



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, APRIL 6, 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.) **DS Wilcome Inc. on behalf of Dennis Wilcome** - Requests a conditional rezoning from Residential Development District (D-RS) to Commercial Development District (D-CM) limiting the uses allowed under the Commercial Development District (D-CM) subject to the following conditions, as authorized by Section 405 of the Michigan Zoning Enabling Act, being MCL 125.3405:

The uses allowed for the described property shall be limited to Farm product stands as provided in section 6.2.10. and Specialty retail for sale of feed and garden supplies per section 6.2.19. of the Cheboygan County Zoning Ordinance #200 and that the zoning would revert to the prior zoning (Residential Development District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval.

The property proposed to be conditionally rezoned is described as follows;

Part of parcel #041-034-200-002-02. Com at NE cor of Sec 34, T38N,R2W th N 88D 49M 5S W 378.49 ft., th S 0D 30M 11S W 33.0 ft. to SLY ROW of Levering Rd. and POB, th, cont S 0D 30M 11S W 150.00 ft., th S 88D 49M 5S E 200.0 ft. Th N 0D 30M 11 S E 150.0 ft. more or less to SLY ROW of Levering Rd., th WLY alg SLY ROW of Levering Rd. to POB. Part of Sec 34, T38N,R2W.

UNFINISHED BUSINESS

- 1.) Consideration of a Proposed Sign Ordinance Amendment
- 2.) Proposed Amendment Regarding Uses To Be Deleted

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 16, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdzyk
ABSENT: Ostwald, Croft
STAFF: Scott McNeil
GUESTS: Bob Lyon, Eric Boyd, Cal Gouine, Tony Matelski, Carl Muscott, Russell Crawford, Cheryl Crawford, John Moore, Mike Gotham, Ethan Ashbaugh

The meeting was called to order by Vice-Chairperson Borowicz at 7:00pm.

PLEDGE OF ALLEGIANCE

Vice-Chairperson Borowicz led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

The March 2, 2016 Planning Commission minutes were presented. Ms. Lyon stated that she did not vote on the Awakon Federal Credit Union request as she is a member of the board. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the meeting minutes as amended. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdzyk), 0 Nays, 2 Absent (Ostwald, Croft)

PUBLIC HEARING AND ACTION ON REQUESTS

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-I09-000-032-00, and is zoned Commercial Development (D-CM).

Mr. McNeil presented the site plan and stated that the property is zoned Commercial Development. Mr. McNeil stated that this is the location for the Wigwam Bar which was approved by site plan review in 2009. Mr. McNeil stated that Mr. Gotham is seeking to add an auto sales component to the site. Mr. McNeil stated that 10 parking spaces are indicated for automobiles that are for sale. Mr. McNeil stated that based on the parking requirements in the Zoning Ordinance only 1 customer parking space is required. Mr. McNeil noted there are 11 parking spaces indicated on the site plan. Mr. McNeil noted that there will be no additional employees or additional office space. Mr. McNeil stated that the driveways are to be maintained. Mr. McNeil stated that there is a proposed freestanding sign which will meet the requirements of the Zoning Ordinance.

Mr. Gotham stated that only two dead trees will be removed. Mr. Gotham stated that he does not plan to clear the lot as he wants to maintain the greenbelt. Mr. Gotham stated he has always sold a car or two in this lot, but now the State requires a license if you sell over 5 cars a year. Mr. Gotham explained that a commercial address is required for the license. Mr. Gotham stated he will not have a booth at this location and he does not plan to have a salesman. Mr. Gotham stated that he plans to put a few cars out with signs on them. Ms. Lyon asked if Mr. Gotham plans to work on the cars at this location. Mr. Gotham stated no and that he sublets all of the work. Mr. Freese asked if Mr. Gotham has someone lined up to do the work. Mr. Gotham stated yes he has two people lined up to do the work.

Mr. Borowicz asked for public comments. There were no public comments. Public comment closed.

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

Mr. McNeil noted that the Road Commission Manager submitted a recommendation that any approval be conditioned upon meeting Road Commission requirements.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 with the stipulation that all Road Commission requirements for driveways be met.

Discussion was held. Mr. Lyon asked if the Road Commission's requirements are a new change. Mr. Kavanaugh stated that there was another commercial driveway at the last meeting and this same procedure was followed. Mr. Jazdyk stated that he was not at the last meeting. Mr. Jazdyk asked if this is a requirement for the driveway and the parking lot. Mr. Freese stated it is the access to the road which is the entranceway. Mr. Kavanaugh stated that it is detailed and it covers curbs and gutters. Mr. Gotham stated his concerns regarding these requirements not being cost effective. Mr. Gotham stated that the Road Commission wanted him to meet the requirements when he rebuilt the bar. Mr. Gotham stated that the driveways have existed for 67 years and he owned the property for the last 30 years and he has never had anyone get hit coming in or out. Mr. Gotham stated his concerns that previously the Road Commission wanted it moved closer to the crest of the hill which did not make sense. Mr. Gotham stated his concerns regarding spending \$10,000 - \$20,000 to blacktop this area. Mr. Gotham stated there is no other place in Koehler Township that has curb and gutter. Mr. Jazdyk questioned if is an existing business is grandfathered in or if the business has to meet the requirement. Mr. Kavanaugh stated it is up to the Road Commission. Ms. Lyon asked if it will be mandatory for Mr. Gotham to meet the Road Commission requirements if it is a stipulation of the approval. Mr. Freese stated yes. Mr. Gotham stated if this is a stipulation of the approval, then the whole project can just be scrapped as he can not spend \$10,000 - \$20,000 to put in curbs and gutters. Mr. Freese explained that the Planning Commission received a request from the Road Commission that this project meet their requirements. Mr. Freese stated that the Planning Commission is specifying that it has to meet the Road Commission requirements. Mr. Freese stated that whatever is agreed upon is between the Road Commission and Mr. Gotham. Mr. Churchill stated this will be a negotiation with the Road Commission. Mr. McNeil explained that because the Planning Commission made this part of the stipulation it becomes part of the requirements to follow through on. Mr. McNeil stated the Road Commission can apply their rules, whether or not this is made a condition of the Planning Commission's approval.

Mr. Crawford stated that according to the Road Commission at their last meeting, they informed the township that the new road from the Wigwam south will be curb and gutter.

Motion carried. 7 ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdyk), 0 Nays, 2 Absent (Ostwald, Croft)

Ms. Lyon stated it is noted in the General Findings that maintenance and detailing of autos for sale will take place on the site. Ms. Lyon stated this should be corrected as maintenance and detailing will be done off-site. Mr. McNeil stated this will be changed in the General Findings. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to delete General Finding 4. Motion carried. 7 ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdyk), 0 Nays, 2 Absent (Ostwald, Croft)

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment For Planned Project

Mr. McNeil stated there is language that was put into section 17.28.4.1.a clarifying that only permitted uses and those which require a special use permit shall be approved for a Planned Project. Mr. McNeil stated that language was added to section 17.28.4.2 which provides for the Planning Commission to reduce setback, parking and dwelling floor area requirements by up to 30%. Mr. McNeil suggested forwarding the amendment to legal counsel. Discussion was held regarding Section 17.28.4.1.a. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to send the proposed amendment to legal counsel for review. Motion carried. 7 ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdyk), 0 Nays, 2 Absent (Ostwald, Croft)

Draft Amendment Regarding Uses Proposed To Be Deleted

Mr. McNeil stated comments were added to the current provisions to let the Planning Commission know what would be accomplished with each of the sections that are proposed. Mr. McNeil stated there were concerns at a previous Planning Commission meeting regarding allowing the expansion of existing farms and if the use was removed from the ordinance it would not be allowed. Mr. McNeil stated it could still be allowed, however, he recommends that this use be kept in the ordinance. Mr. McNeil stated that after reviewing the Right to Farm Act and GAMP's, he identified terms where the zoning ordinance can still dictate the use. Mr. McNeil explained that GAMP's states that local zoning has to allow the agricultural use. Mr. McNeil stated this may affect existing farms in those zoning districts relative to the some of the protections intended under the Right to Farm Act.

Mr. McNeil reviewed the definitions for Camping Cabins and Campground. Mr. Freese referred to the definition of Campground and requested that the word "corporation" (in the first sentence) be changed to "or other legal entity".

Mr. Jazdyk referred to the definition of Campground and asked how Mr. McNeil determined the number 2 for "temporary living quarters for two or more camping cabins". Mr. McNeil stated the entire portion of the definition is what exists currently except for the addition of cabin colonies. Mr. Jazdyk asked if this will be confused with the state regulation which states that a campground is 4. Mr. Borowicz stated that our definition refers to pre-established sites which would not include family members putting their camper on your parcel.

Mr. McNeil read the proposed definition of Gardening, "Non-commercial production of flowers, fruit, vegetables, and herbs by the owner of the lot." Mr. McNeil stated that it refers to mostly residential zoning districts. Mr. Churchill asked if it would be considered commercial if someone has extra produce and would like to sell it. Mr. McNeil stated that in this case it would be considered commercial. Mr. Borowicz stated this is one of the things that we can't possibly regulate. Mr. McNeil stated that based on recent court cases, you do not have to have to make a profit to have a commercial component to then fall under the Right To Farm Act to be a commercial farm. Mr. McNeil stated that you only need to have the intent to sell. Discussion was held.

Mr. McNeil read the proposed definition for portable sawmill "Equipment for the purpose of sawing logs into lumber, designed to be conveniently portable rather than permanently fixed in place." Mr. McNeil stated there are proposed regulations for the use of the portable sawmills.

Mr. Freese referred to section 14.4.2.B and stated that we do not want to require that the "operation of a portable sawmill shall take place within an enclosed structure." Mr. Freese stated that the benefit of a portable sawmill is that they will operate in a field. Mr. McNeil stated that the other option is that it can be located at least 100ft. from the lot line. Mr. Borowicz stated that this is not unreasonable.

Ms. Lyon referred to section 14.4.2 and stated that the word "all" should be removed from the sentence. Mr. McNeil suggested changing it to "all applicable provisions." Discussion was held. Mr. Borowicz questioned if a zoning permit is necessary for 2 or 3 days of work for a portable sawmill. Mr. McNeil stated that it is being recommended, but does not have to be required. Mr. Borowicz stated that his cousin has a portable sawmill and changes locations a couple times per week. Mr. McNeil stated that a zoning permit is recommended when there is a time frame, but it doesn't have to be required. Mr. Borowicz, Mr. Kavanaugh and Mr. Jazdyk agreed that this requirement should be removed.

Mr. McNeil stated that the change in the "Motel or Motor Inn" definition is part of the removal of the cabin colony and this will add a 30 day use limitation. Mr. Freese suggested adding that it is for a fee. Mr. Freese stated that a property owner could have cabins on their property and let the family stay in them at no cost.

Mr. McNeil stated that section 2 repeals the language relative to accessory buildings.

Mr. McNeil referred to section 3 and stated that this section changes the language from "Gardening, but not including the raising of animals, except for household pets. Sheltering, raising or stabling of animals shall be a violation of this ordinance." to "Gardening".

Mr. McNeil stated that section 4 repeals the temporary mobile home and travel trailer use as a permitted use in the Agriculture and Forestry Management Zoning District.

Mr. McNeil stated that section 5 repeals cabin colonies as a use which requires a special use permit in the Lake and Stream Protection Zoning District.

Mr. McNeil stated that section 6 repeals any development on a seasonal road that requires public services of utilities as a use which required a special use permit in the Resource Protection District.

Mr. McNeil stated that section 7 repeals existing forest production, etc. and adds portable sawmill as a use by right as proposed to be defined and regulated per section 14.4.2.

Mr. McNeil stated that section 8 repeals subdivisions and site condominiums as a permitted use in the Rural Character Country Living Zoning District. Mr. McNeil stated these are ways of dividing land. Mr. McNeil stated that provisions for that are under Site Plan Review.

Mr. McNeil stated that section 9 provides conditions for use of portable sawmills.

Mr. Moore referred to the definitions of Motel or Motor Inn and Camping Cabin and stated his concern that the way these definitions are worded it could be read that the unit can only be used for 30 days and not by an individual. Mr. Moore suggested the following language for Camping Cabin, "A cabin located within a campground which is intended for temporary (30 days or less) shelter and includes sleeping quarters, may include a bathroom, but does not include a kitchen." Discussion was held. Mr. Moore suggested using similar language for the definition of Motel or Motor Inn. Mr. McNeil stated he will work on these definitions.

Mr. McNeil stated that he will make the requested changes and bring the proposed amendment back to the Planning Commission to review.

Proposed Amendment Regarding Home Occupations.

Mr. McNeil stated home occupations are listed as a permitted use in many of the zoning districts. Mr. McNeil stated that he is proposing to delete this use from each zoning district, update the definition and allow section 17.21 to prevail in any zoning district as an activity that takes place in a dwelling.

Mr. McNeil referred to section 17.21.1 and explained that a zoning permit is required for a Home Occupation. Mr. Freese suggested changing 17.21.1.B.5 to "The number of expected deliveries/drop offs per day."

Mr. McNeil stated that another change is clarified under the standards that the home occupation is customarily incidental to the primary residential use of the property.

Mr. Freese stated that with the one change the proposed amendment could be forwarded to legal counsel for review. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to send the proposed amendment to legal counsel for review. Motion carried. 7 ayes (Bartlett, Freese, Kavanaugh, Borowicz, Lyon, Churchill, Jazdyk), 0 Nays, 2 Absent (Ostwald, Croft)

Mr. Borowicz updated the Planning Commission members on a Housing Study Target Market Analysis meeting that he recently attended. Discussion was held.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated asked that the Planning Commission members arrive at the next meeting 15 minutes early for training on the use of the tablets.

Mr. McNeil stated that he distributed a PUD outline and comments from Bryan Graham for the Planning Commission members to review. Discussion was held.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

An audience member asked if portable sawmills are limited to 120 days per calendar year. Mr. Borowicz stated that this is on the same site. Mr. McNeil stated that per calendar year can be added.

Mr. Muscott read Section 2 of the proposed amendment regarding uses to be deleted and asked how this amendment affects what the local community approved as part of the zoning. Mr. McNeil stated that this section is not needed in the ordinance as there is another section in the ordinance that covers accessory buildings and accessory uses. Mr. McNeil explained that this is a redundant provision. Discussion was held. Mr. Muscott stated that some of the changes discussed tonight seem to be a knee-jerk reaction to the Heritage Cove Farm request. Mr. McNeil stated he wouldn't call it a knee-jerk reaction, but it is a reaction to that request and how the Planning Commission believes it should be properly applied.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:59pm.

Charles Freese
Planning Commission Secretary

DRAFT

CHEBOYGAN COUNTY PLANNING COMMISSION

DS Wilcome Inc. / Dennis Wilcome

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Amendment Application (4 Pages)
4. Mailing List (4 Pages)
- 5.
- 6.
- 7.
- 8.
- 9.

Note: Planning Commission members have exhibits 1 and 2.

ZONING AMENDMENT APPLICATION

Fee \$ 220.00 Date 03/01/14

CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.
870 S. MAIN ST., RM 103. PO BOX 103
CHEBOYGAN, MI 49721

Application Approved by: _____

TELEPHONE: (231) 627-8489
FAX: (231) 627-3646
www.cheboygancounty.net

PLEASE PRINT

LOCATION (For property rezoning)

Address	City / Village	Township/Sec.	Zoning District:
	Cheboygan	Beaugrand / 34	Residential Development
Property Tax I.D. (Parcel) Number	Subdivision or Condo. Name/Plat or Lot No.		
041-034-200-002-02	Not applicable		

APPLICANT

Name	Telephone	Fax
DS Wilcome Inc.	231-597-8255	231-445-9496
Address	City & State	Zip Code
2181 Levering Road	Cheboygan, Mi.	49721
	E-Mail	
	dwilcome@yahoo.com	

PROPERTY OWNER (If different from applicant)

Name	Telephone	Fax
Dennis Wilcome	231-627-4903	
Address	City & State	Zip Code
12842 Shall Road	Cheboygan, Mi.	49721

I. Action Requested

I (we) the undersigned do hereby request that the Cheboygan County Board of Commissioners approve the following petition for a zoning amendment.

- A. Text Amendment: Amend Article ____ Section _____ of Cheboygan County Zoning Ordinance No. 200 by making the following change(s): **Not Applicable**
- B. **Conditional Rezone from Residential Development District to Commercial Development District to include the property described per Section II. A previous application for a variance, special use permit, or rezoning on this land has not been made with respect to these premises in the last year.**

II. Property Information (For rezoning)

A. Legal description of property(s) proposed for rezoning: **Part of parcel #041-034-200-002-02 Com at NE cor of Sec 34, T38N,R2W th N 88D 49M 5S W 378.49 ft., th S 0D 30M 11S W 33.0 ft. to SLY ROW of Levering Rd. and POB, th, cont S 0D 30M 11S W 150.00 ft., th S 88D 49M 5S E 200.0 ft. Th N 0D 30M 11 S E 150.0 ft. more or less to SLY ROW of Levering Rd., th WLY alg SLY ROW of Levering Rd. to POB. Part of Sec 34, T38N,R2W.**

B. List all deed restrictions, if applicable: **Not applicable**

C. Names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the land, if applicable. **Not applicable**

D. This area is: **unplatted,**

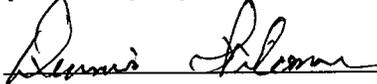
E. Present use of the property is: **Agriculture**

F. Attach a drawing of the property. **See attached**

III. Justification for Requested Action

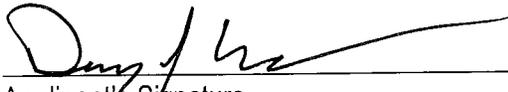
A. State specifically the reason(s) for this text amendment request at this time. Also attach any supporting documentation. **Not applicable**

B. If this is a proposed rezoning, what possible negative impacts could occur and what proposed mitigation would take place? **Conditional rezoning for Farm product stands and Specialty Retail sales of feed and garden supplies uses only. See attached list of complete proposed uses and conditions. Current agriculture use. No negative impact.**

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Owner's Signature <u></u>	Date <u>3-1-16</u>

IV. Affidavit

The undersigned affirms that he or she is the owner in the Petition and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his or her knowledge and belief.


Applicant's Signature

3-1-16
Date

Attachment to DS Wilcome Inc. Conditional Rezoning Application

List of proposed uses and conditions.

The applicant, DS Wilcome Inc. proposes limiting itself to the following allowed uses in conjunction with the conditional rezoning of property listed on the Legal Description Attachment in conjunction with the DS Wilcome Inc. conditional rezoning application to Commercial Development District to the following;

- a. Farm Product Stands per section 6.2.10.
- b. Specialty retail for sale of feed and garden supplies per section 6.2.19.

No other uses are proposed for consideration of the conditional rezoning

The applicant also proposes that the zoning would revert to the prior zoning (Residential Development District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval.

Drawing of area for DS Wilcome Inc.
Conditional Rezoning Application

00-005:00

041-027-400-003:00

041-027-400-006:00

041-026-300-003:03

041-026:00

LEVERING RD



150.00 ft

Area for
Conditional
Rezoning

200.00 ft

11:05

041-034-200-001:03

041-034-200-002:02

INVERNESS TRAIL RD

041-035-100-001:00

041-034-200-001:06

16-041-026-300-003-03 JOHNSON, KAREN P 13090 INVERNESS TRAIL RD CHEBOYGAN MI 49721	16-041-034-100-009-00 VONLINSOWE, THOMAS W & TRAC 12577 SHALL RD CHEBOYGAN MI 49721	16-041-034-200-004-00 BRANDAU, RONALD & JANET H/W 2299 LEVERING RD CHEBOYGAN MI 49721
16-041-026-300-003-05 NAGY, BONNIE 1988 LEVERING RD CHEBOYGAN MI 49721	16-041-034-200-001-02 WILCOME, FRANCIS J & HELEN H/ 12900 SHALL RD CHEBOYGAN MI 49721	16-041-034-200-005-00 BONNETT, ROBERTA L/E 2279 LEVERING RD CHEBOYGAN MI 49721
16-041-027-400-003-00 LAHAIE, RONALD S 13100 SHALL RD CHEBOYGAN MI 49721	16-041-034-200-001-03 WILCOME, NICOLE A (SCHALAU) 6431 OLD MACKINAW RD CHEBOYGAN MI 49721	16-041-034-200-006-00 STILLWELL, MARY ANN L/E AND 2259 LEVERING RD CHEBOYGAN MI 49721
16-041-027-400-005-00 LANDRIE, CHARLES D & 2128 LEVERING RD CHEBOYGAN MI 49721	16-041-034-200-001-04 HUNT, JADE A 2171 LEVERING RD CHEBOYGAN MI 49721-9379	16-041-034-200-007-00 MANKIN, CHRISTINE 2239 LEVERING RD CHEBOYGAN MI 49721
16-041-027-400-006-00 KORTE, MARTIN A JR; DONNA F KO 2339 LEVERING RD CHEBOYGAN MI 49721	16-041-034-200-001-05 WILCOME, NICOLE A (SCHALAU) 6431 OLD MACKINAW RD CHEBOYGAN MI 49721	16-041-034-200-008-00 HENES, JAMES A L/EWPTS, THEN T 25271 MAPLE VIEW LAGUNA HILLS CA 92653
16-041-027-400-007-00 LANDRIE, DANIEL & JEANNIE H/W 13099 INVERNESS TRAIL RD CHEBOYGAN MI 49721	16-041-034-200-001-06 WILCOME, DENNIS & SARAH H/W 2181 LEVERING RD CHEBOYGAN MI 49721	16-041-034-200-011-01 WILCOME, DENNIS & BARBARA H/ 12842 SHALL RD CHEBOYGAN MI 49721
16-041-027-400-008-00 LANDRIE, DALE L 2054 LEVERING RD CHEBOYGAN MI 49721	16-041-034-200-002-00 LYONS, DENNIS & JACQUELINE 2439 LEVERING RD CHEBOYGAN MI 49721	16-041-034-200-011-02 WILCOME, DENNIS & BARBARA H/ 12842 SHALL RD CHEBOYGAN MI 49721
16-041-034-100-004-00 LYONS, DAVID A & TRACEY FEIN, 12817 SHALL RD CHEBOYGAN MI 49721	16-041-034-200-002-01 WILCOME, DENNIS & BARBARA H/ 12842 SHALL RD CHEBOYGAN MI 49721	16-041-034-200-011-03 VONLINSOWE, THOMAS W 12577 SHALL RD CHEBOYGAN MI 49721
16-041-034-100-005-00 HOGLUND, ELIZABETH & 12697 SHALL RD CHEBOYGAN MI 49721	16-041-034-200-002-02 WILCOME, DENNIS & BARBARA H/ 12900 SHALL RD CHEBOYGAN MI 49721	16-041-034-200-011-04 WILCOME, DENNIS & BARBARA H/ 12842 SHALL RD CHEBOYGAN MI 49721
16-041-034-100-006-00 LYONS, RONALD & DOROTHY, TRU 15457 PRIES RD CHEBOYGAN MI 49721	16-041-034-200-003-00 KORTE, MARTIN JR & DONNA H/W 2339 LEVERING RD CHEBOYGAN MI 49721	16-041-034-200-011-07 WILCOME, DENNIS & BARBARA H/ 12842 SHALL RD CHEBOYGAN MI 49721

16-041-034-200-011-08
WILCOME, DENNIS & BARBARA H/
12842 SHALL RD
CHEBOYGAN MI 49721

16-041-034-200-011-09
WILCOME, DENNIS & BARBARA H/
12842 SHALL RD
CHEBOYGAN MI 49721

16-041-034-200-012-01
CLARMONT, CHRISTOPHER
12635 INVERNESS TRL
CHEBOYGAN MI 49721

16-041-034-216-155-00
LANDRIE, DAVID & JANET H/W
12471 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-034-400-001-00
SYZMANSKI, WALTER & NINA, TTE
6820 STRAWFLOWER LN
CHEBOYGAN MI 49721

16-041-034-400-002-00
CLARK, MARTIN J; ROGER A CLAR
10295 WING RD
CHEBOYGAN MI 49721

16-041-034-400-002-01
CLARK, ROGER A & SUSAN H/W
2170 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-100-001-00
LYONS, RONALD & DOLORES, TRU
15457 PRIES RD
CHEBOYGAN MI 49721

16-041-035-100-015-00
WHITTAKER, STANLEY U
12600 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-035-100-016-00
WHITTAKER, RUSSELL & DEANNA
12518 INVERNESS TRAIL RD
CHEBOYGAN MI 49721

16-041-026-300-003-03
OCCUPANT
13090 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-034-100-009-00
OCCUPANT
12577 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-200-005-00
OCCUPANT
2279 LEVERING RD
CHEBOYGAN, MI 49721

16-041-026-300-003-05
OCCUPANT
1988 LEVERING RD
CHEBOYGAN, MI 49721

16-041-034-200-001-02
OCCUPANT
12900 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-200-006-00
OCCUPANT
2259 LEVERING RD
CHEBOYGAN, MI 49721

16-041-027-400-003-00
OCCUPANT
13100 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-200-001-03
OCCUPANT
2081 LEVERING RD
CHEBOYGAN, MI 49721

16-041-034-200-007-00
OCCUPANT
2239 LEVERING RD
CHEBOYGAN, MI 49721

16-041-027-400-005-00
OCCUPANT
2128 LEVERING RD
CHEBOYGAN, MI 49721

16-041-034-200-001-04
OCCUPANT
2171 LEVERING RD
CHEBOYGAN, MI 49721-9379

16-041-034-200-008-00
OCCUPANT
2219 LEVERING RD
CHEBOYGAN, MI 49721

16-041-027-400-006-00
OCCUPANT
2010 LEVERING RD
CHEBOYGAN, MI 49721

16-041-034-200-001-06
OCCUPANT
2181 LEVERING RD
CHEBOYGAN, MI 49721

16-041-034-200-012-01
OCCUPANT
12635 INVERNESS TRL
CHEBOYGAN, MI 49721

16-041-027-400-007-00
OCCUPANT
13099 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-034-200-002-00
OCCUPANT
2439 LEVERING RD
CHEBOYGAN, MI 49721

16-041-034-216-155-00
OCCUPANT
12471 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-027-400-008-00
OCCUPANT
2054 LEVERING RD
CHEBOYGAN, MI 49721

16-041-034-200-002-01
OCCUPANT
12842 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-400-001-00
OCCUPANT
12376 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-100-004-00
OCCUPANT
12817 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-200-002-02
OCCUPANT
12870 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-400-002-00
OCCUPANT
2051 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-041-034-100-005-00
OCCUPANT
12697 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-200-003-00
OCCUPANT
2339 LEVERING RD
CHEBOYGAN, MI 49721

16-041-034-400-002-01
OCCUPANT
2170 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-041-034-100-006-00
OCCUPANT
12637 SHALL RD
CHEBOYGAN, MI 49721

16-041-034-200-004-00
OCCUPANT
2299 LEVERING RD
CHEBOYGAN, MI 49721

16-041-035-100-001-00
OCCUPANT
1985 LEVERING RD
CHEBOYGAN, MI 49721

16-041-035-100-015-00
OCCUPANT
12600 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-035-100-016-00
OCCUPANT
12518 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721



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/

To: Cheboygan County Planning Commission

From: Scott McNeil

Re: STAFF REPORT relative to conditional rezoning application by Dennis Wilcome

Date: March 10, 2016

Introduction

The owner of the subject property has requested a conditional rezoning under Section 4065 of the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006). The subject property is currently zoned Residential Development District (D-RS). The applicant requests a conditional rezoning to Commercial Development District (D-CM) limiting the uses allowed under the Commercial Development District (D-CM) regulations to only the following uses;

- a. Farm Product Stands per section 6.2.10.
 - b. Specialty retail for sale of feed and garden supplies per section 6.2.19.
- No other uses are proposed for consideration of the conditional rezoning

The applicant has also offered the following condition;

The applicant also proposes that the zoning would revert to the prior zoning (Residential Development District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval.

Farm product stands and Specialty retail use requires site plan review approval under Article 20 of the Cheboygan County Zoning Ordinance #200 by the Planning Commission. The Planning Commission's site plan review for farm product stands is limited pursuant to the Right to Farm Act and the Generally Accepted Management Practices for Farm Markets developed by the State of Michigan Department of Agriculture as authorized under the Act.

The following report will review the property proposed to be conditionally rezoned, neighboring parcels, uses allowed under the zoning ordinance in the current zoning district and proposed zoning district and contents of the Master Plan relative to the subject site.

Figure 1 indicates the parcel which is proposed to be conditionally rezoned outlined in red and the current zoning of the subject property and the surrounding area.

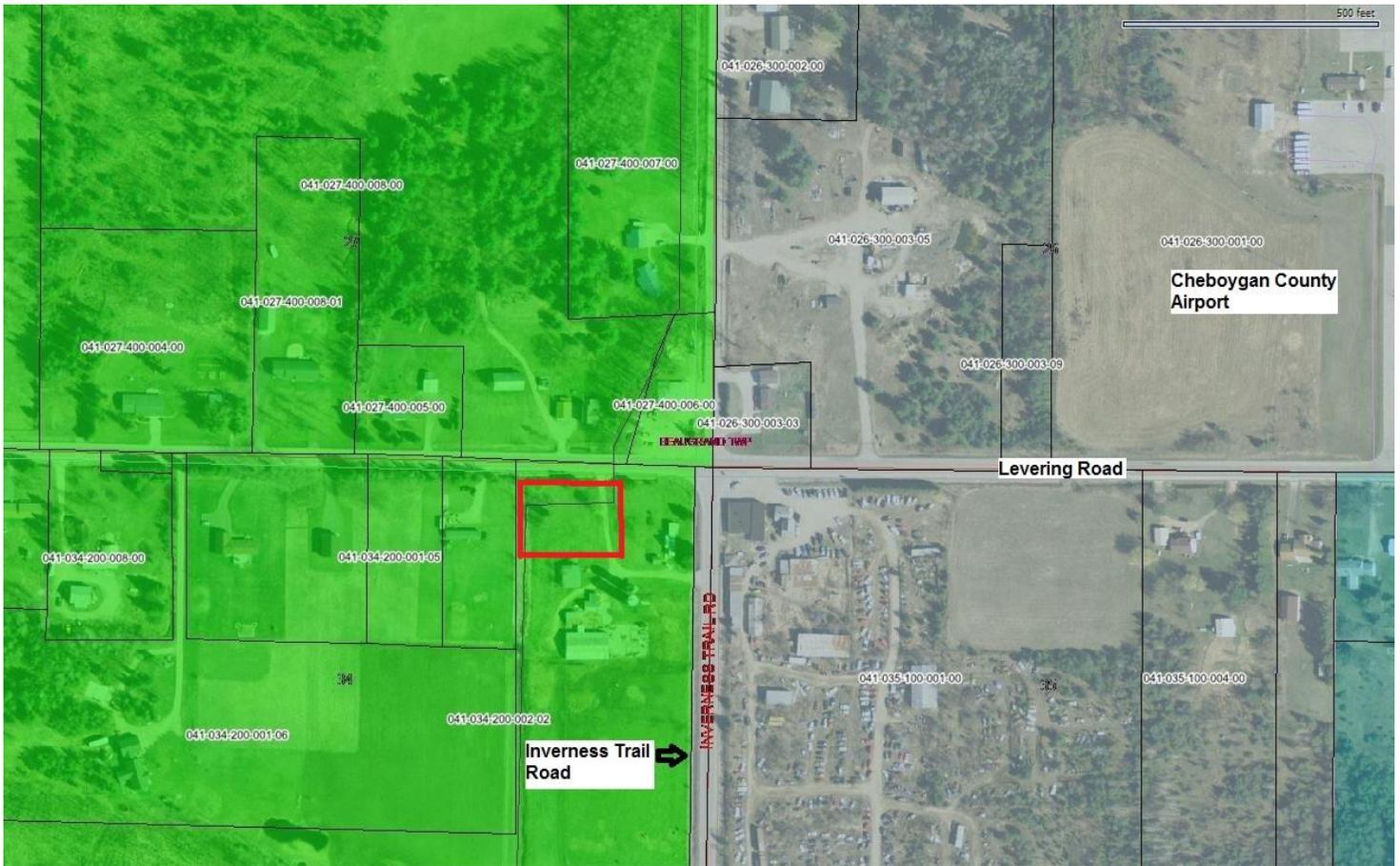


Figure 1 – Subject parcel and existing zoning

Red outline = Subject parcel

Green = Residential Development (D-RS) zoning district

Gray = Light Industrial Development (D-LI) zoning district

General Facts

1. Subject Parcel

The subject area includes a single parcel measuring 200 feet wide and 150 feet deep lying in the northeast corner of section 34 in Beaugrand Township. The area requested to be conditionally rezoned contains .69 acres and is currently zoned Residential Development (D-RS).

2. Site Conditions

The site is relatively flat. There is a drain at the west boundary. The site is comprised entirely of upland and is currently vacant. The parcel is part of an existing commercial farm. The area proposed to be conditionally rezoned and has access to Levering Road.

3. Neighboring Parcels

Existing land use on the portion of the current parcel lying to south of the subject area is agriculture. Neighboring parcels to the west and north west are improved with single family dwellings. Parcels to the north east and to the east are used commercially. The commercial uses include contractor's yard and auto parts and sales. Neighboring parcels range in size from .85 acres to 24 acres.

4. Comparisons in the zoning setback and area requirements

	D-RS (existing)	D-CM (proposed)
Minimum Dwelling Floor Area	720	Site plan
Minimum Dwelling Width	14 Ft.	Site plan
Minimum Lot Area	12,000 S.F.	Site plan
Minimum Lot Width	75 Ft.	Site plan
Minimum Front Setback	30	25
Minimum Side Setback	8	10
Minimum Rear Setback	12	10
Maximum Structure Height	35	35

5. Uses allowed in the existing D-RS zoning district

SECTION 4.2. PERMITTED USES

- 4.2.1. Single Family Dwellings and Two Family Dwellings
- 4.2.2. Gardening, but not including the raising of animals, except for household pets. Sheltering, raising or stabling of animals shall be a violation of this ordinance.
- 4.2.3. Existing farms and agricultural uses.
- 4.2.4. Public, parochial and private schools, libraries and municipal structures and uses.
- 4.2.5. Churches
- 4.2.6. Home occupations subject to the limitations as defined.
- 4.2.7. Office or studio of a physician, dentist or other professional person residing on the premises.
- 4.2.8. Essential public utility services, excluding buildings and regulator stations.
- 4.2.9. 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.
- 4.2.10. State licensed residential facilities (6 or less persons).
- 4.2.11. Private storage buildings, subject to the requirements of Section 17.23.

SECTION 4.3. USES REQUIRING SPECIAL LAND USE PERMITS

- 4.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.
- 4.3.2. Nurseries and day care centers for children.
- 4.3.3. Elderly housing and convalescent homes.
- 4.3.4. Multi-family housing.
- 4.3.5. Patio homes, townhouses, apartment buildings, condominiums.
- 4.3.6. Parks, playgrounds, golf courses, and other recreational facilities.
- 4.3.7. Cemeteries.
- 4.3.8. Essential public utility service buildings, or gas or electric regulator stations or buildings (excluding public works garages and storage yards).
- 4.3.9. Private non-commercial recreation camps.
- 4.3.10. Private clubs and lodges.
- 4.3.11. Marinas

6. Review of Cheboygan County Master Plan

When evaluating this property for a possible conditional rezoning it should be evaluated based on several factors which include its compatibility with surrounding land uses and conformance with the land use goals established in the County's Master Plan.

The future land use map in the Cheboygan County Master Plan determines the recommended land uses in Beaugrand Township. This plan is intended to be a guide for future zoning ordinance amendments, which includes zoning map amendments.

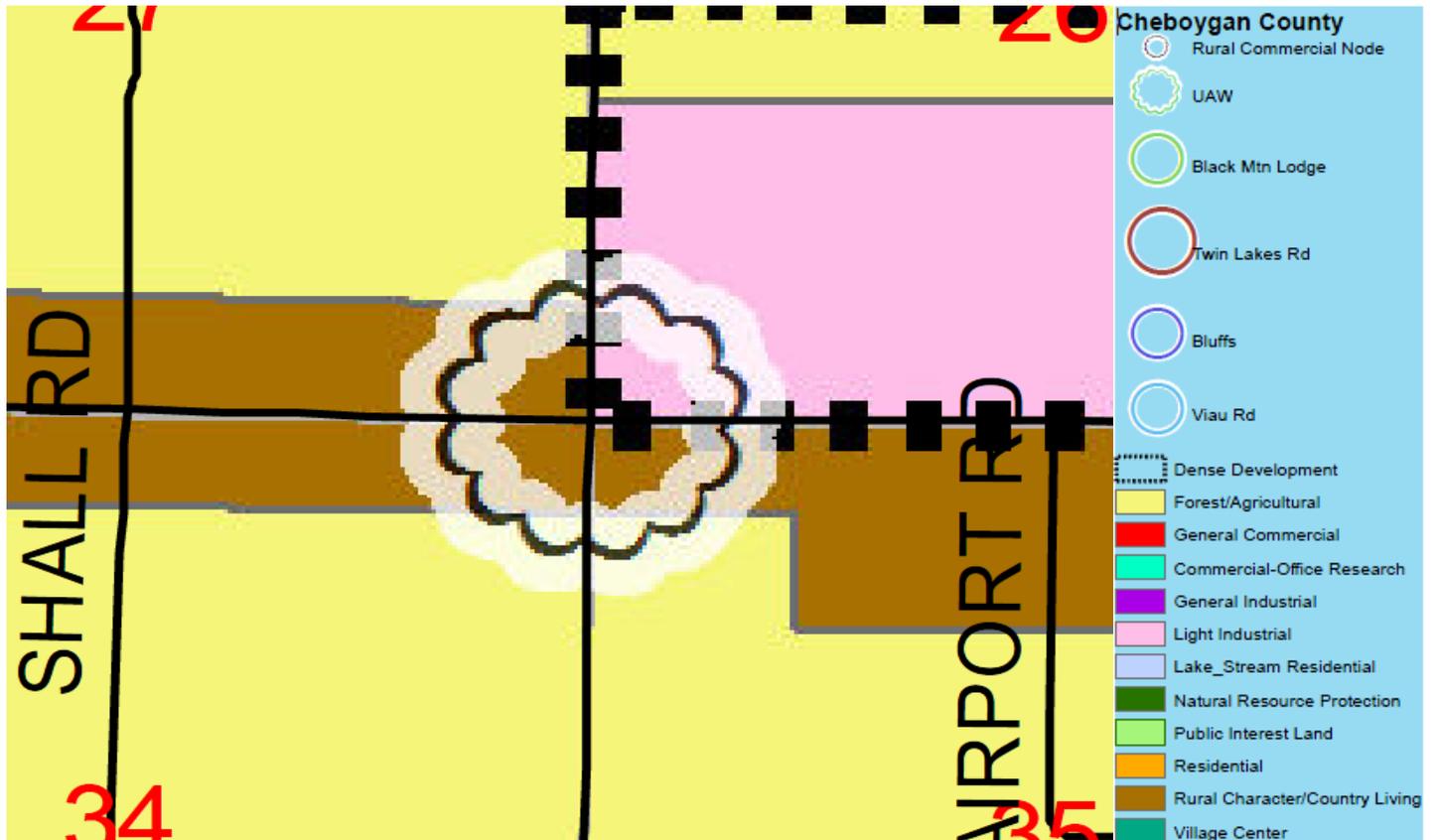


Figure 2 – Cheboygan County Master Plan Future Land Use Map.

The map in figure 2 shows the portion of the Cheboygan County Master Plan Future Land Use Map for the subject area to be in the Rural Commercial Node category which is described in the County Comprehensive Plan as follows:

Rural Commercial Nodes

Rural Commercial Node includes land, often at road intersections, which serve as nodes for the surrounding rural community. These areas have a mix of small-scale mixed uses. There would be usually no more than a few of these uses at any intersection due to traffic safety. Larger clustering of such commercial uses would be more appropriate in one of the other Commercial and Village Center future land use areas. Rural Commercial Nodes each have their own unique character and any rezoning must take into consideration the existing uses and uses that are compatible with the existing uses. Although these are commercial areas, they are not necessarily in need of rezoning to the Commercial zoning district. It is more likely that a new and unique zoning district or overlay zoning may be more appropriate. The following uses may be appropriate for some Rural Commercial Nodes: assembly halls, institutional uses such as fire stations, township halls, recycling centers, schools, community centers, small scale commercial uses such as retail, restaurants, and bars. Alverno is an example of a Rural commercial node.

7. Summary

The subject property is located in section 34 of Beaugrand Township on Levering Road. The Cheboygan County Master Plan Future Land Use map indicates the subject area as Rural Commercial Node. The surrounding properties are residential, commercial or agriculture in use. This proposed rezoning appears inconsistent with the uses allowed in the current zoning district. The proposed rezoning appears consistent with most surrounding uses and the Master Plan Future Land Use Map.

Correspondence Received Concerning The Conditional Rezoning Application:

All correspondence received are added to the conditional rezoning application file as exhibits and provided to the Planning Commission accordingly.

CHEBOYGAN COUNTY
Zoning Ordinance Amendment #__

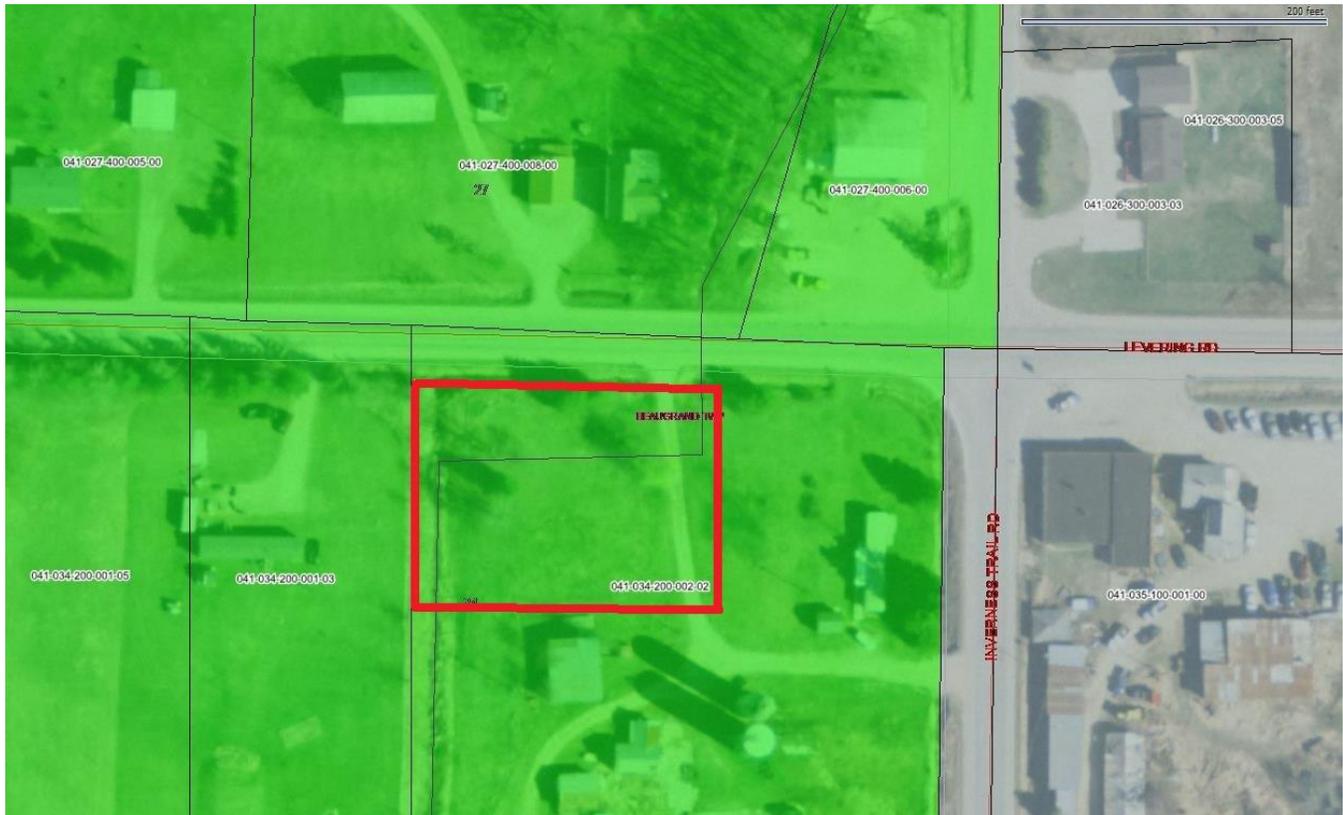
AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING
ORDINANCE NO. 200 TO CONDITIONALLY REZONE PROPERTY

Section 1. Rezoning of Property.

The zoning map incorporated into Section 3.9.1 of the Cheboygan County Zoning Ordinance #200 is hereby amended to rezone the following property situated in Beaugrand Township, Cheboygan County, Michigan:

Part of parcel #041-034-200-002-02. Com at NE cor of Sec 34, T38N,R2W th N 88D 49M 5S W 378.49 ft., th S 0D 30M 11S W 33.0 ft. to SLY ROW of Levering Rd. and POB, th, cont S 0D 30M 11S W 150.00 ft., th S 88D 49M 5S E 200.0 ft. th N 0D 30M 11 S E 150.0 ft. more or less to SLY ROW of Levering Rd., th WLY alg SLY ROW of Levering Rd. to POB. Part of Sec 34, T38N,R2W from Residential Development District (D-RS) to Commercial Development District (D-CM), subject to the following conditions, as authorized by Section 405 of the Michigan Zoning Enabling Act, being MCL 125.3405: The uses allowed for the described property shall be limited to Farm product stands as provided in section 6.2.10. and Specialty retail for sale of feed and garden supplies per section 6.2.19. of the Cheboygan County Zoning Ordinance #200 and that the zoning would revert to the prior zoning (Residential Development District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval.

Map depicting conditional rezoning



Section 2. 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 3. 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

DRAFT
CHEBOYGAN COUNTY
PLANNING
COMMISSION

Dennis Wilcome Conditional Rezoning

Applicant: DS Wilcome Inc.
2181 Levering Road
Cheboygan, MI 49721

Owner: Dennis and Barbara Wilcome
12870 Shall Road
Cheboygan, MI 49721

Parcel: Section 34, Beaugrand Township
Parcel No. part of 041-034-200-002-02,

Hearing Date: Wednesday April 6, 2016 at 7:00 p.m.

PROPERTY DESCRIPTION

The property subject to the proposed conditional rezoning application is described more fully as: Situated in the Township of Beaugrand, County of Cheboygan and State of Michigan. Part of parcel #041-034-200-002-02. Com at NE cor of Sec 34, T38N,R2W th N 88D 49M 5S W 378.49 ft., th S 0D 30M 11S W 33.0 ft. to SLY ROW of Levering Rd. and POB, th, cont S 0D 30M 11S W 150.00 ft., th S 88D 49M 5S E 200.0 ft. Th N 0D 30M 11 S E 150.0 ft. more or less to SLY ROW of Levering Rd., th WLY alg SLY ROW of Levering Rd. to POB. Part of Sec 34, T38N,R2W.

Hereinafter referred to as the "Property".

APPLICATION

The Applicant seeks a conditional rezoning of the Property to D-CM (Commercial Development District) for the following uses only:

1. Farm product stands per section 6.2.2.
2. Specialty retail for sale of feed and garden supplies per section 6.2.19.

No other uses are proposed for consideration of the conditional rezoning.

The Applicant offers the following condition relative to the conditional rezoning to D-CM (Commercial Development District) as follows:

The applicant proposes that the zoning would revert to the prior zoning (Residential Development District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval.

The Planning Commission having considered the Application, the Planning Commission having heard the statements of the Applicants, the Planning Commission having considered letters submitted by members of the public and comments by members of the public and written evidence and exhibits on the record, and the Planning Commission having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Planning Commission finds that the applicant proposes conditional rezoning of the Property in the application from Residential Development District (D-RS) to Commercial Development District (D-CM) for the following uses only:

- a. Farm product stands per section 6.2.2.
- b. Specialty retail for sale of feed and garden supplies per section 6.2.19.

See exhibit 3

2. The Planning Commission finds that the applicant proposes a condition in the in the application for conditional rezoning of the Property from Residential Development District (D-RS) to Commercial Development District (D-CM) as follows:

The applicant proposes that the zoning would revert to the prior zoning (Residential Development District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval.

See exhibit 3.

3. The Planning Commission finds that the application is made by DS Wilcome Inc. as applicant and Dennis Wilcome as the owner. See exhibit 3.

4. The Planning Commission finds that the legal description of the property at issue, including the proposed property to be conditionally rezoned, is included in the application. See exhibit 3.

5. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the area with the proposed conditional rezoning as being offered as Rural Commercial Node. See exhibit 2

6.

7.

REZONING
FACTORS

1. Is the proposed rezoning reasonably consistent with surrounding uses?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that based upon the information provided in the staff report which includes the Cheboygan County Master Plan Future Land Use Map, that the property is in the Rural Commercial Node future land use category. See exhibit 5 figure 2.
- B. The Planning Commission finds that upon review of the specific nature of the property, that the conditional rezoning would not create a negative impact on surrounding property.
- C. The Planning Commission finds that commercial uses are found upon review of current land uses of neighboring property. See exhibit 5
- D. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that many of the surrounding land uses are residential and agricultural in nature. Thus, the Planning Commission finds that the proposed conditional rezoning is not reasonably consistent with surrounding uses. See exhibit 5.
- B. The Planning Commission finds that

This standard has/has not been met

2. Will there be an adverse physical impact on surrounding properties?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that there is no evidence that the proposed rezoning would result in an adverse physical impact on surrounding properties for Farm product stand and Specialty retail for sale of feed and garden supplies uses only. Activities which could occur if the subject property is rezoned would not physically disturb the properties surrounding the land proposed for the conditional rezoning. See exhibit 3.
- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, the future land use categories for surrounding properties may very well better describe the desired Rural Commercial Node future land use on any given parcel, there is support in the Master Plan that this proposed conditional rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2.
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed rezoning in and of itself would result in adverse physical impact on surrounding properties as the activities which could occur would physically disturb the properties surrounding the land proposed for the conditional rezoning. See exhibits _____ .
- B. The Planning Commission finds that most of the surrounding properties are currently agricultural or residential in use. See exhibit 7
- C. The Planning Commission finds that

This standard has/has not been met.

3. Will there be an adverse effect on property values in the adjacent area?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that there is no evidence in the form of an appraisal or other document study which shows, that if the conditional rezoning is granted, there would be an adverse effect on property values in the area.
- B. The Planning Commission finds that
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that information has been submitted regarding the impact on neighboring property values and the evidence presented proves that if conditional rezoning is granted that there would be an adverse impact on property values in the area. See exhibit ____.
- B. The Planning Commission finds that

This standard has/has not been met.

4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that commercial land uses have been established in the area. See exhibit 7
- B. The Planning Commission finds that future development along and adjacent to this area by viable business consistent with the Rural Commercial Node future land use is a viable justification for the conditional rezoning.
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the few changes which have occurred in the vicinity of the property have trended towards residential and agricultural uses as opposed to commercial uses. As such, the changes that have occurred, albeit they have been slow over the past few years, do not favor the proposed conditional rezoning.
- B. The Planning Commission finds that there is property available for development which is currently zoned Commercial Development. See exhibit 1
- C. The Planning Commission finds that

This standard has/has not been met

5. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that given the size of the neighboring parcels, the uses proposed by the applicant and the existing commercial uses on surrounding properties which are not subject to the conditional rezoning application, there is no evidence that the conditional rezoning would deter the improvement or development of adjacent property in accordance with existing regulations, much less future land use plans as proposed in Cheboygan County's future land use map. See exhibits 1, 2, 3 and 5.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed conditional rezoning would deter the improvement or development of adjacent property in accordance with existing regulations since The subject area is currently zoned D-RS and neighboring properties are currently agricultural and residential in use. See exhibits 1, 2, and 5
- B. The Planning Commission finds that

This standard has/has not been met.

6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the County's Master Plan Future Land Use Map depicts the future use of the property as being in the Rural Commercial Node category. See exhibit 2 future land use map and exhibit 5 figure 2.
- B. The Planning Commission finds that neighboring properties contain commercial uses. As such, the proposed conditional rezoning does not create a special privilege or result in spot zoning. See exhibit 7.
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that conditionally rezoning the property will result in commercial uses extending into existing D-RS zoned property. The Planning Commission further finds that given the residential uses in the surrounding area that the conditional rezoning will result in the granting of a special privilege to the applicant for uses not available for development by surrounding property owners. See exhibit 5 figure 1.
- B. The Planning Commission finds that

This standard has/has not been met.

7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that given the Master Plan and future land use map, the conditional rezoning would be more in line with uses allowed under the future land use designation for the area. See exhibit 2 and exhibit 5 figure 2.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the property has existing agricultural and residential uses. Given the existing uses and the current surrounding land uses, the property can be used for all purposes listed under its current zoning classification. See exhibit 2
- B. The Planning Commission finds that

This standard has/has not been met.

8. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the County's Master Plan Future Land Use Map depicts the future use of the property as being in the Rural Commercial Node category. See exhibit 2 future land use map and exhibit 5 figure 2.
- B. The Planning Commission finds that, as per the adopted Cheboygan County Master Plan, and Future Land Use Map, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel and there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2 and exhibit 5.
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. Planning Commission further finds that the proposed conditional rezoning is in conflict with the plan use in the Cheboygan County Master Plan. See exhibit 2.
- B. The Planning Commission finds that

This standard has/has not been met.

9. Is the site served by adequate public facilities or is the applicant able to provide them?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the site is or will be served by adequate public and private facilities by the applicant considering the type of uses proposed by the applicant. See exhibit 3.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the applicant has not sufficiently proven that that the property is or will be served by adequate public and private facilities. See exhibit 3.
- B. The Planning Commission finds that

This standard has/has not been met.

10. Are there sites nearby already properly zoned that can be used for the intended purposes?

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the applicant has proposed uses for Farm product stand pursuant to section 6.2.2 and Specialty retail for sale of feed and garden supplies pursuant to section 6.2.19.. See exhibit 1 and Exhibit 3
- B. The Planning Commission finds that Specialty Retail is not a use which is allowed in the current D-RS zoning district. See exhibit 1 and exhibit 5

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that, with respect to the proposed rezoning, nearby land is zoned Light Industrial District (D-LI) and land is available for commercial uses in the D-LI district per section 7.2.1. of the zoning ordinance. See exhibit 1
- B. The Planning Commission finds that

This standard has/has not been met.

DECISION

In considering the foregoing, it is important to recognize that the considerations are general in nature, may overlap somewhat, and that there may be other factors not listed. When pondering the above questions, the decision maker must also give due consideration to (a) the general character of the area in which the subject property is located, (b) the property itself and its attendant physical limitations and suitability to particular uses, (c) the general desire to conserve property values and, (d) the general trend and character of population development. The community should evaluate whether other local remedies are available.

The decision maker should not focus on any one concern among the various factors to be taken into consideration when passing upon a rezoning request.

Motion made by _____, supported by _____ that based upon the general findings of fact and the rezoning factors that the applicant's request to conditionally rezone the property identified in the aforementioned property description in this document is hereby recommended to be denied/approved.

Ayes: _____

Nays: _____

DATE DECISION AND ORDER ADOPTED

April 6, 2016

Chair, Patty Croft

Secretary, Charles Freese



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 21, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Proposed amendment regarding signs.

Included with this memo is a draft amendment document dated 3/21/16. Also included with this memo is a review document which provides the entire section regarding signs and indicates the proposed changes in blue print and highlights deletions for your review.

This draft amendment is proposed to address the changes as discussed at with attorney Brian Graham regarding content based signage.

I will look forward to discussing this further with the Planning Commission at the next regular meeting. Please do not hesitate to contact me with questions.

SECTION 17.19. SIGNS

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

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

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

17.19.1. SIGN DEFINITIONS

BANNER

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

CANOPY

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

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

A sign having back-to-back sign surfaces.

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

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

FREESTANDING SIGN

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

GOVERNMENTAL SIGN

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

INCIDENTAL SIGN

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

MARQUEE SIGN

A permanent roof-like structure projecting over an entrance.

~~NEIGHBORHOOD IDENTIFICATION SIGN (Rev. 02/25/15, Amendment #125)~~

~~A sign which provides a display for apartment dwellings, subdivisions, property owner's associations, condominium dwellings, site condominium or similar developments. A neighbor identification sign may display the name of property owners within such development on the sign.~~

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

A sign formed from neon lamps containing neon gas.

~~NONCOMMERCIAL SIGN (Rev. 06/20/08, Amendment #76)~~

~~sign displaying information pertaining to an idea, belief, or opinion and not pertaining to a product, use, occupancunction, service, activity, or other commercial purpose.~~

NON-CONFORMING SIGN

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

~~OFF-PREMISE SIGN (Rev. 08/19/04, Amendment #34), (Rev. 02/25/15, Amendment #125)~~

~~A sign which carries a message which is not exclusively related to an activity on the property on which the sign is displayed.~~

PENNANT

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

~~POLITICAL SIGN~~

~~A sign relating to the election of a person to public office, to a political party or to a proposition to be voted on at a general or special election called by a public body.~~

PORTABLE SIGN

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

PROJECTING SIGN

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

~~REAL ESTATE SIGN~~

~~A sign containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent.~~

ROOF SIGN

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

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

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

SIGN HEIGHT

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

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

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

TEMPORARY SIGN

Any sign that is used temporarily and not permanently mounted.

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

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

WALL SIGN

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

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

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

17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT

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

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

A. Incidental signs, not exceeding 3 square feet of sign surface area.

~~Temporary signs that are located on a lot for no more than 30 days in a calendar year, do not exceed 8 square feet of sign surface area, and do not exceed 4 feet in height. Temporary signs relating to an event shall be removed within 5 days after such event.~~

B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:

- There shall be no more than two (2) signs per lot.
- Shall be removed from the lot within sixty (60) days of its original placement and no more than two (2) days after the subject matter of the sign has expired.
- Each sign shall be limited to 8 square feet and no more than 4 feet in height.

C. Governmental signs.

D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign..

~~E. One (1) Neighborhood Identification sign, not exceeding 18 square feet of sign surface area.~~

F. Signs that have been approved in conjunction with a valid site plan or PUD.

~~G. Real estate signs not exceeding 32 square feet of sign surface area.~~

G. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:

- Shall be removed from the lot within thirty (30) days after the subject matter of the sign has expired.
- Each sign shall be limited to thirty two (32) square feet of sign surface area.
- There shall be no more than one (1) sign per lot.

H. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

I. Signs on motor vehicles not used primarily for advertising purposes.

J. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:

- No more than a total of ten (10) balloons, flags, pennants or pinwheels shall be used.
- Shall not be placed on the lot more than fifteen (15) days before the specific event.
- Shall be removed from the lot within two (2) days after the specific event is over.

~~-A sign not exceeding eight (8) square feet of sign surface area and not exceeding six (6) feet in height that contains a non-commercial message.~~

~~K. Political Signs not exceeding thirty two (32) square feet of sign surface area and not exceeding six (6) feet in height. Political Signs shall be removed within ten (10) days after the election.~~

17.19.3. PROHIBITED SIGNS

A. Signs with moving or revolving parts.

B. Signs affixed to trees, rocks, shrubs, or other natural features.

C. Signs affixed to any governmental or public utility structure.

D. Signs located in the right-of-way of a public sidewalk or highway, unless the governmental body with jurisdiction over the public sidewalk or highway consents in writing to such sign in the D-CM, VC, VC-IR, VC-IR-O, VC-T, VC-T-O, D-LI and D-GI zoning districts and such sign otherwise meets the applicable sign regulations of this Ordinance.

E. Signs utilizing vehicles, trucks, vans, trailers or other similar wheeled devices, including those where the wheels have been removed, excluding such vehicles used in the day-to-day operations of the business.

~~F. Banners, balloons, pennants, pinwheels, searchlights, and other similar signs exceeding 15 days and excluding CM, LI, and GI districts. Banners shall be permitted in AF district.~~

G. Signs that interfere with traffic visibility or public services.

H. Signs with concrete foundations or other solid anchoring devices that project above the surface of the ground and located as to constitute a safety hazard to vehicular traffic. The Planning Commission may rule on the hazard potential of any proposed sign or sign structure and shall prohibit such sign or require a modification upon finding the presence of a safety hazard.

~~I. Off-premise signs and signs not advertising a business on the same parcel as the sign itself is located. This section includes all zoning districts, excluding CM, VC, LI, and GI. (Rev. 09/11/04, Amendment #35)~~

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

A. Except as permitted under Section 17.19.8.1 for electronic sign surfaces, no sign shall contain flashing, oscillating, moving, animated, or intermittent lights.

B. All external lighting intended to illuminate the sign surface shall be white, shall be directed downward so as not to unnecessarily illuminate the night sky, and shall be shielded so as not to interfere with the vision of persons on adjacent streets or properties.

C. For internally lighted signs, the sign background or field shall be opaque. Letters, numerals, logos and similar message elements may be of a transparent material to permit the internal lighting to reveal the message or image on the sign surface.

D. Any light bulbs or other illumination devices used as part of a message or image within the sign surface shall automatically dim to a light level such that the surface of the illuminated sign reflects no greater than 186 foot candles at or before one-half hour following sunset and until one-half hour before sunrise.

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

A. All signs in this district shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.

~~B. To respect the character of village centers, off premise signs shall not be permitted.~~

C. For lots which face more than one (1) street, sign requirements of Section 17.19.8 shall apply to each street front.

D. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and unless the governmental body with jurisdiction of the public sidewalk or right-of-way consents in writing to such sign.

E. In addition to the maximum sign surface area, all lots shall be allowed a bonus of three (3) square feet of sign surface area for each additional **commercial** use above one (1). This bonus applies to Projecting, Freestanding, and Wall signs only.

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

All signs in the VC- and VC-T-O zoning districts shall comply with the following:

A. All signs in this district shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.

~~B. To respect the character of village centers, off premise signs and billboards shall not be permitted.~~

C. Lots with more than one (1) lot line abutting a public right-of-way may have one (1) permanent sign located on the lot along each public right-of-way, subject to the total size requirements under Section 17.19.8. Provided, however, this provision shall not apply to canopy signs.

D. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and approved by the governing authority having jurisdiction over the ROW.

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

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

B. Nonconforming Sign Status. Any sign in existence on or before September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be deemed a nonconforming sign for purposes of this section, regardless of whether that sign was lawful when first erected.

C. Sign Conformity Requirement. Any sign erected after September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be subject to enforcement action under Section 21.9 of this Ordinance.

D. Nonconforming Sign Regulations.

1. Any nonconforming sign may be altered or repaired and may be replaced by a different sign in the same location, provided that the sign nonconformity, including but not limited to sign surface area, sign height, or setback, is not increased.

2. Any nonconforming sign that is moved to a new location and any nonconforming sign that is replaced with a different sign by the owner in a different location, either on the same lot or a different lot shall be considered a new sign and shall comply with all zoning ordinance sign regulations in effect at that time.

17.19.7. SIGN PERMITS

A. Except for the signs allowed without a zoning permit under Section 17.19.2, a person who desires to erect or display a sign shall obtain a zoning permit for a sign. All sign permit applications shall be submitted to the Zoning Administrator on the appropriate form. (Rev. 02/25/15, Amendment #125).

B. Each application shall be accompanied by the applicable fees as established by the Cheboygan County Board of Commissioners.

C. All applicable signs shall comply with the building and electrical requirements of the Construction Code Department.

D. Billboards ~~and other off-premise signs within business areas~~, as defined by the Highway Advertising Act of 1972 (1972 PA 106), that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance. (Rev. 08/19/04, Amendment #34)

E. A permit shall be required for any sign type not specifically covered in this Ordinance and will be reviewed on a case-by-case basis.

17.19.8 SIGN REGULATIONS AND STANDARDS

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

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

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

Freestanding Sign Requirements.

	RS	D-RC	CM	VC ₃	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP ₄
Maximum Sign Surface Area (sq. ft.)	8	8	80	32	32	NA	32	NA	120	120	18	8	8	8
Maximum Height (ft.)	6	6	25	15	15	NA	15	NA	25	25	12	6	6	6

Minimum Setback (ft.)	4	4	0	0	0	NA	0	NA	0	0	5	4	5	5
Maximum number per Parcel	1	1	3	1	1	NA	1	NA	3	3	1	1	1	1

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

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

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

¹ See Section 17.19.3.F, ² See Section 17.19.3.D., ³ See Section 17.19.5., ⁴ See Section 11.7,

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

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

Electronic sign surfaces shall comply with all of the following requirements:

- A. The electronic sign surface shall only be within a freestanding sign or a wall sign.
- B. The area of the electronic sign surface shall not exceed 75% of the total sign surface.
- C. The message or image shall be static during its display and shall not move or be animated in any way.
- D. The message or image displayed shall remain static for no less than three (3) seconds before changing.
- E. Any change of message or image shall be completed simultaneously throughout the entire electronic sign surface so that no portion of the new message or image is visible in the electronic sign surface at the same time as the old message or image.
- F. Any light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices used to display the message or image within the electronic sign surface shall automatically dim to a light level no greater than 2000 NITS (candelas per square meter) at or before one-half hour following sunset and until one-half hour before sunrise.

17.19.8.2 SIGN SURFACE AREA AND TOTAL SIGN AREA (Rev. 06/20/08, Amendment #76)

The following regulations shall apply to the calculation of sign area:

- A. The maximum sign surface area shall be computed around the perimeter of the frame or border of the sign surface where such exists or around the perimeter of the symbols or letters or other display elements where no border or frame exists. Where a sign surface is composed of letters or images attached directly to a façade, window, door, or marquee, and the letters or images are not enclosed by a border or trimming, the sign surface shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points of the letters or images.
- B. Double-faced signs and V-type signs shall be considered one sign with the area of the sign surface calculated on the larger of the sign surfaces.
- C. A structure containing multiple sign surfaces shall be considered one sign if all of the sign surfaces are included in the same border or frame of the sign. The maximum sign surface area for such a sign shall be computed around the perimeter of the frame or border of the sign surfaces. Otherwise, each sign surface shall constitute a separate sign.
- D. The area of a sign surface shall not include the area of its supporting structure or canopy if the supporting structure or canopy contains no message or image.
- E. For a sign surface that is in the form of a three-dimensional object, the area of the sign surface shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the projected image of the object and multiplying that area by two (2). For purposes of this subsection, the "projected image" is that image created by tracing the largest possible two-dimensional outline of the object.
- F. The total sign area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the base, foundation and erection supports of the sign.
- G. The total sign area shall not exceed 120% of the sign surface area within the sign, if the sign surface is not in the form of a three-dimensional object. If the sign surface is in the form of a three-dimensional object, then the total sign area shall not exceed 60% of the sign surface area.

Draft 03-21-16
CHEBOYGAN COUNTY
Zoning Ordinance Amendment # _____

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY
ZONING ORDINANCE No. 200 TO PROVIDE DEFINITIONS, REGULATIONS AND
STANDARDS FOR SIGNS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

Section 1. Amendment of Section 17.19.1.

The following definitions within Section 17.19.1 of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed:

Neighborhood identification sign, Noncommercial sign, Off-premise sign, Political sign, and Real Estate Sign.

Section 2. Amendment of Section 17.19.2.

Section 17.19.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT

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

A. Incidental signs, not exceeding 3 square feet of sign surface area.

B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:

1. There shall be no more than two (2) signs per lot.
2. Shall be removed from the lot within sixty (60) days of it's original placement and no more than two (2) days after the subject matter of the sign has expired.
3. Each sign shall be limited to 8 square feet and no more than 4 feet in height.

C. Governmental signs.

D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.

E. Signs that have been approved in conjunction with a valid site plan or PUD.

F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:

1. Shall be removed from the lot within thirty (30) days after the subject matter of the sign has expired.
2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
3. There shall be no more that one (1) sign per lot.

G. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

H. Signs on motor vehicles not used primarily for advertising purposes.

I. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements;

1. No more than a total of ten (10) balloons, flags, pennants or pinwheels shall be used.
2. Shall not be placed on the lot more than fifteen (15) days before the specific event.
3. Shall be removed from the lot within two (2) days after the specific event is over.

Section 3. Amendment of Section 17.19.3.

Subsection 17.19.3. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.3. PROHIBITED SIGNS

- A. Signs with moving or revolving parts.
- B. Signs affixed to trees, rocks, shrubs, or other natural features.
- C. Signs affixed to any governmental or public utility structure.
- D. Signs located in the right-of-way of a public sidewalk or highway, unless the governmental body with jurisdiction over the public sidewalk or highway consents in writing to such sign in the D-CM, VC, VC-IR, VC-IR-O, VC-T, VC-T-O, D-LI and D-GI zoning districts and such sign otherwise meets the applicable sign regulations of this Ordinance.
- E. Signs utilizing vehicles, trucks, vans, trailers or other similar wheeled devices, including those where the wheels have been removed, excluding such vehicles used in the day-to-day operations of the business.
- F. Signs that interfere with traffic visibility or public services.
- G. Signs with concrete foundations or other solid anchoring devices that project above the surface of the ground and located as to constitute a safety hazard to vehicular traffic. The Planning Commission may rule on the hazard potential of any proposed sign or sign structure and shall prohibit such sign or require a modification upon finding the presence of a safety hazard.

Section 4. Amendment of Section 17.19.5.

Subsection 17.19.5.A. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS

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

Section 5. Amendment of Section 17.19.5.A.

Subsection 17.19.5. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows

17.19.5.A VILLAGE CENTER TOPINABEE SIGN REQUIREMENTS

A. All signs in this district shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.

B. Lots with more than one (1) lot line abutting a public right-of-way may have one (1) permanent sign located on the lot along each public right-of-way, subject to the total size requirements under Section 17.19.8. Provided, however, this provision shall not apply to canopy signs.

C. Signs shall not extend or overhang into the public right of way (ROW), unless they are 11 ft. above the ROW (at their lowest point) and approved by the governing authority having jurisdiction over the ROW.

Section 5. Amendment of Section 17.19.7.D.

Section 17.19.5. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

D. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106), that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance.

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



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 30, 2016

To: Planning Commissioners

From: Scott McNeil

Re: 2017 Capital Improvement Program. Program Summary and Project Descriptions

Included with this memo please find a Capital Improvement Program (CIP) Draft Summary dated 3/28/16. Also attached are Project Descriptions placed in the order they appear on the Summary as submitted by the various departments and agencies of the County and other government entities as of this date.

These are submitted pursuant to the approved timeline for development of the 2017 CIP (copy also included).

The timeline provides for the Planning Commission to review the projects and hear reports from the variance departments and agencies as they may desire between April 6 and June 1.

There are four (4) new proposed projects. These new projects have been submitted by the Cheboygan County Road Commission. The remaining project descriptions were included in the current CIP and have been reviewed and assigned a priority category previously by the Planning Commission as noted on the project summary.

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

Cheboygan County Capital Improvement Program

Project Description

Project Title: Terminal Renovation and Expansion

Agency: Cheboygan Airport Authority

Project Type: Facility Addition and Maintenance

Project Description: The terminal renovation project is proposed to expand and upgrade the existing facility as well as incorporate maintenance items. Maintenance items include carpet, windows, heating and doors. The project also proposes to add office and meeting space as well as a pilot lounge area.

Year(s) of Project: 2019

Estimated Cost: \$240,000

Planning Commission Priority Category: Desirable

Cheboygan County Capital Improvement Program

Project Description

Project Title: Terminal Ramp Rehabilitation

Agency: Cheboygan Airport Authority

Project Type: Facility maintenance

Project Description: This project entails the asphalt paved portion of the airport lying between the Terminal and the runway. The Terminal Ramp is used for reception of arriving flights, staging departing flights, parking, and fueling. Rehabilitation of this portion of the paved area of the airport has been identified as a priority as a result of a detailed review of all asphalt surfaces.

Year(s) of Project: 2021

Estimated Cost: \$635,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Cheboygan County Airport Maintenance Building

Agency: Cheboygan Airport Authority

Project Type: New Facility

Project Description: The proposed maintenance building would provide additional storage area for existing equipment and other materials used in the airport operation as well as provide need space for year around maintenance activity. The building is proposed to be 60 ft. wide and 100 ft. long with 16 ft. high walls. The building is proposed to be improved with adequate overhead doors with fully insulated walls and ceiling. Proposed utilities include space heaters and adequate electric service.

Year(s) of Project: 2017

Estimated Cost: \$320,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: County Building trim panel /window replacement.

Agency: County Building Maintenance Department

Project Type: Facility Maintenance

Project Description: Replacement of panels and windows which face the interior parking lot on the north side of the County Building. The panels were installed with the original construction of the county building. Smaller energy efficient windows with new wall replacement are planned.

Year(s) of Project: 2018

Estimated Cost: \$65,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: County Building Energy Efficiency Upgrades

Agency: County Building Maintenance

Project Type: Facility Improvement

Project Description: Several energy efficiency upgrades are planned over a three year period. The upgrades include new energy efficient valves and fixtures in the restrooms, automatic light switches were practical throughout the building, energy efficient hot water heating systems, lighting and electrical upgrades. The upgrades will reduce energy costs which will pay for the cost of improvements over time.

Est. Project Year 2017 to 2021.

Estimated Cost: \$15,000 each year

Planning Commission Priority Category: Desirable

Cheboygan County Capital Improvement Program

Project Description

Project Title: County Building Record Storage Building Remodel

Agency: County Building Maintenance

Project Type: Facility Improvement

Project Description: The County Building is running out of space for storage of important files and documents. Improvements planned the Records Storage Building is a heated addition, steel roof replacement and outside remodeling to match the new addition.

Est. Project Year 2018.

Estimated Cost: \$60,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: East Mullett Lake Road (Phase 1)

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: Hackleburg Road to Old School Road. Project scope includes, bituminous base crush, shape and resurface drainage corrections, ditching and restoration.

Year(s) of Project: 2017

Estimated Cost: \$668,100

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: East Mullett Lake Road (Phase 2)

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: Stewart Road to Hackleburg Road. Project scope includes; bituminous base crush, shape and resurface, drainage corrections, guardrail, ditching and restoration.

Year(s) of Project: 2018

Estimated Cost: \$561,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Orchard Beach Road

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: M-33 to South River Road. Project scope includes; bituminous base crush, shape and resurface, subgrade correction, drainage corrections, ditching and restoration.

Year(s) of Project: 2018

Estimated Cost: \$560,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Townline Road

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: M-27 to VFW Road. Project scope includes; bituminous base crush, shape and resurface, drainage corrections, ditching and restoration.

Year(s) of Project: 2018

Estimated Cost: \$420,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Mann Road

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: M-33 to Pallister Road. Project scope includes; bituminous base crush, shape and resurface, drainage corrections, ditching and restoration.

Year(s) of Project: 2019

Estimated Cost: \$561,300

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Mullett Burt Road

Agency: Cheboygan County Road Commission

Project Type: Rehabilitation

Project Description: Topinabee Mail Route to East Burt Lake Road Road. Project scope includes, subgrade corrections, bituminous base crush, shape and resurface drainage corrections, ditching and restoration.

Year(s) of Project: 2017

Estimated Cost: \$420,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Fuel Tank and Fuel Dock Replacement and Upgrade

Agency: Cheboygan County Marina

Project Type: Facility Replacement

Project Description: Existing fuel dock and fuel tank at the Marina was constructed and installed in 1988. A new wood dock is proposed to replace the existing dock. Replacement of the existing fuel storage tank is also proposed.

Year(s) of Project: Contingent on Obtaining Funding - 2017

Estimated Cost: \$800,000

Planning Commission Priority Category:

Cheboygan County Capital Improvements Program

Project Description

Project Title: Sand Road Senior Center Parking lot resurfacing

Agency: Cheboygan County Council on Aging

Project Type: Facility Maintenance

Project Description: The current paved parking area needs to be resurfaced and striped. Additionally, the area in front of the small garage has no paving and is soft and difficult to plow. Repairs to cracked areas are also needed to prevent trips/falls from unsteady seniors.

Year of Project: 2017

Estimated Cost: \$85,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvements Program

Project Description

Project Title: Wolverine Senior Center Parking lot resurfacing

Agency: Cheboygan County Council on Aging

Project Type: Facility Improvement

Project Description: The current paved parking area needs to be resurfaced and striped. Repairs to cracked areas are also needed to prevent trips/falls from unsteady seniors.

Year of Project: 2018

Estimated Cost: \$45,000

Planning Commission Priority Category: Needed

Cheboygan County Capital Improvement Program

Project Description

Project Title: Topinabee Green Corridor Streetscape

Agency: Mullett Township

Project Type: Facility Maintenance and Improvement

Project Description: The Topinabee Streetscape Plan is to improve the downtown parking, sidewalks, water runoff, and define the street with curb, gutter and lighting.

Year(s) of Project: 2018

Estimated Cost: \$1,200,000

Planning Commission Priority Category: Desirable

Cheboygan County Capital Improvement Program

Project Description

Project Title: Topinabee Beach Park Improvements

Agency: Mullett Township

Project Type: Facility Improvement

Project Description: The Topinabee Beach Park Improvement Project includes two new parking lots, sidewalks, signage and landscaping where the existing library, restroom and pavilion facilities are located. Stormwater facilities are also included in the project.

Year(s) of Project: 2017

Estimated Cost: \$239,600

Planning Commission Priority Category:

Proposed Cheboygan County Planning Commission 2017 Capital Improvement Program Development Timeline.

Approved by the Planning Commission on January 20, 2016

January 20, 2016 to March 30, 2016. The staff of the Community Development Department will gather project information from the agencies and departments within the county and other government entities for inclusion in the CIP and present the same for review by the Cheboygan County Planning Commission. The Planning Commission shall review the narrative portion of the in the 2016 CIP document and interject proposed changes to the 2017 CIP document and 2017 CIP document development accordingly.

April 6, 2016 to June 1, 2016. The proposed projects are reviewed by the Planning Commission. Agency and department representatives may provide a report to the Planning Commission by request.

June 15, 2016. The Planning Commission will review the project information and elect which projects should be included in the CIP and place such projects in a general order of priority in needed and desirable categories.

July 6, 2016. The staff of the Community Development Department will present a draft CIP document to the Planning Commission for review.

August 3, 2016. The Planning Commission holds a public hearing on the draft CIP and may make changes to the draft CIP accordingly.

August 17, 2016. The Planning Commission will forward the final draft CIP, along with a recommendation, to the Cheboygan County Board of Commissioners.

November 2, 2016 to December 7, 2016. The Planning Commission will review any proposed changes from Board of Commissioners or the County Administrators office as a result of the county budget review process.