



# 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, JANUARY 21, 2015 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

### **PUBLIC HEARING AND ACTION ON REQUESTS**

### **UNFINISHED BUSINESS**

1. Consideration to set a public hearing regarding an ordinance to amend Section 17.7 of the Cheboygan County Zoning Ordinance #200 to allow uses for tents, travel trailers, campers, recreational vehicles and undersized mobile homes outside of campgrounds and to allow outdoor storage of travel trailers, campers and recreational vehicles outdoors.

### **NEW BUSINESS**

1. Annual Meeting Election of Officers: Chairperson, Vice Chairperson and Secretary
2. Consideration of a Zoning Ordinance Amendment to remove all reference to Mixed Residential Zoning District.
3. Consideration of a Zoning Ordinance Amendment to increase the size of a deck or porch allowed in a required setback from nine (9) square feet to sixteen (16) square feet.
4. Consideration of 2016 Capital Improvement Program development time line.
5. Discussion regarding mapping of perennial streams.

### **STAFF REPORT**

### **PLANNING COMMISSION COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**

### **Items For Review That Do Not Require Action**

01/28/15 Zoning Board of Appeals Meeting – Cancellation Notice  
Otsego County Draft Master Plan



# 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, JANUARY 7, 2015 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk  
**ABSENT:** Churchill  
**STAFF:** Scott McNeil  
**GUESTS:** John F. Brown, Bob Lyon, Judy Ostwald, Russell Crawford, Cheryl Crawford, John Moore, Tony Matelski, C. Maziasz, Roger Gauthier, Samantha Brown

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. Ostwald, to approve the agenda as presented. Motion carried.

### APPROVAL OF MINUTES

The December 17, 2014 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk), 0 Nays, 1 Absent (Churchill)

### PUBLIC HEARING AND ACTION ON REQUESTS

#### *An ordinance to amend section 17.19. of the Cheboygan County Zoning Ordinance No. 200 to provide definitions, regulations and standards for signs.*

Mr. McNeil stated copies of the amendment are available for review. Mr. McNeil stated that within section 1 you will find updated language relative to the purpose statement designed to address issues relative to content neutrality and noncommercial content. Mr. McNeil stated in section 2 there is an updated definition for Off-Premise Sign. Mr. McNeil stated in section 3 there are new proposed definitions for Neighborhood Identification Sign and Window Signs. Mr. McNeil stated section 4 provides updated provisions relative to signs which do not require a permit. Mr. McNeil stated the Planning Commission is updating language relative to temporary signs which provides size limits and removal within 5 days of an event advertised. Mr. McNeil stated this will also provide for dwelling owner signs and signs with noncommercial message no larger than 8 square feet of surface area and no higher than 6 feet without a permit. Mr. McNeil stated there is updated language that aligns with the provisions in state election law with regards to political and election signs. Mr. McNeil stated there is updated language for signs on motor vehicles. Mr. McNeil stated section 5 sets forth the back ground for grandfathering all non-conforming signs as of September 25, 2014. Mr. McNeil that a video inventory has been recorded of all of the major roadways. Mr. McNeil stated non-conforming signs become grandfathered in with this amendment and there is language in the amendment that will allow the non-conforming signs to be replaced in their same size or less as long as any non-conformity like setback is not increased. Mr. McNeil stated section 6 provides additional language requiring a permit for erecting or displaying a sign. Mr. McNeil stated section 7 address wall signage. Mr. McNeil stated wall signage will be based on 10% of wall area that faces the public street up to a maximum of 300 square feet. Mr. McNeil stated this will better accommodates the larger retail buildings. Mr. McNeil stated window signs are now provided for in this amendment in all zoning districts except Residential Development, Rural Character/Country Living, Resource Protection and Natural River Protection. Mr. McNeil stated there is no limit to window signs that are not illuminated and noted that they do not require a permit. Mr. McNeil stated there is a limit of 2 window signs per structure if the signs are illuminated.

Ms. Croft asked if this amendment has been reviewed by legal counsel. Mr. McNeil stated yes.

Mr. Jazdzyk asked if all of the signs have been included in the video inventory or if it is only the signs along the major roads. Mr. McNeil stated only signs along the major roads were included. Mr. Jazdzyk asked how existing signs not included in the inventory will be handled in the future. Mr. McNeil stated he would look for evidence from the owner such as a picture.

Ms. Croft asked for public comments. There were no public comments. Public comment closed.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval as their earliest convenience. Motion carried.

**An ordinance to amend the zoning map incorporated into the Cheboygan County Zoning Ordinance No. 200 by Section 3.9.1 to rezone the property located in Koehler Township, Cheboygan County from Lake and Stream Protection (P-LS) and Mixed Residential Development District (D-MR) to Residential Development District (D-RS) and described as follows: The entire Plat of Village of LeGrand.**

Mr. McNeil reviewed a map of the area that is proposed to be rezoned. Mr. McNeil stated the current zoning is Mixed Residential Development. Mr. McNeil stated a few years ago the Planning Commission rezoned Mixed Residential Development areas and replaced with zonings that were consistent with the zoning map. Mr. McNeil stated all other subdivisions are zoned Residential Development with the exception of this Village of LeGrand. Mr. McNeil stated it is proposed that Village of LeGrand be rezoned to Residential Development in order for the zoning to be consistent with the remainder of the county.

Mr. Freese asked if any references in the regulation to Mixed Residential Development could be deleted at the same time. Mr. McNeil stated he will check into Mr. Freese's request. Mr. McNeil noted that if there are any text changes in the ordinance it would have to be done through a public hearing. Discussion was held.

Ms. Croft asked for public comments. There were no public comments. Public comment closed.

The Planning Commission reviewed the General Findings and added "The Planning Commission finds that this is the last Mixed Residential Development area within the county and if approved this would remove Mixed Residential Development zoning within the county." as #3. The Planning Commission reviewed the Rezoning Factors:

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

- A. The Planning Commission finds that properties are located in a recorded plat. The Planning Commission also finds that properties in other recorded plats in the county are zoned D-RS. See exhibit 4
- B. The Planning Commission finds that current land uses are residential in nature.

**Motion** by Ms. Lyon, seconded by Mr. Freese, that the factor has been met based on Will Support the Factor A and B. Motion carried.

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

- A. The Planning Commission finds that there is no evidence that the proposed rezoning would result in an adverse physical impact on surrounding properties as like uses currently exist. Activities which could occur if the subject properties are rezoned would not physically disturb the properties surrounding the land proposed for rezoning. See exhibit 4

**Motion** by Mr. Borowicz seconded by Mr. Kavanaugh, that the factor has been met based on Will Support the Factor A. Motion carried.

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

- 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 rezoning is approved, there would be an adverse effect on property values in the areas proposed for rezoning.

**Motion** by Mr. Kavanaugh seconded by Mr. Borowicz, that the factor has been met based on Will Support the Factor A. Motion carried.

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

A. The Planning Commission finds that land use along and adjacent to the properties proposed for rezoning is residential in nature and a viable justification for the rezoning. See exhibit 4

**Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, that the factor has been met based on Will Support the Factor A. Motion carried.

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

A. The Planning Commission finds that given the use of surrounding properties which are not subject to the rezoning, there is no evidence that the rezoning would deter the improvement or development of adjacent property in accordance with existing regulations and the proposed rezoning is consistent with the future land use plans as proposed in Cheboygan County's future land use map. See exhibit 4.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factor has been met based on Will Support the Factor A. Motion carried.

**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)?**

A. The Planning Commission finds that the properties are vacant or residential in nature and the rezoning will not grant a special privilege to an individual property owner. See exhibit 4

**Motion** by Mr. Freese, seconded by Ms. Lyon, that the factor has been met based on Will Support the Factor A. Motion carried.

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

A. The Planning Commission finds that the properties proposed for rezoning are not consistent with the future land use map and not consistent with current zoning of other recorded plats in the county. See exhibit 3.

**Motion** by Mr. Borowicz, seconded by Mr. Freese, that this factor does not apply. Motion carried.

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

A. The Planning Commission finds that the future use of the properties proposed for rezoning is Residential and consistent with the categories of as provided on the Future Land Use Map and the County's Master Plan. See Exhibit 8.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factor has been met based on Will Support the Factor A. Motion carried.

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

A. The Planning Commission finds that the properties are served by adequate public facilities.

**Motion** by Mr. Freese, seconded by Mr. Borowicz, that the factor has been met based on Will Support the Factor A. Motion carried.

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

A. The Planning Commission finds that this factor is not applicable.

**Motion** by Mr. Borowicz, seconded by Mr. Borowicz, that the factor is not applicable. Motion carried.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that based upon the general findings of fact and the rezoning factors that the proposed rezoning as provided in the attached amendment documents is hereby recommended to be approved. Motion carried.

**Motion** by Mr. Borowicz, seconded by Mr. Freese, to forward the amendment to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that any references in the Zoning Ordinance referring to Mixed Residential

Development be deleted as an administrative change if the Cheboygan County Board of Commissioners approves the rezoning thereby eliminating Mixed Residential Development in the county. Motion carried.

**UNFINISHED BUSINESS**

Mr. Borowicz asked for an update on the Lake and Stream Protection rezoning amendment. Mr. McNeil stated that he hopes to have an update at the next Planning Commission meeting.

**NEW BUSINESS**

Mr. Freese stated that he has run into a problem with the construction of his daughter's addition to her clinic. Mr. Freese stated the zoning regulation allows a porch to extend into the setback areas if it does not exceed 3ft. x 3ft. Mr. Freese stated that by following the Department of Building Safety requirements and putting in railings that are required for a commercial building, you will end up with a 2ft. wide door which does not meet code. Mr. Freese stated the exemption for porches into setback areas must be reviewed so that the dimensions can comply with handicap access. Mr. Freese explained that a porch is required because there is one step out of the door. Mr. Freese stated a step is a stairway and a stairway requires a minimum of a 3ft. x 3ft. landing. Discussion was held regarding the difference between commercial requirements and residential requirements. Mr. Kavanaugh suggested that Mr. McNeil research this issue further.

**STAFF REPORT**

Mr. McNeil stated the items on the next Planning Commission will be Lake and Stream Protection, discussion of camping amendment after review by legal counsel, annual meeting housekeeping and CIP timeline.

**PLANNING COMMISSION COMMENTS**

No comments.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:32pm.

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Charles Freese  
Planning Commission Secretary



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Consideration of zoning ordinance amendment relative to use of Tents, Campers, Travel Trailers, Motor Homes and Undersize Mobile Homes.**

**Date: January 14, 2015**

Attached please find the subject amendment document which has been subject to review by legal counsel.

As a result provisions requiring storage when not in use in the Residential and Lake and Stream zoning districts is now provided in a new section 17.7.5.e as opposed to being listed under subsection 17.7.4.d.1. Also language has been added to section 17.7.6. to clarify that the provisions for short term stays by guests and immediate family are separate from the provisions in 17.7.5. The remainder of the amendment remains as previously discussed.

I believe the amendment is in order to set a public hearing. I will look forward to further discussion on this matter. As always, please do not hesitate to contact me with questions or comments.

12/23/14 DRAFT

**CHEBOYGAN COUNTY**  
**Zoning Ordinance Amendment # \_\_\_\_**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE #200 TO ALLOW USES FOR TENTS, TRAVEL TRAILERS, CAMPERS, RECREATIONAL VEHICLES AND UNDERSIZED MOBILE HOMES OUTSIDE OF CAMPGROUNDS AND TO ALLOW OUTDOOR STORAGE OF TRAVEL TRAILERS, CAMPERS AND RECREATIONAL VEHICLES OUTDOORS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

**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 definitions shall read in their entirety as follows;

**Caretaker**

A person who is employed or otherwise retained to maintain and/or manage a property.

**Immediate Family**

A person's parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild.

**Mobile Home, Undersized**

A Mobile Home which does not meet the minimum floor area and building width requirements for a dwelling unit as required by this ordinance for a particular zoning district.

**Tent**

A portable temporary shelter, typically made of canvas, nylon or similar material, stretched over a supporting framework and used for a brief period of time and for recreational purposes only.

**Watchman**

A person who is employed or otherwise retained to stand guard or keep watch over a property.

## **Section 2. Amendment of Section 17.7.**

Section 17.7. of the Cheboygan County Zoning Ordinance #200 is hereby amended to read in its entirety as follows;

### **SECTION 17.7. USE OF TENTS, TRAVEL TRAILERS, CAMPER, RECREATIONAL VEHICLES AND UNDERSIZED MOBILE HOMES**

A person may use a tent, travel trailer, camper, recreational vehicle or undersized mobile home outside of a campground in any zoning district as a temporary dwelling, as an office for a caretaker or watchman, as a contractor's office and/or as a contractor's storage purposes, for vacation and hunting stays, for short term stays on a lot with a principal single family dwelling and a travel trailer, camper or recreational vehicle may be stored out of doors as provided in this section.

17.7.1. A tent, travel trailer, camper, recreational vehicle or undersized mobile home may be used as a temporary dwelling while the owner of the lot completes construction of a single family or two family dwelling on that lot, provided all of the following requirements are met:

17.7.1.a The owner obtains a zoning permit for the temporary dwelling under Section 21.3 of this Ordinance.

17.7.1.b The temporary dwelling fully complies with all setbacks requirements of the zoning district within which it is located.

17.7.1.c No more than one (1) tent, travel trailer, camper, recreational vehicle or undersized mobile home is located on the lot while construction is ongoing.

17.7.1.d A building permit has been issued for construction of the dwelling.

17.7.1.e. Except as provided herein, the temporary dwelling is occupied for no more than twelve (12) consecutive months. A zoning permit may be issued for an additional twelve (12) consecutive month period provided construction of the dwelling for which a building permit has been issued in conjunction with the temporary dwelling is 50% complete or more. A zoning permit may be issued for a second additional twelve (12) consecutive month period provided construction of the dwelling for which a building permit has been issued in conjunction with the temporary dwelling is 75% complete or more.

17.7.1.f The temporary dwelling has a method of sewage and waste disposal that meets the requirements of the local Health Department.

17.7.1.g Use of the temporary dwelling shall cease within thirty (30) days of the issuance of an occupancy permit for the dwelling for which the building permit was issued.

17.7.1.h The temporary dwelling is removed from the lot within thirty (30) days of the issuance of an occupancy permit for the dwelling for which the building permit was issued unless used or stored in conformance with this ordinance.

17.7.2. An undersized mobile home may be used as an office for a caretaker or watchman provided all of the following requirements are met:

17.7.2.a The use is located in the Agriculture and Forestry Management, Commercial Development, Light Industrial Development or General Industrial Development District.

17.7.2.b The owner obtains a zoning permit for the office use under Section 21.3 of this Ordinance.

17.7.2.c The undersized mobile home fully complies with all setback requirements of the zoning district within which it is located.

17.7.2.d The office use is accessory to a main use on the same lot.

17.7.2.e The undersized mobile home used by a caretaker or watchman is located in the rear portion of the lot, or if on a vacant lot, is located on the one half (1/2) of the lot furthest from the road.

17.7.2.f No more than one (1) undersized mobile home is located on the lot for use as an office for the caretaker or watchman.

17.7.2.g. The undersized mobile home has a method of sewage and waste disposal that meets the requirements of the local Health Department.

17.7.3. A travel trailer, camper, recreational vehicle or undersized mobile home may be used as a temporary contractor's office and/or storage purposes, provided all of the following requirements are met:

17.7.3.a The owner obtains a zoning permit for the office and/or storage use under Section 21.3 of this Ordinance.

17.7.3.b The office and/or storage use is in conjunction with a construction project that has been authorized in accordance with this ordinance.

17.7.3.c The travel trailer, camper, recreational vehicle or undersized mobile home fully complies with all setbacks requirements of the zoning district within which it is located.

17.7.3.d The travel trailer, camper, recreational vehicle or undersized mobile home has a method of sewage and waste disposal that meets the requirements of the local Health Department.

17.7.3.e The travel trailer, camper, recreational vehicle or undersized mobile home is removed from the lot within thirty (30) days of the completion of the construction project authorized under this Ordinance.

17.7.4. A tent, travel trailer, camper or recreational vehicle may be used in the Agriculture and Forestry Management zoning district without a zoning permit, for vacation and hunting stays provided all of the following conditions and requirements are met:

17.7.4.a. Each tent, travel trailer, camper, or recreational vehicle fully complies with all setbacks requirements of the district.

17.7.4.b. Each tent, travel trailer, camper, or recreational vehicle has a method of sewage and waste disposal that meets the requirements of the local Health Department.

17.7.5. A tent, travel trailer, camper or recreational vehicle may be used in the all zoning districts except the Agriculture and Forestry Management zoning district without a zoning permit, for vacation and hunting stays provided all of the following conditions and requirements are met:

17.7.5.a. For lots less than one half (1/2) acre in area, no more than one (1) tent, travel trailer, camper or recreational vehicle shall be used as authorized by this subsection on the lot at the same time.

17.7.5.b. For each additional full one half (1/2) acre of lot area one (1) additional tent, travel trailer, camper or recreational vehicle may be used as authorized by this subsection on the lot at the same time with a maximum of four (4) such tents, travel trailers, campers or recreational vehicles.

17.7.5.c. Each tent, travel trailer, camper, or recreational vehicle fully complies with all setbacks requirements of the zoning district within which it is located.

17.7.5.d. Each tent, travel trailer, camper, or recreational vehicle has a method of sewage and waste disposal that meets the requirements of the local Health Department.

17.7.5.e. Each tent, travel trailer, camper, or recreational vehicle that is used in the Lake and Stream Protection and Residential Development zoning districts, in addition to complying with the regulations of subsections 17.7.5.a through 17.7.5.d. shall be removed from the lot during periods when not being used for vacation or hunting stays, unless stored under the requirements of Section 17.7A of this Ordinance.

17.7.6. Notwithstanding the regulations of subsection 17.7.5, if a tent, travel trailer, camper, or recreational vehicle is used on a lot that has a principal single family dwelling within all zoning districts except the Agricultural and Forest Management zoning district, then that tent, travel trailer, camper, or recreational vehicle may be used without a zoning permit for short term stays by the guests and immediate family of the owner or occupant of the lot, provided all of the following applicable requirements are met:

17.7.6.a. No more than a total of four (4) tents, travel trailers, campers, or recreational vehicles are used as authorized by this subsection on the lot at the same time.

17.7.6.b. Each tent, travel trailer, camper, or recreational vehicle is used in no more than three (3) periods of use in a calendar year, with each period of use being no more than twenty-one (21) consecutive days.

17.7.6.c Each tent, travel trailer, camper, or recreational vehicle fully complies with all setback requirements of the zoning district within which it is located.

### **Section 3. Addition of Section 17.7A.**

The Cheboygan County Zoning Ordinance #200 is hereby amended to add a new Section 17.7A, which shall read in its entirety as follows:

#### **SECTION 17.7A. STORAGE OF TRAVEL TRAILERS, CAMPERS, RECREATIONAL VEHICLES.**

An unoccupied travel trailer, camper, or recreational vehicle may be stored outdoors without a zoning permit by the owner thereof on their own property, provided the following requirements are met:

17.7A.1. When a travel trailer, camper, or recreational vehicle is stored on a lot with a main building the travel trailer, camper, or recreational vehicle shall be stored in the rear yard of the lot when the rear yard can be accessed without traveling on the adjacent lots. When the rear yard cannot be accessed without traveling on the adjacent lots, then the travel trailer, camper, or recreational vehicle may be stored in the side yard of the lot.

17.7A.2. When a travel trailer, camper, or recreational vehicle is stored on a vacant non waterfront lot, the travel trailer, camper, or recreational vehicle shall be stored on the one half (1/2) of the lot furthest from the road.

17.7A.3. When a travel trailer, camper, or recreational vehicle is stored on a vacant waterfront lot, the travel trailer, camper, or recreational vehicle shall be stored on the one half (1/2) of the lot furthest from the front lot line. A travel trailer, camper, or

recreational vehicle shall not be stored on a vacant waterfront lot which does not meet minimum lot size requirements for a dwelling.

17.7A.4. The travel trailer, camper, or recreational vehicle is stored in full compliance with all setback requirements of the zoning district within which it is located.

17.7A.5. If stored within thirty (30) feet of a side property line, all such travel trailers, campers, or recreational vehicles must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet, privacy fence with a minimum height of six (6) feet or natural foliage sufficient to provide screening from view of the side property line.

**Section 4. Severability.**

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

**Section 5. Effective Date.**

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

CHEBOYGAN COUNTY

By:  
Linda Socha  
Its: Chairperson

By:  
Mary Ellen Tryban  
Its: Clerk



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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**Date: January 15, 2015**

**To: Planning Commissioners**

**From: Scott McNeil**

**Re: Draft Zoning Ordinance Amendment to remove all references to Mixed Residential Development District.**

Attached please find a proposed amendment relative to the subject pursuant to direction provided by the Planning Commission at the most recent meeting.

The amendment provides for the removal of all references to the Mixed Residential Zoning District by rewriting each section of the zoning ordinance where the same was found.

As I reviewed the provisions in each of the sections of the ordinance affected I noted in section 7.4.2. relative to the Light Industrial zoning district and section 8.4.2. relative to the General Industrial zoning district are requirements for a setback from specified zoning districts (which currently includes the Mixed Residential district) for uses as described in sections 6.2. and 6.3., which are permitted uses and uses requiring a special use permit in a Commercial Development zoning district.

Attached is a notice regarding the amendment which references reducing the setback regarding commercial and industrial uses.

Below are sections 7.4.1. through 7.4.2.2. and sections 8.4.1 through 8.4.2.2. taken from the 2004 zoning ordinance regarding the Light Industrial and General Industrial zoning districts respectively;

- 7.4.1. 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.
- 7.4.2. When adjacent to a Residential or Mixed Residential Development District or a Lake and Stream Protection District, uses described in Sections 7.2. and 7.3. shall;
  - 7.4.2.1. Be located not less than two hundred (200) feet distant from any Residential or Mixed Residential Development or Lake and Stream Protection District and not less than one hundred (100) feet from any other district.
  - 7.4.2.2. Require a green belt, wall or concealing fence in accordance with Section 17.18

- 8.4.1. 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.
- 8.4.2. When adjacent to a Residential or Mixed Residential Development District or a Lake and Stream Protection District, uses described in Sections 8.2. and 8.3. shall;
  - 8.4.2.1. Be located not less than eight hundred (800) feet distant from any Residential or Mixed Residential Development or Lake and Stream Protection District and not less than three hundred (300) feet from any other district.
  - 8.4.2.2. Require a green belt, wall or concealing fence in accordance with Section 17.18.

You will note uses as described in sections 7.2, 7.3, 8.2 and 8.3 are cited, which are the permitted uses and uses requiring a special use permit in the Light Industrial and General Industrial zoning districts.

Also attached is a copy of Amendment #60 which was approved by the Cheboygan County Board of Commissioners in August of 2006. It appears the 2006 amendment mistakenly changed the reference to uses in sections 6.2. and 6.3. from uses in sections 7.2., 7.3., 8.2 and 8.3 when amending sections 7.4.2. and 8.4.2. I will look forward to discussing this with the Planning Commission in addition to the remainder of the proposed amendment.

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

CHEBOYGAN COUNTY  
Zoning Ordinance Amendment # \_\_\_

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 TO REMOVE ALL REFERENCES TO THE MIXED RESIDENTIAL DEVELOPMENT (D-MR) ZONING DISTRICT.

**Section 1. Amendment of Section 3.6.4.3.**

Section 3.6.4.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

3.6.4.3. Junkyards, salvage yards and places for storage, wrecking, dismantling and disposing of industrial, agricultural and automotive vehicles, powered and non-powered, and other junk and refuse materials must be located in completely enclosed buildings or have open junk or storage yards or areas entirely enclosed by an obscuring eight (8) foot high wall, fence or green belt. Junk and salvage yard facilities shall be located not less than two hundred feet (200) feet from any Residential or Lake and Stream Protection District and not less than one hundred (100) feet from any other district.

**Section 2. Amendment of Section 3.7.1.**

Section 3.7.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

3.7.1. All outdoor lighting used for illumination of any premises, within the Residential Development (D-RS), Lake and Stream Protection (P-LS) and Natural Rivers Protection (P-NR) zoning districts, shall be shielded to prevent glare.

**Section 3. Amendment of Section 3.8.1.**

Section 3.8.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

3.8.1. This ordinance establishes the following zoning districts in Cheboygan County.

**Development Districts**

D-RS Residential  
D-CM Commercial  
D-LI Light Industrial  
D-GI General Industrial  
D-RC Rural Character/Country Living

**Village Center Districts**

D-VC Village Center  
VC-IR Village Center Indian River  
VC-IR-O Village Center Indian River Overlay  
VC-T Village Center Topinabee  
VC-T-O Village Center Topinabee Overlay  
VC-T-RO Village Center Topinabee Residential Overlay

**Management District**

M-AF Agriculture & Forestry

**Protection Districts**

P-LS Lake and Stream  
P-NR Natural Rivers  
P-RC Resource Conservation

### **Section 3. Repeal of provisions of Article 5**

The provisions of Article 5 of the Cheboygan County Zoning Ordinance No. 200 is hereby repealed in its entirety and shall be reserved for future use.

### **Section 4. Amendment of section 6.2.1**

Section 6.2.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

6.2.1. Any use permitted in the D-RS, Residential Development District.

### **Section 5. Amendment of section 6.4.2**

Section 6.4.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

6.4.2. When adjacent to a Residential Development District, Rural Character/Country Living District, Lake and Stream Protection District, or Natural Rivers Protection District, uses described in Sections 6.2. and 6.3. shall be located not less than fifty (50) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with Section 17.18.

### **Section 6. Amendment of section 7.4.2**

Section 7.4.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

7.4.2. When adjacent to a Residential Development District, Rural Character Country Living District, Lake and Stream Protection District, or Natural Rivers Protection District, uses described in Sections 6.2. and 6.3. shall be located not less than seventy five (75) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with Section 17.18.

### **Section 7. Amendment of section 8.4.2**

Section 8.4.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

8.4.2. When adjacent to a Residential Development District, Rural Character Country Living District, Lake and Stream Protection District, or Natural Rivers Protection District, uses described in Sections 6.2. and 6.3. shall be located not less than seventy five (75) feet distant from any of these zones and shall require a green belt, wall or concealing fence in accordance with Section 17.18.

**Section 8. Amendment of Section 17.1.**

Section 17.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to remove the following row:

		Minimum Floor Area	Minimum Building Width	Min. Lot Size		Min. Yard Setbacks (feet)			Maximum Height of Structures
Zoning District		Sq. ft.	Feet	Area (Sq.ft.)	Width (ft.)	Front	Sides	Rear	Feet
<u>D-MR</u>	<u>Mixed Residential Development</u>	720 <sup>D</sup>	No Min	12,000 <sup>D</sup>	75 <sup>D</sup>	30	8	12	35

**Section 9. Amendment of section 17.16.a.**

Section 17.16.a. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

a. The commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Protection Lake and Stream (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts.

**Section 10. Amendment of section 17.23.1.**

Section 17.23.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**17.23.1 STANDARDS**

The following standards apply to private storage buildings and uses on the Residential (D-RS), Rural Character/Country Living (D-RC) and Lake and Stream Protection (P-LS) zoning districts. Private storage buildings that are allowed in other zoning districts do not have to abide by this section, but must follow all other applicable standards.

**Section 11. Severability.**

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

**Section 12. Effective Date.**

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

CHEBOYGAN COUNTY

By:

Peter Redmond  
Its: Chairperson

By:

Mary Ellen Tryban  
Its: Clerk



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**DRAFT**

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Consideration of zoning ordinance amendment relative to decks and porches allowed in a required setback.**

**Date: January 14, 2015**

Attached please find the subject draft amendment document.

By review of the proposed amendment you will note that I am recommending the current 9 square foot allowance of a porch or deck in a required side setback remain in the Residential Development District, Lake and Stream Protection District, Natural Rivers Protection District and Village Center Topinabee Residential Overlay District where 8 foot side setbacks or less are allowed. The proposed amendment allows porches and decks up to 16 square feet in all required setbacks in all other zoning districts and in front and rear setbacks in the Residential Development District, Lake and Stream Protection District, Natural Rivers Protection District and Village Center Topinabee Residential Overlay District.

I have discussed this issue with Mr. Matt Cronk, Cheboygan County Building Official, who has advised that a porch measuring 4 ft. wide and 4 ft. deep will meet minimum requirements under the building code for most applications to commercial buildings. Mr. Cronk advised that entrance and exit discharges are susceptible to a building's use group and occupancy load and will have various requirements based upon those calculations for a given project.

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

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE #200 TO PROVIDE FOR PORCHES, DECKS AND SIMILAR STRUCTURES TO BE ALLOWED IN A REQUIRED SETBACK.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS;

**Section 1. Amendment of Section 17.2.2.b.**

Section 17.2.2.b. of the Cheboygan County Zoning Ordinance #200 is hereby amended to read in its entirety as follows;

b. Decks, covered porches, or similar structures, including attached railings, which provide ingress and egress from a building and which are no larger than sixteen (16) square feet in shall be permitted within any required setback except decks, covered porches, or similar structures, including attached railings, which provide ingress and egress from a building and which are no larger than nine (9) square feet shall be permitted in any required side setback in the Residential Development District, Lake and Stream Protection District, Natural Rivers Protection District and Village Center Topinabee Residential Overlay District.

**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

**Proposed Cheboygan County Planning Commission 2016 Capital Improvement Program Proposed Development Timeline.**

January 8, 2015

**January 22, 2015 to March 20, 2015.** The staff of the Community Development Department will gather project information from the agencies and departments within the county for inclusion in the CIP and present the same for review by the Cheboygan County Planning Commission.

**April 4, 2015 to June 3, 2015.** The proposed projects are reviewed by the Planning Commission. Agency and department representatives may provide a report to the Planning Commission by request.

**June 17, 2015.** 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 1, 2015.** The staff of the Community Development Department will present a draft CIP document to the Planning Commission for review.

**August 5, 2015.** The Planning Commission holds a public hearing on the draft CIP and may make changes to the draft CIP accordingly.

**August 19, 2015.** The Planning Commission will forward the final draft CIP, along with a recommendation, to the Cheboygan County Board of Commissioners.

**November 4, 2015 to December 2, 2015.** 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.

# **NOTICE**

**The January 28, 2015 Cheboygan County Zoning Board of Appeals meeting has been cancelled.**

The next Zoning Board of Appeals meeting will be held on February 25, 2015 at 7:00pm in the Commissioner's Room (#135) of the Cheboygan County Building.

**Comments and correspondence may be sent to the Planning & Zoning Department, PO Box 70, 870 S. Main, Rm. 103, Cheboygan, MI 49721.**



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

*Information Only. No action required.*

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Otsego County – Master Plan Draft.**

**Date: January 14, 2014**

Attached please find a copy of a letter received on this date regarding the distribution of the Otsego County Master Plan Draft and welcoming comments in writing. A copy has been provided on a disc. Please let me know if you would like a copy.



*Otsego*  
**COUNTY**  
M I C H I G A N

**Department of  
Land Use Services**

1322 Hayes Rd • Gaylord, MI 49735  
Phone (989)731-7420 • Fax (989)731-7429  
[www.otsegocountymi.gov](http://www.otsegocountymi.gov)

January 12, 2015

**RECEIVED**  
**JAN 14 2015**  
**CHEBOYGAN COUNTY**  
**PLANNING & ZONING**

RE: Otsego County –Master Plan Distribution Draft

To Adjacent Communities and Other Interested Parties:

The Otsego County Planning Commission has completed updating its Master Plan. On behalf of the Otsego County Planning Commission, pursuant to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, we are distributing copies of the proposed Plan. Comments are welcome in writing and should be mailed to:

Otsego County Land Use Services  
C/O Staff-Planning Commission  
1322 Hayes Rd  
Gaylord, MI 49735

Comments may also be sent via e-mail to [vschlaud@otsegocountymi.gov](mailto:vschlaud@otsegocountymi.gov); please add "Master Plan comments" in the subject line. We request that you include your name and contact information in case any further information is needed.

A public hearing is scheduled for **March 16, 2015**. The proposed and adopted Master Plan will be on the Otsego County website at [www.otsegocountymi.gov](http://www.otsegocountymi.gov) when available.

Thank you for your cooperation and comments.

Sincerely,

Vern Schlaud, Director  
Otsego County Land Use Services  
[vschlaud@otsegocountymi.gov](mailto:vschlaud@otsegocountymi.gov)