



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, NOVEMBER 15, 2017 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

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

UNFINISHED BUSINESS

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 & PUBLIC HEARING WEDNESDAY, NOVEMBER 1, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

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

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

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

The October 18, 2017 Planning Commission minutes were presented. Ms. Croft referred to the motion to approve the October 18, 2017 Planning Commission agenda and noted that Mr. Churchill was absent. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as amended. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Zoning Ordinance Amendment Regarding Office, Health And Fitness Center And Personal Service Center Uses

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that the recommended changes were minimal. Mr. McNeil stated the legal counsel has recommended changes in the proposed definitions for Health and Fitness Center and Personal Service Center with a reference to commercial establishments. Mr. McNeil stated that legal counsel recommended an exclusion for home occupations in the definition of Office.

Mr. McNeil stated that there was a use variance for a dog grooming business in the Indian River Village Center zoning district that was reviewed by the Zoning Board of Appeals. Mr. McNeil stated that there was a discussion at that meeting about interjecting the dog grooming use. Mr. McNeil stated that he has provided a proposed definition for dog grooming and to allow it as a use with site plan review for Indian River Village Center zoning district and Commercial zoning district. Mr. McNeil also included a letter from the Tuscarora Township Planning Commission showing their approval of dog grooming in the Indian River Village Center zoning district. Mr. McNeil stated that Mr. Freese may provide more information on this request. Mr. Freese suggested changing dog grooming to pet grooming. Mr. Freese noted that there are similar uses that cut hair, style hair, wash hair. Mr. Freese believes that this use is similar to a barber shop or beauty salon. Mr. Freese stated that these uses are not authorized in the Indian River Village Center zoning district. Mr. McNeil stated that barber shops and beauty salons are not currently authorized but by virtue of this amendment these uses will be authorized. Discussion was held regarding changing dog grooming to pet grooming. Mr. McNeil suggested changing it to domesticated pets. Mr. McNeil stated he will have this amendment reviewed by legal counsel. Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to schedule a public hearing for December 6, 2017 for the proposed Zoning Ordinance amendment regarding office, health and fitness center and personal service center uses. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

Zoning Ordinance Amendment Regarding Bar And Restaurant Uses

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that legal counsel recommended changes in the proposed definitions for Bar and Restaurant with language referencing compliance with Michigan Liquor Commission requirements. Mr. McNeil stated that the amendment is ready for review at a public hearing. Mr. Jazdyk asked Mr. McNeil to explain legal counsels recommendation regarding adding the word accessory to restaurant, carry out. Mr. McNeil explained that legal counsel recommended that this would confirm that the parking lot is an accessory use to the restaurant use. Discussion was held. **Motion** by Mr. Borowicz, seconded by Mr. Jazdyk, to schedule a public hearing for December 6, 2017 for the proposed Zoning Ordinance amendment regarding bar and restaurant uses. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

Zoning Ordinance Amendment Regarding Vehicle Repair And Fuel Sales Uses

Mr. McNeil stated that this amendment has been reviewed by legal counsel. Mr. McNeil stated that there is an interjection in the use listing for the Commercial zoning district to mention motorized and non-motorized recreational vehicles. Mr. McNeil stated that this is the only change. Mr. McNeil stated that this amendment is ready for review at a public hearing. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to schedule a public hearing for December 6, 2017 for the proposed Zoning Ordinance amendment regarding vehicle repair and fuel sale uses. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

Proposed Rezoning From Lake And Stream Protection (P-LS) To Agriculture And Forestry Management (M-AF) And Residential Development District (D-RS) Relative To An Intermittent Stream Located Between Carter Road And Galbraith Road In Benton Township.

Mr. McNeil reviewed a map of the area to be rezoned From Lake and Stream Protection To Agriculture and Forestry Management. Mr. McNeil stated there was a mention of rezoning from Lake and Stream Protection to Residential Development District that was not discussed previously. Mr. McNeil explained that there is an area of a recorded subdivision. Mr. McNeil explained that this area would revert to Residential Development. Mr. McNeil stated that this amendment has been reviewed by legal counsel and is ready for review at a public hearing. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to schedule a public hearing for December 6, 2017 for the proposed rezoning from Lake and Stream Protection to Agriculture and Forestry Management and Residential Development relative to an intermittent stream located between Carter Road and Galbraith Road in Benton Township. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 2 Absent (Ostwald, Churchill)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated a letter from NEMCOG was distributed to the Planning Commission. Mr. McNeil stated that NEMCOG is assisting the Village of Mackinaw with their master plan update. Mr. McNeil stated that a draft is ready for review. Mr. McNeil stated that Cheboygan County is a jurisdiction that is required notice under the planning act. Mr. McNeil stated that a copy of the draft master plan is available on CD in the Planning and Zoning Department. Discussion was held.

Mr. McNeil stated that he provided the Planning Commission with a copy of an email from Tim Maylone, who represents Cherry Capital Connection. Mr. McNeil stated that Mr. Maylone previously submitted a special use permit application for a communication antenna on Wartella Road. Mr. McNeil stated that Mr. Maylone had comments regarding the approval process. Mr. McNeil stated that Mr. Maylone suggested more administrative approvals be provided for shorter towers.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Moore referred to the proposed amendment regarding bar and restaurant uses and asked what the rationale is for the 15 seats for Restaurant, carry out and Restaurant drive in. Mr. McNeil stated that this stems from a discussion with Tuscarora Township and what has extended out of a couple of approvals. Mr. McNeil stated that not many carry out restaurants have many more seats than 15.

Mr. Muscott asked if the office, health and fitness center and personal service center use will address any other areas other than Indian River's needs. Mr. Muscott asked if this will be included in the Village Center Overlay and Commercial zoning district. Mr. McNeil stated that health and fitness center and personal service center use are being proposed for the Commercial zoning district as well. Mr. Muscott asked if tattoo and piercing parlors will be included under the personal

service center use. Mr. McNeil stated yes. Discussion was held. Mr. Muscott referred to the proposed rezoning amendment and noted that a two family dwelling use is listed as a duplex (Section 10.3.8) and two family dwelling (Section 4.2.1). Mr. Muscott referred to Section 10.2.2 and noted that animal husbandry and gardening are different uses and questioned why these uses are intermingled. Mr. McNeil stated that the different terms for dwellings have been identified as uses for the Planning Commission to review. Mr. Muscott stated his concerns regarding the different types of restaurant uses and noted that it may be more complicated than it needs to be. Mr. McNeil stated that there are a lot of different uses and an applicant can combine the uses into one application for one business. Mr. Muscott asked if these uses will be included in the Topinabee Village Center and if there has been any feedback from Mullett Township. Mr. McNeil stated Mullett Township has been provided this information, but there has not been a response from the township. Mr. McNeil stated that all the Village Centers are covered as well as some uses being provided in the Lake and Stream Protection, Agriculture and Forestry Management, Commercial and Residential. Mr. McNeil stated that these areas are covered with different restaurant uses. Mr. McNeil stated that this is covered in his memo. Mr. Kavanaugh asked if Mullett Township responded to Mr. McNeil's email. Mr. McNeil stated that he did not receive a response from the township.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:25 pm.

Charles Freese
Planning Commission Secretary

DRAFT



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: October 27, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; November 15, 2017 Public Hearing - Sign Ordinance Amendment regarding content neutral regulations and standards.

Included with this memo is the draft zoning ordinance amendment relative to the subject.

This ordinance amendment is proposed as a result of a Supreme Court decision known as Reed vs. Town of Gilbert. In this case the Court ruled that sign regulation based on the content or message of a sign is unconstitutional.

Section 1 of the amendment document removes sign provisions from Article 11 of the zoning ordinance relative the Natural Rivers Protection zoning district.

Section 2 of the amendment document repeals the definitions of Neighborhood identification sign, Noncommercial sign, Off-premise sign, Political sign and Real Estate as each are based on the content/message of a sign.

Section 3 of the amendment document proposes complete revision of section 17.19.2 regarding signs which do not require a permit. This section now describes signage based on use, construction type and duration of use.

Section 4 the amendment document revises section 17.19.3 regarding prohibited signs where the current content based regulation currently exists. This section now describes signage based on use and public safety concern.

Sections 5 and 6 propose revisions to Village Center Indian River and Village Center Topinabee zoning district sign requirements to remove reference to off premise signs.

Finally, section 7 of the amendment document provides clarifying language regarding billboards as regulated by the State of Michigan.

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

DRAFT
For 11/15/17 Public Hearing
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. Repeal of Section 11.7.1

Section 11.7.1. is hereby repealed and reserved for future use.

Section 2. 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 3. Amendment of Section 17.19.2.

Section 17.19.2. 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. Each sign shall be removed no more than two (2) days after the subject matter of the sign has expired, except as otherwise provided by law.
 - 2. The total sign surface area of all signs shall be no more than forty (40) square feet on lots with a lot width up to one hundred (100) feet. An additional ten (10) square feet of sign surface shall be allowed for each additional one hundred (100) feet of lot width up to a maximum of eighty (80) square feet of sign surface area except as otherwise provided by law.
 - 3. All signs shall be limited to 4 feet in height unless otherwise provided by law.
- C. Governmental signs.
- D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.
- E. Signs that have been approved in conjunction with a valid site plan or PUD.
- F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:
 - 1. Each sign shall be removed from the lot within thirty (30) days after the contract authorizing the sign matter of the sign has expired.
 - 2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
 - 3. There shall be no more than one (1) sign per lot.

- G. Signs on motor vehicles not used primarily for advertising purposes.
- H. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:
 - 1. Balloons, flags, pennants or pinwheels, shall not be placed on the lot more than fifteen (15) days before the specific event.
 - 2. Balloons flags, pennants or pinwheels shall be removed from the lot within two (2) days after the specific event is over.

Section 4. 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

The following signs are prohibited in all zoning districts.

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

Section 5. Amendment of Section 17.19.5.

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. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS

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

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

Section 6. Amendment of Section 17.19.5.A.

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.A VILLAGE CENTER TOPINABEE ZONING DISTRICT SIGN REQUIREMENTS

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

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

Section 7. Amendment of Section 17.19.7.D.

Section 17.19.7.D. 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 8. 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 9. 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: John B. Wallace
Its: Chairperson

By: Karen L. Brewster
Its: Clerk