



# CHEBOYGAN COUNTY PLANNING COMMISSION

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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 1, 2017 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

**PUBLIC HEARING AND ACTION ON REQUESTS**

**UNFINISHED BUSINESS**

1. Zoning Ordinance Amendment Regarding Office, Health And Fitness Center And Personal Service Center Uses
2. Zoning Ordinance Amendment Regarding Bar And Restaurant Uses
3. Zoning Ordinance Amendment Regarding Vehicle Repair And Fuel Sales Uses
4. 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.

**NEW BUSINESS**

**STAFF REPORT**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURN**



# 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/](http://www.cheboygancounty.net/planning/)

**Date: October 24, 2017**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re; Zoning Ordinance Amendment regarding Office, health and fitness center and personal service center uses.**

Included with this memo is a draft ordinance amendment dated 10/16/17 relative to the subject which has been subject to review by attorney Bryan Graham. There are recommended changes in the proposed definitions for Health and Fitness center and Personal service center with the reference to “commercial” establishments. The word commercial is added as referenced in bold print. There is also a recommended change to the definition of Office with the addition of an exclusion for home occupations as noted in bold print.

The remainder of the document remains as last reviewed. I believe the proposed amendment is in order for review at a public hearing.

The Planning Commission ask that the amendment as last reviewed be provided to Mullett Township officials for their review and comment within a 30 day time frame. A copy of the email communication regarding the same is included with memo.

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

10/16/17  
CHEBOYGAN COUNTY  
ZONING ORDINANCE AMENDMENT # \_\_\_\_\_  
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.  
200 RELATIVE TO OFFICE, HEALTH AND FITNESS CENTER AND PERSONAL  
SERVICE CENTER USES.

**Section 1. Amendment of Section 2.2.**

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

**Health and fitness center**

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

**Personal service center**

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

**Section 2. Amendment of Section 2.2.**

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

**Office.**

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

**Section 3. Amendment of Section 4.3.**

Section 4.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new section 4.3.13 . which shall read in its entirety as follows:

4.3.13 Planned Projects subject to provisions of Section 17.28.

**Section 4. Amendment of Section 6.2.**

Section 6.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following sections 6.2.31. and 6.2.32. which shall read in their entirety as follows:

6.2.31. Health and fitness center

6.2.32. Personal service center

**Section 5. Amendment of Sections 13A.2. and 13B.2.**

Sections 13A.2. and 13B.2. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to add the following sections 13A.2.18. and 13B.2.13. which shall read in their entirety as follows:

13A.2.18. Personal service center

13B.2.13. Personal service center

**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:  
John B. Wallace  
Its: Chairperson

By:  
Karen L. Brewster  
Its: Clerk

## Scott McNeil

---

**From:** Scott McNeil  
**Sent:** Monday, September 25, 2017 9:55 AM  
**To:** 'hobiekirsch@gmail.com'  
**Cc:** 'ozyshouse@charter.net'  
**Subject:** Zoning Ordinance Amendments regarding Restaurant and Office uses  
**Attachments:** Amendment - Uses related to bars and restaurants 9 21 17.pdf; Amendment - Uses related to Office personal service & health center 9 21 17.pdf

**Categories:** Red Category

Dear Hobie and Rachel;

Attached please find the subject ordinance amendments.

You will find in section 3 of the amendment related to restaurant uses that sections 13C.2.4 and 13D.2.1. are proposed to be amended to allow Restaurants and Restaurant, carry out, as proposed to be defined in the amendment, as uses which require site plan review in the Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) zoning districts respectively.

You will also find in the other amendment document a new definition for office. The new office definition will apply to the office use currently allowed with site plan review in the Village Center Topinabee zoning district.

These are being provided for review and any comment from the township before the Cheboygan County Planning Commission sets a public hearing on the amendments. They will consider setting a public hearing in 30 days.

Don't hesitate to contact me with any questions.

Best regards,  
Scott McNeil  
Community Development Planner  
Cheboygan County Planning and Zoning Department  
Phone - 231-627-8475  
Fax - 231-627-3646  
[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)



# 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/](http://www.cheboygancounty.net/planning/)

**Date: October 24, 2017**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re; Zoning Ordinance Amendment regarding bar and restaurant uses.**

Included with this memo is a draft ordinance amendment dated 9/25/17 relative to the subject which has been subject to review by attorney Bryan Graham.

As a matter of review, there are recommended changes in the proposed definitions for Bar and Restaurant with language referencing compliance with Michigan Liquor Commission requirements as referenced in bold print. There is also a recommended change to the definitions of Restaurant, carry out and Restaurant, drive with the word ‘accessory’, as noted in bold print, to further define a parking lot used with each use. You will also find the word “motor” added to further define vehicles as noted in bold print relative to the definition of Restaurant, drive in.

The remainder of the document remains as last reviewed. I believe the proposed amendment is in order for review at a public hearing.

The Planning Commission ask that the amendment as last reviewed be provided to Mullett Township officials for their review and comment within a 30 day time frame. A copy of the email communication regarding the same is included with memo.

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

9/25/17  
CHEBOYGAN COUNTY  
ZONING ORDINANCE AMENDMENT # \_\_\_\_\_  
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.  
200 RELATIVE TO BAR AND RESTAURANT USES.

**Section 1. Amendment of Section 2.2.**

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

**Bar**

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

**Drive-through**

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

**Restaurant**

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

**Restaurant, carry out**

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

**Restaurant, drive in**

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

**Restaurant, fast food**

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

**Section 2. Amendment of Section 2.2.**

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

**Family**

An individual or a group of individuals, whether related or unrelated, who are occupying a dwelling.

**Section 3. Amendment of Sections 6.2.3. 6.2.9., 9.3.5.,10.3.14, 13.2.2., 13A.2.4., 13B.2.2., 13C.2.4., and 13D.2.1**

Sections 6.2.3. 6.2.9., 9.3.5.,10.3.14, 13.2.2., 13A.2.4., 13B.2.2., 13C.2.4., and 13D.2.1 of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

- 6.2.3. Bar and Restaurant, Restaurant, carry out, Restaurant, drive in and Restaurant, fast food.
- 6.2.9 Drive-through's
- 9.3.5. Bar and Restaurant
- 10.3.14. Bar and Restaurant
- 13.2.2 Bar and Restaurant
- 13A.2.4. Bar, Restaurant and Restaurant, carry out.
- 13A.2.13. Restaurant and Restaurant, carry out.
- 13B.2.2. Bar, Restaurant and Restaurant, carryout.
- 13C.2.4. Bar, Restaurant and Restaurant carryout
- 13D.2.1. Bar, Restaurant and Restaurant carryout

**Section 4. Amendment of Sections 13.2.2., 13A.2.4., 13B.2.2., 13C.2.4., and 13D.2.1.**

Sections 13.2.11., 13A.2.13., 13B.2.8., 13C.2.12., and 13D.2.5. of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

**Section 5. Amendment of Section 13A.4.5**

Section 13A.4.5. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

13A.4.5. Outdoor seating for any use shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating.

**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: John B. Wallace  
Its: Chairperson

By: Karen L. Brewster  
Its: Clerk

## Scott McNeil

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**From:** Scott McNeil  
**Sent:** Monday, September 25, 2017 9:55 AM  
**To:** 'hobiekirsch@gmail.com'  
**Cc:** 'ozyshouse@charter.net'  
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Dear Hobie and Rachel;

Attached please find the subject ordinance amendments.

You will find in section 3 of the amendment related to restaurant uses that sections 13C.2.4 and 13D.2.1. are proposed to be amended to allow Restaurants and Restaurant, carry out, as proposed to be defined in the amendment, as uses which require site plan review in the Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) zoning districts respectively.

You will also find in the other amendment document a new definition for office. The new office definition will apply to the office use currently allowed with site plan review in the Village Center Topinabee zoning district.

These are being provided for review and any comment from the township before the Cheboygan County Planning Commission sets a public hearing on the amendments. They will consider setting a public hearing in 30 days.

Don't hesitate to contact me with any questions.

Best regards,  
Scott McNeil  
Community Development Planner  
Cheboygan County Planning and Zoning Department  
Phone - 231-627-8475  
Fax - 231-627-3646  
[scott@cheboygancounty.net](mailto:scott@cheboygancounty.net)  
[www.cheboygancounty.net/planning](http://www.cheboygancounty.net/planning)



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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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/](http://www.cheboygancounty.net/planning/)

**Date: October 23, 2017**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re; Zoning Ordinance Amendment regarding zoning ordinance amendment relating to Vehicle repair and fuel sales uses.**

Included with this memo is a draft ordinance amendment dated 10/13/17 relative to the subject which has been subject to review by attorney Bryan Graham. There is one recommended change as a result of Mr. Graham's review. Mr. Graham has recommended that the term "motorized and non-motorized recreational vehicles" be used in Section 3 of the amendment document (as noted in bold print). This term is proposed to replace the term "recreational vehicles".

The remainder of the document remains as last reviewed. I believe the proposed amendment is in order for review at a public hearing.

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

10/13/17  
CHEBOYGAN COUNTY  
ZONING ORDINANCE AMENDMENT # \_\_\_\_\_  
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.  
200 RELATIVE TO AUTO MAINTENANCE AND FUEL SALES USES.

**Section 1. Amendment of Section 2.2.**

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

**Car wash**

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

**Motor vehicle service station**

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

**Motor vehicle repair facility**

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

**Retail sales establishment, small-scale convenience**

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

**Section 2. Amendment of Section 2.2.**

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to delete the following definition

Gasoline service station.

**Section 3. Amendment of Section 6.2.9.**

Section 6.2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

6.2.2 Automobile, boat, **motorized and non-motorized recreational vehicles**, farm machinery sales and rental establishments.

**Section 4. Amendment of Section 6.2.**

Section 6.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add sections 6.2.32., 6.2.33. and 6.2.34. which shall read in their entirety as follows:

- 6.2.33. Car wash
- 6.2.34. Motor vehicle service station.
- 6.2.35. Retail sales establishment, small-scale convenience

**Section 5. Amendment of Sections 6.3.4., 9.3.2., 9.3.8., 13.3.1., 13A.3.2., 13C.3.2., 14.3.1. and 14.3.10.**

Sections 6.3.4., 9.3.2., 9.3.8., 13.3.1., 13A.3.2., 13C.3.2., 14.3.1. and 14.3.10. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

- 6.3.4. Motor vehicle repair facility
- 9.3.2. Motor vehicle repair facility
- 9.3.8. Retail sales establishment, small-scale convenience
- 13.3.1 Car wash, Motor vehicle service station and Motor vehicle repair facility
- 13A.3.2. Car wash, Motor vehicle repair facility
- 13C.3.2. Car wash and Motor vehicle repair facility
- 14.3.1 Motor vehicle repair facility
- 14.3.10. Retail sales establishment, small-scale convenience

**Section 6. Repeal of Sections 13.3.5., 13A.3.5., 13C.3.7. and 14.3.8.**

Sections 13.3.5., 13A.3.5., 13C.3.7. and 14.3.8. of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

**Section 7. 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 8. 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



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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PHONE: (231)627-8485 ■ FAX: (231)627-3646

[www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/)

**Date: October 23, 2017**

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Re: Staff Report regarding 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.**

## **1. Introduction**

The 5 Five-year Implementation Plan (Zoning Plan) within the Cheboygan County Master Plan Provides the following recommendation regarding the current Lake and Stream Protection zoning district;

*Refine these zoning districts to better identify water resources in need of protection rather than everything that is on a 7.5' USGS topographical map.*

The Lake and Stream Protection District (P-LS) is to include all property within five hundred (500) feet of the shoreline's ordinary high water mark (measured horizontally and perpendicular to the shoreline) of any lake, river or perineal stream. A large scale rezoning to this effect was accomplished in 2015.

The Planning Commission had recognized problems and conflicts with land zoned P-LS and neighboring land in other zoning districts in areas away of major lakes and rivers. In reviewing many zoning permits in areas that relate to Agricultural uses, we come across small, often dry, intermittent streams. Since they were shown on the USGS 7.5' topographic maps they changed the zoning for that area that is within 500 feet of that "stream" to Lake and Stream Protection (P-LS). The Planning Commission noted problems with this because it doesn't just add protection to a water body, it changed the whole zoning district for an area otherwise used and intended for use as agricultural or residential land.

Uses which are allowed in the P-LS zoning district include marinas, restaurants, retail stores, motels, and hotels. Also, the setbacks flip on lots located on lakes, rivers and streams so that the front setback is no longer 50 feet from a road as they would be for the neighbors in an Agriculture and Forestry Management (M-AF) zoning district. They are now 12 feet from the road. The Planning Commission also recognized negative unintended consequences using the current system of designating the boundaries of the P-LS zoning district. Many of the "streams" as shown of the USGS 7.5' topographic maps are intermittent streams or drains.

Many of the intermittent streams have no water in them except in years with higher than average spring runoff.

The changes brought forth by the rezoning included removing those properties which are not on a lake, river or on a perennial stream in the county from the P-LS zoning district. They were rezoned to be consistent with the zoning on neighboring property rather than being thrown into zoning district for streams. A copy of the 2015 rezoning map is included in figure 3 on page 9 of this report. This rezoning kept the existing 40 foot waterfront setback for those which already have ponds and intermittent streams as indicated on the USGS maps.

It has been discovered that the subject area contains an intermittent stream previously identified as a perineal stream and currently zoned P-LS. This rezoning is being recommended in order to be constant with the 2015 rezoning.

This report will provide information relative to current land uses in the subject area, future land uses and consistency with the Cheboygan County Comprehensive Plan and uses provided in the zoning ordinance as they relate to each of the subject area under the proposed rezoning.

## **2. Current Conditions and Land Uses.**

The subject area includes a total of 31 parcels. 15 parcels are currently zoned P-LS and 12 parcels contain P-LS and M-AF zoning. 1 parcel contains P-LS and D-RS zoning. 3 parcels contain less than 1 acre. 17 parcels contain between 1 and 5 acres. 7 parcels contain between 14 and 24 acres. One parcel contains 82.2 acres. A vast majority of the parcels display residential uses. Forested vacant land and agriculture uses are also found. These parcels are served by State Highway M-33, South Black River Road, Galbraith Road and St. Antoine Road. South Black River Road, Galbraith Road and St. Antoine Road are County Local Roads. The areas affected by the proposed rezoning and the proposed zoning districts are shown in figure 1 on page 7 of this report.

## **3. Future Land Uses. Consistency with the Cheboygan County Master Plan.**

As stated in the introduction, the 5 Five-year Implementation Plan (Zoning Plan) within the Cheboygan County Master Plan provides the following recommendation regarding the current Lake and Stream Protection zoning district;

*Refine these zoning districts to better identify water resources in need of protection rather than everything that is on a 7.5' USGS topographical map.*

The Cheboygan County Master Plan and Future Land Use Map provides for a future land uses which are desired in various areas of the county. The area proposed rezoning is located in the Forest/Agricultural future land use category on the Future Land Use Map.

The Future Land Use Map is shown in figure 2 on page 8 of this report.

The Cheboygan County Master Plan describes this future land uses as follows:

**Forest / Agricultural**

The Forest / Agricultural designation is intended to provide areas where management and production of crops and timber is the predominant land use. For comprehensive planning purposes, private lands in Cheboygan County were included in this category to include forestry or agriculture where they are well suited for future farm and forestry use. Forestry operations, farming and pasture are anticipated future uses for this area. Residential uses are consistent with farm and forestry operations when properly designed and located to minimize lands taken out of agricultural or forestry. Mineral extraction, especially sand and gravel operations, is anticipated to continue in the Forest / Agricultural areas. Specific uses directly related to forestry and agriculture, such as sawmills or agricultural product processing, are also consistent with the forest and agricultural classification. Ideally, a parcel size of forty acres or more is consistent with maintaining economically viable forestry and agricultural uses. However, it is also important to recognize that niche, high-value agricultural crops can be grown on as little as 1-2 acres. Open space or cluster residential incentives could encourage maintenance of larger lots for agriculture or forestry use. Appropriate uses for this area include forestry, agricultural operations, mineral extraction (such as oil & gas production), timber production, sawmills and agricultural product processing centers, smaller niche farming operations, open space or clustered residential. Also, appropriate uses include small to mid-size campgrounds and similar rural tourist lodging uses.

**4. Comparisons in the zoning setback and area requirements**

	P-LS Current	M-AF	D-RS
Minimum Dwelling Floor Area	720 S.F.	720 S.F.	720 S.F.
Minimum Dwelling Width	24 Ft.	No min.	14 Ft.
Minimum Lot Area	15000 S.F	1 acre	12,000 S.F.
Minimum Lot Width	100 Ft.	150 Ft.	75 Ft.
Minimum Front Setback	30 Ft.*	50 Ft.	30 Ft.
Minimum Side Setback	8 Ft.	10 Ft.	8 Ft.
Minimum Rear Setback	12 Ft.	30 Ft.	12 Ft.
Maximum Structure Height	35 Ft.	35 Ft.	35 Ft.

\* A non waterfront lot in the P-LS district has a required front setback of 30 ft. form a road. On a waterfront lot the water side is considered the front. The rear setback on a waterfront lot, most often the road, is 12 ft.

**5. Uses allowed in the existing P-LS zoning district**

**SECTION 10.2 PERMITTED USES**

- 10.2.1. Detached single family dwellings.
- 10.2.2. Gardening, not to include the raising of animals except dogs and/or cats as household pets. Raising, stabling or sheltering or other animals, unless authorized by a Special Land Use Permit, shall be a violation of this ordinance.
- 10.2.3. Home occupations as defined in Section 17.21.
- 10.2.4. Private storage buildings, subject to the requirements of Section 17.23

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

- 10.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special land uses and ARTICLE 18, SPECIAL LAND USE PERMIT PROCEDURES AND STANDARDS for instructions on applying for special land use permits.
- 10.3.2. Campgrounds, camps and clubs for recreational use.
- 10.3.3. Cabin colonies.
- 10.3.4. Retail stores and shops.
- 10.3.5. Boat liveries, marinas and launching ramps.
- 10.3.6. Golf courses, driving ranges and country clubs.
- 10.3.7. Motels and hotels.
- 10.3.8. Duplexes, multi-family and apartment buildings.
- 10.3.10. Schools, libraries, churches and municipal structures.
- 10.3.11. Housing of any animals other than pet dogs and/or cats.
- 10.3.12. Use of any parcel of waterfront property as a common use area for access to the water by more than one family unit. (See Section 10.4.4)
- 10.3.13. Public access sites.
- 10.3.14. Restaurant/Bar
- 10.3.15. Bed & Breakfasts

**6. Uses allowed in the D-RS zoning district**

**SECTION 4.2. PERMITTED USES**

- 4.2.1. Single Family Dwellings and Two Family Dwellings
- 4.2.2. Gardening.
- 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. *Reserved for future use*
- 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.
- 4.3.12. Planned Projects subject to provisions of Section 17.28.

### **7. Uses allowed in the M-AF zoning district**

#### **SECTION 9.2. PERMITTED USES**

- 9.2.1. Single and two family homes.
- 9.2.2. Farm dwellings, barns, stables, silos, housing for farm labor, and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses.
- 9.2.3. Agricultural, horticultural, dairy farming, cattle raising, poultry raising, livestock raising, forestry and other similar enterprises excluding however, rendering plants, commercial fertilizer production, garbage feeding or disposal activities.
- 9.2.4. Greenhouses and nurseries.
- 9.2.5. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business.
- 9.2.6. Home occupations as defined in this ordinance.
- 9.2.7. Essential services.
- 9.2.8. Cemeteries.
- 9.2.9. Private aircraft landing strips.
- 9.2.10. Temporary mobile homes and travel trailers maintained in sound running condition with a current vehicle license. (See SECTION 17.7).
- 9.2.11. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related activities.
- 9.2.12. Hunting grounds, fishing sites and wildlife preserves.
- 9.2.13. Private hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.2.14. Agricultural Building, Private Storage / Workshop Building, and Agricultural / Private Storage / Workshop Building (Rev. 04/12/07, Amendment #67)

### **SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS**

- 9.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE (SLU) PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.
- 9.3.2. Automobile repair and service and gasoline stations.
- 9.3.3. Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses.
- 9.3.4. Community buildings, public parks and recreational areas, playgrounds and campgrounds.
- 9.3.5. Entertainment and eating establishments.
- 9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)
- 9.3.7. Golf courses, country clubs and sportsmen's associations or clubs.
- 9.3.8. Grocery and party stores.
- 9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.
- 9.3.10. Slaughter houses and meat packing plants.
- 9.3.11. Travel trailer courts, tenting areas and general camping grounds.
- 9.3.12. Public airports and landing fields, with appurtenant facilities.
- 9.3.13. Non-essential public utility and service buildings.
- 9.3.14. Nursing or convalescent homes.
- 9.3.15. Animal feedlots or piggeries.
- 9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.
- 9.3.17. Kennels, pet shops and veterinary hospitals.
- 9.3.18. Junk yards, salvage yards, and waste disposal sites. (Rev. 04/26/08, Amendment #75)
- 9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)
- 9.3.20. Contractor's Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)
- 9.3.21. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)
- 9.3.22. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district.

#### **Summary**

This rezoning and change in the P-LS zoning district will create consistency with the 2015 rezoning and allows for the desired land uses that are more compatible with their neighbors because they will be in the same zoning district as their neighbors.

The Cheboygan County Master Plan and Future Land Use Map are supportive of this rezoning.

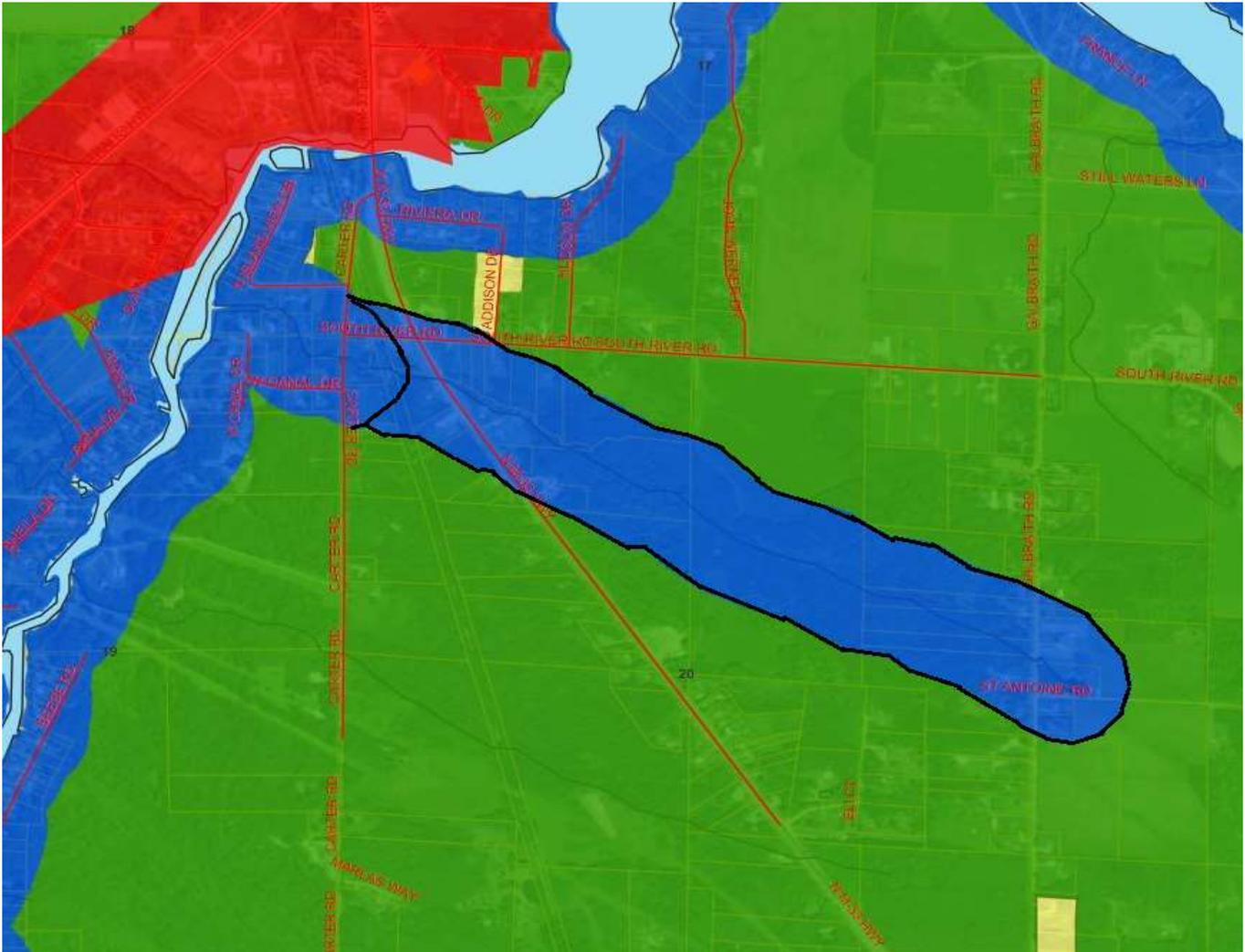


Figure 1

Image of subject area proposed for rezoning outlined in black.  
 Green = Agriculture and Forestry Management Zoning District (M-AF)  
 Blue = Lake and Stream Protection Zoning District (P-LS)  
 Red= Commercial Development Zoning District (D-CM)  
 Yellow = Residential Development District (D-RS)



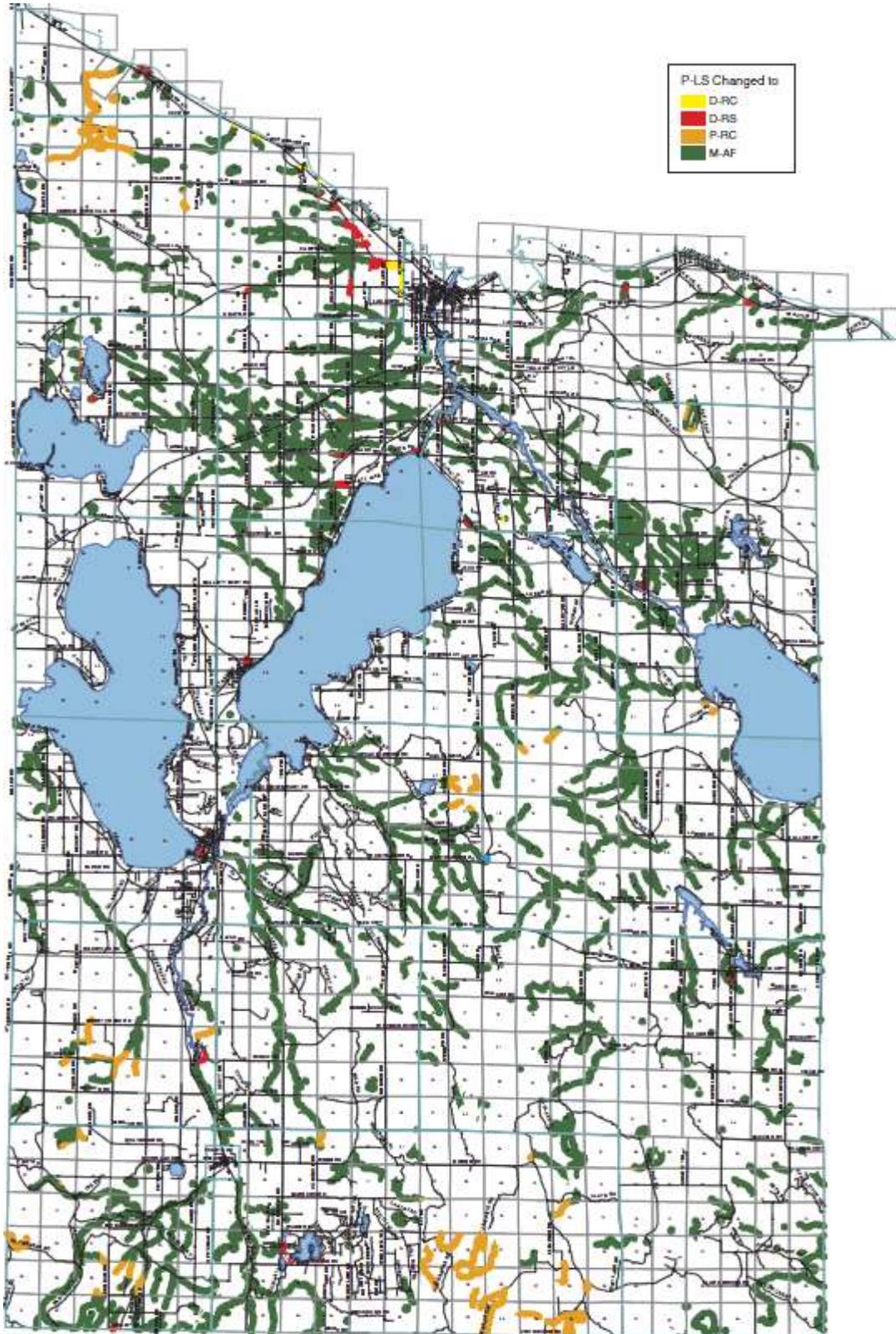


Figure 3  
2015 Rezoning Map

**CHEBOYGAN COUNTY**  
**Zoning Ordinance Amendment #**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

**Section 1. Amendment of Section 3.9.1.**

The zoning map incorporated into the Cheboygan County Zoning Ordinance No. 200 by Section 3.9.1 is hereby amended to rezone property located in sections 17, 20 and 21, T37N,R1W, Benton Township, Cheboygan County generally described property located within five hundred (500) feet from an intermittent stream as depicted in the map below from Lake and Stream Protection District (P-LS) to Agriculture and Forestry Management District (M-AF).



**Section 2. Amendment of Section 3.9.1.**

The zoning map incorporated into the Cheboygan County Zoning Ordinance No. 200 by Section 3.9.1 is hereby amended to rezone property located in section 17, T37N,R1W, Benton Township, Cheboygan County from the Lake and Stream Protection District (P-LS) to Residential Development District (D-RS). The land to be rezoned is described as follows:

Lot 8 of the Plat of Riviera, Cheboygan County Records.

**Section 3. 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 4. 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