



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, JANUARY 18, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

UNFINISHED BUSINESS

1. Consideration Of Zoning Ordinance Amendment Relative To Assembly Hall Uses.
2. Consideration Of Use Recommendations To Tuscarora Township Regarding Village Center Indian River And Village Center Indian River Overlay Zoning Districts.

NEW BUSINESS

1. 2017 Annual Meeting.
2. Consideration Of Recommendation To Repeal Sections 17.3. And 21.9.2.
3. Review Of Use Terminology Relative To Convalescent Homes

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721
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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, DECEMBER 21, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdyk
ABSENT: Churchill, Kavanaugh
STAFF: Scott McNeil
GUESTS: Eric Boyd, Carl Muscott, John Moore, Bob Lyon, Charlie Collins, Tony Matelski, Russell Crawford, Cheryl Crawford

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent

APPROVAL OF MINUTES

The December 7, 2016 Planning Commission minutes were presented. **Motion** by Ms. Lyon, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent

PUBLIC HEARING AND ACTION ON REQUESTS

Mike Sturgill / Precision Forestry Inc. – Requests a Special Use Permit Amendment for a vehicle and equipment repair and maintenance building. (Section 7.3.10.) The property is located at 5708 Commerce Blvd., Tuscarora Township, section 30, parcel #162-030-300-001-04, 162-030-300-001-05, 162-030-300-001-06 and 162-030-300-001-07 and is zoned Light Industrial Development (D-LI).

Mr. McNeil stated that this is a request for an amendment of a special use permit that was approved in February 2014. Mr. McNeil stated that the 2014 site plan was submitted with a log storage area. Mr. McNeil stated that Mr. Sturgill is requesting approval for an 80ft. x 160ft. building. Mr. McNeil stated that the proposed use is maintenance of trucks and equipment owned by Precision Forestry. Mr. McNeil stated that Mr. Sturgill was to meet with Tuscarora Township regarding the status of the sanitary sewer easement. Mr. McNeil stated that the site plan indicates the location of the easement. Mr. McNeil stated that there are no other changes to the site plan.

Mr. Freese stated that on the site plan checklist, the applicant checked item r. Mr. Freese asked if Mr. Sturgill meant to check item r. Mr. Sturgill stated that in the future, he would like to put a 25,000 gallon fuel storage tank on the east side of the property. Mr. Sturgill stated that his contractor is applying for the necessary permits for the fuel storage tank. Mr. McNeil stated that this amendment is not proposing a fuel storage tank and the application will have to be corrected.

Ms. Lyon asked if the trucks will be washed at this location. Mr. Sturgill stated yes. Ms. Lyon asked if there will be any hazardous materials. Mr. Sturgill stated that the contractor will put in catch basins. Ms. Lyon asked how many mechanics will there be. Mr. Sturgill stated that there will be 5 mechanics and 25 drivers.

Ms. Croft asked for public comments. Mr. Muscott commended Mr. Sturgill for putting the operation in this location. Mr. Muscott stated that he is glad to see Mr. Sturgill investing in Tuscarora Township. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Borowicz, to grant the topography waiver request. Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Bartlett, to approve the special use permit amendment based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements and proper disposal of hazardous materials.

Board held discussion regarding the applicant indicating parking on the site plan.

Motion carried. 7 Ayes (Bartlett, Freese, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 2 Absent

UNFINISHED BUSINESS

Review of use terminology relative to Assembly Halls and Clubs

Mr. McNeil stated that the use listings are the same as what was presented at the last Planning Commission meeting. Mr. McNeil explained that the club use in the first two use listings will be replaced with the assembly hall use as proposed to be defined. Mr. McNeil stated that the remaining listings, with the exception of community buildings, could be removed and covered under the assembly hall definition. Mr. McNeil stated that the remaining uses will fall under the assembly hall definition. Mr. McNeil stated this will eliminate the club use and club definition. Discussion was held.

Mr. Freese stated that he was previously concerned about uses that have more of an impact on the land, such as billiard parlors, pool halls and bowling alleys. Mr. Freese stated that he was concerned about these uses until he looked at the definition of club and saw that it references "a non-profit organization". Mr. Freese stated that these uses would not be included under the club definition. Ms. Croft stated that the definition of club will be deleted. Mr. McNeil stated that these uses can be subject to further discussion. Mr. Freese stated that these uses have more of an impact on land.

Mr. Borowicz asked if "Golf courses, driving ranges and country clubs" will be changed to "Golf courses, driving ranges and assembly halls". Mr. Borowicz stated that a golf course and a driving range are very different than an assembly hall. Mr. McNeil stated that the country club could be separate. Discussion was held.

Mr. Jazdzyk stated that the old definition of assembly hall references athletic, scientific and artistic. Mr. Jazdzyk stated the new definition of assembly halls leaves these words out and adds civic, educational and governmental. Mr. McNeil stated that the athletic, scientific and artistic terms could fall within the educational or entertainment under the new definition.

Mr. Borowicz noted that he does not see a municipal structure being similar to an assembly hall. Mr. Borowicz stated a municipal structure is typically an office building. Mr. Borowicz stated that an assembly hall may be a portion of the building, but it is not the entire building. Mr. McNeil stated that the effects on the land are still the same such as a church and the activities that take place.

Mr. McNeil stated the next step would be to put this proposal in the form of an amendment document for the Planning Commission to review.

NEW BUSINESS

Review of use terminology relative to Barber Shops, Beauty Shops and Bars With Entertainment

Mr. McNeil stated that at a previous Planning Commission meeting a draft recommendation memo was proposed to the Planning Commission to be offered to the officials of Tuscarora Township that would be a continuation of the meeting that was held relative to Village Center. Mr. McNeil stated that one item that the Planning Commission wanted him to work on was to combine beauty shop and barber shop uses. Mr. McNeil stated that he has combined the two under the new personal service center use. Mr. McNeil stated that there was also a discussion regarding adding entertainment to the bar definition. Mr. McNeil provided a proposed definition for bar and night club. Mr. McNeil stated that he has added an updated definition for health club and fitness center. Mr. McNeil stated that he will update the recommendation memo to Tuscarora Township and bring it back to the Planning Commission to review.

Mr. Jazdzyk stated that he received a call from Mr. Schnell this morning that he was not reappointed to the Planning Commission. Mr. Jazdzyk noted that Mr. Kavanaugh was not reappointed. Mr. Jazdzyk stated that he has not received an official notification yet. Mr. Jazdzyk thanked the Planning Commission members and stated that this was a big learning experience for him and that he enjoyed being part of the Planning Commission.

STAFF REPORT

Mr. McNeil stated that he will provide information regarding state regulations of nursing homes for the Planning Commission to review at the next meeting.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott stated that he hopes that Mr. Kavanaugh and Mr. Jazdyk will still be on the Planning Commission. Discussion was held regarding Ms. Croft, Ms. Lyon and Mr. Churchill being reappointed. Mr. Muscott stated that he appreciates the Planning Commission member's service. Mr. Muscott stated that it is a big task and it is very important for the community.

ADJOURN

Motion by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 7:24pm.

Charles Freese
Planning Commission Secretary

DRAFT



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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Date: December 28, 2016

To: Planning Commission

From: Scott McNeil, Planner

Re; Draft zoning ordinance amendment relating to Assembly Hall uses.

Included with this memo is a draft ordinance amendment relative to the subject dated 12/28/16. Also included are the use listings we reviewed at the most recent meeting.

You find under section 1 the addition of the definition for Assembly Hall.

Section 2 removes the club use with arcades, bowling alleys, pool or billiard parlors remaining as uses which require site plan review in the Village Center Indian River and Village Center Topinabee zoning districts and uses which a special use permit in the Village Center Indian River Overlay and Village Center Topinabee Overlay zoning districts.

Section 3 removes the club use with bowling alleys, pool or billiard parlors remaining as uses which require site plan review in the Commercial Development and Village Center zoning districts.

Section 4 provides for Assembly Halls as proposed to be defined as a use which requires a special use permit in the Residential Development zoning district.

Section 5 provides for Assembly Halls as proposed to be defined as a use which requires site plan review in the Commercial Development zoning district. This will also allow Assembly Hall to be approved by site plan review in the Light Industrial and General Industrial zoning districts pursuant to sections 7.2.1 and 8.2.1.

Section 6 removes the current use listings of Churches and Public, parochial and private schools, libraries and municipal structures and uses from the permitted use listings within the Residential Development and Topinabee Village Center Residential Overlay zoning districts.

Section 7 replaces the current use listing of Public, parochial and private schools, libraries and municipal structures and uses with Assembly Halls as a use which requires a special use permit in the Agriculture and Forestry Management zoning district.

Section 8 removes the Community buildings from the current Community buildings, public parks and recreational areas, playgrounds and campgrounds use listing which requires a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living zoning districts.

Section 9 replaces the current use listing of Educational, municipal, and religious institutions with Assembly Halls as a use which requires a special use permit in the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts.

Section 10 replaces the current use listing of Schools, libraries, churches and municipal structures with Assembly halls as proposed to be defined as a use which requires a special use permit in the Lake and Stream Protection zoning district.

I will look forward to further discussion on this matter with the Planning Commission.

Please contact me with questions.

12/28/16
CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT #_____
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following definition in its appropriate alphabetical location which shall read in their entirety as follows:

ASSEMBLY HALL

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

Section 2. Amendment of Sections 13A.2.1., 13B.3.1., 13C.2.1. and 13D.3.1.

Sections 13A.2.1., 13B.3.1., 13C.2.1. and 13D.3.1. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in its entirety as follows:

13A.2.1., Arcades, bowling alleys, pool or billiard parlors

13B.3.1., Arcades, bowling alleys, pool or billiard parlors

13C.2.1. Arcades, bowling alleys, pool or billiard parlors

13D.3.1. Arcades, bowling alleys, pool or billiard parlors

Section 3. Amendment of Sections 6.2.5. and 13.2.4.

Sections 6.2.5. and 13.2.4. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in its entirety as follows:

6.2.5. Bowling alleys, pool or billiard parlors

13.2.4. Bowling alleys, pool or billiard parlors

Section 4. Amendment of Section 4.3.

Section 4.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new section 4.3.12 to read in its entirety as follows:

4.3.12. Assembly halls

Section 5. Amendment of Section 6.2.

Section 6.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new section 6.2.17 to read in its entirety as follows:

6.2.17. Assembly halls

Section 6. Repeal of Section 4.2.4. 4.2.5, 13E.2.4. and 13.E.2.5.

Sections 4.2.4., 4.2.5., 13E.2.4. and 13E.2.5. of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

Section 7. Amendment of Section 9.3.3.

Section 9.3.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

9.3.3. Assembly halls

Section 8. Amendment of Sections 9.3.4. and 14.3.5.

Section 9.3.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

9.3.4. Public parks and recreational areas, playgrounds and campgrounds.

14.3.5. Public parks and recreational areas, playgrounds and campgrounds

Section 9. Amendment of Sections 13.3.4. 13A.3.4., 13C.3.6. and 14.3.7.

Section 14.3.7 of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to the read in its entirety as follows:

13.3.4. Assembly halls

13A.3.4. Assembly halls

13C.3.6. Assembly halls

14.3.7. Assembly halls

Section 10. Amendment of Section 10.3.10.

Section 10.3.10 of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to the read in its entirety as follows:

10.3.10. Assembly halls

Section 11. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 12. Effective Date.

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

CHEBOYGAN COUNTY

By:

Peter Redmond
Its: Chairperson

By:

Mary Ellen Tryban
Its: Clerk

Listed uses relative to Assembly Halls and Clubs

Current Definition:

CLUB

A non-profit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.

Proposed Definition:

ASSEMBLY HALL

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

Current Listed use	Zoning districts where allowed
Arcades, bowling alleys, pool or billiard parlors and clubs .	VC-IR, VC-T (SPR) VC-IR-O, VC-T-O (SUP)
Bowling alleys, pool or billiard parlors and clubs .	D-CM, D-VC (SPR)
Churches	D-RS, D-CM, D-LI, D-LI, D-VC, VC-T-RO (SPR)
Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses.	M-AF (SUP)
Community buildings , public parks and recreational areas, playgrounds and campgrounds.	M-AF, D-RC (SUP)
Educational, municipal, and religious institutions	D-VC, D-RC (SUP)
Educational, municipal, and religious institutions, private clubs	VC-IR, VC-T (SUP)
Private and commercial clubs and lodges with activities in completely enclosed buildings.	D-RC (SUP)
Private clubs and lodges	D-RS, VC-T-O (SUP)

Listed uses relative to Assembly Halls and Clubs, page 2

Current Listed use

Zoning districts where allowed

Public, parochial and private schools, libraries and municipal structures and uses

D-RS, D-CM, D-LI, D-GI, D-RC, VC-T-RO (SPR)

Schools, libraries, churches and municipal structures

P-LS (SUP)

Theaters, excluding drive in theaters.

D-CM, D-VC, D-LI, D-GI, (SPR)

Golf courses, country clubs and sportsmen's associations or clubs.

M-AF, D-RC (SUP)

Campgrounds, camps and clubs for recreational use.

P-LS (SUP)

Golf courses, driving ranges and country clubs.

P-LS (SUP)



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Date: December 22, 2016

To: Planning Commission

From: Scott McNeil, Planner

Re: Use recommendations relative to Village Center Indian River and Village Center Indian River Overlay zoning districts.

Included with this memo please find a draft memo communication to Tuscarora Township officials dated 12/22/16.

Provided in the draft you is a review of issues relating to different use provisions within the zoning ordinance relative to Village Center Indian River and Village Center Indian River Overlay zoning districts which were noted from the October 19 meeting held in the Tuscarora Township Hall. Information relative to subsequent discussion by the Planning Commission is also provided.

You will find discussion regarding bars and restaurants, auto repair, gas stations and party stores and uses under the current definition of office are reviewed separately in the draft memo. You will find draft recommendations following each use review.

I will look forward to review with the Planning Commission at the next regular meeting.

Please contact me with questions.



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DRAFT for PC review 12/22/16

To: Tuscarora Township

From: Cheboygan County Planning Commission

Date:

Subject: Recommendations relating to restaurant, auto repair, gas stations and party stores in the Village Center Indian River (VC-IR) and Village Center Indian River Overlay (VC-IR-O) zoning districts.

This memo shall offer recommendations for amendments to the Village Centre Indian River (VC-IR) and Village Center Indian River Overlay (VC-IR-O) zoning districts. Some of these recommendations relate to subject matter from the October 19, 2016 meeting in Tuscarora Township.

Restaurant uses.

Discussion was held regarding recent restaurant uses that were approved in the Village Center Indian River Overlay district. It was noted that there is no definition in the zoning ordinance for Restaurant. When no applicable definition can be found in the zoning ordinance a common definition is used. The following is a definition found in the Merriam-Webster on line dictionary:

Restaurant

A business establishment where meals or refreshments may be purchased

Further discussion revealed a need to have additional definitions for different types of restaurants such as dine in, take out, outdoor etc.

The Cheboygan County Planning Commission has been working on new definitions for different use listings related to restaurants. They are as follows:

Bar

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.

Bar and Night Club

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 performance entertainment may also take place at a Night Club. Food and beverages may be served outdoors on the premises as an accessory use.

Drive-through

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.

Mobile Food Unit

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.

Restaurant

An establishment where food and beverages, which may include alcoholic 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.

Restaurant, Carry out

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 a walk-up window. Carry out restaurants may have limited seating (no more than 15 seats) within a building or outdoors.

Restaurant, Drive in

An establishment where food and beverages are prepared in a principal building and served primarily to patrons in vehicles which are parked in an adjoining 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

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.

Recommendations relative Restaurant and Bar uses.

We are recommending that Restaurant use remain as a permitted use in the VC-IR and VC-IR-O districts as currently listed in the zoning ordinance subject to the new definition for restaurant.

We are also recommending to replace the current use listing of Bars and Taverns with Bars as proposed to be defined in the Village Center Indian River (VC-IR) and Village Center Indian River Overlay (VC-IR-O) districts.

Further discussion can be held relative to the desirability of Bar and Night Club use as proposed to be defined.

Carry out restaurant, drive in restaurant, mobile food unit or fast food restaurant uses are not being recommended for the Village Center Indian River (VC-IR) or Village Center Indian River Overlay (VC-IR-O) districts. Dive through is also not recommended for these zoning districts.

Auto repair, gas stations and party store uses.

The Cheboygan County Planning Commission has also been working on new definitions relating to auto and machinery service and repair, gas stations and party stores. They are as follows:

Car wash

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

Motor Vehicle Service Station

A facility 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 activity: reconditioning of motor vehicles, collision services such as body and frame repair or overall painting of vehicles.

Motor Vehicle Repair Facility

An establishment for the repair of motor vehicles such as automobiles, boats, motor cycles, motor homes, recreational vehicles, tractors and motor vehicle equipment such as farm equipment and trailers. This shall include the sale, installation and servicing of motor vehicle and motor vehicle equipment parts including engine rebuilding. This may include specialty services such as service to brakes, mufflers, tires, body and frame repair and collision repair services including vehicle painting.

Retail sales establishment, Small-scale convenience

A small-scale retail use (5000 square feet or less) that may offer for sale beverages and food items for consumption off the premises, retail items, tangible consumer goods and motor fuel

Recommendations relative to auto repair, gas stations and party store uses.

We are recommending to replace the current use listing of Gasoline service stations and garages with Motor vehicle service station as proposed to be defined and to replace the current use listing of Automobile repair and washing establishments with Motor vehicle

repair and Car wash as uses which require a special use permit as proposed to be defined in the Village Center Indian River (VC-IR) district.

Gasoline service station and garage is currently defined as follows:

GASOLINE SERVICE STATION

A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

The current definition and use listing for gasoline service station is proposed to be deleted and replaced with Motor vehicle service station.

Automobile repair and washing establishment is not currently defined and is proposed to be replaced by Motor vehicle repair and Car wash use listings as proposed to be defined.

No other uses related to auto and machinery service and repair are recommended in the VC-IR district. No uses related to auto and machinery service and repair are recommended in the VC-IR-O district. Also, no uses related party stores are being recommended for the VC-IR district or the VC-IR-O zoning district.

Office uses.

Discussion was also held with regard to office uses. The current definition for office was placed in the zoning ordinance along with the amendment that established the Village Center Indian River and Village Center Indian River Overlay Districts. This definition reads as follows:

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

The use of a building primarily for conducting the affairs of a business, profession, or service (excluding however any manufacturing or industrial uses) such as financial, legal, insurance, health, real estate, educational, social, and similar services.

Examples of uses approved in the village center districts under the office definition have been beauty salons and health studios. It was noted at the office definition should be reviewed and consideration given to developing other definitions for salons and health studios.

As a result of the discussion held relative to use under the current office definition, the Planning Commission has developed new definitions to differentiate the uses covered under the current office definition. They are as follows:

Definition to combine Beauty shop and Barber shop and add spa type uses.

Personal service center

An 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.

Definition for Health club and fitness center.

Health and fitness center

An 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

Definition for Office.

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

Recommendation relative to uses under the current office definition.

It is recommended that further discussion take place regarding the uses covered under the current office definition and the aforementioned proposed uses and definitions in order to decide which may be desirable for the Village Center zoning districts.

As always, The Planning Commission welcomes any comment you may have.



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Date: December 20, 2016

To: Planning Commission

From: Scott McNeil

Re: Planning Commission Bylaws; Annual meeting requirements, election of officers and scheduling of regular meetings for 2017.

The bylaws of the Planning Commission require that Officers (Chairperson, Vice Chairperson and Secretary) be chosen from its members by the Planning Commission at its annual meeting held in January of each year.

Also, the bylaws require that the regular meetings of the Planning Commission shall be scheduled at the annual meeting held in January each year. The bylaws also provide that if any regularly scheduled meeting falls on a legal holiday, the Planning Commission shall select an alternate date in the same month for the regular meeting. I expect the Planning Commission will desire to schedule regular meetings for 2017 for the first and third Wednesday of each month at 7:00 P.M. as currently scheduled. There are no legal holidays that fall on the first or third Wednesday of each month in 2017.

Please contact me with questions.



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PHONE: (231)627-8489 ■ FAX: (231)627-3646

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Recommendation to repeal Section 17.3. and Section 21.9.2.

Date: January 5, 2017

Please find the subject sections from the zoning ordinance listed below.

By review of the same you will find provisions under section 17.3. relative to standards and requirements for single family dwellings. Many of these provisions are covered, or in conflict with the building code. Language provided section 17.3.7. regarding determinations of compatibility due to aesthetics are believed to be unlawful.

Also provided below you will find section 21.9.2. which requires a doubling the zoning permit fee for construction of a building or establishing a new land use without a permit. This is also believed to be unlawful.

I will look forward to discussing this matter further with the Planning Commission. Please contact me with questions.

Section 17.3. Single Family Dwellings. A building containing not more than one dwelling unit designed for residential use shall comply with the following standards:

17.3.1. It shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.

17.3.2. It shall comply with the minimum width requirements of this Ordinance across any front, side or rear elevation and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of PA 230 of 1970, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by above cited Michigan State Construction Code, then and in that event such federal or state standard or regulation shall apply.

17.3.3. It is firmly attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured in accordance with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

17.3.4. In the event that a dwelling is a mobile home as defined herein, the minimum square footage & width requirement for the zone in which it is located applies to the original construction before any additions. Each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.

17.3.5. The dwelling is connected to a public sewer and water supply or to such private facilities as approved by the county health department.

17.3.6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

17.3.7. The dwelling is aesthetically compatible in design and appearance with other residents in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the County Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision.

Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the county. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

17.3.8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

17.3.9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

17.3.10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state and federal law or otherwise specifically required by this ordinance pertaining to such parks.

17.3.11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and Michigan State Construction Code provisions and requirements.

21.9.2. Any person who shall commence the construction of any building or established a new land use without first obtaining a valid permit as required by law shall be penalized to the extent of paying double the amount of the required permit fee, in addition to any other penalties that may be levied in the enforcement of this ordinance and the prosecution of violations thereof.



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Commission

From: Scott McNeil, Planner

Re: Use terminology review: Convalescent homes

Date: January 9, 2017

Included with this memo please find a listing of uses, definitions from the zoning ordinance which relate to the subject, and the zoning districts in which they are allowed as well as whether the use requires a site plan review or SUP. By review of the same I am offering new definitions to replace the current definition for “convalescent home” for your consideration. You will note that I have provided the definition of “State licensed residential facility” from the Zoning Enabling Act as the same is established as a residential use under the act.

State of Michigan licensing and zoning provisions for convalescent home related uses.

The Michigan Department of Licensing and Regulatory Affairs (LARA) assess licensure requirements for *adult foster care* and *nursing home facilities*. Licensing for *Adult Foster Care* (AFC) homes and *nursing homes* are covered under Public Act 218 of 1979 and Public Act 368 of 1978 respectively. The following is a summary of those regulations.

Adult Foster Care homes under Act 218 of 1979

According to Mahtina Rubritius, AFC Program Consultant with LARA, an operation needs to be licensed under Act 218 as an *adult foster care facility* if it provides personal care, supervision and protection in addition to room and board to unrelated persons who are aged, mentally ill, development disabled, or physically disabled, for 24 hours a day, 5 or more days a week, or 2 or more consecutive weeks or compensation.

Under Public act 218 of 1979 “Adult foster care facility” means a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1), *adult foster care facility* includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. *Adult foster care facility* does not include any of the following:

(a) A nursing home licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(b) A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

- (c) A hospital licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- (d) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.
- (e) A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
- (f) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - (i) Two, if the total number of residents is 10 or fewer.
 - (ii) Three, if the total number of residents is not less than 11 and not more than 14.
 - (iii) Four, if the total number of residents is not less than 15 and not more than 20.
 - (iv) Five, if the total number of residents is 21 or more.
- (g) A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.
- (h) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
- (i) A facility created by 1885 PA 152, MCL 36.1 to 36.12.

Under Public act 218 of 1979 "Foster care" means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

Adult foster care facilities under the Zoning Enabling Act, Michigan Public Act 110 of 2006.

A "State licensed residential facility" as defined under Act 110 of 2006 means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services to 6 or fewer individuals under 24-hour supervision or care.

Pursuant to Section 206. (1) of PA 110, a state licensed residential facility shall be considered a residential use of property of the purposes of zoning and a permitted use in all residential districts. As a result, a state licensed residential facility is a permitted use in any zoning district where residential uses are allowed.

Nursing care facilities under Public Act 368 of 1978

Nursing care facilities are licensed under rules adopted pursuant to Act 368 for intermediate or basic care facilities, skilled nursing facilities, intermediate care facility for the mentally retarded, nursing facility for mentally ill patients, nursing facilities for the care of mentally retarded and nursing facilities for the care of tuberculosis.

Under Public Act 368 of 1978 “Nursing Home” means a nursing care facility, including a county medical care facility that provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity. As used in this subsection, “medical treatment” includes treatment by an employee or independent contractor of the nursing home who is an individual licensed or otherwise authorized to engage in a health profession under part 170 or 175. Nursing home does not include any of the following:

- (a) A unit in a state correctional facility.
- (b) A hospital
- (c) A veterans facility created under 1885 PA 152, MCL 36.1 o 36.12.
- (d) A hospice residence that is licensed under this act.
- (e) A hospice that is certified under 42 CFR 418.100.

A “County medical care facility” under Act 368 means a nursing care facility, other than a hospital long care unit, which provides organized nursing care and medical treatment to 7 or more unrelated individuals who are suffering or recovering from illness, injury, or infirmity and which is owned and operated by a county or counties.

The new proposed definitions for uses related to convalescent homes are intended to cover the *adult foster care* and *nursing care facilities* regulated by the state and other similar uses based on the land use effect.

Please contact me with questions.

Listed uses and definitions relative to Convalescent home uses.

Current related definitions from the Zoning Ordinance:

CONVALESCENT OR NURSING HOME

A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four or more patients.

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.

New proposed definition:

ADULT DAY CARE CENTER

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.

Definitions proposed to replace CONVALESCENT OR NURSING HOME:

ASSISTED LIVING CENTER

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 except a state licensed residential facility as defined under Public Act 110 of 2006

HEALTHCARE LIVING CENTER

A facility which provides health care services and living facilities for the individuals suffering or recovering from illness, injury or infirmity, except a state licensed residential facility as defined under Public Act 110 of 2006.

Current Zoning use listings:

Current listed use

Zoning districts where allowed

Assisted Living Facility/Convalescent Home

VC-IR, VC-T (SUP)

Elderly housing and convalescent homes.

D-RC, VC-T-O (SUP)

Elderly housing, nursing and convalescent homes.

D-CM, D-LI, D-GI

Nursing or convalescent homes.

M-AF, D-RC (SUP)