



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, MARCH 16, 2016 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

1. **Michael Gotham** - Requests a Site Plan Review Amendment for Automobile Sales (Section 6.2.2). The property is located at 4501 Onaway Road, Koehler Twp., section 20, parcel #172-109-000-032-00, and is zoned Commercial Development (D-CM).

UNFINISHED BUSINESS

1. Draft Zoning Ordinance Amendment For Planned Project
2. Draft Amendment Regarding Uses Proposed To Be Deleted
3. Proposed Amendment Regarding Home Occupations

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, MARCH 2, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon
ABSENT: Churchill, Jazdyk
STAFF: Scott McNeil
GUESTS: Tony Matelski, Eric Boyd, John Moore, John F. Brown, Bob Lyon, Scott Pauly, Dawn Bodnar, Russell Crawford, Cheryl Crawford, Doug Clark, Jason Covell, Scott Sieg

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

APPROVAL OF MINUTES

The February 17, 2016 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)

PUBLIC HEARING AND ACTION ON REQUESTS

The Case Group / Awakon Federal Credit Union - Requests a Site Plan Review for an Office (section 6.2.15). The property is located at 6272 M-68 Hwy, Tuscarora Twp., section 24, parcel #161-024-400-575-03, and is zoned Commercial Development (D-CM).

Mr. McNeil stated there is an existing credit union office at this site that is proposed to be replaced. Mr. McNeil stated this is a full site plan review application as there is no record on file of a previous application. Mr. McNeil stated there are 24 parking spaces which exceeds the requirements. Mr. McNeil stated stormwater runoff calculations are noted on the site plan. Mr. McNeil stated there were concerns regarding the amount of impervious surface on this site. Mr. McNeil stated that based on Hank Jankoviak’s review, the stormwater ordinance standards have been met. Mr. McNeil stated setbacks have been met and signage is indicated on the plan.

Ms. Croft stated that Ms. Lyon’s has been excused from this request as she is a member of the Awakon Federal Credit Union Board.

Mr. Clark stated that he is representing The Case Group and he is the developer for this project. Mr. Clark introduced Jason Covell from Covell Architecture. Mr. Clark introduced Scott Sieg who is the civil engineer and stated he will be able to answer questions regarding the site plan. Mr. Clark introduced Scott Pauly and stated he is from Awakon Credit Union. Mr. Clark also introduced Dawn Bodnar. Mr. Clark stated that Awakon Credit Union has been around since 1951. Mr. Clark stated that there are five branches and the headquarters are in Onaway. Mr. Clark explained that there is an existing loan office on the site and that building will be moved. Mr. Clark stated the proposed building will be a full-service branch with three drive-thru lanes and loan offices. Mr. Clark stated this will be a full retail branch. Mr. Clark explained that the proposed branch is part of Awakon Credit Union’s growth plan. Mr. Clark stated this design is based on a prototype that was also built in Gaylord.

Mr. Freese stated that there are no contours drawn on the site plan or the topography plan. Mr. Freese stated the topography plan only provides spot elevations. Mr. Freese asked what the elevation differences will be on the final plan. Mr. Freese asked

if this is an old topography plan. Mr. Clark stated it was drawn the end of last year. Mr. Freese stated that this shows the rugged topography of continued excavation. Mr. Sieg stated that there was a 10ft. berm which is being pushed back to a retaining wall. Mr. Sieg stated that to the west of the property there is a 7ft. berm that is also being pushed back to a retaining wall. Mr. Sieg stated if there were no berms on this site there would be no need for a retaining wall. Mr. Sieg that for the change of slope is a 12ft difference at the back of the property and it can be graded down to a 3:1 slope to get back to the top of the wall. Mr. Sieg stated that based on this topography, there will be a 5ft. high retaining wall at the back of the property. Mr. Freese stated that the plans do not include what the final topography will be. Mr. Freese stated that since topography is a requirement, the Planning Commission could waive the requirement. Mr. McNeil stated that a waiver would be in order, especially due to the data they have provided for stormwater. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the topography requirement be waived. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)

Mr. Freese asked if there will be signage at this site. Mr. Freese stated only the location of a sign is noted on the site plan. Mr. McNeil stated the sign will be approved later by separate permit. Discussion was held.

Mr. Kavanaugh asked if this will be connected to the sewer system. Mr. Clark stated yes. Mr. Kavanaugh asked if the water supply is existing. Mr. Clark stated there is an existing well. Mr. Kavanaugh noted that there is some existing damage to the well which needs to be fixed.

Ms. Croft asked for public comments. Mr. Muscott stated it is nice to see Onaway Credit Union expanding into Indian River. Mr. Muscott stated his concerns that the left turn into the driveway is also the left turn lane onto Straits Highway. Mr. Muscott explained that the traffic backs up in this area a lot during the summertime. Mr. Muscott stated that this should be reviewed by MDOT. Mr. Muscott encouraged the applicant to have a 5ft. concrete sidewalk along the right side of the driveway to encourage pedestrian traffic into the building. Mr. Muscott stated that he is 100% for this project. Public comment closed.

Mr. Freese stated that Mr. McNeil noted in the staff report that this is in compliance with the Master Plan. Mr. Freese stated this parcel is located in Tuscarora Township. Mr. Freese questioned if it is in compliance with Tuscarora Township's Master Plan. Mr. McNeil stated yes. Mr. Freese stated this information should be noted in the General Findings. Mr. Freese stated that if this request is approved there should be a condition requiring MDOT compliance. Ms. Croft stated that compliance with the Department of Building Safety, Health Department and MDOT are suggested conditions for approval.

The Planning Commission reviewed the General Findings and added "The site plan is in compliance with Tuscarora Township's Master Plan" as #5. The Planning Commission reviewed the Specific Findings of Fact Under Section 20.10. Ms. Croft noted that the location of the property should be changed from South Straits Hwy to M-68. The Planning Commission approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to approval from Department of Building Safety, Health Department and MDOT and any additional signage must be in compliance with the Zoning Ordinance. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdyk)

UNFINISHED BUSINESS

Review of Draft PUD and Planned Project zoning ordinance amendments

Mr. McNeil stated the Planning Commission has received the draft PUD amendment for review. Mr. McNeil stated the PUD ordinance provides for a mixing of uses that are within the Zoning Ordinance. Mr. McNeil stated it is proposed to be a rezoning process. Mr. McNeil stated that an addition to this would be a proposed Planned Project ordinance amendment. Mr. McNeil stated that the proposed Planned Project amendment provides some degree of flexibility in a plan that provides for uses only within the zoning district which it is proposed. Mr. McNeil stated that the Planning Commission discussed these amendments at the last meeting. Mr. McNeil stated these are brought forth to the Planning Commission as they are a priority in the Master Plan.

Mr. Freese stated he likes the flexibility a Planned Project provides for a planned development within a zoning district. Mr. Freese suggested decreasing the amount of flexibility if not in total agreement. Mr. Freese stated the PUD changes are needed as proposed by Mr. McNeil. Mr. Freese stated if the PUD amendment will allow uses from one district to another he believes it should be a rezoning. Mr. Freese stated that this should be recommended to the Cheboygan County Board of Commissioners. Mr. Kavanaugh stated he kind of agrees with Mr. Freese but he would like to reduce the numbers. Mr. Kavanaugh stated that 50% and 60% in the Planned Project amendment is extreme and should be reduced. Mr. Kavanaugh stated that in the PUD amendment the numbers are 10-20%. Mr. Kavanaugh noted that staff is allowed to approve 10% for additions to buildings. Mr. Kavanaugh stated he would be in favor of 20-25% for both the PUD amendment and the Planned Project amendment. Mr.

McNeil stated he is in agreement regarding reducing the 50-60%. Mr. McNeil suggested 35%. Mr. McNeil stated that we are asking for 15% open space and in return there should be some flexibility beyond 25%. Mr. Kavanaugh stated that this does not say where the open space has to be on the site. Mr. Kavanaugh stated his concerns that the open space could be in the center of the project. Mr. Kavanaugh stated he can see 20-25%. Mr. Kavanaugh stated this can be revised later. Mr. Kavanaugh stated that the Planning Commission has not reviewed this type of a project in years and probably won't have another project of this type for years. Mr. Kavanaugh stated we should be as uniform as possible and treat everyone the same. Mr. McNeil stated that we are being proactive with these amendments. Mr. McNeil stated the largest side setback is 10ft. and stated that 30% will not be that big of an impact. Mr. Borowicz noted that there is a specific setback for non-residential uses that are adjacent to residential uses. Mr. Freese suggested compromising on the percentages as this can be amended at a later date if we find that it should be a larger percentage. The Planning Commission members agreed to a 30% reduction.

Mr. Kavanaugh asked if this is an approved use or a special use. Mr. McNeil stated this applies to either. Mr. Kavanaugh stated this should be stated as this is not an allowed use. Mr. McNeil stated he will review the language. Mr. Kavanaugh stated that if there is a residential use that meets all of the standards as an allowed use, it does not have to be reviewed by the Planning Commission to make sure that it meets the standards. Mr. Kavanaugh stated that the Planning Commission will be able to make sure all of the standards are met on a special use permit. Mr. McNeil stated this ordinance requires going through the special use permit procedure. Mr. McNeil stated he will review the language and bring it back to the Planning Commission at a future meeting.

Ms. Croft asked if Bryan Graham has reviewed the existing PUD ordinance. Mr. McNeil stated that he asked Mr. Graham to not review the existing PUD ordinance as the Planning Commission is still discussing this proposed amendment. Mr. McNeil stated that Mr. Graham has expressed concern that we will allow any use in the Zoning Ordinance and that we should be more specific. Mr. Freese suggested that the Planning Commission agree to the proposed changes and then forward to Mr. Graham for his review.

Mr. McNeil stated that some of the major changes that are proposed are that PUD's still can't take place in the Lake and Stream Protection Zoning District, Resource Protection Zoning District or Natural Rivers Protection Zoning District. Mr. McNeil stated there are some stipulations in regards to industrial uses. Mr. McNeil stated that the minimum lot size has been increased from one acre to five acres. Mr. McNeil stated the minimum lot size for an industrial use has been increased from five acres to ten acres. Mr. McNeil stated that he will send this to Mr. Graham to review.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that the Planning Commission members have received a memo from Steve Schnell regarding training sessions for target marking analysis for housing projects. Please contact staff if you are interested in attending these training sessions. Discussion was held.

Mr. McNeil stated that for the next Planning Commission meeting he intends to have amendment documents and comments for the Planning Commission to consider regarding the uses that could be deleted as well as the home occupation amendment.

PLANNING COMMISSION COMMENTS

Mr. Freese referred to the change from one acre to five acres and stated that there are areas in the county where it might be advisable to look at less than five acres such as the area in Topinabee where there are legal non-conforming lots. Mr. McNeil stated that the Planned Project amendment could deal with the smaller developments. Mr. McNeil stated that if we want to have the ability to have parcels with less than five acres in the PUD amendment, we should tie it to some type of finding. Mr. Freese stated there has been a problem with the small lots at the top of the hill and the warehouse district which has been an issue for a long time. Mr. Freese stated that would be an area that the Planned Project could be applied to and it would help to deal with the warehousing issue. Mr. McNeil stated yes and noted that all of those uses are allowed within the Residential Development Zoning District. Mr. Freese stated that it should be left as it is.

PUBLIC COMMENTS

A member of the audience stated his concerns about sawmills and portable sawmills needing a special use permit. The audience member stated that not all stationary sawmills are commercial and noted that a lot of farmers have their own sawmill. Mr. Freese stated that the Planning Commission was considering large commercial sawmills needing review by the Planning Commission. Mr. Borowicz stated the smaller mills are operating for the owner's convenience and are an accessory use to an agricultural operation. Mr. Freese stated there are a few commercial sawmills in the county that have been operating

for a long time. Mr. Freese stated any new commercial sawmills should be reviewed by the Planning Commission. Mr. McNeil stated his proposed definition is for a non-accessory use. Mr. McNeil stated that the Planning Commission will be discussing this topic at their next meeting.

Mr. Muscott provided an update to the Planning Commission regarding a rezoning request submitted by the Cherry Capital Airport to Traverse City Zoning Department for a Costco store.

Mr. Freese asked if there has been an update on Meijer. Mr. McNeil stated that Meijer has indicated that they would not be coming back for an amendment as their timeframe is a couple of years out. Mr. McNeil stated that Meijer will come back with a new application.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:43pm.

Charles Freese
Planning Commission Secretary

DRAFT

CHEBOYGAN COUNTY PLANNING COMMISSION

Michael Gotham – *Revised 03/10/16*

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Site Plan (1 Page)

The following items were added to the exhibit list on 03/10/16:

5. E-mail dated 03/10/16 from Brent Shank, Cheboygan County Road Commission Engineer/Manager (27 Pages)
6. E-mail dated 03/16/16 from Dave Carpenter, Tuscarora Township Fire Chief (1 PageP
- 7.
- 8.
- 9.
- 10.

Note: Planning Commission members have exhibits 1 and 2.



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PROPERTY LOCATION

Address <u>4501 Onaway Rd.</u>	City / Village <u>Indian River</u>	Twp / Sec. <u>Keweenaw Sec. 20</u>	Zoning District <u>D-UM</u>
Property Tax I.D. Number <u>172-109-000-032-00</u>	Plat or Condo Name / Lot or Unit No. <u>INDIAN VILLOVE PARK LOT 32</u>		

APPLICANT

Name <u>MICHAEL GOTHAM</u>	Telephone <u>231-818-2832</u>	Fax <u>231-627-9000</u>
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Address <u>603 E. SHOREVIEW</u>	City, State & Zip <u>INDIAN RIVER MI 49749</u>	E-Mail <u>MIKE@MIKEGOTHAM.COM</u>
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OWNER (If different from applicant)

Name <u>MICHAEL GOTHAM</u>	Telephone <u>231-818-2832</u>	Fax <u>231-627-9000</u>
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Address <u>SAME</u>	City, State & Zip <u>SAME</u>	E-Mail <u>SAME AS ABOVE</u>
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PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Change in Use or Additional Use <u>USE SPACES.</u> <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input type="checkbox"/> Other: _____	Building/Sign Information Overall Length: _____ feet Overall Width: _____ feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: <u>24</u> sq. feet Sign Height <u>8</u> feet
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PROPOSED USE (check all that apply)

<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units _____	<input type="checkbox"/> Storage	<input type="checkbox"/> Industrial	<input type="checkbox"/> Utility
<input type="checkbox"/> Other: _____			

Has there been a Site Plan or Special Use Permit approved for this parcel before? YES NO

If YES, date of approval: 8/19/2009 Approved Use: _____

Directions to site: COR. ONAWAY RD. AND EAST MULLETT LAKE RD.

SITE PLAN REVIEW APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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1. Describe all anticipated activities (e.g. type of business, hours of operation, number of employees, etc). Attach additional sheets if needed.

Sale of Use Cars - 10 A.M. - 5 P.M. Mon - Sat. - No Employees
- Outdoors Display only -

2. Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- 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.

No Change to contours or topography

- 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.

Removal of Dead trees - No Soil Removal

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

No Change to Drains

- 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.

No Dwelling Units

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.

Access via Onway Rd.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

Via Onway Rd.

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

NA

- h. Exterior lighting shall be arranged as follows: - No New Lighting

i. It is deflected away from adjacent properties. NA

ii. It does not impede the vision of traffic along adjacent streets. NA

iii. It does not unnecessarily illuminate night skies. NA

SITE PLAN REVIEW APPLICATION



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SITE PLAN REVIEW APPLICATION

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.

NA

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.

YES

3. Size of property in sq. ft. or acres: 2.02 Ac.

4. Present use of property: Bar/Rest.

5. Does the proposed use of the property include or involve either:

- Junk or salvage yard (Section 3.6) YES NO
- Mineral extraction (Section 17.17) YES NO

If YES, this application must include a written plan as described in the Zoning Ordinance.

6. Attach a copy of Warranty Deed or other proof of ownership.

7. Attach a copy of certified Property Survey or dimensioned property land plat.

AFFIDAVIT

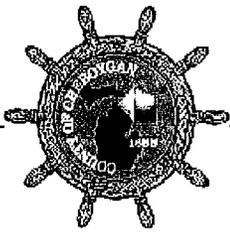
The undersigned affirms that the information and plans submitted in this application are true and correct to the best of the undersigned's knowledge.

Applicant's Signature Richard H. Gathon Date 2/23/2016

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes?

Yes No

Owner's Signature Richard H. Gathon Date 2/23/2016



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

Date Received:	02/24/14	Notes:
Fee Amount Received:	\$110.-	
Receipt Number:	4902	
Public Hearing Date:	03/16/16	
Planning/Zoning Administrator Approval:		
_____ Signature		_____ Date

SITE PLAN REVIEW APPLICATION

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

ALL ITEMS LISTED BELOW MUST BE SUBMITTED IN ORDER FOR THIS APPLICATION TO BE DEEMED COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED OR PROCESSED. EACH SITE PLAN SHALL DEPICT THE ITEMS LISTED BELOW, EXCEPT FOR THOSE ITEMS DETERMINED DURING THE PRE-APPLICATION CONFERENCE TO NOT BE APPLICABLE.

PLACE A CHECK MARK NEXT TO EACH REQUIREMENT TO SHOW THAT THE INFORMATION HAS BEEN SUPPLIED OR THAT A WAIVER IS BEING REQUESTED. IF A WAIVER IS BEING REQUESTED PLEASE NOTE ON THE NEXT PAGE THE REASON FOR THE WAIVER. SIGN AND DATE THIS CHECKLIST WHEN ALL ITEMS HAVE BEEN COMPLETED. PLEASE SUBMIT THIS CHECKLIST WITH YOUR APPLICATION.

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100 ft. or less.
X		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.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	X	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
NA		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.
X		f. Location of existing and proposed buildings and intended uses thereof.
X		g. Details of entryway and sign locations should be separately depicted with an elevation view.
X		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.
X		i. Location, size, and characteristics of all loading and unloading areas.
NA		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
X		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.
NA		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		m. Location and specifications for all fences, walls, and other screening features.
X		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
NA		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
X		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
NA		q. Elevation drawing(s) for proposed commercial and industrial structures.
NA		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
NA		s. Floor plans, when needed to determine the number of parking spaces required.

PLEASE LIST THE REQUIREMENT FOR WHICH A WAIVER IS BEING REQUESTED. ALSO PROVIDE AN EXPLANATION/REASON FOR THE WAIVER REQUEST.

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
E.	NO CHANGE TO DRAINAGE TO TOP.

AFFIDAVIT

I CERTIFY THAT ALL SITE PLAN REQUIREMENTS (A THROUGH S) ARE DRAWN ON THE SITE PLAN, ATTACHED TO THIS APPLICATION AND/OR I AM REQUESTING A WAIVER. I CERTIFY THAT ALL INFORMATION AND DATA ATTACHED TO AND MADE PART OF THIS SPECIAL LAND USE PERMIT APPLICATION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



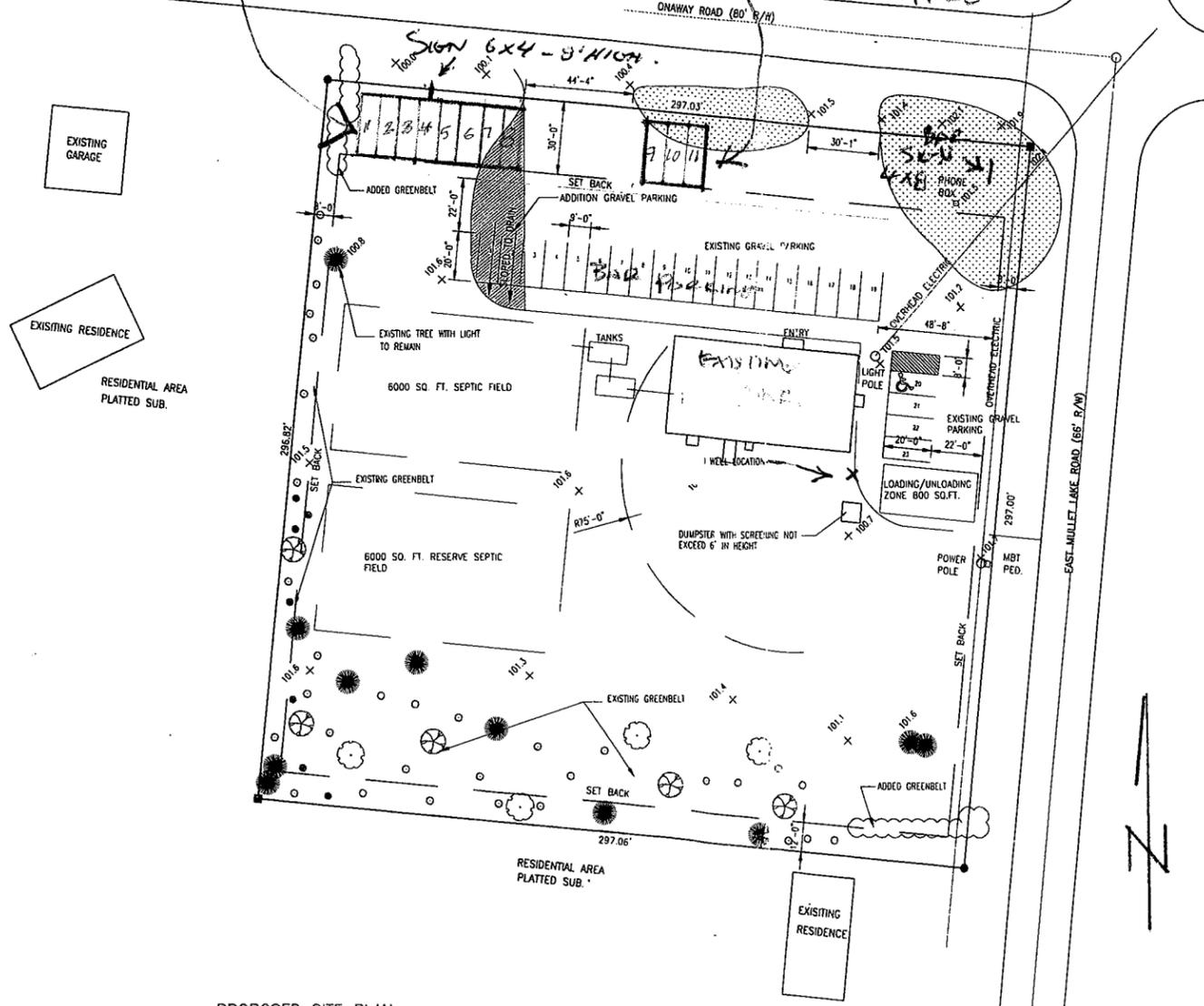
 SIGNATURE

2/23/2016

 DATE

Michael H. Gotham
Feb 23, 2016

PROPOSED AUTO SALES USE - 10 Parking Spaces for Sales
(ALL PARKING SPACES = 9'x20'
1 CUSTOMER SPACE



PROPOSED SITE PLAN

4

Deborah Tomlinson

From: Brent Shank [<mailto:mgr@chcrc.com>]
Sent: Thursday, March 10, 2016 1:01 PM
To: Deborah Tomlinson
Subject: Re: 03/16/16 Planning Commission Packet

Hello,

I have reviewed the site plan review request for Mr. Gotham. Since it is a proposed change of use, the current driveway should be addressed. The current driveway serves a commercial business and has a gravel surface. The Road Commission would like to have the driveway upgraded to meet the current requirements for Commercial Driveways. The current requirements would specify the driveway to be upgraded with concrete curb and gutter and a paved surface (either asphalt or concrete), also a review of drainage. The change in use has the potential to increase traffic in and out of the property which could impact the traveling public. With the increased traffic, the edge of the road will deteriorate quicker and additional gravel from the driveway may be tracked out onto the roadway. The concrete curb and gutter and paving would address these issues.

The proposed sign would have to be located outside of the right of way. Mr. Gotham could apply to the Road Commission if he would like it to be considered.

I understand that the Planning Commission can not make these requirements, but they can require that the applicant obtain a driveway permit from the Road Commission. If such requirement was made, it would assist the Road Commission in preserving our road edge and providing a safe roadway for the traveling public. I have attached our driveway requirements for your information.

Please let me know if you have any questions.

Thank you,

Brent Shank
Engineer/Manager
Cheboygan County Road Commission
mgr@chcrc.com
(231) 238-7775

Driveway & Miscellaneous Permits

Requirements, Regulations and Specifications
for
Construction within the Right-Of-Way
of Public Roads
Under the Jurisdiction of the

CHEBOYGAN COUNTY ROAD COMMISSION

5302 South Straits Highway
Indian River, MI 49749
(231) 238-7775
FAX (231) 238-0830
EMAIL: office@chcrc.com

ADOPTED August 6, 2015

Driveways and Miscellaneous Permits

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1.1 Introduction

A. The purpose of these regulations and specifications is:

1. To establish a uniform plan for the use of road right of way by adjacent property owners and public utility companies.
2. To ensure the safety of the public.
3. To ensure proper drainage of the public roads.
4. To prevent damage of public roads at the point of access.
5. To ensure that all proposed work in the right of way is approved by the commission and is performed by individuals who meet the insurance requirements of the Cheboygan County Road Commission.

1.2 General Conditions

A. Definitions

1. Applicant- Owner of the property served by the driveway.
2. Access or Haul Road- A driveway that is needed for any one of a variety of activities, such as: timber harvest, construction access, top soil stripping, borrows areas, mobile batch plants, ect. The use is light to heavy commercial in nature with either temporary or occasional use.
3. Circle Driveway- A private driveway that enters and leaves the property at two points within the same frontage.
4. Commercial Driveway- A driveway serving a commercial establishment, industry, governmental or educational institution, hospital, church, apartment building, 5 (five) or more lots, parcels, or single family homes.
5. Contractor- Any Company or person doing permit related work on behalf of the applicant, in the right of way.
6. Commission- The Cheboygan County Road Commission (CCRC).
7. Field Entrance- A driveway serving a farmyard, cultivated or uncultivated field, or undeveloped land not used for industrial, commercial or residential purposes. Nature of use is light or occasional.
8. Frontage- A private property line that abuts a road right of way.
9. Multifamily Residential Driveway – A driveway serving 2 (two) to 4 (four) lots, parcels, or single family homes.
10. Permittee- Also referred to as “permit Holder” is the property owner and/or Contractor (including sub-contractors).
11. Residential Driveway- A driveway serving 1 (one) single family home.
12. Right of Way Line- A boundary between private property and public land under legal control of the agency having control over the roadway.
13. Utility Structure Driveway – A driveway serving a utility structure such as a pump house or substation that operates automatically and requires only occasional access.

B. Applicability

1. The requirements listed in this section constitute the “supplemental specifications” referred to in item 15 of the permit terms listed on the reverse side of the APPLICATION AND PERMIT form.
2. **These rules apply to all right of way under the jurisdiction of the Commission.** These rules and specification do not apply outside the road right of way. Nothing in these rules shall be construed to prevent the application of the provisions of any other statute of this state or any local ordinance which is more restrictive than these rules, nor to

preclude any city of village from requiring city of village permits with respect to any street or roadway within its corporate limits and under its jurisdiction. No permit will be issued pursuant to these rules unless there is compliance with other provisions of law and ordinances.

3. **State Highways**

Driveways that access state highways require permits from the Michigan Department of Transportation (MDOT). MDOT permit applications are available at the Road Commission. The Cheboygan County Road Commission does not have jurisdiction over MDOT highways in Cheboygan County. All permit applications for MDOT highways must be sent directly to the MDOT at the following address:

MDOT Gaylord TSC	Voice: (989) 731-5090
1088 M-32 East	Fax: (989) 732-3637
Gaylord, MI 49735	

C. Permit Necessity

1. **All work in the road right of way.**

A person, organization, or governmental unit may not undertake any work within the road right of way, unless a permit had been obtained from the Commission. The following are examples of activities that require a permit:

- a.) Construct, reconstruct, relocate or surface a driveway or related construction.
- b.) A proposed driveway may not be used for access prior to obtaining a driveway permit and placing the required gravel base or surface.
- c.) Install public or private utilities.
- d.) Cutting or removing trees.
- e.) Landscaping, grading, ditching and ditch cleanout.

2. **Change in use:**

Changes in use of a driveway or property abutting a road may require changes in the number, design or location of driveways. The property owner or owner's representative must obtain a permit from the Commission, for the type of driveway for the new use, and will make all necessary improvements required to satisfy the specifications and standards of the type of driveway required for the new use. The following are examples of change in use, including, but not limited to:

- a.) Single Family Residential to Multifamily Residential
- b.) Residential to Commercial
- c.) Residential to Access or Haul Road
- d.) Field Entrance to Commercial, Residential, or Access or Haul Road
- e.) New home construction including modular and mobile homes. (The Building Department will not issue a building permit without a driveway permit.)

3. **Existing Driveways**

Commission personnel will do an onsite inspection to determine if the existing driveway satisfies the permit requirements for the intended use.

- a.) No improvements needed or planned
 - If the existing driveway satisfies the permit requirements for the intended use and the applicant does not intend to do any work in the road right of way, a permit can be issued for "NO IMPROVEMENTS REQUIRED." Because no work will be done or is authorized in the road right of way under this permit, there is no need for contractor information and signature. A new permit must be obtained when and if work is to be done in the right of way.
- b.) Improvements required by the Commission or planned by the applicant
 - If an existing driveway does not satisfy the permit requirements for the intended use, the applicant will be required to make all necessary

improvements as a condition of the permit. Contractor information and signature are required for issuance.

- If the applicant plans on making improvements to the existing drive or working in the right of way, the work must be authorized by the permit. All improvements to driveways shall be per the "CCRC standards and specifications." An existing driveway shall not be resurfaced or repaved without conforming to all the specifications such as culvert requirements, driveway dimensions, driveway profile, drainage, ect. Contractor information and signature are required for issuance.

4. Seasonal Roads

A Permit is required for driveways on seasonal roads and is subject to the following maintenance provisions:

- a.) If a seasonal road is used as an access road for commercial transport trucks, the road shall be maintained by the permit holder or user in a condition equal to or better than the road prior to use by said vehicles. The reason for this maintenance requirement is that seasonal roads are unimproved, in so far as they lack adequate base to support commercial truck traffic, and can become impassable to the public.

5. Mailboxes

Standard mailboxes are allowed in the road right of way without individual written permits. It is the mailbox owner's responsibility to ensure that their mailbox and post are installed according to US Postal Service requirements and as specified herein. Mailbox posts must be at least 8 feet off the 11 feet wide driving lane or placed with the front of the box 1 foot behind the outside edge of the maintained (plowed) shoulder. Post size and material are critical to roadway safety and may not exceed 4"x4" for wood or 3 lb/Foot for steel. No masonry, concrete or stone structures are permitted in the right of way. Multiple mailboxes shall not be placed on planks or structures. Each mailbox shall have its own post, with the exception that a plastic newspaper box may be attached to the same post as the mailbox. Oversized or decorative boxes and posts are placed at the owner's risk and are maintained and/or replaced at the owner's sole expense. The Commission will reimburse the owner of a box and/or post that has been *physically struck* by Commission equipment (not thrown snow). The amount of reimbursement will be the established amount set by the Commission's current Mailbox Policy, regardless of the actual cost of the box or post that was struck.

D. Commercial Driveways

Each Commercial Driveway Application will be reviewed on a case-by-case basis. The Road Commission has the right to require any or all of the following, to be satisfied prior to or to be in compliant with the issuance of the commercial permit. (Pursuant to Section 247.327, Section 4, of the Michigan Compiled Laws.)

1. Site Plan of the development.
2. Drainage Plans for the development showing no adverse impact of on-site drainage entering the road right of way. The developer may be required to provide drainage improvements within the right of way (by permit) to accommodate the drainage.
3. For Commercial Driveways where there are 25 or more homes or 50 or more parking spaces, a Traffic Impact Study showing impacts on surrounding road from the proposed development may be required along with any or all of the following:
 - a.) Should the Traffic Impact Study show a need for improvement to local or primary roads to accommodate the additional traffic, the developer would be required to develop a set of Engineered Plans for the county road improvements. The plans must be approved by Road Commission staff.

- b.) A Road Improvement Agreement between the developer and the Road Commission ensuring the developer would be responsible to improve any local and/or primary roads necessary to accommodate the additional traffic. (See Section J for fees to accommodate the county road improvements).
- c.) If improvements are necessary, the developer must contract with a reputable road-building contractor. The developer must have the work performed on the county road, inspected throughout construction and have the work certified by a Professional Engineer licensed in the State of Michigan that the road was built to Road Commission standards.
- d.) The developer shall provide all necessary daily inspection reports, base, subbase and asphalt density tests necessary to assure the Road Commission that the county road(s) has been built per Road Commission requirements.
- e.) Additional right of way necessary to accommodate the county road improvements will be the responsibility of the developer.
- f.) Any necessary utility relocation would be the responsibility of the developer.
- g.) Any other reasonable request to accommodate the additional traffic from the development, per Michigan Law.

E. Activities NOT permitted in the Right of Way

1. Accessing a public road with vehicles at any location other than a permitted and properly constructed driveway.
2. Filling roadside ditches with dirt, rocks, leaves, debris, ect.
3. Planting of trees, shrubs, seedlings or bushes of any kind.
4. Construction of a retaining wall or culvert headwall along the side of the road.
5. Placement of any type of fence.
6. Placement of rocks, boulders or earth berm.
7. Placement of political, real estate, advertisement or other unauthorized signs. Contact the township for setback from right of way and other requirements for signs.
8. Plowing snow into or across a public road. This can create a hazard to motorists and Commission plow drivers.
9. Placement of stakes, posts, fences, markers, rocks, signs or any other item in the road right of way for the purpose of restricting the use of the right of way by the public or the Commission. The Commission has sole and exclusive authority and jurisdiction over the use of the right of way and is the only body authorized to place such items. The Commission plows snow wider than the paved or traveled portion of a road, out of necessity and for public safety. Any attempt to restrict or interfere with the Commission's use, maintenance, construction or reconstruction of any portion of the right of way is prohibited. Encroachments that interfere with Commission activities or pose an immediate threat to public safety will be removed and disposed of (not salvaged) by the Commission, without notice to the owner, and at the owner's expense. Michigan law authorizes the Commission to initiate both criminal and civil action to remedy the situation.
10. Any other encroachment considered potentially hazardous by the Commission.
11. Any activity that causes damage to the right of way or road, such as driving off or onto the road where there is no driveway.
12. Underground Lawn Watering Sprinkler Systems are not allowed in the road right of way.
13. The road right of way shall not be used as a construction staging area.
 - a.) No loading or unloading of equipment or materials is permitted in the right of way except as needed to construct a driveway approach, and shall be done under traffic control.
 - b.) Stockpiling of materials or parking equipment in the right of way is not permitted.

- c.) Steel tracked vehicles shall not be unloaded, loaded or operated in the traveled portion of the road, including shoulders, without the proper protection of the road surface. Protection can be plywood, planks, tires, ect.. The permit holder is responsible for any damage to the road and road right of way.
- 14. Decking of logs, or other logging related items, is not permitted in the road right of way.
- 15. Loading or unloading of logs in the road right of way.

F. Processing of Permits

- 1. Processing Time
 - a.) Permits will usually be processed and issued in 5 (five) or less business days from the date received, provided that all required information, signatures, fees, sureties, ect. are received at the time of application.
 - b.) Incomplete applications will be delayed or not processed until all required information is received.
 - c.) Additional processing time may be needed for complicated applications, heavy application volume, reduced staffing levels, or Road Commission priorities.

G. Permit Period and Seasonal Limitations

- 1. Permit Period
 - a.) A permit is valid for a maximum of one year from the date of issuance. The permit period applies to work activities in the right of way required by the permit. Use of a permitted driveway is not limited to the permit period.
 - b.) Work authorized by the permit shall be completed to the satisfaction of the Commission on or before the completion date specified on the permit or one year after the issuance date, whichever comes first. A request for extension of time for completion of this work shall include reasons for the request, anticipated completion date, proof of insurance for that period. Approval for extension of time shall be based on circumstances and absence of neglect by the permit holder.
 - c.) If work authorized by the permit is not completed during the authorized extension, or an extension is denied by the Commission one of the following shall apply:
 - The applicant will be allowed to renew the permit (see item d below)
 - The Commission will undertake whatever enforcement action it determines to be appropriate in the interest of the Commission or the public.
 - d.) Permit renewal, if allowed, is the issuance of a new permit including the following:
 - New permit number.
 - Statement that this is a renewal of permit number (original permit number.)
 - Applicant information and signature.
 - Contractor information and signature.
 - Application fee will be charged at current rate.
 - Insurance and surety requirements maintained.
 - If a Surety and/or cash deposit were not required in the original permit, it may be required in the renewal of a permit, at the discretion of the Commission.
- 2. Seasonal Limitations
 - a.) No work shall be performed in the road right of way during the period of November 14 thru April 16 without specific permission from the Road

Commission. Each request will be evaluated based on weather, public safety concerns, impact on winter maintenance activities, ect..

- b.) The traveled portion of the road including shoulders and driveway approaches shall be completely restored by November 1, in preparation for winter maintenance (snow plowing). The Road Commission will take corrective action without notice and at the owner's expense if in the opinion of the Commission; there is a hazard to its equipment, personnel, or the public, arising out of the permit holder's incomplete or unsatisfactory work covered by a permit.
- c.) The Commission may allow construction activities during seasonal limitations if favorable weather and road conditions exist. The permit holder must get authorization from the Commission and is subject to any Supplemental Conditions deemed necessary by the Commission.
- d.) **SAFETY IS THE NUMBER ONE PRIORITY**
THE PERMIT HOLDER SHALL SHUT DOWN OPERATIONS AND REMOVE ALL EQUIPMENT FROM THE RIGHT OF WAY IF THE ROAD CONDITIONS OR VISIBILITY BECOME POOR, CREATING A HAZARD TO THE PUBLIC AND WORKERS.

H. Protection of existing utilities

- 1. Miss Dig
The permit holder must comply with the requirements of Act 174 of Public Acts of 2013, as amended. CALL MISS DIG AT (800) 482-7171 AT LEAST THREE (3) FULL WORKING DAYS, (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BUT NOMORE THAN TWENTY ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. Permit holder assumes all responsibility for damage to or interruption of underground utilities.
- 2. Nonparticipating utilities with regard to Miss Dig
Not all utilities participate in the Miss Dig program. Calling Miss Dig does not relieve the permit holder of any responsibility for damage to nonparticipating utilities such as sewer or water lines. The permit holder is responsible for investigating the existence of, and contacting, nonparticipating utilities.
- 3. Drainage Structures
The permit holder is responsible for identification and protection of drainage structures such as culverts, in the work area.

I. Indemnity and Insurance

- 1. Indemnification
The permit holder shall hold harmless and indemnify the Commission, its officers, and employees for all claims, suits, and judgments to which the Commission, its officers or employees may be subject and for all costs and attorney fees which may be incurred on account of injury to persons or damage to property of the Commission, whether due to negligence of the permit holder arising out of the work under the permit, or in connection with work not authorized under this permit, or resulting from failure to comply with the terms of the permit, or arising out of the continued existence work product, which is subject to the permit.

2. Insurance requirements

Any contractor or individual performing permitted work in the right of way shall provide a certificate of insurance with the following coverages and minimum limits. The certificate must be on file with the Road Commission, prior to issuance of a permit. The certificate must contain the additional wording listed below* and will cover a period not less than the permit, and shall provide that it cannot be canceled without ten (10) days advance written notice by certified mail to the Commission. If the insurance is canceled without providing a new policy that meets these requirements the permit becomes void and shall be considered revoked on the same day and time that insurance coverage ends, with or without notice to permit holder.

DRIVEWAY AND MISCELLANEOUS PERMITS:

Automotive liability

Bodily Injury – per person.....	\$500,000.00
Bodily Injury – per accident.....	\$1,000,000.00
Property Damage.....	\$1,000,000.00
Combined Single Limit.....	\$1,000,000.00

General Liability

Each Occurrence.....	\$1,000,000.00
General Aggregate.....	\$1,000,000.00

****The following wording must be added to the certificate of insurance:***

“The Board of Cheboygan County Road Commissioners, the Cheboygan County Road Commission, and their officers, agents and employees, are named as additional insured parties.”

J. Conditions and Limitations in Permits

1. The Commission reserves the right of inspection by its authorized representatives of a driveway constructed within a road right of way. The permittee shall reimburse the Commission for the services of an on-the-job inspection, deemed necessary by the Commission.
2. **Permit Holder shall notify the Commission of the Start and Completion dates of work activities.**
3. A copy of the permit shall be available at the site during construction.
4. The permit holder shall take, provide, and maintain necessary precautions, to prevent injury or damages to persons and property from operations covered by the permit, and shall maintain traffic in accordance with current standards according to MDOT.
5. The permit holder shall surrender the permit and all rights thereunder when notified to do so by the Commission, because of its need for the area covered by the permit, or because of default of any provisions of the permit.
6. **Altered natural drainage shall not be permitted to flow onto the right of way, unless special provisions are approved by the Commission.**
7. The permit holder shall remove all surplus materials to an area outside of the right of way daily unless the permit provides otherwise. Excavated material shall be stockpiled so it does not adversely affect the safety of traffic.
8. The property owner, owner’s agent, or permit holder, shall construct and maintain the driveway(s) set forth in the permit, in a condition to prevent safety hazards, and damage to the right of way, from erosion, and vehicles entering and exiting the driveway. **If the use of the driveway causes damage to the road, pavement, shoulder or gravel surface;**

or if sand, mud, topsoil, gravel, debris, ect., is entering the traveled portion of the road, due to vehicle tracking and/or soil erosion; use of the driveway shall be immediately suspended until corrective action is taken. This condition is limited to the permit period and shall be the continued responsibility and liability of the property owner.

9. The applicant, the applicant's representative, or the property owner, shall perform all work and pay all costs in connection with permitted activities.
10. All utility service connections made in conjunction with the construction of a new driveway will be allowed under the driveway permit, provided that the traveled portion of the road, including the shoulder, are not disturbed. Utility connections that require the disturbance of the traveled portion of the road require a separate permit.
11. **A proposed driveway location shall not be used for an access point prior to placement of the required gravel base or surface.** The driveway shall be properly constructed and maintained to protect the public road from damage at all times.
12. **Driveways authorized by the permit shall be the only location where vehicles may enter or exit the public road, including during construction.**

K. Fees, Costs, and Sureties

1. Application Fee
See Permit Fee Schedule and Driveway Permit Application Instructions. A permit will be considered void if a check used for payment of the permit fee is returned due to insufficient funds. The permit will not be reissued until the fee is collected along with any service fees charged by the bank.
2. Costs
Normally the permit holder will not be charged any costs other than the permit fee. The collection of costs in addition to the permit fee will be at the discretion of the Commission.
 - a.) The Commission is authorized by law to collect from the permit holder, his agent, or the property owner, all costs incurred by the Commission related to, or arising out of, the permitted activity, including, but not limited to, the following:
 - Costs for extended reviews of complicated or incomplete applications.
 - Costs for enforcement action taken.
 - Costs for on-site inspections deemed necessary by the Commission. (Initial and Final Inspections are covered by the permit fee.)
 - Costs for repairing damage to a public road that occurred as a direct result of the construction, use, or lack of maintenance, of a driveway.
 - b.) The permittee shall immediately reimburse the Commission in full for all such costs incurred by the Commission upon receipt of billing and that upon failure to pay, the Commission may affect payment with the performance surety deposit. If a surety deposit was not required, or if the surety deposit is insufficient to cover expenses incurred by the Commission, the permittee shall pay such deficiency upon billing by the Commission. If a surety deposit exceeds the expense incurred, upon completion of the work to the satisfaction of the Commission, any excess will be returned or released to the depositor.
 - c.) Costs for actions undertaken by Commission personnel and equipment shall be determined as follows: labor (charged at the current rate, plus fringe benefits), published equipment rates, any material at cost, all plus comprehensive liability and overhead.
 - d.) All other costs. Including, but not limited to, the following:
Services provided by others for the Commission.
 - Legal Services

- Professional engineering, testing, or inspection services.
 - Professional surveying services.
 - Construction or maintenance contractor services for repair or damages, or for completion of work called for in a permit.
- e.) All court costs and related legal fees associated with collection of funds due the Commission or enforcement of permit regulations.
3. Surety or Cash Deposit
- The permittee shall, upon request of the Commission, furnish a performance surety deposit in the form of cash, certified check, or irrevocable bank letter of credit. Requirements for an Irrevocable Bank Letter of Credit: letter of credit shall be issued for a period of 2 years and the letter of credit shall be issued by a bank within a 60 mile radius of the Cheboygan County Road Commission. The amount of the deposit will be as deemed necessary by the Commission to guarantee performance under the conditions of the permit, completion of work, and restoration of the right of way to the satisfaction of the Commission.
- a.) Commercial Driveways (per driveway)
- The following shall apply unless specified or approved otherwise by the Commission
- \$15,000.00 Cash, Certified Check, or irrevocable bank letter of credit
 - If county road improvements are necessary, 100% of the cost of the necessary road repairs, including driveway improvements, as decided under Section 1.2 part D, Number 3 of the Permit Requirements, shall be provided to the Road Commission in the form of a cash deposit, Certified Check, or irrevocable bank letter of credit.
- b.) All driveways other than Commercial
- Surety or cash deposits are not required for driveways other than commercial driveways with the following exceptions:
- Unusual or challenging site conditions exist and in the opinion of the Commission, a surety or cash deposit is needed to ensure proper installation and completion.
 - Permittee fails to complete the permitted work during the permit period.
 - Enforcement action or cost collection was required on a previous permit issued to the applicant or contractor.
- The amount of the surety or cash deposit, if required, will be determined by the Commission.
- c.) Release of Surety or Cash Deposit
- Final Inspection and acceptance by the Commission are required for the release of a Surety or Cash Deposit. Funds due the Road Commission will be deducted from any cash deposit before release. An irrevocable letter of credit will not be released if there are outstanding funds due the Commission.

L. Enforcement

1. Michigan law authorizes the Road Commission to initiate both criminal and civil action. If a person fails to comply with any provision of a permit, fails to obtain the appropriate permit, or undertakes activities in the right of way that are not permitted or are prohibited, the Commission will initiate whatever enforcement action it deems necessary to correct for the noncompliance. Costs incurred by the Commission for correcting for noncompliance, defective workmanship or materials shall be borne by the permit holder, person undertaking the activity, or the property owner.

2. Enforcement guidelines. The following permit violations and corresponding corrective actions are outlined for the purposed of example and shall not be construed to limit the Commission to the actions listed here.
 - a.) Failure to obtain a permit
 - Obtain a permit and pay the permit fee, including fine (if assessed).
 - The Commission may halt the construction and/or use of the driveway until a permit is obtained and the fee and fine paid.
 - The Commission may deny the permit and remove the driveway.
 - Pay any fines and fees as established by the Cheboygan County Road Commission, see attached Schedule of Fees.
 - b.) Failure to comply with permit requirements
 - The Commission may halt the construction and/or the use of the driveway until adequate corrections have been made.
 - The Commission may undertake repairs, maintenance, or complete the construction of a driveway. The Commission may elect to do the work with its forces, or by contracting the work.
 - The Commission may remove the driveway and revoke or deny a permit.
 - Emergency work deemed necessary by the Commission for public safety or protection or repair of the right of way may be done without notice to the property owner or permit holder, and will be at the property owner's or permit holder's expense.
 - Future permits may be held at the discretion of the Commission if there are any outstanding violations or fees on past or current projects.
 - Pay any fines and fees as established by the Cheboygan County Road Commission, see attached Schedule of Fees.
3. Road Commission right to revoke a permit.

The Road Commission has the right to revoke an issued permit if any requirements requested by the Road Commission are not complied with (pursuant to Section 247.326, Section 6, of the Michigan Compiled Laws.)

M. Commercial Driveway Construction

The Applicant shall hard surface the driveway within 45 days of the concrete curb gutter installation. If not completed within the 45 days, the Road Commission will take enforcement action.

1.3 Specifications and Design Standards

A. Driveway Locations

A driveway shall be located to provide the most favorable vision and grade condition possible in the interest of public safety. The Commission may deny or require a driveway location to be moved. All driveways shall be approved by the Commission, prior to use, based on the following criteria.

1. Sight Distance

Sight distance will be evaluated using current guidelines based on prevailing speeds at the site according to the following tables, using Height of Eye at 3.5 feet and Height of Object at 2.0 feet.

- a.) All driveways other than Commercial use Table 1-1: **Stopping Sight Distance**. The available sight distance should be of sufficient length to enable a vehicle at or near the design speed to stop before reaching a stationary object in its path. Stopping sight distance is the sum of brake reaction distance and braking distance.

TABLE 1-1: STOPPING SIGHT DISTANCE

Assumed Speed for Condition (Mph)	Stopping Sight Distance (feet)
20	115
25	155
30	200
35	250
40	305
45	360
50	425
55	495
60	570

- b.) Commercial Driveways use Table 1-2: **Intersection Sight Distance**. The sight distance provided at intersections allows the drivers of stopped vehicles a sufficient view of the intersecting roadway to decide when to enter the intersecting roadway or to cross it. The time required is the sum of perceptions reaction time plus the time to accelerate and cross or enter the roadway traffic stream.

TABLE 1-2: INTERSECTION SIGHT DISTANCE

Assumed Speed for Condition (Mph)	MDOT Criteria 8 sec. x 1.47 x Speed (feet)
25	295
30	350
35	410
40	470
45	530
50	590
55	650
60	710

2. Encroachment on other properties

- a.) A driveway, including the radii and culvert, but not including the right turn lanes and tapers, shall be located entirely within the permittee’s property lines

extended to the centerline of the road. A drive radii or culvert may extend outside of that area, only if the adjacent property owner will certify in writing that such extension is permitted.

- b.) It is the responsibility of the applicant or property owner to ensure that the driveway location satisfies the requirement of (a) above and any applicable zoning requirements. The Road Commission accepts no responsibility for verification of property lines or zoning compliance.

3. Proximity to a road intersection

If a driveway is located adjacent to a road intersection, the following shall apply:

- a.) If the intersecting road is curbed, the point of curvature of the driveway radius shall be at least 20 feet from the point of curvature of the intersecting road radius.
- b.) If the intersecting road is uncurbed, the point of curvature of the driveway radius shall be at least 50 feet from the edge of pavement of the intersecting road radius.
- c.) When an existing road or driveway is reconstructed, or the requirements in paragraphs (a) and (b) cannot be complied with, the driveway radius shall not encroach upon the intersection radius, unless such encroachment is physically unavoidable.
- d.) A driveway shall not be constructed along the acceleration or deceleration lanes or tapers unless no other reasonable access point is available.

4. Number of driveways and separation

a.) Residential Driveways

The number of residential driveways shall be determined as follows:

- One residential driveway will be permitted for each platted lot or for unplatted residential property with less than 100 feet of frontage.
- One additional residential driveway may be permitted for residential property for each 70 feet of frontage in excess of the first 100 feet of frontage.
- Two residential driveways may be permitted on the same property, in lieu of other requirements, to service a circle driveway if the frontage is 80 feet or more.
- Residential driveways on the same property shall be at least 45 feet apart, center to center.

b.) Field Entrances

One field entrance may be permitted for each 1000 feet of frontage of cultivated land, or undeveloped land. Additional driveways may be permitted when a single driveway will not provide adequate access due to topographical conditions.

- c.) Commercial and Multifamily Residential Driveways and Access or Haul Roads
Number and separation of these driveways shall be evaluated on a case by case basis.

B. Clear Vision and Buffer Areas

Adjacent to and on both sides of a driveway, a buffer area between the right of way line and the edge of pavement shall be used, as determined by the Commission, to provide a physical barrier between road traffic and activity on private property. A buffer area is needed to provide a unobscured vision area and to prevent potentially hazardous movement of vehicles, especially at undesirable angles of approach, from and to the road. The buffer area shall consist of a lawn area, a low-shrub area, a ditch or equivalent. Where encroachment of vehicle parking on the buffer takes place, or may take place, the Commission may require the buffer area be established by guardrail, guard posts, curb or equivalent.

C. Drainage

1. A driveway shall be constructed so that it does not adversely affect the drainage of the road or the right of way. The drainage and stability of the road subgrade shall not be altered by driveway construction or roadside development.
2. If post development (altered natural) drainage into the right of way is increased, special provision must be approved by the Commission, such as:
 - a.) Retention pond(s) with metered release.
 - b.) Increasing the capacity of or creating a roadside ditch.
 - c.) Installation of permanent soil erosion control measures.
 - Sodding and seeding
 - Rip rap, cobble ditches, asphalt spillways and stone check dams.
 - Paving of the driveway surface (mandatory for commercial driveways.)
3. Under drains for driveway, parking areas, yards, building foundations, ect. will not be allowed to discharge directly into the right of way.
4. **Drainage from the driveway or site shall NOT enter the traveled portion of the road, including the shoulder, except in unusual circumstances and only with approval from the Commission.**

D. Culverts

1. Necessity
A Commission inspector will determine if a culvert is required.
2. Materials
Corrugated metal or corrugated plastic culverts that meet MDOT specifications. Plastic culverts shall have a smooth, non-corrugated inner wall.
3. Culvert Size
Pipe diameter and length shall be as specified below, or as specified by the Commission.
 - a.) Culvert Diameter
Culvert pipe shall be of a size adequate to carry the anticipated natural flow of the ditch. The culvert shall be no smaller than the nearest upstream culvert, nor less than 12 inches in diameter.
 - b.) Culvert Length
The minimum length of culvert may be determined and the sum of the distance between driveway edges, measured along the ditch line, plus the distances needed to accommodate an embankment slope not to exceed 1 foot vertical for 6 feet horizontal on both sides of the driveway, but no less than 30 feet (see Figure 1-5.) Maximum culvert length shall be 50 feet.
4. Culvert End Sections
Metal end sections are recommended for culverts greater than 18 inches.
5. Cover, Bedding and Fill
 - a.) Cover
A minimum of 1 foot (or manufacturer recommended amount) of cover shall be placed over the culvert. The required driveway profile must be maintained. Do not ramp the driveway over the culvert to accomplish the 1 foot cover. If the ditch is not deep enough to allow for the required cover and maintain the profile, the ditch shall be cleaned out as described below.
 - b.) Bedding and Fill
Material used for culvert bedding and fill shall be free draining granular material (sand or gravel) meeting MDOT Class II specification.
6. Ditch Clean-out
The ditch shall be excavated as needed in each direction to provide a flow line through the culvert and allow for cover over the culvert and proper driveway profile. Ditch foreslopes shall be 1 on 3 or flatter, and ditch backslopes shall be 1 on 2 or flatter (see

Driveway Profile). The length of ditch clean-out that the permit holder is responsible for is limited to 50 feet in either direction of the driveway for all driveways other than Commercial.

E. Material and Density Requirements

Material and density requirements shall be in accordance with the plans, specifications, additional permit requirements, MDOT's Density Control Handbook and as specified herein.

1. Gravel Surfaces and Shoulders
 - a.) Material
MDOT 23 A Gravel
 - b.) Density
Compact to 98 percent density.
2. Aggregate Base under Hot Mix Asphalt Pavement
 - a.) Material
MDOT 22 A Gravel
 - b.) Density
Compact to 98 percent density.

F. Surfacing

1. All driveways shall be constructed, surfaced and maintained to provide adequate stability capable of supporting the vehicles using the driveway. The driveway shall be constructed and maintained flush with the existing road surface to prevent damage to the public road. The driveway shall be constructed and maintained in a condition to prevent sand, mud, gravel, debris, ect from entering the public road due to soil erosion, or from vehicles tracking the material out onto the road.

The following minimum driveway surfacing and curbing requirements apply:

- a.) Residential driveways may be paved or surfaced with stabilized gravel.
 - Minimum gravel thickness is 6 inches.
 - Minimum pavement thickness (optional). For asphalt surfaces, 2 inches of asphalt on 6 inches of gravel. For concrete surfaces, 4 inches on a free draining base.
- b.) Field Entrance or Utility Structure driveways may be surfaced with 6 inches of stabilized gravel or with sod over a stabilized gravel base.
- c.) Access or Haul Road driveways.
 - Minimum gravel thickness is 8 inches.
 - Minimum pavement thickness (may be required in special cases). Two (2) inches of asphalt on 6 inches of gravel.

This category of driveway covers a large range of use, and therefore each permit will be evaluated on a case by case basis to determine what design feature and surfacing requirements should apply, considering such things as frequency, duration and type of use. The standards provided for this category will apply, unless otherwise stated in the issued permit.

- d.) Multifamily Residential Driveways
 - Minimum gravel thickness is 6 inches under pavement.
 - Minimum pavement thickness (required). For asphalt surfaces, 2 inches of asphalt on 6 inches of gravel. For concrete surfaces, 4 inches on a free draining base
- e.) Commercial Driveways
 - Minimum gravel thickness is 8 inches under pavement.
 - Minimum pavement thickness (required). For asphalt surfaces, 3 inches of asphalt on 8 inches of gravel. For concrete surfaces, 6 inches on a free draining base

- Concrete Curb and Gutter, Det B2 (MDOT Specification) is required.

G. Driveway Profile

The driveway profile shall be determined using the following criteria:

1. All driveways other than Commercial (see Figure 1-3):
 - a.) Paved roads
The grade of the driveway between the road edge of pavement and the outside edge of the shoulder shall conform to the slope of the shoulder.
 - b.) Unpaved roads
The grade of the driveway shall slope downward from the edge of the graveled surface at a minimum of ½ inch per foot of fall (2 percent) for a minimum distance of 6 feet.
 - c.) Maximum grade
The grade for driveways beyond the portion outlined above shall not exceed 10 percent.
2. Commercial Driveways
 - a.) The entire width of the driveway including turn lanes and tapers shall slope away from the edge of the 11 foot wide driving land or white line at 2 percent all the way to the face of curb (see dimension G in figure 1-2.)
 - b.) The driveway profile may change in a positive or negative direction beyond the curb line described above, but shall not exceed 10 percent.

H. Restoration

1. Turf Establishment
All disturbed areas shall be restored with topsoil, seed, fertilizer and mulch in a timely manner for the purpose of erosion control. All restoration shall be completed no later than five (5) days after completion of earthwork activities. The Commission may require other temporary and permanent soil erosion control measures deemed necessary for protection of the road right of way and adjacent properties.
2. Shoulders
The public road shoulder shall be maintained flush with the driveway surface and road on both sides of the driveway. The grade and slope of the road shoulder shall continue across the driveway approach as not to create a bump or a dip that could be a hazard to motorists or maintenance vehicles traveling the shoulder. If the shoulders are not maintained flush daily during construction, lighted barrels must be placed along the low shoulder area with a maximum spacing of 25 feet and a minimum of two barrels, one at each end.
3. Tree and Stump Removal
If trees are removed from the right of way, the stumps shall be removed as follows:
 - a.) Within the 10 foot clear zone, defined as 10 feet from the edge of the outside driving lane (white line if present.) Driving lanes are typically 11 to 12 feet in width. The clear zone begins at the outside edge of the outermost driving lane, not the outside of the road shoulder. All stumps in the described area shall be removed or ground below the surface elevation.
 - b.) Outside the 10 foot clear zone, stumps shall be flush cut, removed or ground.

I. Plan Requirements

1. All driveways other than Commercial
 - a.) Plans are not required unless specifically requested by the Commission.
 - b.) The Commission reserves the right to require detailed and/or engineered site and drainage plans where, in the opinion of the Commission, unusual or

challenging site conditions exist and detailed plans are needed in order to make decisions as to the application.

2. Commercial Driveways

A detailed and engineered site plan, drainage plan and driveway design plan, is required.

a.) Site Plan Requirements

- Plan view of the property and right of way
- Facility to be constructed, driveways, roads, parking lots, ect.
- Distance to nearest intersecting road or street, nearest driveway or adjacent properties, roads, streets or driveways opposite the site, property lines, curb, sidewalks, and signs.

b.) Drainage Plan Requirements

- Existing and proposed site elevations and contours, including the right of way.
- Direction of water flow (drainage arrows.)
- Proposed drainage outlets and all invert elevations.
- Outlet pipe size and material.
- Computations for detention or retention pond volumes (when required by the Road Commission or other agency)

c.) Driveway Design Plan Requirements

- Proposed driveway layout.
- Curb and gutter elevations (face of curb.)
- Existing road with elevations at centerline, and the edge of the driving lane (match line of driveway and road.) Road elevations shall be provided corresponding to the following locations at a minimum:
 - End of tapers
 - End of curbs
 - Curb radius points
 - Center line of driveway
- Size and length of driveway culvert, culvert material, culvert diameter, end treatment and direction of flow.
- Proposed pavement section.
- Proposed sign locations and legend.

3. County Road Improvement Plan Requirements (if needed)

a.) Current layout of the county road impacted by the development, including elevations of centerline, the edge of driving lane, ditch line and right of way limits.

b.) Proposed improvements to county road(s), including driveway improvements, turning lanes, passing lanes, lane lining, intersection improvements, road drainage (including culvert sizes and ditching), proposed signing (per MMUTCD requirements), detour plans, existing utility locations, proposed pavement section and sub-surface borings.

J. Design Features

1. Uncurbed Roads

The design features in this rule, and illustrated in Figures 1-1 thru 1-4, shall be used by the applicant in dimensioning a proposed driveway or driveway system. The dimensions to be used for various driveway design features are given as a standard with a working range of dimensions. These standard dimensions shall be used unless conditions warrant a deviation. The Commission may specify dimension so a particular driveway

system will accommodate vehicle movements normally expected without creating undue congestion or hazard on the road, or to provide reasonable access.

The letters in the following design features refer to features in Figure 1-1 and Figure 1-2:

- A Intersecting Angle:** the clockwise angle from the road centerline to a driveway reference line, which is the driveway centerline, or the edge of the driveway.
- B Driveway Width:** The distance between the driveway edges of pavement or edges of the gravel surface measured at the point where the edges of the driveway become parallel.
- C Entering Radius:** The radius of the driveway edge curve on the right side of a vehicle entering the driveway.
- D Exiting Radius:** The radius of the driveway edge curve on the right side of a vehicle leaving the driveway.
- E Curb Ending (tangent):** The length of the height transition from pavement level to full curb height, tangent to the radius, and parallel to the road centerline.
- F Right turn lane length:** The length of an auxiliary land constructed preceding the driveway to accommodate right turn traffic entering the driveway.
- G Right turn lane width (curb set back):** The width from the edge of the road driving lane to face of curb. Paving shall extend to the back of curb.
- H Entering taper length:** The length of pavement widening preceding the driveway or right turn lane. If a right turn lane is not required by the Commission, the taper shall extend to the back of curb.
- I Driving lane width:** The standard width of lane from the centerline to the white line. Lane width is 11 feet from the center of the road, regardless of the location or absence of the white line.
- J Exiting taper length:** The length of pavement narrowing from back of curb to the edge of the driving lane.

2. Curbed roads (MDOT Standards)

The amount of curbed road within the jurisdiction of the Commission is so small that it does not warrant adoption or publishing of extensive design details and standards specific to curbed roadways. Applications for driveway permits on curbed sections of road shall include a plan or drawing of the proposed driveway according to current Michigan Department of Transportation standards for the type of driveway proposed, for the Commission's review and approval.

K. Sign Requirements

Commercial driveways that serve 5 or more homes and/or lots shall have a "Stop" sign installed that meets the current requirements of the *Michigan Manual of Uniform Traffic Control Devices*. The "Stop" sign shall be placed outside of the public road right of way (see figure 1-6.) The minimum size of the "Stop" sign shall be 30 inches. The irrevocable letter of credit or cash deposit will be withheld until the "Stop" sign installation is completed.

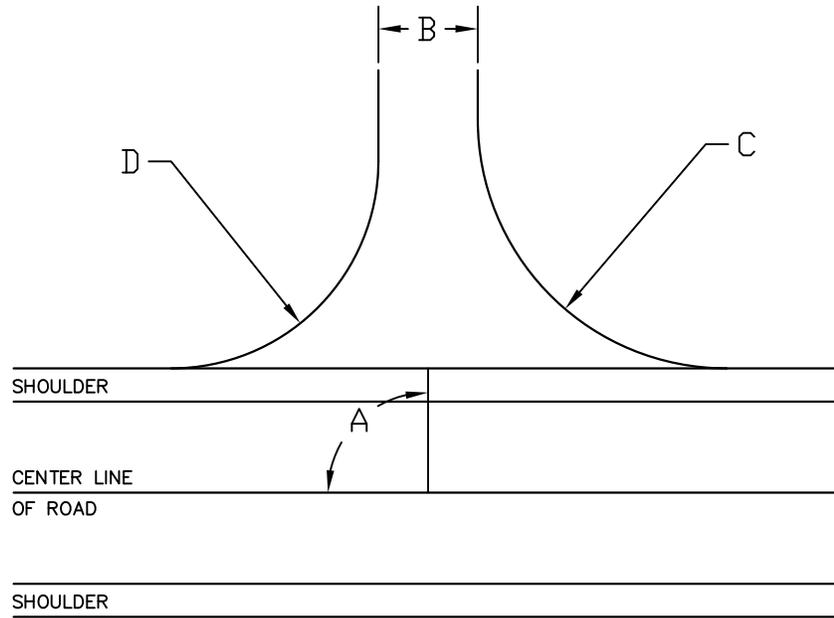
PERMIT FEE SCHEDULE

Make checks or money orders payable to:
CHEBOYGAN COUNTY ROAD COMMISSION

<u>PERMIT TYPE</u>	<u>PERMIT FEE</u>
Driveways other than Commercial	
Existing Residential (paving or no improvement required).....	\$15.00
Residential (one single family home).....	\$30.00
Multifamily Residential (2 – 4 single family homes).....	\$30.00
Access or Haul Road.....	\$30.00
Field Entrance.....	\$30.00
Utility Structure Driveway.....	\$30.00
Commercial Driveways	
Commercial Driveway.....	\$100.00
Multifamily Residential (5 or more homes) Turn Lane / Passing Flare Multiple Driveways	
Road Construction or Reconstruction (\$1,000.00 minimum).....	\$2,000.00 per mile
Miscellaneous	
Grading, Landscaping, Ditch Cleanout, Tree Removal, ect.....	\$30.00
Fees for miscellaneous permits not listed here will be determined at the time of application.	
Permit Violation or Working without a Permit Fine	\$250.00 per access or violation.

Permit fees may be waived if the proposed work is in the interest of the Commission, or is for a governmental body. When a combination of activities is included in one permit, the fee shall be based on the single highest fee for any one activity.

DRIVEWAY FEATURES



RESIDENTIAL DRIVEWAYS

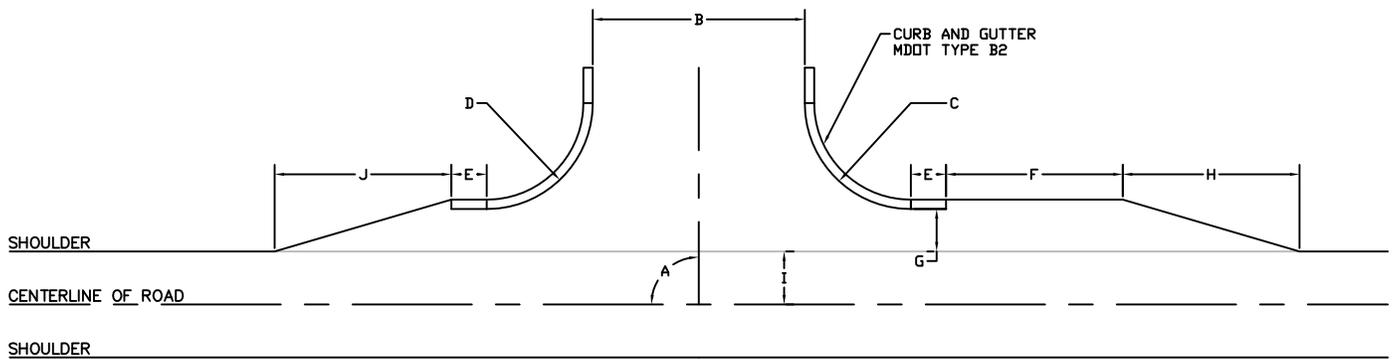
DESIGN FEATURES		STANDARD	RANGE
INTERSECTING ANGLE	A	90°	70° to 110°
DRIVEWAY WIDTH	B	12 ft.	8 to 24 ft.
ENTERING RADIUS	C	15 ft.	5 to 20 ft.
EXITING RADIUS	D	10 ft.	5 to 20 ft.

FIELD, UTILITY ACCESS OR HAUL AND MULTI-FAMILY RESIDENTIAL DRIVEWAYS

DESIGN FEATURES		STANDARD	RANGE
INTERSECTING ANGLE	A	90°	70° to 110°
DRIVEWAY WIDTH	B	20 ft.	15 to 40 ft.
ENTERING RADIUS	C	20 ft.	5 to 40 ft.
EXITING RADIUS	D	20 ft.	5 to 40 ft.

FIGURE 1-1 : DRIVEWAYS OTHER THAN COMMERCIAL

DRIVEWAY FEATURES



COMMERCIAL DRIVEWAYS

DESIGN FEATURES		STANDARD	RANGE
INTERSECTING ANGLE	A	90°	60° to 120°
DRIVEWAY WIDTH	B	30 ft.	15 to 50 ft.
ENTERING RADIUS	C	30 ft.	5 to 50 ft.
EXITING RADIUS	D	30 ft.	5 to 50 ft.
CURB ENDING	E	10 ft.	no range
RIGHT-TURN LANE LENGTH	F	as determined by the road commission	
RIGHT-TURN LANE WIDTH	G	12 ft.	10 to 15 ft.
ENTERING TAPER	H	150 ft.	50 to 150 ft.
LANE WIDTH	I	11 ft.	no range
EXITING TAPER	J	50 ft.	50 to 150 ft.

CONCRETE CURB AND GUTTER MDOT TYPE B2

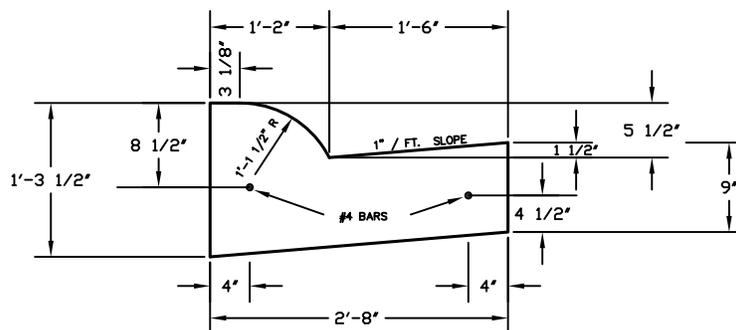


FIGURE 1-2 : COMMERCIAL DRIVEWAYS

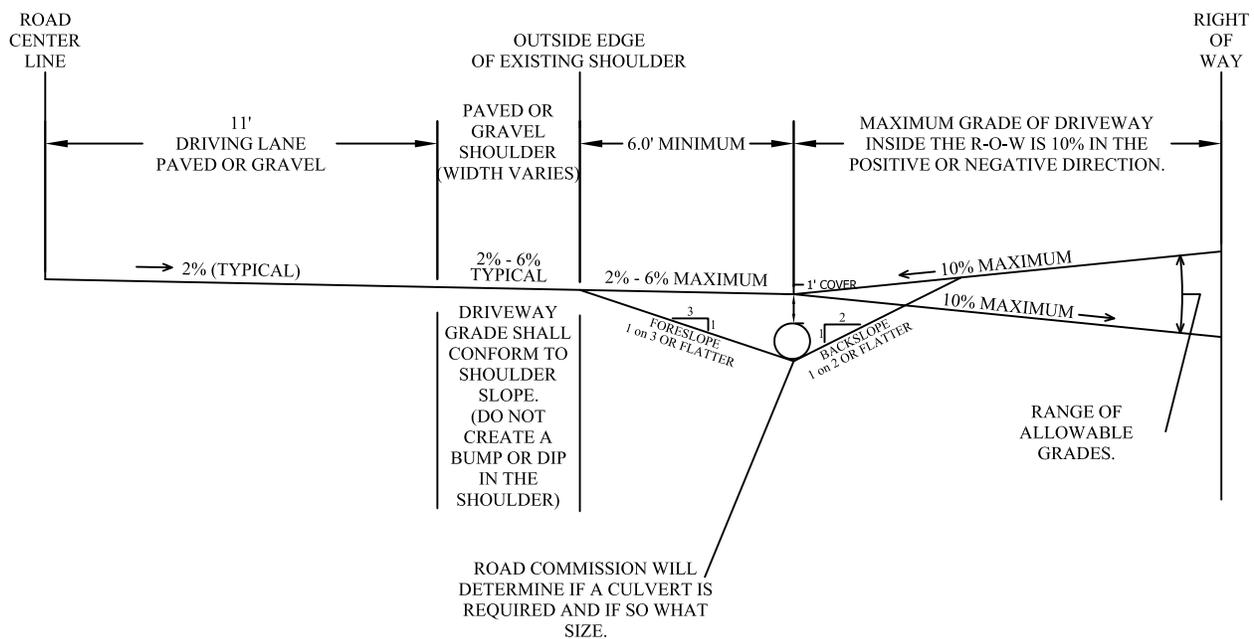


FIGURE 1-3 : DRIVEWAY PROFILE OTHER THAN COMMERCIAL

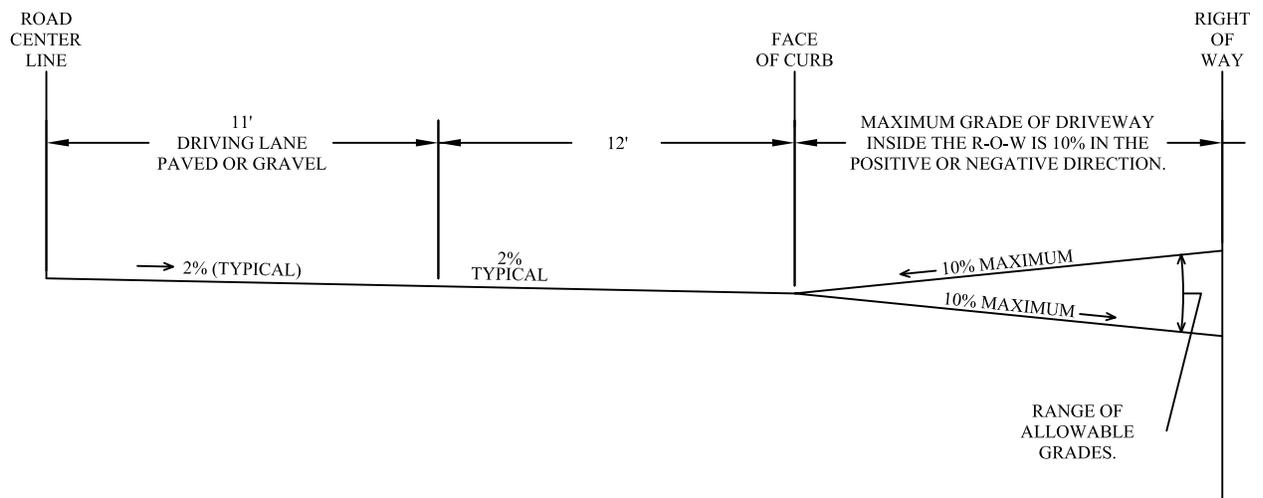


FIGURE 1-4 : DRIVEWAY PROFILE COMMERCIAL

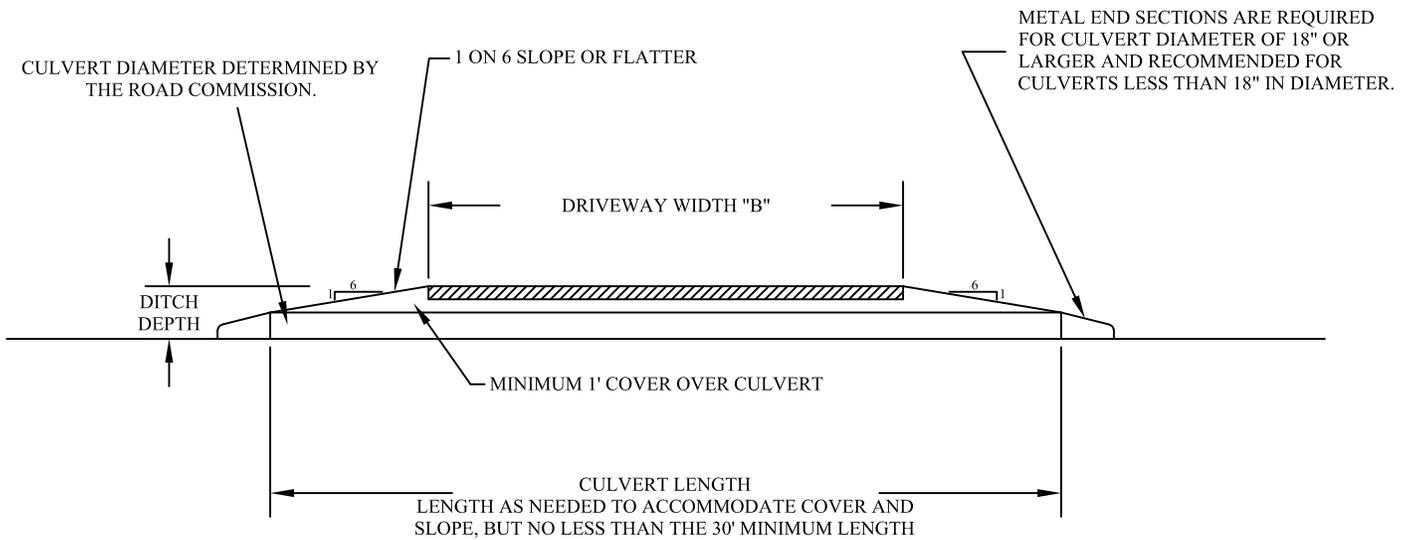


FIGURE 1-5 : DRIVEWAY CROSS SECTION

GUIDELINES FOR PLACING PRIVATE ROAD SIGNS

RIGHT OF WAY

CENTERLINE OF
COUNTY ROAD

RIGHT OF WAY

- INSTALL STOP SIGN
BETWEEN 5' - 7' ABOVE THE
ROAD SURFACE
- POST DEPTH SHOULD BE
BETWEEN 30" - 48"

** 34' MINIMUM FROM
CENTERLINE OF COUNTY
ROAD, 50' MAXIMUM FROM
EDGE OF PAVEMENT ON
COUNTY ROAD.

34.0' **

6' - 12'

STOP SIGN &
ROAD NAME SIGN

FIGURE 1-6 : SIGN LOCATION

Deborah Tomlinson

From: Dave Carpenter [<mailto:dpcarpenter@voyager.net>]

Sent: Thursday, March 10, 2016 1:26 PM

To: Deborah Tomlinson

Subject: Re: 03/16/16 Planning Commission Packet

Hi Deb,

I don't see any major concern in regards to the Fire Department, if you have any questions please give me a call.

Thanks,

David Carpenter
Fire Chief



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

STAFF REPORT

Item: Request for an amendment to site plan review for Auto Sales.	Prepared by: Scott McNeil
Date: March 7, 2016	Expected Meeting Date: March 16, 2016

GENERAL INFORMATION

Applicant: Micheal Gotham

Contact person: Same

Phone: 231-818-2832

Requested Action: Approval of amendment of site plan for Auto sales in a Commercial Development (D-CM) zoning district pursuant to Section 6.2.2.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking a site plan review amendment for a proposed Auto Sales business. The auto sales use is proposed on property currently used for a Bar and restaurant (Wigwam Bar) pursuant to a site plan approved by the Planning Commission on August 19, 2009.

The subject site is located at 4501 Onaway Rd. and is zoned Commercial Development District (D-CM). Auto sales is a permitted use per Section 6.2.2.

The site plan amendment application is to conduct an auto sales use with outdoor display area only as depicted on the site plan. No indoor display will take place.

Current Zoning:

Commercial Development District. (D-CM)

Surrounding Land Uses:

Commercial to the north. Vacant to the east. Residential to the west and south.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain): There are no known environmentally sensitive areas on the subject site.

Historic buildings/features:

There are no historic buildings or historic features on this site.

Traffic Implications

This project will have minimal effect on current traffic conditions.

Parking:

Section 17.6 provides for 1 parking space to be required for each employee on largest working shift relative to wholesale uses. The applicant indicates that there will be no relative to the auto sales use.. Section 17.6 also requires 1 parking space per 5,000 s.f. of outdoor sales area. The site plan indicates 10 parking spaces measuring 9 ft. x 20 ft. each for auto sales use totaling 1800 s.f. of outdoor sales area requiring 1 parking space. The site plan provides for 11 parking spaces.

Access and street design: (secondary access, pedestrian access, sidewalks, residential buffer, ROW width, access to adjacent properties)

Access to the site is facilitated by two existing driveways to Onaway Rd. and one drive to East Mullett Lake Rd. The existing access drives will not be changed. No new access drives are proposed.

Signs

Existing sign on site is to remain. One additional freestanding sign measuring 6 ft. x 4 ft. of sign surface area and 8 ft. high is indicated on the site plan. The signage proposed on the site plan for the auto sales use will comply with section 17.19.

Fence/Hedge/Buffer

The site plan provides for a hedge buffer on the west lot line. No new fence, hedge or other type of buffer is proposed nor required.

Lighting

No additional lighting is proposed.

Stormwater management

There are no changes proposed to the management of stormwater on the site.

Review or permits from other government entities:

There are no other known permit requirements as a result of the proposed auto sales use.

Public comments received

None

Recommendations (proposed conditions)

None.

CHEBOYGAN COUNTY PLANNING COMMISSION
SPECIAL USE PERMIT REQUEST
Wednesday, March 16, 2016, 7:00 PM

Applicant

Micheal Gotham
603 E. Shoreview Ln.
Indian River, Mi. 49749

Owner

Micheal Gotham
603 E. Shoreview Ln.
Indian River, Mi. 49749

Parcel

4501 Onaway Road.
Koehler Township
172-109-000-032-00

GENERAL FINDINGS

1. The subject property is zoned Commercial Development District. (D-CM)
2. The owner received approval of a site plan on August 8, 2009 for a bar and restaurant.
3. The applicant is also seeking an amendment to a site plan review for Auto Sales which is a permitted use in a D-CM district per Section 6.2.2.
4. Maintenance and detailing of autos for sale only by the applicant will take place on site.
5. The applicant is seeking a waiver to the site topographic survey requirement for site plans.
- 6.
- 7.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- 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.
 1. No changes to the overall contours of the site are proposed (see exhibit 3 and 4)
 - 2.
 3. Standard has been met.Or.
 - 1.
 2. Standard has not been met.
- 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.
 1. The applicant indicates that some dead trees are proposed to be removed. No topographic modifications are proposed. (see exhibit 3)
 - 2.
 3. Standard has been met.Or.
 - 1.
 2. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 1. No changes to site drainage are proposed. (see exhibit 3)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- 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.
 - 1. Not applicable. No dwellings are proposed.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
 - 1. A practical means for access by emergency vehicle is provided via two access driveways from Onaway Road and one access drive from East Mullett Lake Road. (see exhibit 4)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - 1. The structure on the subject site has access to Onaway Road, which is a County Primary Road. (see exhibit 4)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.
 - 1. Not applicable. No subdivision plats or subdivision condominiums are proposed.

- 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 and c. It does not unnecessarily illuminate night skies.
 - 1. Existing exterior lighting is deflected away from adjacent properties and does not impede vision of traffic and does not unnecessarily illuminate night skies. (see exhibit 3)
 - 2. No new exterior lighting is proposed (see exhibit 3)
 - 3.
 - 4. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- 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.
 - 1. Not applicable. No public common ways are proposed.

- 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.
 - 1. The site plan shall conform to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2, 3 and 4)
 - 2.
 - 3. Standard has been metOr.
 - 1.
 - 2. Standard has not been met.

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Planning Commission to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Wednesday, March 16, 2016

Patty Croft, Chairperson

Charles Freese, Secretary



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

870 S. MAIN ST., RM. 103 ■ PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Draft Zoning Ordinance Amendment for Planned Project

Date: March 3, 2016

Please find a copy of a draft amendment document dated 3/3/16 included with this memo for Planned Project.

Pursuant to discussion at the most recent meeting I have proposed changes typed on bold. These proposed changes include language in section 17.28.4.1.a. clarifying that only permitted use and those Which require a special use permit shall be approved for a Planned Project. Changes are also proposed in section 17.28.4.2 and subsections c.3., c.4. and c.5. to provide for the Planning Commission to reduce setback, parking and dwelling floor area requirements by up to 30%.

The reminder of the draft amendment remains as previously presented.

Please contact me with questions.

DRAFT 3/3/16

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE #200
TO PROVIDE STANDARDS AND APPROVAL REQUIREMENTS FOR PLANNED
PROJECT USE AND ZONING DISTRICTS WHERE PLANNED PROJECT IS ALLOWED.

Section 1. 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. which shall read in its entirety as follows:

Planned Project subject to provisions of Section 17.28.

Section 2. Amendment of Section 6.3.

Section 6.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 6.3.17. which shall read in its entirety as follows:

Planned Project subject to provisions of Section 17.28.

Section 3. Amendment of Section 9.3.

Section 9.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 9.3.25. which shall read in its entirety as follows:

Planned Project subject to provisions of Section 17.28.

Section 4 Amendment of Section 14.3.

Section 14.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 14.3.19. which shall read in its entirety as follows:

Planned Project subject to provisions of Section 17.28.

Section 5. Amendment of Article 17. Article 17 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 17.28., which shall read in its entirety as follows:

Section 17.28. PLANNED PROJECT

SECTION 17.28.1. PURPOSE The purpose of these provisions 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 ordinance will enable both developers and Cheboygan County officials to propose, review and agree upon site plans which include a mix of permitted uses and compatible with the surrounding area and natural environment.

17.28.2. General requirements. All applications and plans submitted for a Planned Project shall adhere to the following conditions and standards:

1. A Planned Project is subject to Special Use Permit procedures and requirements pursuant to Article 18.
2. 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.
3. 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.
4. The parcel shall be five (5) contiguous acres or more in area.

17.28.3. 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.

17.28.4. Use and Area Regulations.

1. **Permitted uses.** Uses in a Planned Project shall be permitted according to the following;
 - a. No use shall be approved for a Planned Project that is not **permitted or which require a special use permit** in the zoning district in which the same is proposed
 - b. 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.
 - c. 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.

- 2. Planned Project Exceptions to Parking space, Area, Width, 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 required parking spaces, minimum lot size, minimum lot width, minimum front, side or rear setback, minimum building height of the underlying zoning district and minimum number of off-street parking spaces required under Section 17.4 when the following standards are met:
- a. 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.
 - b. Open Space. Exceptions as permitted in this section must be accompanied by the provision of open space, as defined for the purposes of these Planned Project design requirements. Open space are those areas established specifically for common use by all residents or homeowners of the Planned Project. 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 15% of the total developable area of the Planned Project 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.
 - c. Exceptions to the above requirements are limited to the following extents:
 1. 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.
 2. 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.
 3. Setbacks shall not be reduced by more than **thirty (30)** percent of that required in the underlying zoning district.
 4. Required parking spaces shall not be reduced by more than **thirty (30)** percent of the parking space requirement required 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.
 5. Minimum dwelling floor area requirements may be reduced by no more than **thirty (30)** percent of that required in underlying zoning district requirement.
 6. Any non-residential use shall maintain a perimeter setback of not less than 50 feet from any adjoining or abutting property within a Residential Development zoning district.

Section 6. 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 7. 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

3/3/16
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 definitions which shall read in their entirety as follows:

CAMPING CABIN *(adds new definition for use to be allowed in campgrounds. Also see proposed update to Campground definition in section 2 of this draft amendment document)*

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

GARDENING *(proposed new definition for new use as proposed in section 3 of this draft amendment document)*

Non-commercial production of flowers, fruit, vegetables, and herbs by the owner of the lot.

PORTABLE SAWMILL *(provides new definition. See additional proposed conditions for use in section 9 of this draft amendment document.)*

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

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to change the following definitions which shall read in their entirety as follows:

CAMPGROUND *(adds use of camping cabins as proposed to be defined in campgrounds)*

An area of land under the control of a person or corporation in which pre-established sites are offered for the use of the public, private groups, or members of an organization, either free of charge or for a fee, 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.

MOTEL OR MOTOR INN *(adds 30 day use limitation)*

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.

Section 2. Amendment of Sections 4.2. and 13E.2.

Section 4.2. and 13E.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Sections 4.2.2. and 13E.2.9 *(repeals Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business as a permitted use in the Residential and Village Center Topinabee Residential Overlay districts. Accessory buildings and uses are permitted without the need to list them here. See sections 3.3 and 3.10)*

Section 3. Amendment of Sections 4.2., 10.2.2. and 13E.2.2.

Sections 4.2.2., 10.2.2. and 13E.2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in their entirety as follows:

Gardening *(repeals Gardening, but not including the raising or animals except for house hold pets. Sheltering, raising or stabling of animals shall be a violation of this ordinance, and adds as proposed to be defined in the Residential, Lake and Stream and Village Center Topinabee districts as a permitted use)*

Section 4. Amendment of Section 9.2.

Section 9.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Section 9.2.10. *(repeals Temporary mobile homes and travel trailers as a permitted use in the Ag/Forest district)*

Section 5. Amendment of Section 10.3.

Section 10.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Section 10.3.3. *(repeals Cabin colonies as a use which requires a special use permit in the P-LS district)*

Section 6. Amendment of Section 12.3.

Section 12.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Section 12.3.3. *(repeals Any development on seasonal roads that requires public services or utilities as a use which required a special use permit in the Resource Protection district)*

Section 7. Amendment of Section 14.2.10.

Section 14.2.10. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in it's entirety as follows;

Portable sawmill subject to provisions of Section 14.4.2. *(repeals Existing forest production etc. and adds Portable sawmill as a use by right as proposed to be defined and further regulated per new proposed section 14.4.2. in the Rural Character/Country Living district)*

Section 8. Amendment of Section 14.2.

Section 14.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Section 14.2.10. *(repeals Subdivisions and site condominiums as a permitted use in the Rural Character/Country Living district. They are permitted in these districts and do not need to be listed.)*

Section 9. Amendment of Section 14.4. *(provides conditions for use of portable sawmills as proposed to be defined)*

Section 14.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to and a new Section 14.4.2. to read in it's entirety as follows;

14.4.2. 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.
- e. A zoning permit shall be obtained pursuant to Section 21.3. of this ordinance.

Section 10. 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 11. 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



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: March 7, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Proposed amendment regarding uses proposed to be deleted.

Included with this memo is a draft amendment document dated 3/3/16. By review of the document I have added comment in red italicized print relative to the issues addressed in each section as opposed to reviewing the same in this memo.

This draft amendment is proposed to address the changes proposed in discussion at the February 17 regular meeting.

You will note that “existing farms and agricultural uses” is not proposed to be deleted relative to the Residential, Light Industrial, General Industrial, Commercial and Rural Character/Country Living districts. I will comment on this use at the meeting for further discussion.

Please do not hesitate to contact me with questions or comments.



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: March 7, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Proposed amendment regarding Home occupations.

Included with this memo is a draft amendment document dated 3/4/16. Also included with this memo is a review document which provides the entire section regarding home occupations and indicates the proposed changes in blue print for your review.

This draft amendment is proposed to address the changes as discussed at the February 17 regular meeting.

Please do not hesitate to contact me with questions or comments.

DRAFT 3/4/16
CHEBOYGAN COUNTY
Zoning Ordinance Amendment # ___

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE
NO. 200 RELATIVE TO HOME OCCUPATIONS

Section 1. Amendment of Section 2.2.

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

Home Occupation

An accessory use of a non-residential nature which is performed within a dwelling or within an accessory building to a dwelling and reserved there for, by an occupant of the dwelling and which is customarily incidental to the Residential use of the dwelling unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, the conduct of art or profession, the offering of a service, or the conduct of a business subject to provisions of Section 17.21.

Section 2. Amendment of Sections 4.2, 9.2., 10.2., 11.4.3., 13A.2., 13B.2., 13C.2., 13D.2., 13E.2., and 14.2.

Sections 4.2., 9.2., 10.2., 11.4.3., 13A.2., 13B.2., 13C.2., 13D.2., 13E.2., and 14.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Sections 4.2.6., 4.2.7., 9.2.6, 10.2.3., 11.4.3.a., 13A.2.9., 13B.2.5., 13C.2.8., 13D.2.3., 13E.2.6. and 14.2.5.

Section 3. Amendment of Section 17.21.1

Section 17.2.1 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

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 signage.
- 3.) Requires additional parking for or results in additional traffic from customers.
- 4.) Requires deliveries or pick ups of materials or supplies used in the home occupation.

B. A zoning application for a Home Occupation use shall include the following:

- 1.) The type of non-residential 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.

Section 3. Amendment of Section 17.21.3

Section 17.21.3.A. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

A. Home occupations must be conducted within the principal residential structure and permitted accessory structures and shall be customarily incidental to the primary residential use of the property.

Section 4. 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 5. 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

Current Zoning Ordinance Provisions with proposed changes;

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 signage.
- 3.) Requires additional parking for or results in additional traffic from customers.
- 4.) Requires deliveries or pick ups of materials or supplies used in the home occupation.

Deleted: commercial

Deleted: commercial

B. A zoning application for a Home Occupation use shall include the following:

Deleted: No home occupation shall be conducted until a zoning application has been approved by the Zoning Administrator. The

- 1.) The type of non-residential 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.

Deleted: business and business

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 and be customarily incidental to the primary residential use of the property.
- 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.

Proposed new definition

Home Occupation

An accessory activity of a non-residential nature which is performed within a dwelling, or within permanent accessory building and reserved therefor, by an occupant of the living unit and which is customarily incidental to the Residential use of the dwelling unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Section 17.21.