Vincent Lake  
Wildwood Lake  
Woldan Pond

## ARTICLE 18 - SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS

(Rev. 07/20/04, Amendment #33)

### SECTION 18.1. PURPOSE

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics) which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the County.

### SECTION 18.2. APPLICATION AND FEES (Rev. 11/20/11, Amendment #103)

- a. An application for a special use permit shall be made by filing with the zoning administrator fifteen (15) copies of a completed application form at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, including all required information, and the fees established pursuant to Section 21.8 of this Ordinance.
- b. The applicant shall send additional copies of the completed application including all required information to the County Road Commission, Fire Department with jurisdiction, and County Health Department where applicable. These agencies will keep the application and other required information. Upon delivery of the application and other required information, the applicant shall obtain a receipt from the agencies as proof of delivery or a stamped, signed application indicating no comment. One copy of the application and other required information should be returned with comments from each agency, if any, to the Planning Commission. An application will be placed on the agenda of a meeting of the Planning Commission for discussion only after receipt of comments from the above agencies, unless the completed application including all required information has been in possession of the reviewing agencies for ten (10) days without review and/or comment.

### SECTION 18.3. DATA REQUIRED

The application for a special land-use permit shall include all of the following information:

- a. The Applicant's name, address, and telephone number.
- b. The legal description, address, and tax identification number of the proposed site.
- c. A signed statement that the Applicant is the owner of the proposed site, or is acting as the owner's representative.
- d. A site plan meeting all of the requirements of [Section 20.3](#) of this Ordinance.
- e. A detailed written description of the proposed special land use.
- f. A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the standards for special land use approval specified in [Section 18.8](#) of this Ordinance.
- g. Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for special land use approval specified in [Section 18.8](#) of this Ordinance and the impact of the proposed special land use on adjacent properties, public infrastructure, and the County as a whole. This information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, market studies (to determine demand and/or use saturation), fiscal impact analyses or reports and/or information from officials representing state, county, or local police, fire, or health departments, the county road commission or Michigan Department of Transportation, and/or state, county, or local environmental regulatory agencies.

### SECTION 18.4. ZONING ADMINISTRATOR'S REVIEW

- a. The Zoning Administrator shall review the application and information submitted under Section 18.4 of this Ordinance to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the special use permit cannot proceed until all required information has been supplied.

## ARTICLE 18 - SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS

- b. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Article.

### SECTION 18.5. PUBLIC HEARING REQUIREMENTS (Rev. 04/12/07, Amendment #69)

Following receipt of a complete special use permit application, the Planning Commission shall hold a public hearing. The notices for all public hearings before the planning commission concerning requests for special use permits shall comply with all of the following:

- 18.5.1 The content of the notice shall include all of the following information:
  - 18.5.1.1 A description of the nature of the proposed special use request.
  - 18.5.1.2 A description of the property on which the proposed special use will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
  - 18.5.1.3 The time, date, and place the proposed special use request will be considered.
  - 18.5.1.4 The address where and the deadline when written comments will be received concerning the proposed special use request.
- 18.5.2 The notice shall be published in a newspaper of general circulation within the county not less than 15 days before the scheduled public hearing.
- 18.5.3 The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed special use will be located not less than 15 days before the scheduled public hearing.
- 18.5.4 The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed special use will be located and to the occupants of all structures within 300 feet of the property on which the proposed special use will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the county. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

### SECTION 18.6. REVIEW AND APPROVAL AUTHORITY

Following the public hearing the Planning Commission shall review the special land use request and shall approve, deny, or approve with conditions the special use permit based on the standards for special land use approval specified in [Section 18.8](#) of this Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on each standard.

### SECTION 18.7. STANDARDS FOR SPECIAL LAND USE APPROVAL (Rev. 04/26/08, Amendment #74, Rev. 03/01/19, Amendment #151)

The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with all of the following standards:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole.

## ARTICLE 18 - SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS

- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public or private highway or seen from any adjoining land owned by another person.
- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.

### SECTION 18.8. CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

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

### SECTION 18.9. PERFORMANCE GUARANTEE

In connection with the approval of a special use permit, 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 special land use 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 special use permit is issued. The performance guarantee shall ensure completion of the public and site improvements in accordance with the special use permit approved by the Planning Commission. Any cash deposit or certified funds shall be refunded in the following manner:

## ARTICLE 18 - SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS

- 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 18.10. COMPLIANCE WITH APPROVED SPECIAL USE PERMIT REQUIRED

Unless amended pursuant to [Section 18.12](#) of this Ordinance, an approved special land use shall be developed, constructed, maintained, and operated in strict compliance with the approved special use permit and any conditions of approval. In the event public or site improvements were designed by an architect or engineer, the Applicant shall, following completion of construction, provide a statement prepared by his or her architect or engineer certifying that all public and/or site improvements were constructed in compliance with the approved special land use permit and any conditions of approval.

### SECTION 18.11. AMENDMENT OF SPECIAL USE PERMIT

Amendments to an approved special use permit shall be permitted only under the following circumstances:

- a. The owner of property for which a special land use has been approved shall notify the zoning administrator of any desired change to the approved special use permit. 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 special land use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  1. Reduction of the size of any building and/or sign.
  2. 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. (Rev. 02/23/11, Amendment #90)
  3. Landscaping approved in the special use permit that is replaced by similar landscaping to an equal or greater extent.
  4. 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 the Planning Commission approves a special use permit. (Rev. 02/23/11, Amendment #90) (Rev. 03/30/13, Amendment #115)
  5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  6. 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.
  7. All amendments to a special land use permit approved 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 site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- b. An amendment to an approved special use permit that cannot be processed by the zoning administrator under subsection (a) above shall be processed in the same manner as the original special use permit application.

## ARTICLE 18 - SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS

### SECTION 18.12. EXPIRATION OF SPECIAL USE PERMIT

- a. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission may grant one (1) extension of an approved special use permit for an additional one (1) year period if it finds:
  1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
  2. The requirements and standards for special use permit approval that are reasonably related to the development have not changed.
- b. If the special use permit expires pursuant to subsection (a) above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.

### SECTION 18.13. REAPPLICATION

No application for a special use permit 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 attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous. A reapplication shall be processed in the same manner as the original application.

### SECTION 18.14. JURISDICTION OF ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the granting of special use permits.

## ARTICLE 19. PLANNED UNIT DEVELOPMENT

**SECTION 19.1. PURPOSE** The purpose of these Planned Unit Development (PUD) provisions is to permit and encourage design flexibility within certain specific zoning districts of this ordinance through use of the Special Land Use Permit procedures. The PUD technique as described in this ordinance will enable both developers and Cheboygan County officials to propose, review and agree upon site plans which integrate housing, circulation networks, nonresidential facilities and open space/recreational areas which are compatible with the natural environment.

**SECTION 19.2. USES PERMITTED** No use will be permitted in a PUD that is not permitted in the zoning district in which a PUD is proposed.

**SECTION 19.3. APPLICATION AND APPROVAL PROCEDURES** The following procedures shall be used for the review and approval of a Planned Unit Development application.

19.3.1. Prior to the submittal of a PUD special land use permit application, the applicant is encouraged to informally meet with the Cheboygan County Zoning Administrator to inform county officials of his general intentions and to give the applicant detailed information on the required procedures for such a permit application. At this pre-application conference, the applicant should provide the Zoning Administrator with two copies of a concept plan for the proposed PUD. This concept plan should include information on the types and placement of residential structures, utilities and public facilities, and recreational facilities; minimum lot sizes; densities; landscaping and environmental treatment; pedestrian and auto circulation; the compatibility of the proposed development with surrounding uses; financing of the project; and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development. The Zoning Administrator shall keep on file documentation signed by the prospective applicant, of any pre-application conference. Following this pre-application conference, the Zoning Administrator shall present the concept plan to the Cheboygan County Planning Commission at their next regular public meeting for their information and review.

19.3.2. Preliminary Plan Following a pre-application conference, if any, the applicant shall submit a preliminary plan for the PUD in accordance with those provisions outlined below. The preliminary plan must contain that information which is required of a site plan as set forth in [Article 20](#) of this ordinance.

a. General Requirements for the Preliminary Plan

- 1 A statement of the objectives of the planned unit development, including physical, social and economic considerations.
- 2 A schedule of development, including phasing of residential, public, and open space/recreation areas.
- 3 Future selling and/or leasing intentions and accompanying management techniques.
- 4 A tabulation of the land area percentages (by land use type) for residential, public, utility and open space/recreation areas.
- 5 Any additional information that has been gathered by the developer that would be useful in giving the Planning Commission a description of the proposed project.

b. Graphic Requirements for the Preliminary Plan. Preliminary plan shall contain a base map with topographic identification (using a minimum of five (5) foot contour intervals or less if the Planning Commission determines that site conditions require more detail) plus important environmental features (including, but not limited to water bodies, surface drainage, vegetation and soils). It shall also contain additional maps identifying:

- 1 Proposed lot lines and the location and floor areas of proposed buildings
- 2 Existing and proposed pedestrian and vehicular circulation routes and off-street parking areas
- 3 Existing and proposed utility systems
- 4 Areas to be dedicated for open space and/or public use
- 5 Plans of proposed landscape work
- 6 General descriptions of architectural and landscape elements within the proposed development

## ARTICLE 19. PLANNED UNIT DEVELOPMENT

- c. Additional Requirements for the Preliminary Plan, if requested by the Planning Commission.
    - 1 Information on the projected demand for the development to determine the feasibility of the proposed land use development.
    - 2 Detailed information on the development's impact on soils, surface and groundwater's, existing vegetation, wildlife and other natural features of the site.
  - d. The preliminary plan shall be submitted to the Zoning Administrator and Planning Commission by the applicant when all necessary requirements have been met. The Zoning Administrator shall present all material submitted by the applicant to the Planning Commission at their regular public meeting. The Planning Commission shall then have 30 days from the date of the public meeting at which said preliminary plan is submitted, to solicit the recommendations from the Planning Commission, County Soil Conservation District, the Township in which the PUD is proposed, the District Health Department, the County Drain Commissioner and the Cheboygan County Road Commission.
  - e. The Planning Commission shall review the preliminary plan and advise the applicant of any changes that are required. A formal response shall be given to the applicant on the preliminary plan, including all recommendations and comments of the Planning Commission.
- 19.3.3. Final Plan Once the applicant has been advised of the comments on the preliminary plan, he must submit a final plan to the Planning Commission within nine (9) months. The final plan shall include all modifications from the preliminary plan, any additional necessary or pertinent legal documents, and detailed drawings or plans of elements which were presented in general fashion in the preliminary plan. During this time, the applicant must also submit a formal application for a Special Land Use Permit, following the procedures outlined in [Article 18](#).
- a. After receiving the final plan and the Special Land Use application, the Planning Commission shall conduct a public hearing on the PUD proposal, following the notice requirements of [Section 18.5](#). All decisions must be based upon those standards presented in this article pertinent to Planned Unit Developments. (Rev. 04/12/07, Amendment #69)
  - b. The Planning Commission shall also act on the PUD Special Land Use request within 45 days of submittal by the applicant. Approval, approval with modifications or disapproval of the Special Land Use request shall follow the procedures outlined in [Article 18](#).
  - c. If the final plan or Special Land Use request is disapproved by the Planning Commission, reasons or the denial shall become part of the public record and shall be presented to the applicant in written form.
- 19.3.4. Modification to Final Plan If it becomes necessary, due to unforeseen circumstances, to modify the approved final plan, the applicant shall submit, in writing, the situation regarding the need for modification, reasons for modification, and specifications of the proposed changes to the Zoning Administrator. The Planning Commission shall then, after being notified by the Zoning Administrator, review the proposed changes and solicit recommendations from the Zoning Administrator and Planning Commission. The Planning Commission shall approve the modifications, propose alternative changes or disapprove (adhere to approved final plan). In any event, the Planning Commission must ensure that the standards set forth in this Article are not violated by the proposed changes to the final development plan.

## ARTICLE 19. PLANNED UNIT DEVELOPMENT

19.3.5. Design Requirements All Planned Unit Developments shall adhere to the following conditions and standards:

a. General.

1. The minimum site size shall be five (5) acres. (Rev. 09/29/06, Amendment #63)
2. All PUD's shall be controlled by one owner or group of owners and shall be planned and developed as a single project
3. Exclusions from gross area - Identifiable flood plains, wetlands, significant organic soils, bodies of water and areas with slopes averaging 20% or more shall be specifically excluded from all building improvements and shall not be considered in determining the developable area of the PUD.

b. Environmental Design Requirements.

1. Within the designated developable boundary, the Planning Commission shall require the following: preservation of existing trees to the greatest extent possible, predominant shrubbery, waterways, scenic viewing areas, historic points, and the planting of native and ecologically compatible vegetation or placement of protective cover on slopes of 12%-19% to minimize hillside erosion resulting from land development and any streets and walkways. The Planning Commission shall require that the applicant demonstrate that building activity will occur on portions of the site with soils most suitable for development.
2. Any portion of the PUD site, if deemed environmentally significant, and not already excluded from the developable area, may upon review by the Planning Commission, be preserved in its natural state.

The internal vehicular circulation system of the PUD shall be designed and constructed so as not to reduce the slope of the natural terrain by more than 7%.

- c. Perimeter Treatment. To provide adequate separation between the PUD and the surrounding land uses, a buffer zone shall be established on the perimeter of the development, in which no structures are to be located. The buffer zone shall be at least 20 feet deep and may extend up to 100 feet depending on the PUD's compatibility with surrounding uses. Adequate screening and landscaping or protection by natural features shall be included in the buffer zone.
- d. Open Space. Open space, as defined by the Planning Commission for the purposes of these PUD design requirements, refers to those areas established specifically for common use by all residents or homeowners of the Planned Unit Development. In an effort to preserve and enhance open space and to provide adequate recreational areas for residential developments, the designated common open space shall comprise at least 30% of the total developable area of the PUD to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, or utility easements, provided, however, that up to 10% of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent.
- e. Densities for Residential Development. Since the Planned Unit Development concept is designed to encourage flexible and innovative building patterns, density requirements shall be based on the number of dwelling units per acre rather than the traditional minimum lot size requirements which would normally be applicable to the zoning district in which the PUD is located. The density requirements for residential uses in Planned Unit Developments shall be four and one-half (4 1/2) dwelling units per developable acre. Density increases may be permitted by the Planning Commission for the following reasons:
1. The following formula shall be used in determining the increase of total additional dwelling units to be allowed as an incentive for designating additional open space within the developable area of the PUD.

## ARTICLE 19. PLANNED UNIT DEVELOPMENT

For Planned Unit Developments of 80 acres or more:

Additional acres of open space provided (beyond the minimum requirement for the developable areas of the PUD)
5 – 6
7 – 5
9+

Increase in number of dwelling units allowed per acre of developable land:	
For unimproved open space	For improved open space
.5	.55
.75	.80
1.00	1.05

For Planned Unit Developments of 20 - 79 acres:

Additional acres of open space provided (beyond the minimum requirement for the developable areas of the PUD)
5 – 6
7 – 5
9+

Increase in number of dwelling units allowed per acre of developable land:	
For unimproved open space	For improved open space
1.1	1.2
1.5	1.7
2.3	2.5

2. For the development of a nature interpretive trail through the non-developed lands of the PUD, including such improvements as wood chip trails, wooden stairways or boardwalks, interpretive signage for significant natural features or plant and animal species, and other facilities designed to advance the appreciation of the natural environment, the Planning Commission may allow up to one additional dwelling unit per every four (4) acres of developable land.
3. For the employment of unusually attractive or innovative building design or grouping, such as clustering, sun orientation, variation of building setbacks or other design features determined to significantly improve the character of the PUD, the Planning Commission may allow a density increase up to one additional dwelling unit per every five (5) acres of developable land.
4. For the use of additional or attractive landscaping, particularly in the screening of parking areas, accessory buildings, public facilities, or utilities, the Planning Commission may allow for a density increase up to one additional dwelling unit per every five (5) acres of developable land.

NOTE: Any fractional number of dwelling units (for the total developable area) shall be rounded to the next lowest whole number.

- f. Building Spacing. While the traditional front, side and rear yard setback requirements are not necessarily required for Planned Unit Developments, the Planning Commission will establish minimum spacing distances between structures to assure adequate light, air, privacy and fire protection for all residents. The following standards are established to achieve these objectives.
  1. When buildings are designed to provide adequate privacy, light and air, and effective utility of space for residents, there may be a reduction allowed in the spacing of structures.
  2. Front yard requirements: In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence, if facing onto a common open space, or through interior room design minimizing the use of the front yard, front yard requirements may be reduced from the standards for the zoning district in which the PUD is proposed.
  3. Lot width requirements: Those lots which have an awkward configuration, yet allow adequate light and ventilation between the structures, may reduce their lot width requirements from the standards for the

## ARTICLE 19. PLANNED UNIT DEVELOPMENT

district which the PUD is located. This reduction must not interfere with the maintenance of adequate light, ventilation, and access for structures in the PUD.

4. Building heights: To ensure adequate light, ventilation, and open space amenities in the PUD while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty-five (35) feet shall be instituted.
- g. Parking standards
1. For each dwelling unit, there shall be a minimum of two off-street parking spaces consisting of not less than 180 square feet each;
  2. For all other land uses, parking spaces shall be provided as required in Section 17.6., table of minimum parking requirements.
  3. Parking areas shall be arranged so as to prevent through traffic to other parking areas;
  4. Parking areas shall be screened from adjacent roads, structures, and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls;
  5. No more than 12 parking spaces shall be permitted in a continuous row without being interrupted by landscaping;
  6. No more than 60 parking spaces shall be accommodated in any single parking area;
  7. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked so as to provide for orderly and safe loading, parking and storage;
  8. All parking shall adequately be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.
- h. Circulation Standards
1. Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated with the PUD and in relation to the community as a whole. These systems shall promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUD's should not be connected with external streets to discourage through traffic. Emergency access and safety standards shall be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.
  2. All streets within the PUD must be designed to accommodate anticipated traffic loads, including volume, vehicle weight and size, speed, emergency vehicles, and turning radii. Street construction drawings must be accompanied by a report from a qualified road engineer to assure the adequacy of the design and also a written review from the superintendent/engineer of the Cheboygan County Road Commission.

## ARTICLE 20 - SITE PLAN REVIEW

(Rev. 03/25/05, Amendment #42)

### SECTION 20.1. PURPOSE

The intent of this Section is to provide for consultation and cooperation between the developer and the County so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Master Plan of Cheboygan County will be assured and the County will develop in an orderly fashion.

### SECTION 20.2. SITE PLAN REVIEW AND APPROVAL AUTHORIZED

- a. The Planning Commission shall review and approve, review and approve with conditions, or review and deny all site plans submitted under this Ordinance.
- b. Each action taken with reference to site plan review shall be duly recorded in the minutes of the Planning Commission.

### SECTION 20.3. SITE PLAN REVIEW REQUIRED.

Site plan review shall be required in the following situations:

- a. Any use or development for which the submission of a site plan is required by any provision of this Ordinance.
- b. Any new construction in a Commercial Development, Light Industrial Development, General Industrial Development, Village Center, Village Center Indian River, Village Center Indian River Overlay, Village Center Topinabee or Village Center Topinabee Overlay zoning district except single family dwellings, two family dwellings and private storage buildings. (Rev. 11/06/08, Amendment #77), (Rev. 11/24/13, Amendment #120)
- c. Any development, except single family dwellings, two family dwellings for which off- street parking areas are provided as required in this Ordinance. (Rev. 11/24/13, Amendment #120)
- d. All platted subdivisions developed pursuant to the [Land Division Act \(P.A. 288 of 1967 as amended\)\(MCL 560.101 et. Seq. as amended\)](#) and all Condominium subdivisions developed pursuant to the [Condominium Act \(P.A. 59 of 1978 as amended\)\(MCL 559.101 et. Seq. as amended\)](#).

### SECTION 20.4. GENERAL APPLICATION AND PROCEDURAL OUTLINE

The procedure for processing site plans includes a pre-application conference, if desired by the applicant or the Planning Commission, and final site plan approval.

### SECTION 20.5. PRE-APPLICATION CONFERENCE

If a prospective applicant or the Planning Commission requests a pre-application conference, the prospective applicant shall provide a generalized site plan for consideration of the overall idea of the development.

- a. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure shall be discussed.
- b. This conference should be scheduled by a prospective applicant with the Zoning Administrator and such other County representatives as appropriate, including one member of the Planning Commission.
- c. At this conference the applicant or his/her representative shall be presented with the applicable procedures required by this Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Zoning Board of Appeals for any variances.
- d. Any application requirements that are not applicable for the specific proposed development should be identified; however, the Planning Commission may require additional information that they later determine appropriate.
- e. There shall be no charge or fee to the applicant for this pre application conference.

## ARTICLE 20 - SITE PLAN REVIEW

### SECTION 20.6. APPLICATION REQUIREMENTS FOR SITE PLAN

The application for site plan approval shall, at a minimum, include the following information on the application, site plan, or attached as exhibits:

- a. The applicant's name, address, and phone number in full.
- b. Proof of property ownership and whether there are any options on the property.
- c. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
- d. The address and or parcel number of the property.
- e. Name and address of the developer (if different from the applicant).
- f. Name and address of the engineer, architect, land surveyor, or other site plan preparer if the request includes a structure(s) and/or addition(s) to be used for profit or public involvement.
- g. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the ordinance.
- h. The total and net acreage of all parcels in the project.
- i. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
- j. Project completion schedule/development phases.
- k. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.

### SECTION 20.7. SITE PLAN REQUIREMENTS (Rev. 08/01/10, Amendment #86)

For all Site Plan Reviews, Special Use Permits, and Planned Unit Developments, fifteen (15) copies of the site plan containing all information required in this Ordinance shall be presented for consideration. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 100' or less, showing the site and all structures within 150' of the site. If multiple sheets are used, each shall be labeled and numbered and the preparer identified. If the applicant fails to provide all the information required by this Ordinance, then the site plan shall be deemed incomplete, shall not be processed, and may be denied by the Zoning Administrator on that basis. Each site plan shall depict the following, unless the Planning Commission waives a particular information requirement of this section upon a finding that the information is not applicable to the proposed development and the information is not needed to determine whether the proposed development meets the standards for approval in [Section 20.10](#) of this Ordinance:

- a. North arrow, scale and date of original submittal and last revision.
- b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
- c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
- d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
- e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
- f. Location of existing and proposed buildings and intended uses thereof.

## ARTICLE 20 - SITE PLAN REVIEW

- g. Details of entryway and sign locations should be separately depicted with an elevation view.
- h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
- i. Location, size, and characteristics of all loading and unloading areas.
- j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
- k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
- l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
- m. Location and specifications for all fences, walls, and other screening features.
- n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
- o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
- p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
- q. Elevation drawing(s) for proposed commercial and industrial structures.
- r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
- s. Floor plans, when needed to determine the number of parking spaces required.

### SECTION 20.8. SUBMITTAL REQUIREMENTS FOR SITE PLAN REVIEW

- a. The applicant shall complete and submit an original and fifteen (15) copies of the application and site plan to the Zoning Administrator at least fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission. If the applicant fails to provide all the information required by this Ordinance, the application and site plan shall be deemed incomplete, shall not be processed, and may be denied by the Zoning Administrator on that basis. (Rev. 02/23/11, Amendment #90)
- b. The applicant shall send a copy of the application and site plan to the County Road Commission, Fire Department with jurisdiction, and County Health Department where applicable. These agencies will keep the application and one (1) copy of the site plan. Upon delivery of the application and site plan, the applicant shall obtain a receipt from the agencies as proof of delivery or a stamped, signed site plan indicating no comment. One copy of the site plan should be returned with comments from each agency, if any, to the Planning Commission. An application will be placed on the agenda of a meeting of the Planning Commission for discussion only after receipt of comments from the above agencies, unless the site plan has been in possession of the reviewing agencies for ten (10) days without review and/or comment. When a site plan is submitted in conjunction with a special use permit, the Planning Commission shall consider the site plan in a public hearing noticed pursuant to the requirements of Article 18 of this Ordinance. (Rev. 11/20/11, Amendment #103)
- c. Application fees as determined pursuant to [Section 21.8.1](#) of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
- d. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

## ARTICLE 20 - SITE PLAN REVIEW

- e. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation. After the two meetings, the application shall be rendered void and the applicant would need to re-apply.

### SECTION 20.9. SITE PLAN REVIEW (Rev. 11/20/11, Amendment #103)

Following receipt of a complete application and site plan and after either receiving comments from the County Road Commission, Fire Department, County Health Department, and Michigan Department of Natural Resources, where applicable, or the expiration of the ten (10) day comment period, the Planning Commission shall review the site plan pursuant to the standards contained in [section 20.10](#) below.

### SECTION 20.10. STANDARDS FOR GRANTING SITE PLAN APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
- h. Exterior lighting shall be arranged as follows:
  - a. It is deflected away from adjacent properties.
  - b. It does not impede the vision of traffic along adjacent streets.
  - c. It does not unnecessarily illuminate night skies.

## ARTICLE 20 - SITE PLAN REVIEW

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

### SECTION 20.11. CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so shall be deemed a violation of this Ordinance.

### SECTION 20.12. CONDITIONAL APPROVALS

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to [Section 20.10](#) of this Ordinance.

### SECTION 20.13. PERFORMANCE GUARANTEE REQUIRED

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to [Section 21.8.2](#) of this Ordinance.

### SECTION 20.14. AMENDMENTS TO APPROVE SITE PLANS

Amendments to an approved site plan shall be permitted only under the following circumstances:

- a. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. 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 site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  1. Reduction of the size of any building and/or sign.
  2. Movement of buildings and 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. (Rev. 02/23/11, Amendment #90)
  3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  4. Any change in the building footprint of a building that does not exceed twenty percent (20%) 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 twenty (20%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after the Planning Commission approves a special use permit. (Rev. 02/23/11, Amendment #90) (Rev. 03/30/13, Amendment #115)
  5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  6. Changes related to items 1 through 5 above, required or requested by the Township, the 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 site plan, nor any specified conditions imposed as part of the original approval.

## ARTICLE 20 - SITE PLAN REVIEW

### 7. Changes in use, provided all of the following are met: (Rev. 02/23/11, Amendment #90)

- a. The new use is a use authorized by right in the zoning district in which the property is located.
  - b. The new use does not require more that a twenty percent (20%) increase in required parking beyond that which was required by the originally approved use.
  - c. The originally approved site plan satisfies all current site plan requirements for the new use.
  - d. The new use does not trigger additional site plan requirements that were not considered when the original site plan was approved.
- b. All amendments to a site plan approved 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 site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
  - c. An amendment to an approved site plan that cannot be processed by the zoning administrator under subsection 'a' above shall be processed in the same manner as the original site plan application.

### SECTION 20.15. AS-BUILT SITE PLAN

Upon installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Administrator 2 copies of an "As built" site plan. The Zoning Administrator shall circulate the as built plans among the appropriate persons for review to insure conformity with the approved final site plan and other Cheboygan County requirements. The Zoning Administrator shall immediately notify the owner of compliance with the final site plan or of any discrepancy with the final site plan.

### SECTION 20.16. EXPIRATION OF SITE PLAN REVIEW

- a. An approved Site Plan Review shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the Site Plan Review. The Planning Commission may grant one (1) extension of an approved Site Plan Review for an additional one (1) year period if it finds:
  1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
  2. The requirements and standards for special use permit approval that are reasonably related to the development have not changed.
- b. If the Site Plan Review expires pursuant to subsection (a) above, no work pursuant to the Site Plan Review approval may be undertaken until a new Site Plan Review is obtained from the Planning Commission following the required procedures.

### SECTION 20.17. REAPPLICATION

No application for a Site Plan Review 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 attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous. A reapplication shall be processed in the same manner as the original application.

## ARTICLE 21. - ADMINISTRATION AND ENFORCEMENT

### SECTION 21.2. ENFORCEMENT

- 21.2.1. The provisions of this ordinance shall be administered and enforced by the County Zoning Code Administrator. The Zoning Administrator may delegate members of his department to enforce the provisions of this ordinance.
- 21.2.2. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- 21.2.3. The Zoning Administrator shall establish and maintain an indexed file of all variances and zoning changes which have been approved subsequent to the date of adoption of this ordinance.
- 21.2.4. The Zoning Administrator shall under no circumstances be permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties as Zoning Administrator.
- 21.2.5. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.
- 21.2.6. *This section has been deleted and is reserved for future use. (Rev. 11/20/11, Amendment #102)*

### SECTION 21.3. ZONING PERMIT

- 21.3.1. No building, sign, or other structure shall be erected, moved, enlarged, or structurally altered, nor shall there be a change to a different use listed in a zoning district within a building or on a lot without a permit therefor, issued by the Zoning Administrator. No permit shall be issued except in strict conformity with the provisions of this ordinance, unless the Zoning Administrator receives a written order from the Zoning Board of Appeals. (Rev. 04/12/07, Amendment #67) (Rev. 02/23/11, Amendment #90)
- 21.3.2. The Zoning Administrator shall have the power to issue zoning permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance.
- 21.3.3. The Zoning Administrator shall require that every application for a permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy be filed in duplicate and accompanied by written statement and, as applicable, dimensioned plans or plats drawn to scale, and showing the following:
- a. The actual shape, location, and dimensions of the lot.
  - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
  - c. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
  - d. The lines of the lots or parcels under separate ownership therein.
  - e. The names and widths of abutting pavements and rights-of-way.
  - f. The signature of the fee holder owner of the premises concerned.

## ARTICLE 21. - ADMINISTRATION AND ENFORCEMENT

- g. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

21.3.4. One copy of the application shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original application, similarly marked, shall be retained by the Zoning Administrator, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Officer shall refuse to issue a permit, he shall state such refusal in writing with the cause and reasons for said refusal.

21.3.5. The Zoning Administrator shall void any permit which has been issued on the basis of false or misrepresented information on the permit application.

**SECTION 21.4. EXPIRATION OF ZONING PERMIT** If the work described in any permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Officer and written notice thereof shall be given to the persons affected

**SECTION 21.5. CONFORMANCE WITH APPROVED PLANS** Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and do not authorize other use, arrangement, or construction. Use arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by [SECTION 21.9](#).

### **SECTION 21.6. CERTIFICATES OF OCCUPANCY**

21.6.1. It shall be unlawful to use or permit the use of any land, building, or structure for which a permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator shall have issued a Certificate of Occupancy to the applicant for the permit in effect stating that the provisions of this ordinance have been complied with.

- a. **Temporary Certificates.** Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than 90 days, nor more than 30 days after the building or structure is fully completed and ready for occupancy; and provided further, that such portions of the building or structure are in conformity with the provisions of this ordinance.
- b. **Records of Certificates.** A record of all Certificates of Occupancy shall be kept in the office of the Zoning Administrator and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- c. **Certificates for Accessory Buildings to Dwellings.** Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- d. **Application for Certificates.** Certificates of Occupancy shall be applied for in writing to the Zoning Administrator coincidentally with application for building permits and shall be issued within 5 days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this ordinance. If such Certificate of Occupancy is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid 5 day period.

## ARTICLE 21. - ADMINISTRATION AND ENFORCEMENT

**SECTION 21.7. FINAL INSPECTION** The recipient of any permit for the erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Zoning Officer immediately upon the completion of the work authorized by such permit, for a final inspection.

**SECTION 21.8. FEES (Rev. 03/06/04, Amendment #30)**

21.8.1. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the County, the County Board of Commissioners may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:

- a. Zoning permits.
- b. Special use permits.
- c. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the County Board of Commissioners, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
- d. Classification of unlisted property uses.
- e. Requests for variances from the Zoning Board of Appeals.
- f. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the County Board of Commissioners, or the Planning Commission shall not be subject to a zoning fee.
- g. Site plan reviews.
- h. Requests for a planned unit development (PUD).
- i. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

21.8.2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the County Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the County in excess of the

## ARTICLE 21. - ADMINISTRATION AND ENFORCEMENT

amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

### SECTION 21.9. ENFORCEMENT PROCEDURES, PENALTIES

#### 21.9.1. (Rev. 02/04/04, Amendment #29)

- A. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
- C. The County Zoning Administrator and Code Enforcement Officer are hereby designated as the authorized county officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the County may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**SECTION 21.10. REMEDIES** The Zoning Administrator, the Board of Appeals, County Board of Commissioners, or any interested party, may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate or remove any violation of this ordinance. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.

**SECTION 21.11. SCOPE OF REMEDIES** The rights and remedies provided in this ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be distributed in accordance with the prevailing statutes.

## ARTICLE 22. - NON-CONFORMING USES, STRUCTURES

**SECTION 22.1.** Lawful non-conforming uses or structures in existence or under construction at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, addition or alteration is in conformity with the provisions of this ordinance.

**SECTION 22.2.** If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.

**SECTION 22.3.** If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of the land and structure shall be in conformity with this ordinance.

**SECTION 22.4.** If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

**SECTION 22.5.** Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.

**SECTION 22.6.** Nothing in this ordinance shall prevent the strengthening of a lawful, non-conforming building or structure, or point thereof, which has been declared unsafe by the Zoning Administrator, building official or public health inspector, nor the requirement to adhere to the lawful orders of such individuals.

**SECTION 22.7.** No lot or lots, nor yard, court, parking space or any other space shall be so divided, altered or reduced as to provide less than the minimum allowable area and dimensions set forth in this ordinance. If such areas are already less than the minimum allowable area or dimensions set forth in this ordinance, they shall not be divided, altered or reduced further.

**SECTION 22.8. (Rev. 04/26/08, Amendment #73)**

Any nonconforming lot of record may be used for any purpose authorized within the zoning district in which it is located. Any structure or building constructed on the nonconforming lot of record shall meet all applicable setback and other dimensional regulations of the zoning district, unless a variance is obtained from the Zoning Board of Appeals pursuant to the procedures and standards of this Ordinance.

## ARTICLE 23. - ZONING BOARD OF APPEALS

### SECTION 23.1. CREATION AND MEMBERSHIP

There is hereby established a Board of Appeals which shall perform its duties and exercise its powers as provided in Act 183 of the Public Acts of 1943, as amended and in such a way that the objectives of this ordinance shall be observed, public health, safety and welfare assured and justice served. The Board shall consist of the following five (5) members.

- 23.1.1. One member shall be a member of the County Planning Commission.
- 23.1.2. Each member shall be chosen from the electors residing in the unincorporated areas of the county.
- 23.1.3. An elected officer of the county or an employee of the County Board of Commissioners may not serve simultaneously as a member of or as an employee of the Board of Appeals.
- 23.1.4. All members shall be appointed by the County Board of Commissioners to serve staggered terms of three (3) years.

### SECTION 23.2. BOARD MEETINGS

(Rev. 09/25/10, Amendment #89)

- 23.2.1. The Board of Appeals shall not conduct business unless a majority of the regular members are present. Meetings of the Board of Appeals will be held at the call of the chairman, and at other such times and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be filed in the office of the Zoning Administrator and County Clerk, and shall be a public record. The Board of Appeals shall adopt its own rules of procedure for meetings.
- 23.2.2. The concurring vote of a majority of the entire membership of the zoning board of appeals shall be necessary to reverse or amend any order, requirement, decision or determination of the Zoning Administrator, administrative official or body, to decide in favor of the applicant on any matter upon which they are required to pass under the zoning ordinance, or to grant a variance in the Zoning Ordinance.

### SECTION 23.3. APPEAL

- 23.3.1. The Board of Appeals shall, when called upon, act upon all questions as they arise in the administration of this zoning ordinance including interpretation of the county zoning map; except, the Zoning Board of Appeals shall not be empowered to hear appeals from Planning Commission or Zoning Board decisions on either Special Use Permits pursuant to Article 18 or Planned Unit Developments pursuant to Article 19 of this ordinance. Such an appeal may be taken by any person aggrieved, or by any officer, department, board, or bureau of the county or state. It shall hear and decide appeals from any review any order, requirements, decisions or determinations made by the Zoning Administrator; except that the decision of the Zoning Administrator to issue a municipal civil infraction citation shall not be appealable to the Zoning Board of Appeals. (Rev. 02/04/04, Amendment #28)
- 23.3.2. An appeal shall be taken within such time as shall be prescribed by the Board of Appeals. The appeal, in writing and specifying the grounds for the appeal, shall be filed with the Zoning Administrator. The Zoning Administrator shall forthwith transmit the appeal to the Board of Appeals along with all the papers constituting the record upon which the action appealed was taken.
- 23.3.3. An owner of property, or his authorized agent, shall not file an appeal for a zoning variance affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Board of Appeals determines that: (a) conditions affecting the property have changed substantially, or (b) the nature of the request has changed substantially from the date of the previous petition.
- 23.3.4. Appeal: The decision by the Planning Commission may be appealed by the property owner or other [aggrieved party](#) to the Cheboygan County Zoning Board of Appeals. Requests for appeal shall be made in writing on the property appeal form within 45 days of Planning Commission action.

## ARTICLE 23. - ZONING BOARD OF APPEALS

### SECTION 23.4. STAY.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application.

### SECTION 23.5. JURISDICTION.

The Board of Appeals shall have the following powers and it shall be its duty:

- 23.5.1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance, except that the decision of the Zoning Administrator to issue a municipal civil infraction citation shall not be appealable to the Zoning Board of Appeals. (Rev. 02/04/04, Amendment #28)
- 23.5.2. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefore as may be in harmony with the general purpose and intent of this Ordinance, as will assure public health, safety and welfare and will serve justice, including the following:
  - 23.5.2.1. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the zoning map.
  - 23.5.2.2. Permit the erection and use of a building or an addition to an existing building, for a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established.
  - 23.5.2.3. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
  - 23.5.2.4. Permit such modification of the area, width, lot size, setback and density regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be improved without such modification.
  - 23.5.2.5. Permit temporary buildings and uses for periods not to exceed two (2) years, which may be renewed upon request for not more than one (1), one (1) year period.
- 23.5.3. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, will assure that public health, safety and welfare is secured and substantial justice done. No such variance for the use provisions of this Ordinance shall be granted unless all of the following facts and conditions exist: (Rev. 09/11/04, Amendment #36)
  - 23.5.3.1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.
  - 23.5.3.2. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

## ARTICLE 23. - ZONING BOARD OF APPEALS

- 23.5.3.3. The granting of the variance will relate only to the property under control of the appellant.
- 23.5.3.4. The granting of the variance will not adversely affect the purposes or objectives of the Zoning Plan of the County.
- 23.5.3.5. The granting of the variance or modification will not be materially detrimental to the public welfare or materially injurious to other property or improvements in the district in which the property is located.

### 23.5.4. (Rev. 09/11/04, Amendment #36)

A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

- 23.5.4.1 That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
- 23.5.4.2 That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- 23.5.4.3 That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- 23.5.4.4 That the requested variance is the minimum variance necessary to grant the applicant reasonable relief as well as to do substantial justice to other property owners in the district.
- 23.5.4.5 That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

### 23.5.5. *This section has been deleted and is reserved for future use.* (Rev. 11/20/11, Amendment #102)

23.5.6. Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the County Board of Commissioners in the manner hereinafter provided by law.

**SECTION 23.6. APPROVAL PERIODS.** No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within the said period; provided, however, that such order shall continue in force and effect, if a permit for said erection or alteration has been obtained, and said work is started and proceeds to completion in accordance with said permit.

### **SECTION 23.7. NOTICE OF HEARING.** (Rev. 04/12/07, Amendment #69)

The Board of Appeals shall make no recommendation except in a specific case and after a Public Hearing conducted by said Board. The notices for all public hearings before the zoning board of appeals concerning appeals, interpretations, and variances shall comply with all of the following applicable provisions:

- 23.7.1 For an appeal or a request for an interpretation, the notice shall comply with all of the following:
  - 23.7.1.1 The content of the notice shall include all of the following information:
    - a. A description of the nature of the appeal or interpretation request.

## ARTICLE 23. - ZONING BOARD OF APPEALS

- b. If the appeal or interpretation request involves a specific parcel, then the notice shall describe the property involved. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
  - c. The time, date, and place the appeal or interpretation request will be considered.
  - d. The address where and the deadline when written comments will be received concerning the appeal or interpretation request.
- 23.7.1.2 The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
- 23.7.1.3 The notice shall be sent by first-class mail or personal delivery to the person filing the appeal or requesting the interpretation and, if the appeal or interpretation request involves a specific parcel, to the owners of the property involved not less than 15 days before the scheduled public hearing.
- 23.7.1.4 If the appeal or the interpretation request involves a specific parcel, then the notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property involved and to the occupants of all structures within 300 feet of the property involved not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant or tenant is not know, the term "occupant" may be used in making notification under this subsection. For property located within the Natural Rivers Protection District and within designated high-risk erosion areas, notice of a hearing shall be sent to the proper department or authority within the Michigan Department of Natural Resources. (Rev. 11/20/11, Amendment #102)
- 23.7.2 For a variance request, the notice shall comply with all of the following:
- 23.7.2.1 The content of the notice shall include all of the following information:
    - a. A description of the nature of the variance request.
    - b. A description of the property on which the requested variance will apply. The notice shall also include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
    - c. The time, date, and place the variance request will be considered.
    - d. The address where and the deadline when written comments will be received concerning the variance request.
  - 23.7.2.2 The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
  - 23.7.2.3 The notice shall be sent by first-class mail or personal delivery to the owners of the property seeking the variance not less than 15 days before the scheduled public hearing.
  - 23.7.2.4 The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property involved and to the occupants of all structures within 300 feet of the property on which the requested variance will apply not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the

## ARTICLE 23. - ZONING BOARD OF APPEALS

occupant or tenant is not know, the term "occupant" may be used in making notification under this subsection. For property located within the Natural Rivers Protection District and within designated high-risk erosion areas, notice of a hearing shall be sent to the proper department or authority within the Michigan Department of Natural Resources. (Rev. 11/20/11, Amendment #102)

**SECTION 23.8. FEES.** The County Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time notice for appeal is filed, said fee shall be paid to the Zoning Office.

## ARTICLE 24 – AMENDMENTS

### SECTION 24.1. AMENDMENT TO THIS ORDINANCE

The County Board of Commissioners is authorized and empowered to cause this ordinance to be amended, supplemented or changed, pursuant to the authority and procedures set forth in Michigan Zoning Enabling Act, PA 110 of 2006. Proposals for amendments may be initiated by the County Board of Commissioners, the County Planning Commission or by application of one (1) or more owners of property in Cheboygan County affected by such proposed amendment. Application must show residential address of applicant(s) and date of signature.

### SECTION 24.2. PROCEDURE FOR PROCESSING OF AMENDMENTS (Rev. 04/12/07, Amendment #69)

24.2.1 Each petition shall be submitted to the Zoning Administrator accompanied by the proper fee and shall then be referred to the Planning Commission at the next regularly scheduled meeting or at a special meeting called for such purpose.

24.2.2 The Planning Commission shall conduct a public hearing. The notices for all public hearings before the Planning Commission or County Commission concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:

24.2.2.1 For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
  - a. A description of the nature of the proposed zoning ordinance amendment.
  - b. The time, date, and place the proposed zoning ordinance will be considered.
  - c. The places and times at which the proposed zoning ordinance amendment may be examined.
  - d. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
3. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

24.2.2.2 For a proposed zoning ordinance amendment rezoning an individual property or 10 or fewer adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
  - a. A description of the nature of the proposed zoning ordinance amendment.
  - b. A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
  - c. The time, date, and place the proposed zoning ordinance will be considered.
  - d. The places and times at which the proposed zoning ordinance amendment may be examined.
  - e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

## ARTICLE 24 – AMENDMENTS

2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

24.2.2.3 For a proposed zoning ordinance amendment rezoning 11 or more adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
  - a. A description of the nature of the proposed zoning ordinance amendment.
  - b. The time, date, and place the proposed zoning ordinance will be considered.
  - c. The places and times at which the proposed zoning ordinance amendment may be examined.
  - d. The address where and the deadline when written comments can be sent concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than 15 days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
4. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

24.2.3. Following the public hearing, the Planning Commission shall transmit its recommendations to the County Board of Commissioners.

24.2.4. No petition for rezoning, which has been disapproved by the County Board of Commissioners, shall be resubmitted for a period of one (1) year from the date of disapproval except as permitted by the Board of Commissioners after becoming aware of new evidence which may result in approval upon resubmittal.

## ARTICLE 25 - ENACTMENT & EFFECTIVE DATE

### SECTION 25.1. ENACTMENT & EFFECTIVE DATE

The foregoing zoning ordinance and zoning maps were adopted at a meeting of the Cheboygan County Board of Commissioners, on Feb. 1983, after approval of the same by the Cheboygan County Planning Commission following a public hearing on 23 August 1982. Upon final review and approval by the Department of Commerce, Lansing, Michigan, on March 11, 1983, this zoning ordinance was adopted and implemented for Cheboygan County. Notice of adoption was ordered published in a newspaper having general circulation in Cheboygan County and said ordinance become effective 30 days after the date of such publication.

Amendments have been made to this ordinance, the last being approved by the department of Commerce, Lansing, Michigan on March 19, 1990.

ZONING MAPS

**FOR OFFICIAL ZONING MAPS**

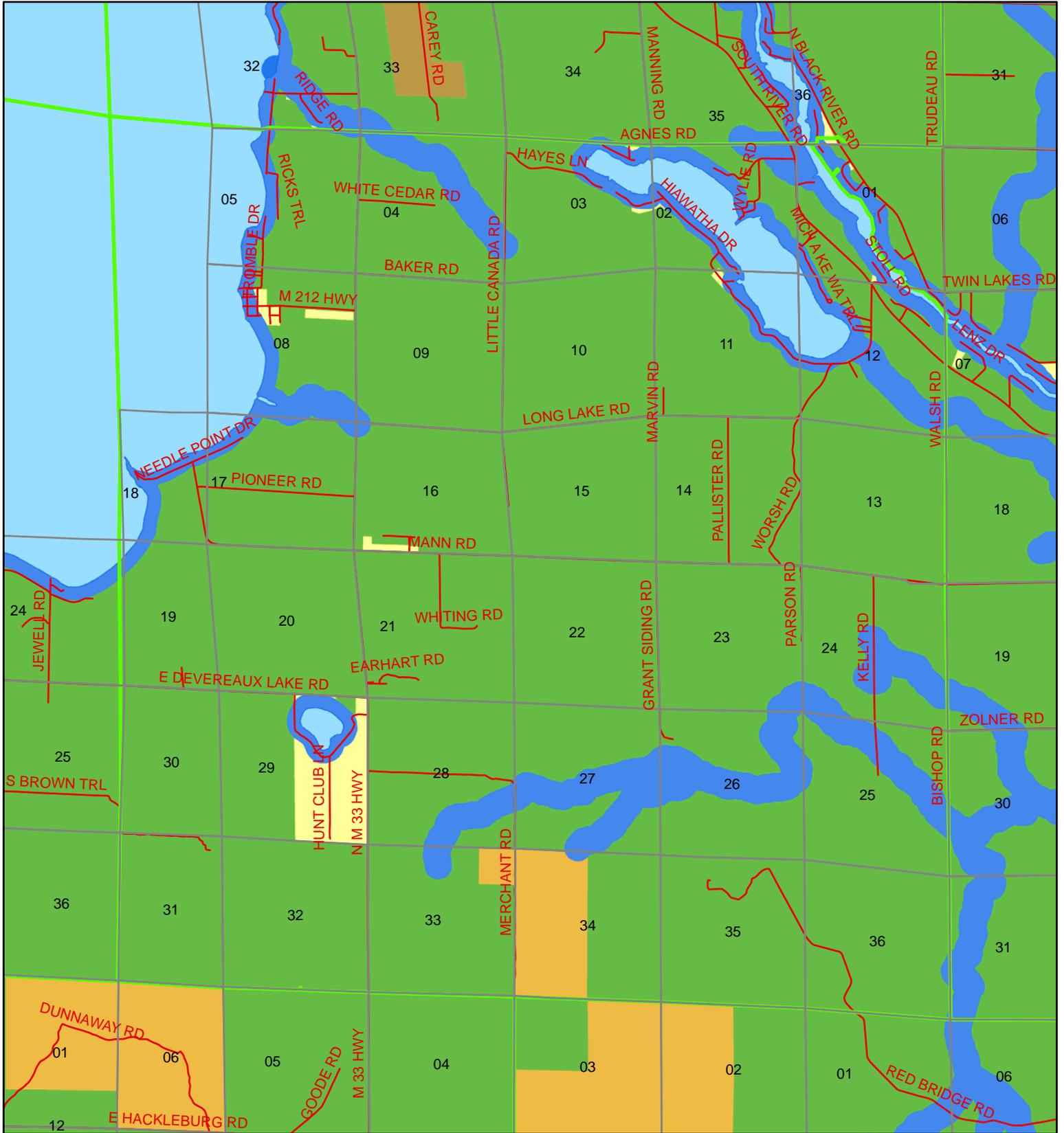
**PLEASE CALL**

**(231)627-8489**

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### ALOHA TWP



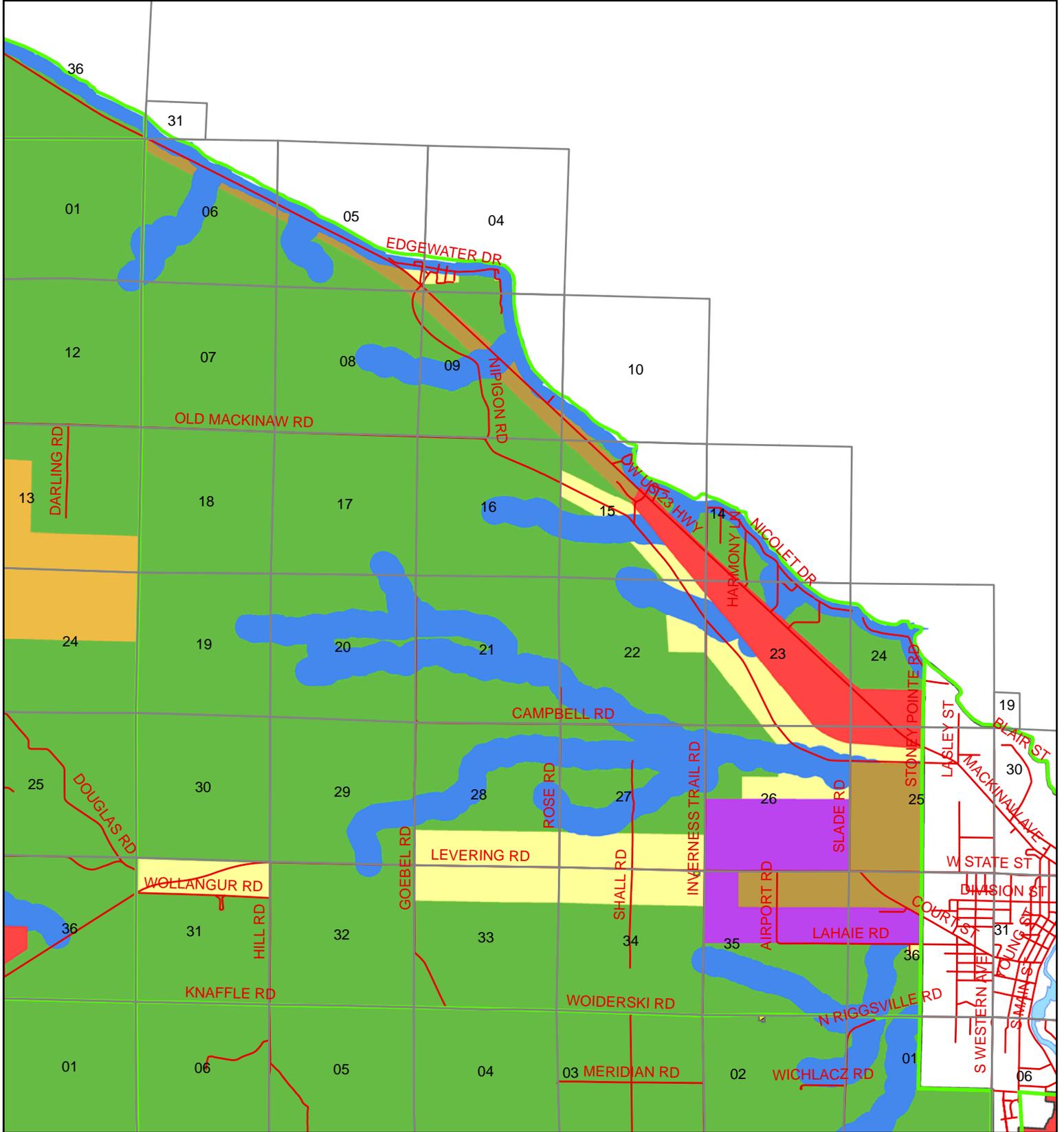
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### BEAUGRAND TWP



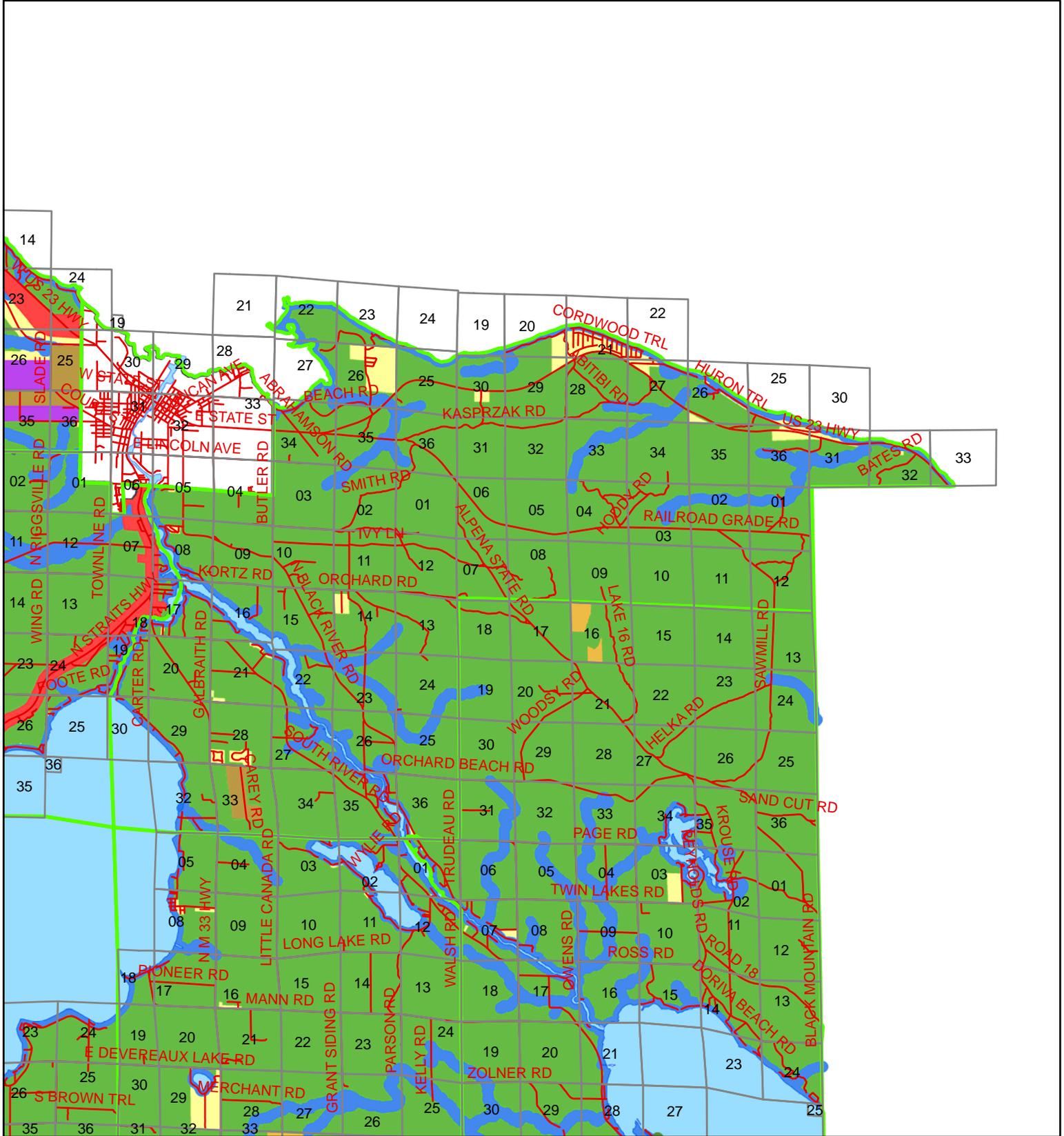
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### BENTON TWP



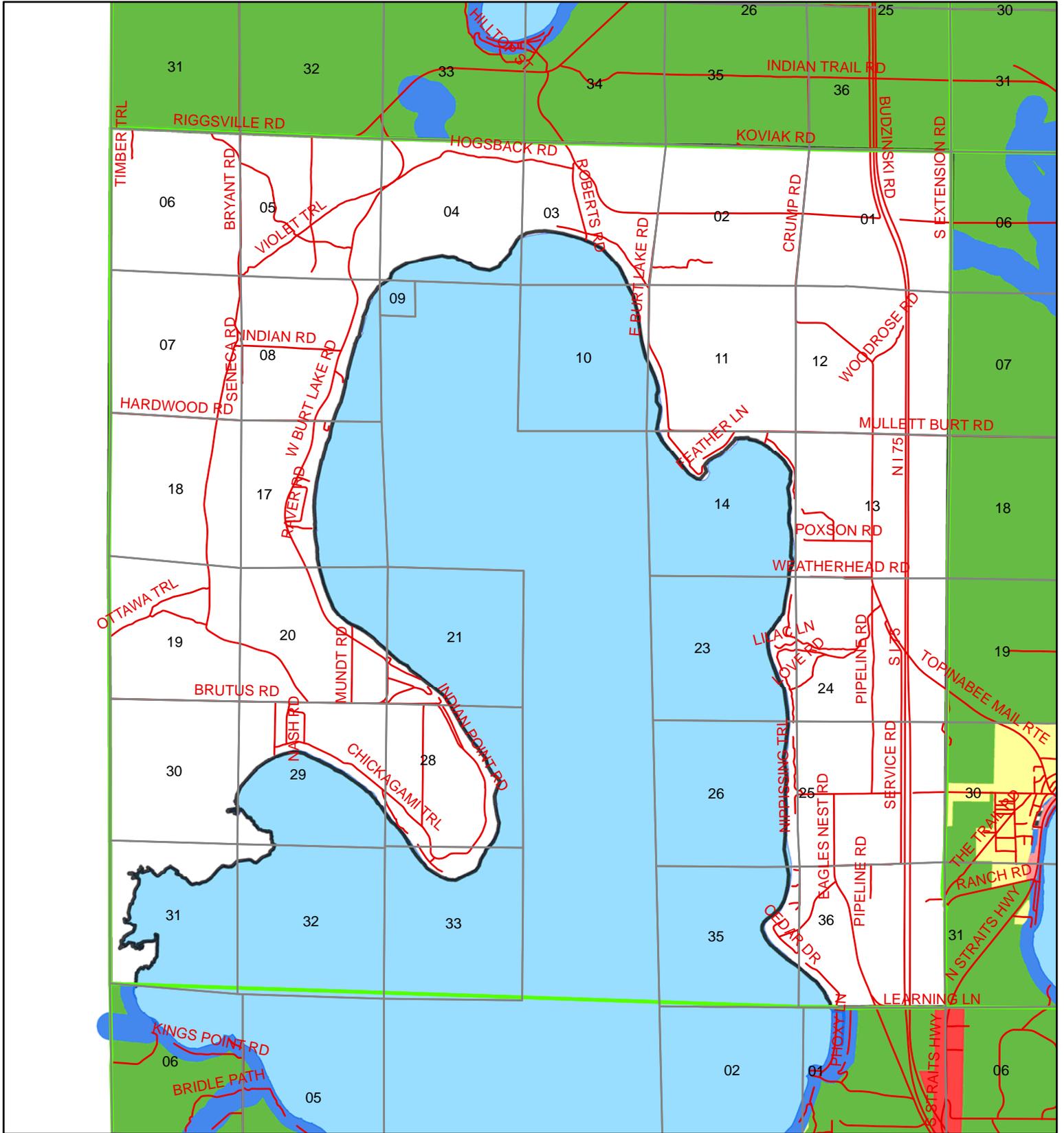
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### BURT TWP



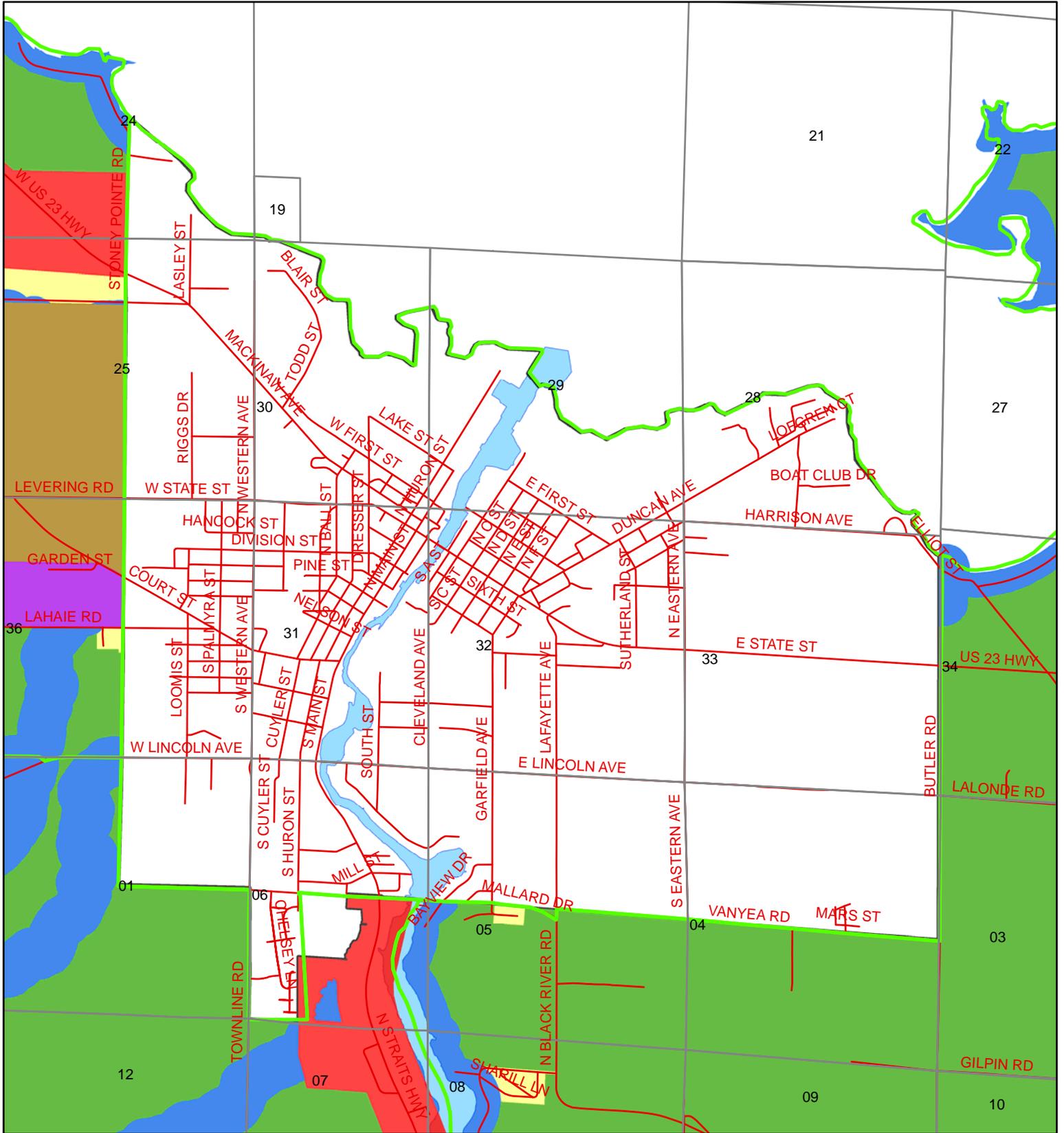
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### CHEBOYGAN



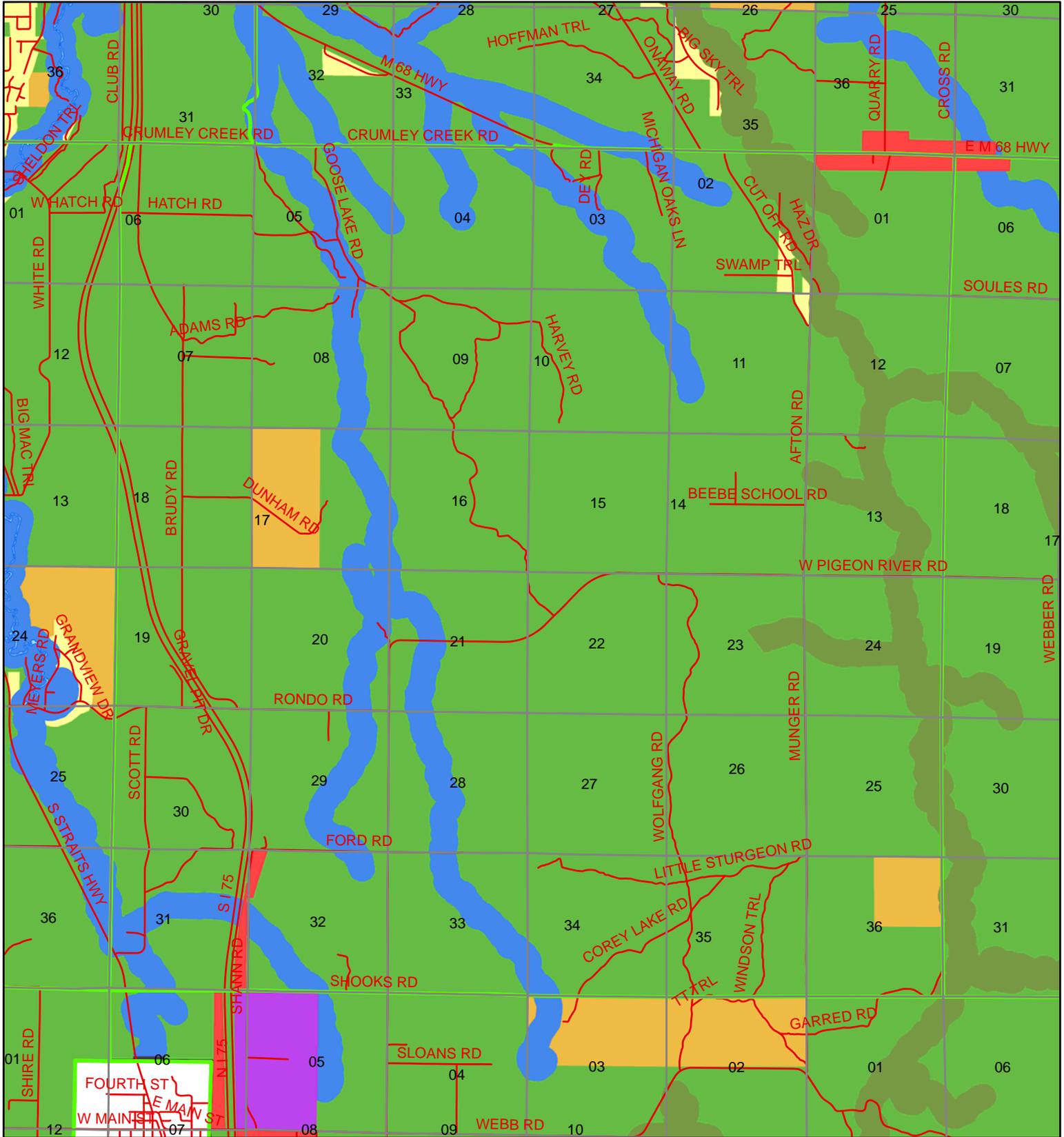
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		VC-T-O
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County. This is not the official zoning map. For determination of a parcel(s) zoning district please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### ELLIS TWP



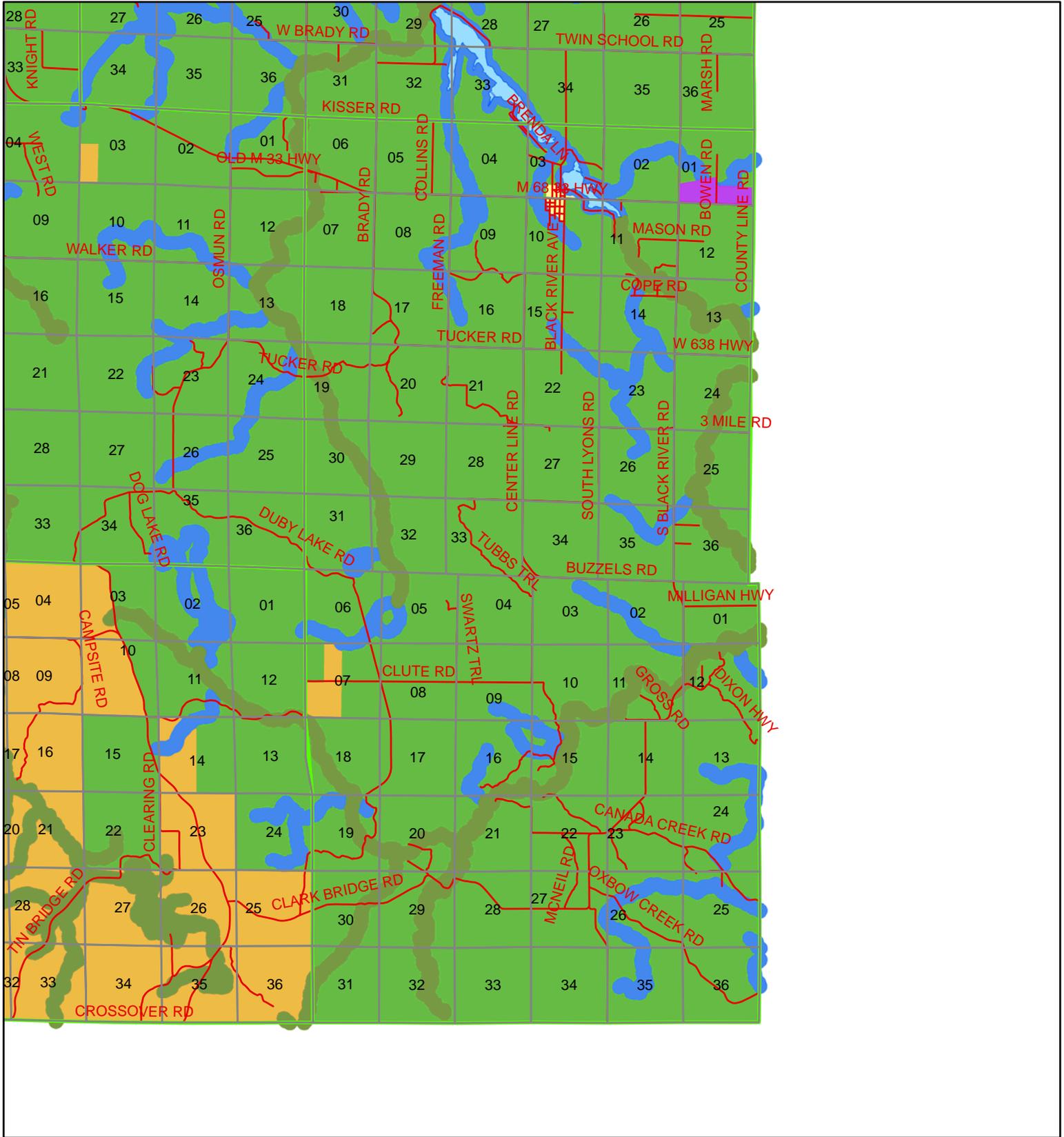
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### FOREST TWP



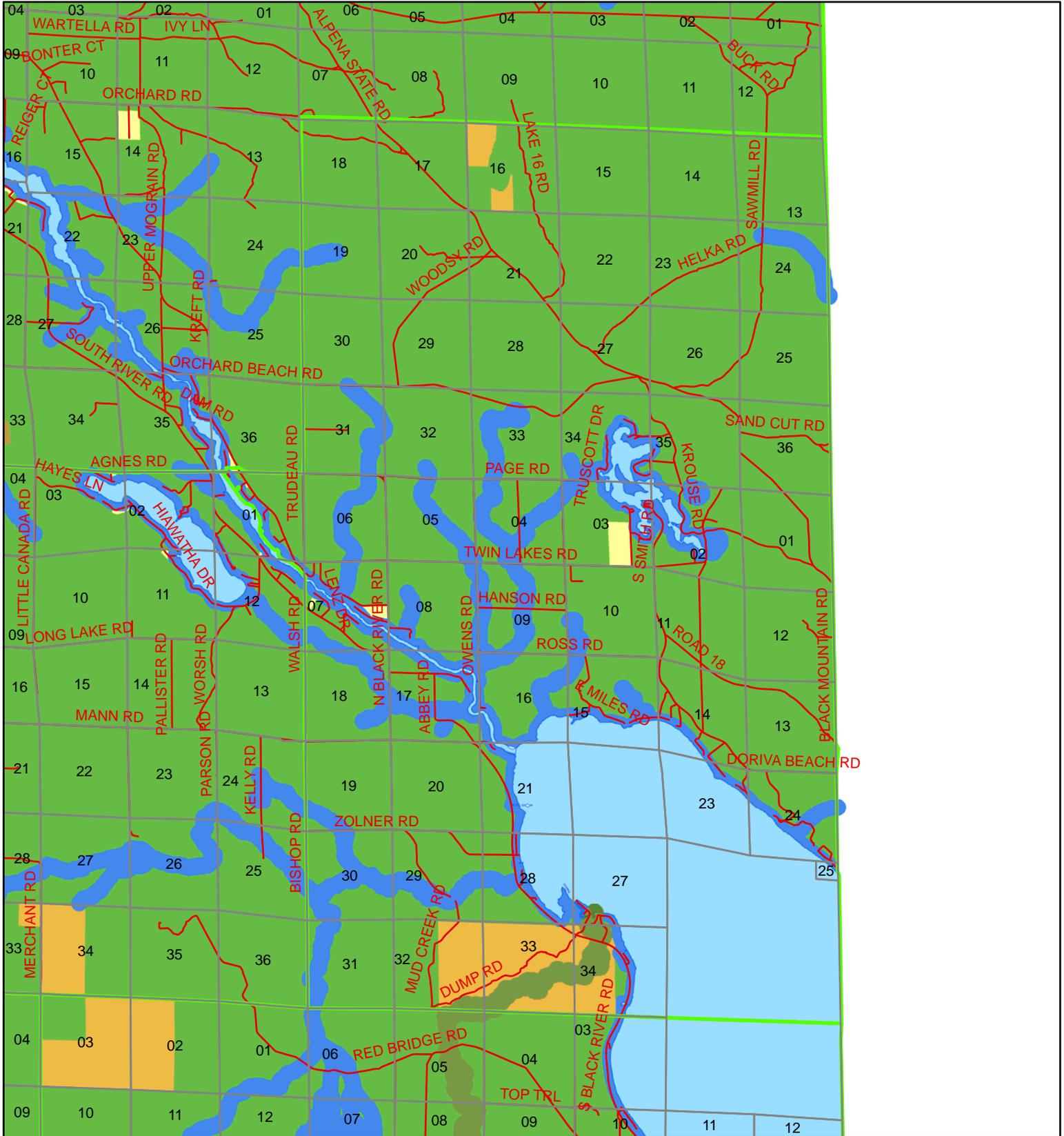
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### GRANT TWP



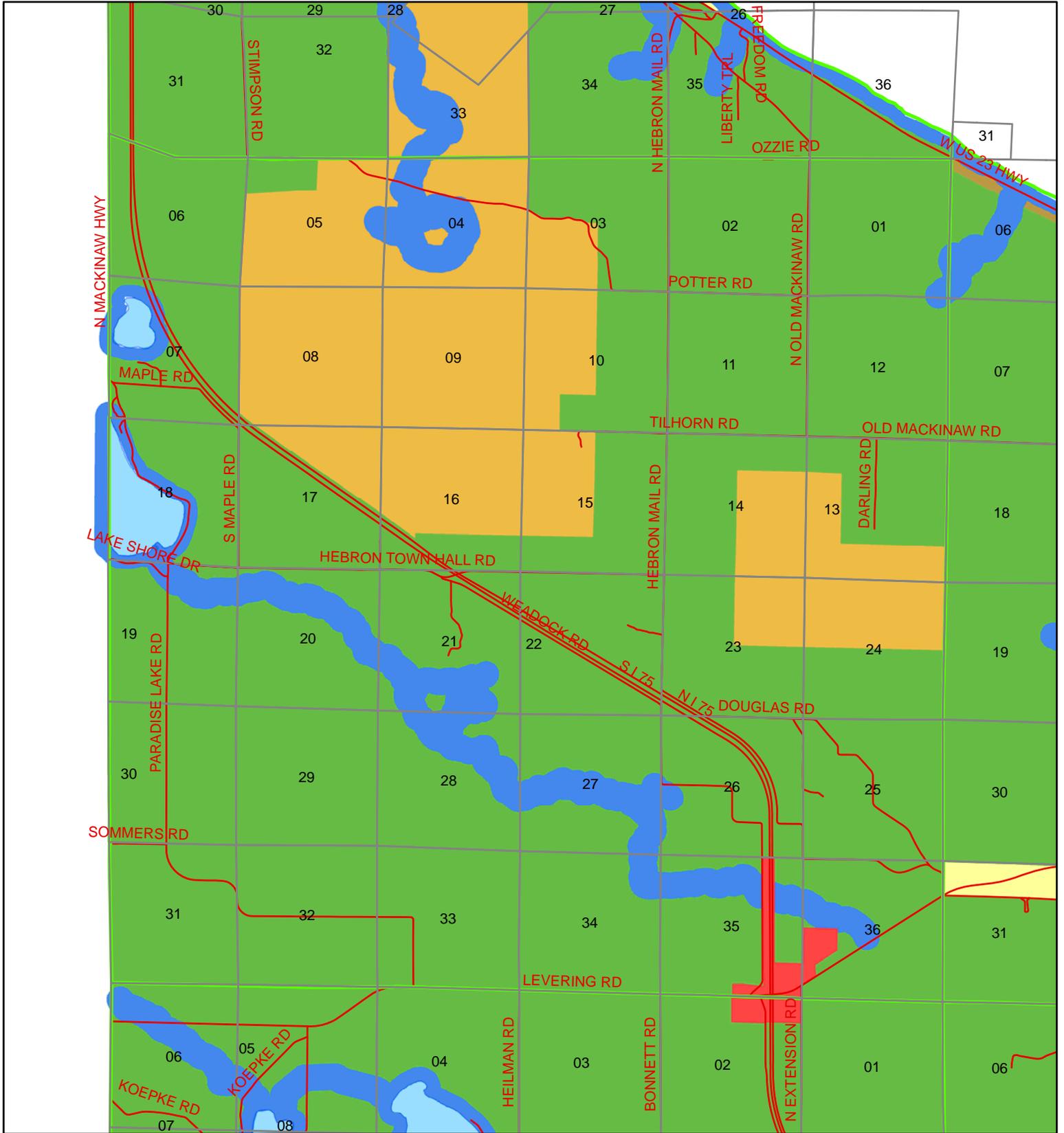
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### HEBRON TWP



	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

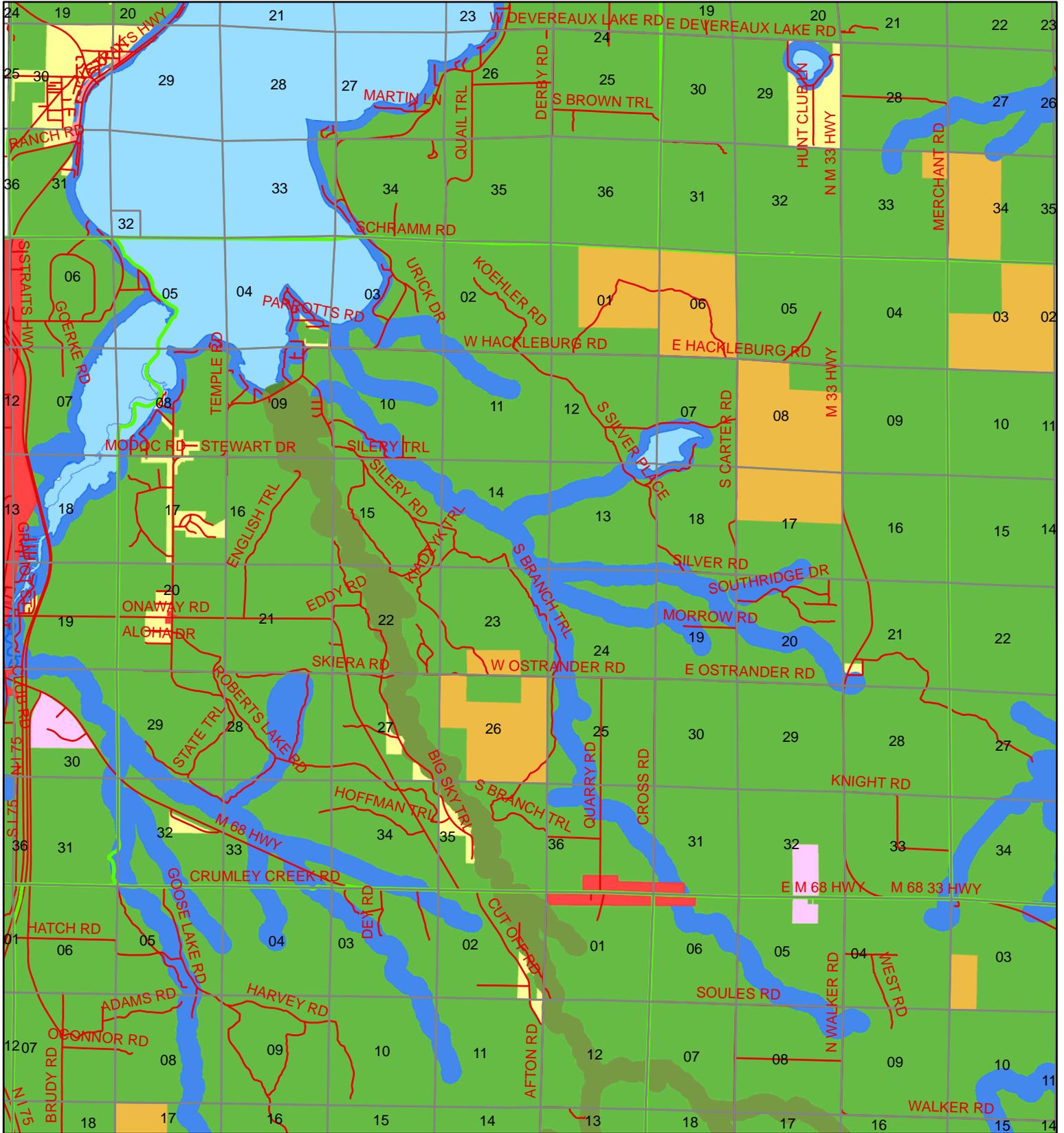
This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.



# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### KOEHLER TWP

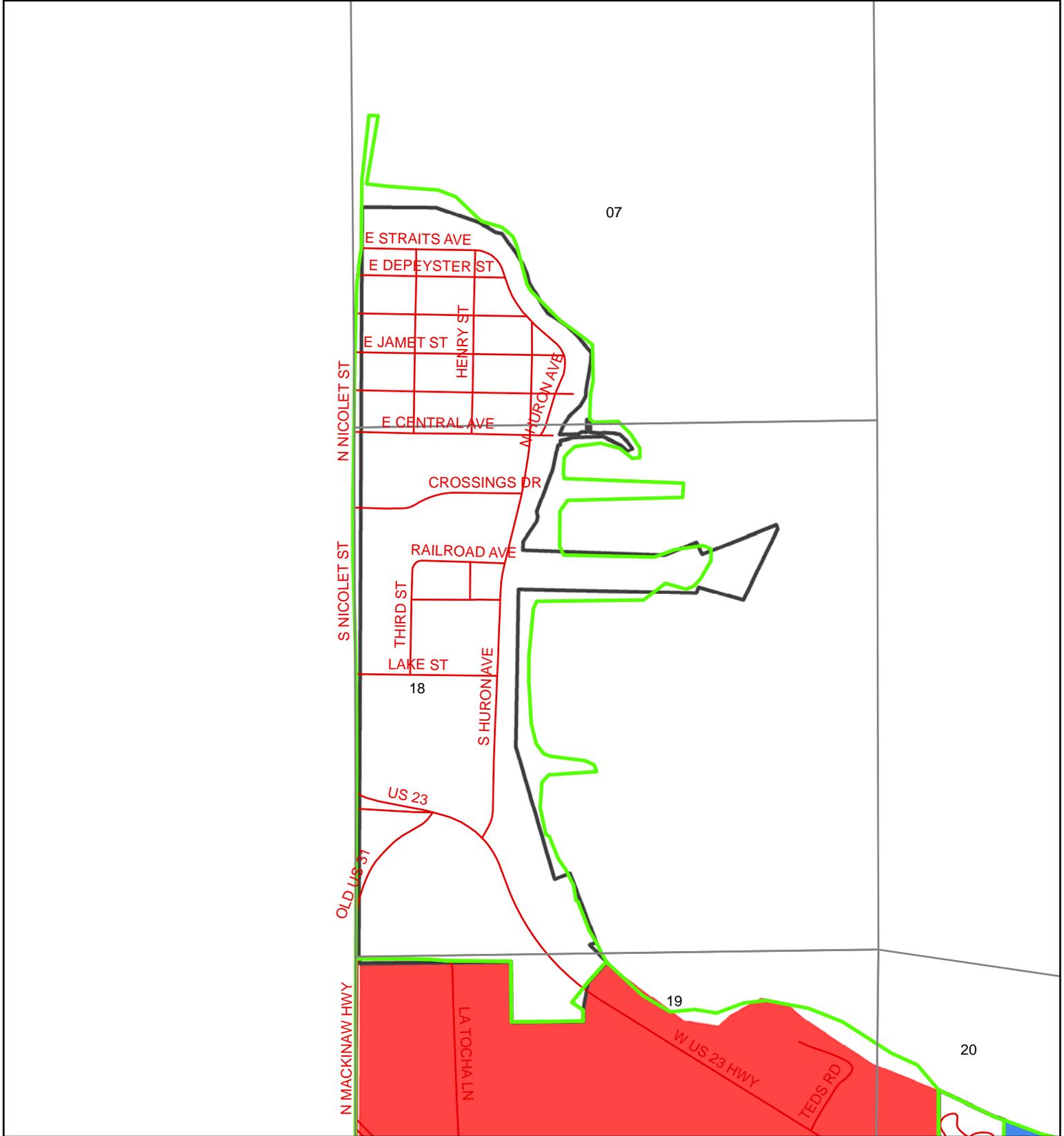


	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200 Zoning District Maps

## MACKINAW CITY



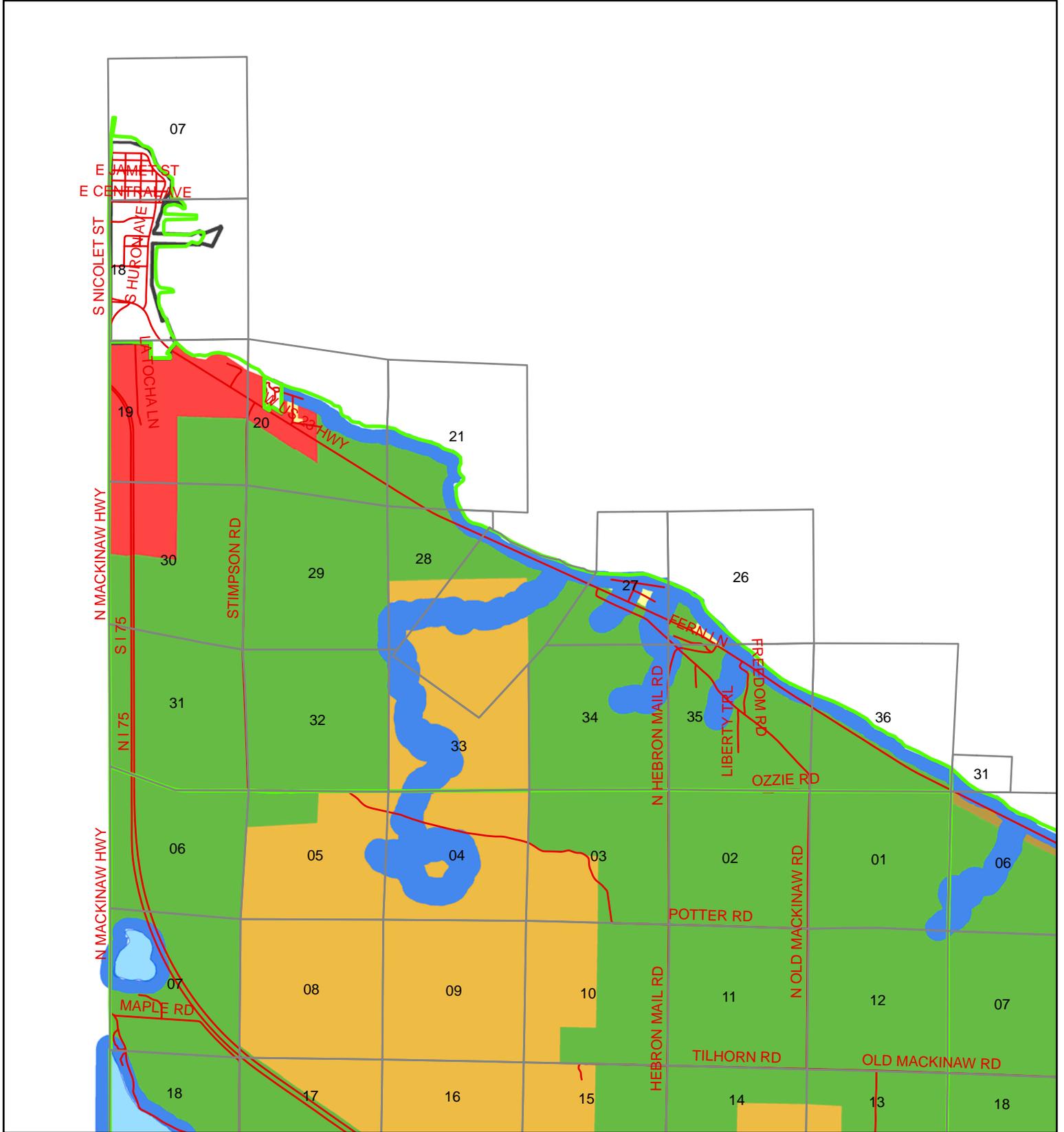
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
This is not the official zoning map. For determination of a parcel(s) zoning district  
please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### MACKINAW TWP



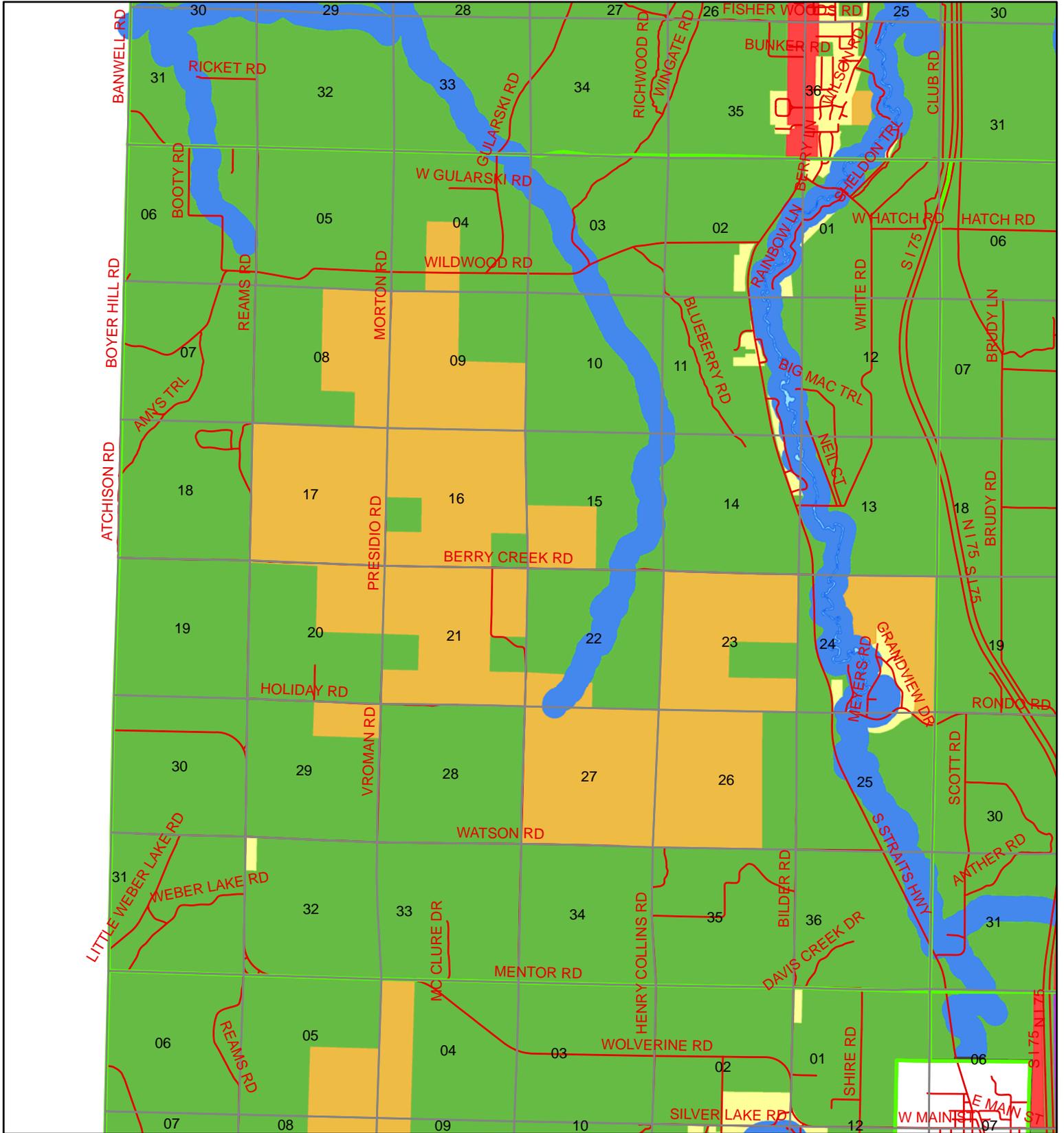
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### MENTOR TWP



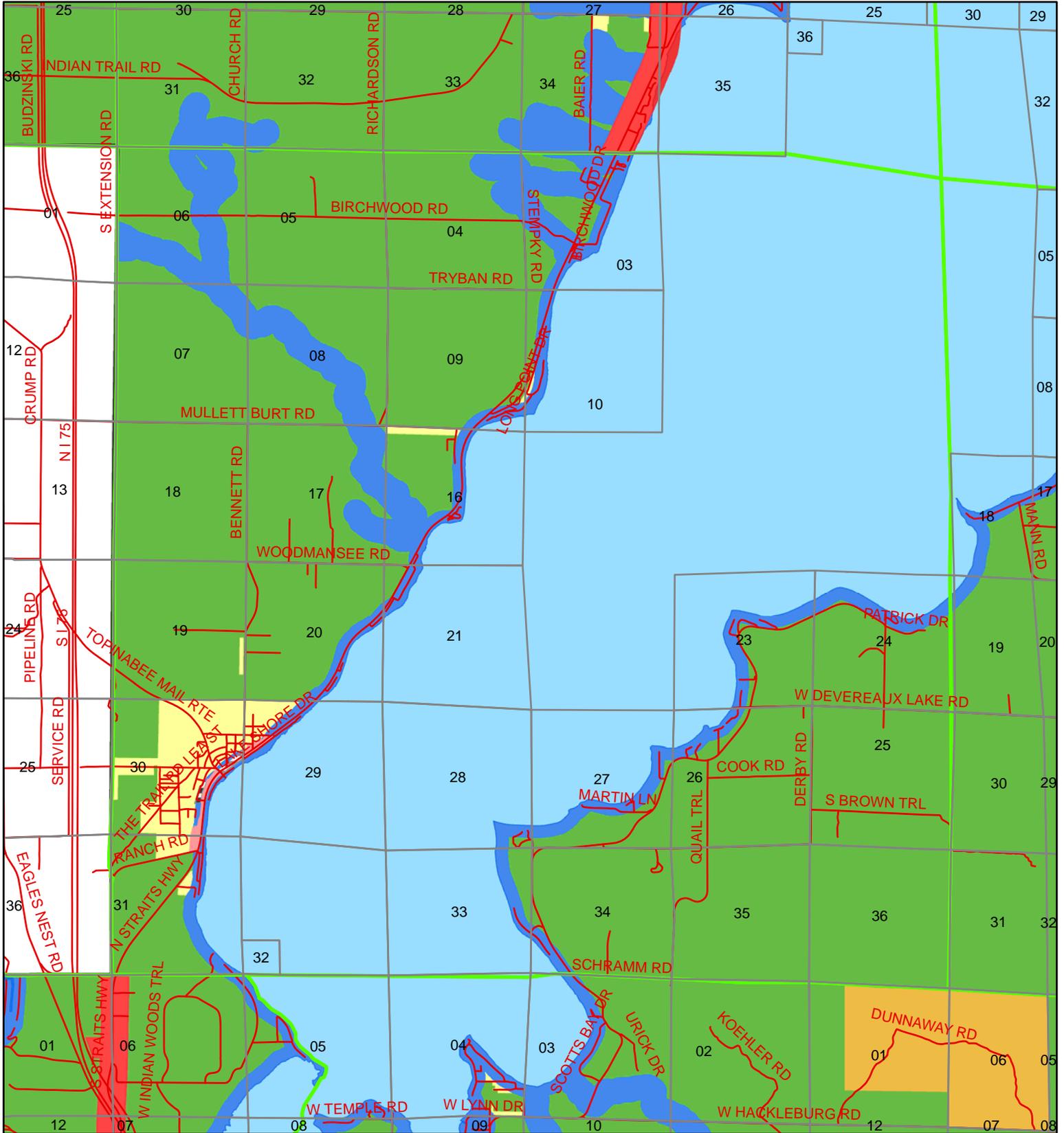
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### MULLETT TWP



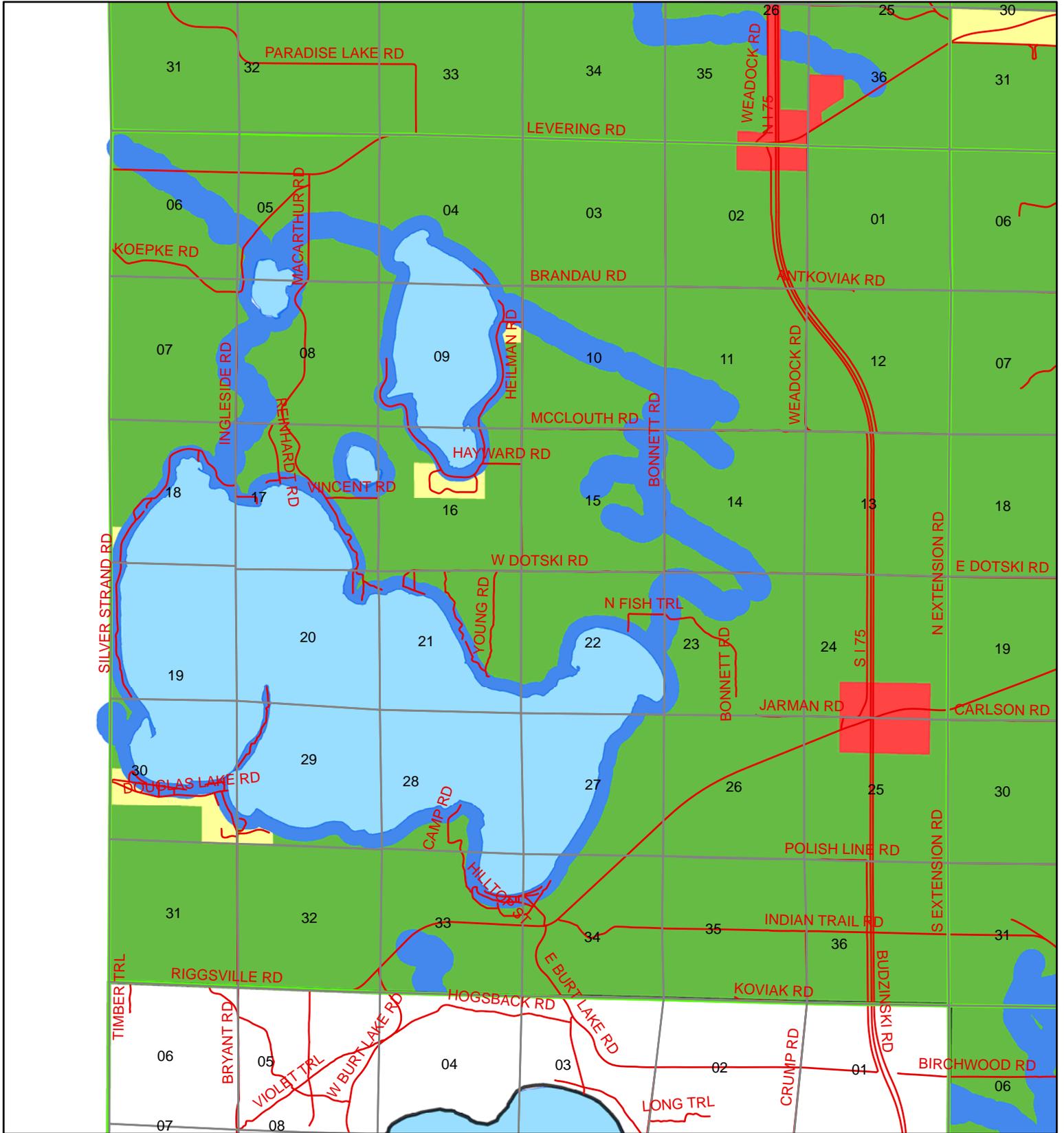
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### MUNRO TWP



	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

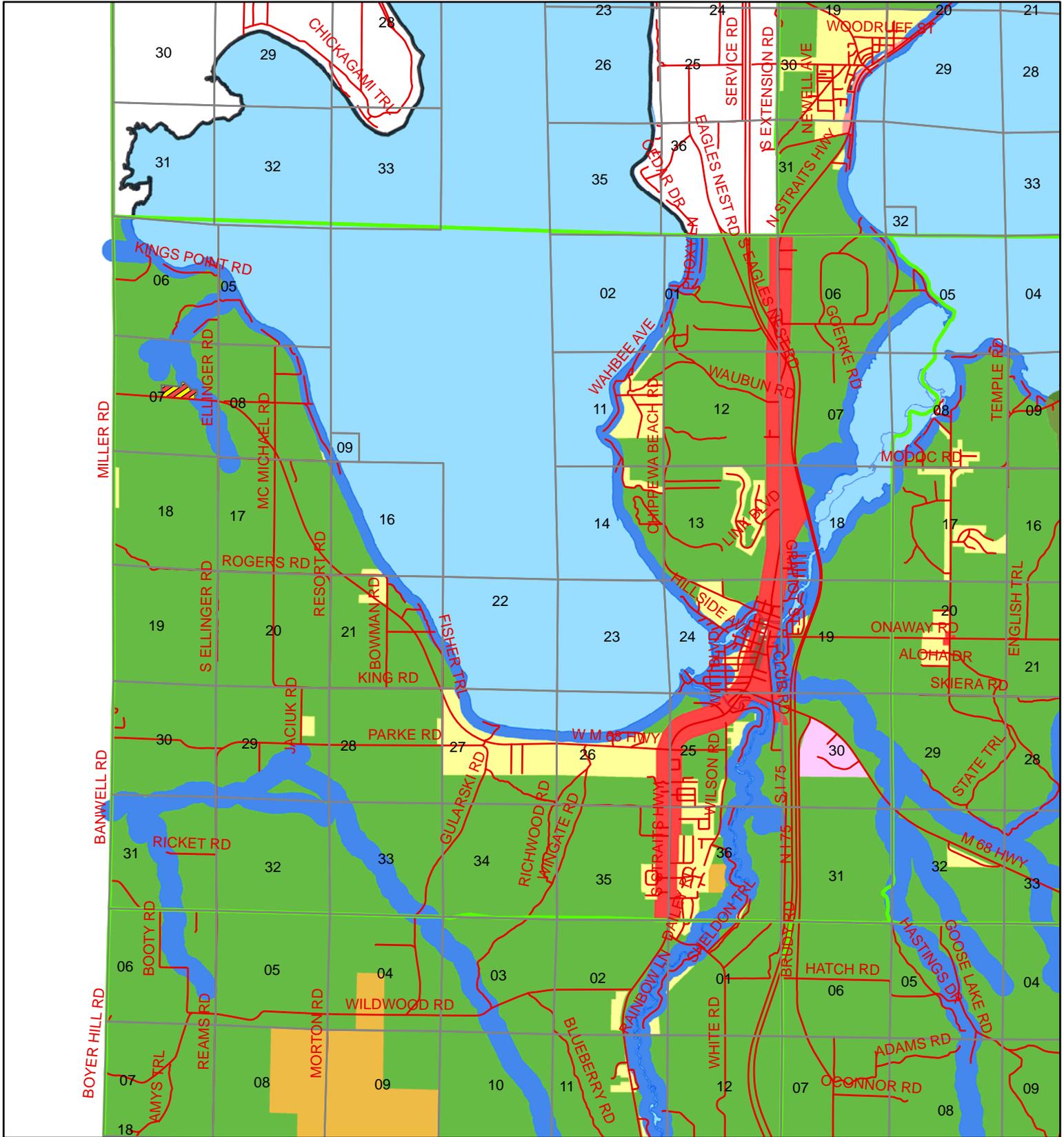
This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.



# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### TUSCARORA TWP



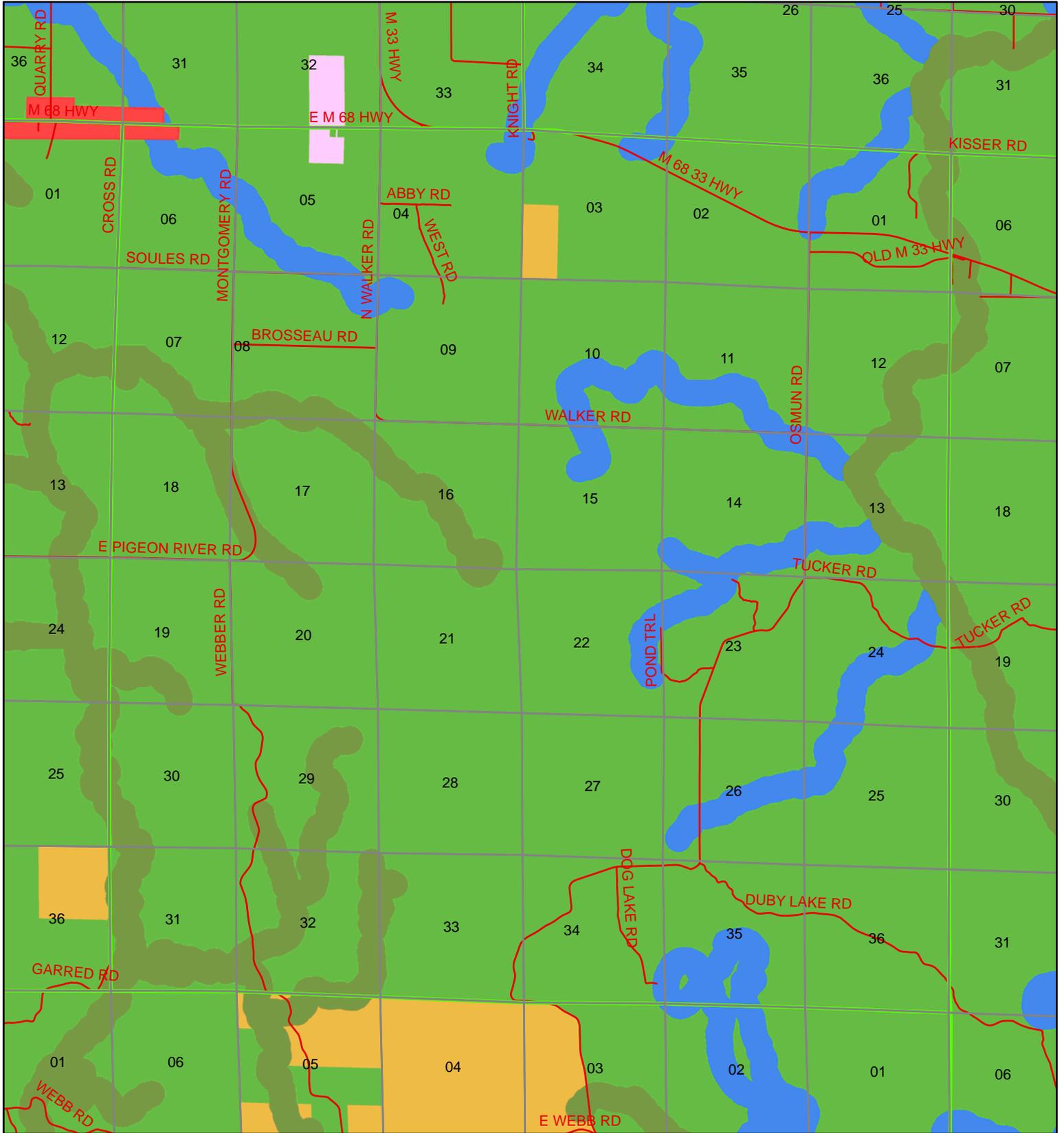
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### WALKER TWP



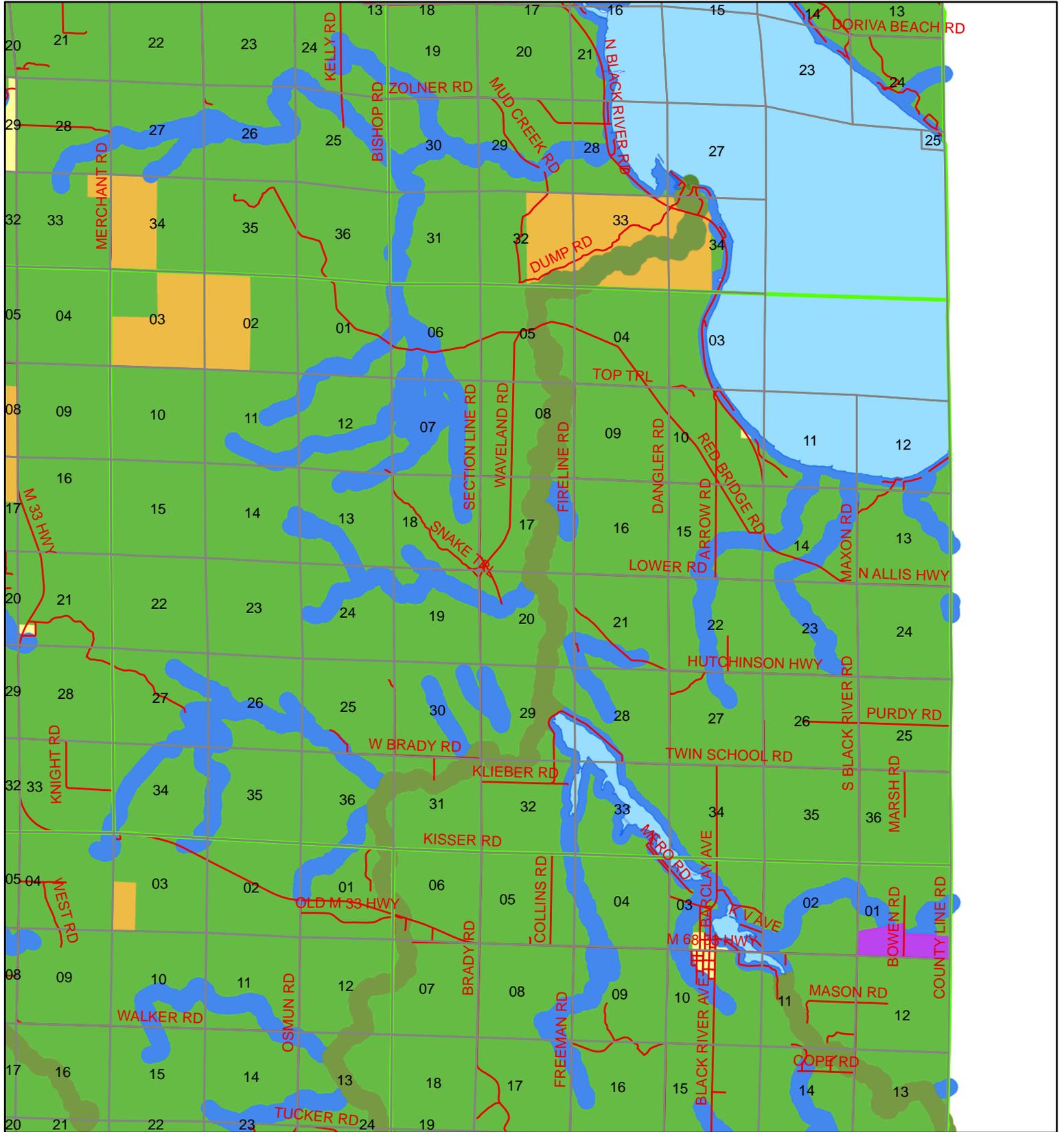
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### WAVERLY TWP



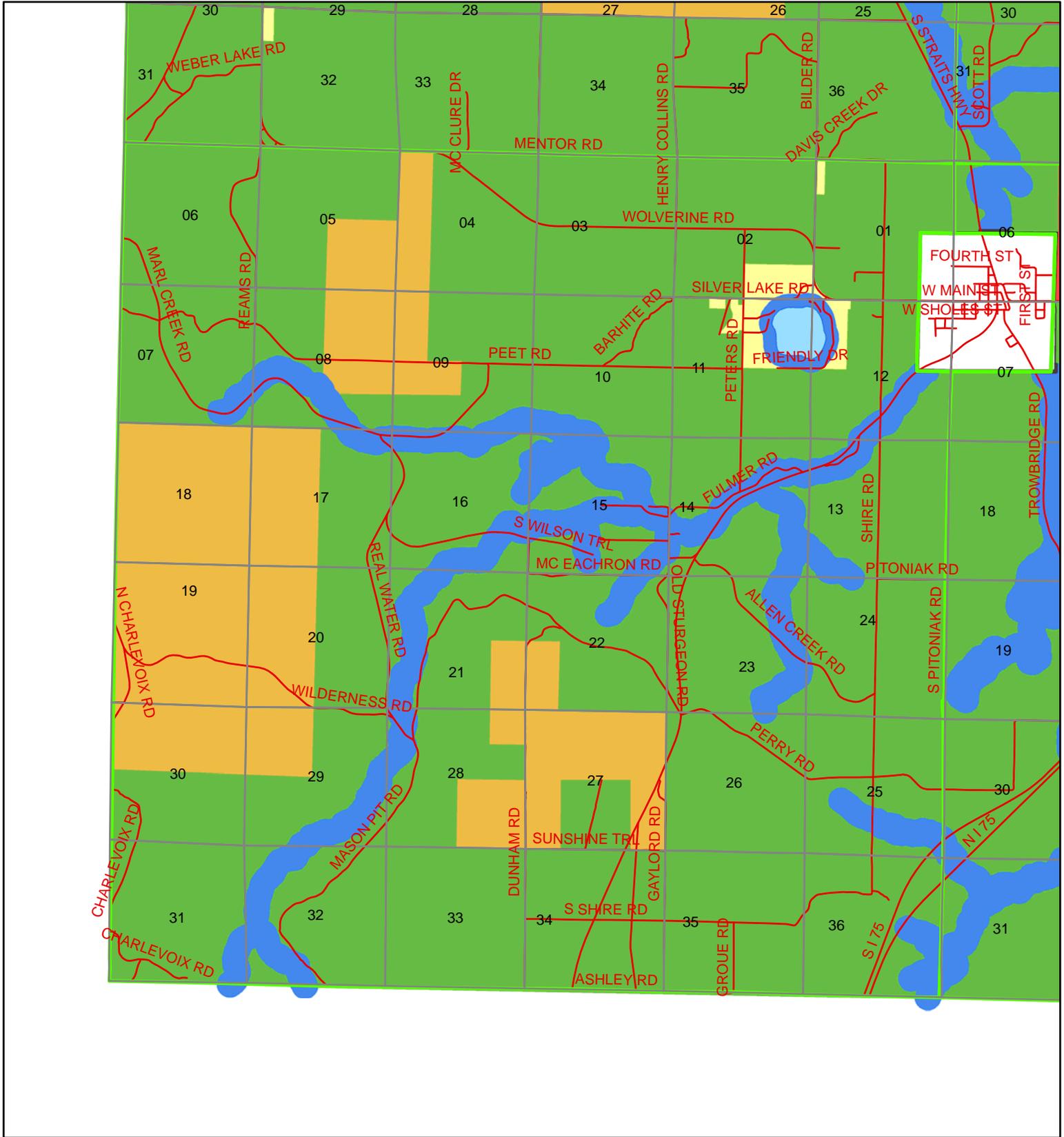
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
This is not the official zoning map. For determination of a parcel(s) zoning district  
please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### WILMOT TWP



	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### WOLVERINE



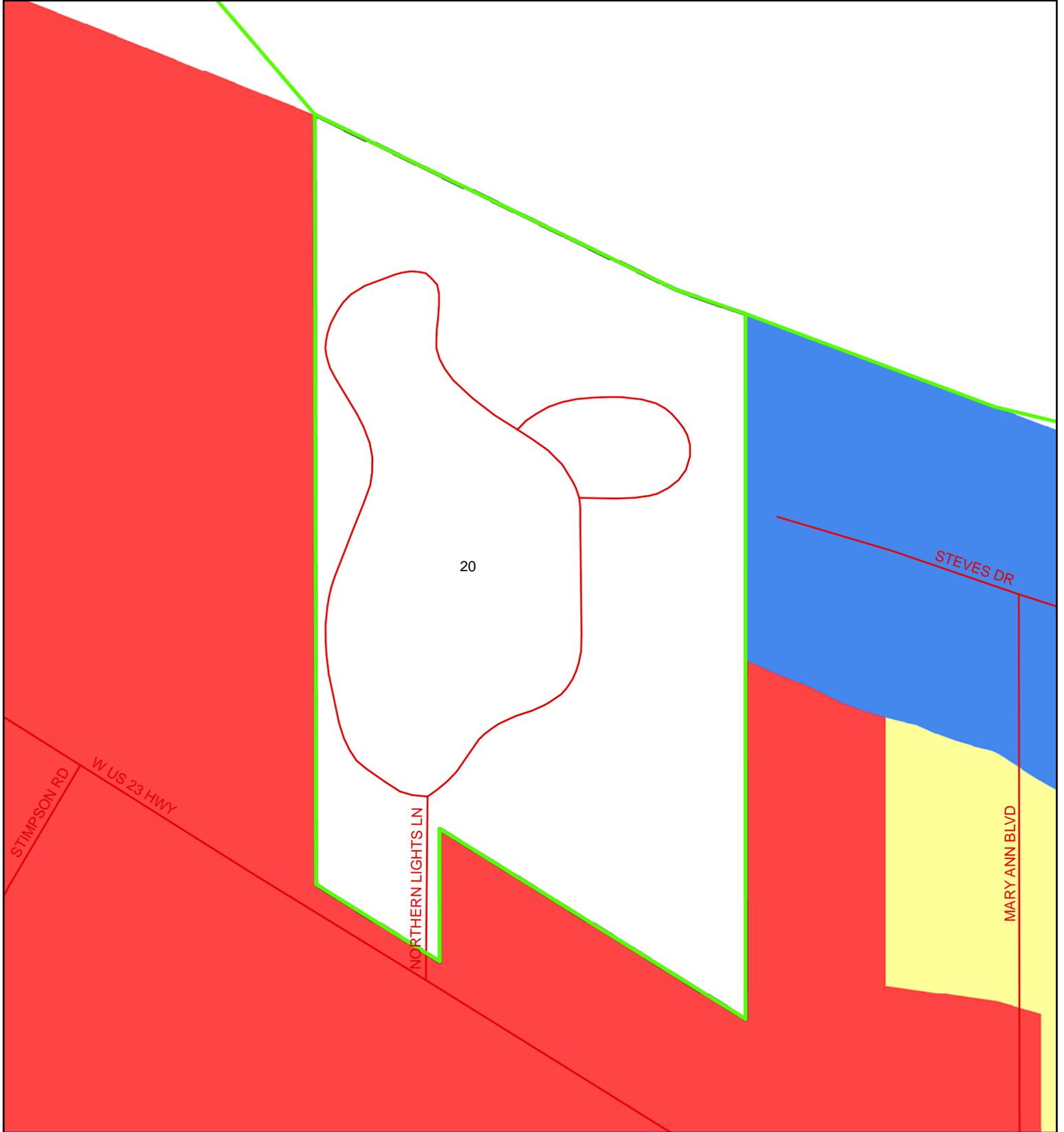
	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.

# Cheboygan County Zoning Ordinance No. 200

## Zoning District Maps

### MACKINAW CITY



	Subject to Conditions		D-LI		Exempt		P-LS		VC-IR-O		VC-T-RO
	D-CM		D-RC		M-AF		P-RC		VC-T		
	D-GI		D-RS		Natural Rivers		VC-IR		VC-T-O		

This map generally represents zoning districts in Cheboygan County.  
 This is not the official zoning map. For determination of a parcel(s) zoning district  
 please contact the Cheboygan County Planning and Zoning office at 231-627-8489.