



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, DECEMBER 6, 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. **DAVE FERNELIUS** – Requests a Site Plan Review for auto sales show room, auto receiving and office addition (section 6.2.2). The property is located at 10459 N. Straits Hwy., Inverness Twp, section 7, parcel # 092-007-400-009-02 and # 092-007-400-009-03 and is zoned Commercial Development (D-CM).
2. An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to rezone property located within five hundred (500) feet from an intermittent stream located in sections 17, 20 and 21, T37N,R1W, Benton Township, Cheboygan County from Lake and Stream Protection District (P-LS) to Agriculture and Forestry Management District (M-AF) and Residential Development District (D-RS).
2. An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to establish and consolidate use listings related to motor vehicle maintenance and fuel sales.
3. An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to establish and consolidate use listings related to bar and restaurant uses.
4. An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to establish and consolidate use listings related to office, health and fitness center and personal service center uses.

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 15, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Borowicz, Croft, Lyon, Jazdzyk
ABSENT: Churchill, Kavanaugh, Ostwald
STAFF: Scott McNeil
GUESTS: Carl Muscott, Eric Boyd, Roberta Matelksi, John Moore, Karen Johnson, Russell Crawford, Cheryl Crawford

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. Mr. McNeil stated that he presented the amendment for the boat shelter overlay district to the Cheboygan County Board of Commissioners and they expressed a concern regarding the limitation of the size of the boat shelter based on the width of the lot. Mr. McNeil explained that the regulation states 16ft. or 20%, whichever is less. Mr. McNeil stated that the Board voted unanimously to remand that section of the amendment back to the Planning Commission. Mr. McNeil stated that the Board was concerned regarding utility and even though someone may have a small lot there should be a chance for these property owners to have a reasonable size shelter like other lots. Mr. McNeil requested that this item be added to the agenda for review. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to approve the agenda with the addition of the boat shelter amendment under Unfinished Business. Motion carried. 6 Ayes (Bartlett, Freese, Borowicz, Croft, Lyon, Jazdzyk), 0 Nays, 3 Absent (Churchill, Kavanaugh, Ostwald)

APPROVAL OF MINUTES

The November 1, 2017 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 6 Ayes (Bartlett, Freese, Borowicz, Croft, Lyon, Jazdzyk), 0 Nays, 3 Absent (Churchill, Kavanaugh, Ostwald)

PUBLIC HEARING AND ACTION ON REQUESTS

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

Mr. McNeil explained that this ordinance amendment is proposed as a result of a Supreme Court decision known as Reed vs. Town of Gilbert where the Court ruled that sign regulation based on the content is unconstitutional. Mr. McNeil stated that real estate signs, off-premise signs, non-commercial signs, and political signs are listed in the Zoning Ordinance and the Supreme Court has ruled that this is unconstitutional if you have to read the sign to distinguish the type of sign.

Mr. McNeil stated that this amendment will repeal the definitions of Neighborhood identification sign, Noncommercial sign, Off-premise sign, Political sign and Real Estate signs. Mr. McNeil stated that signs that do not require a permit will be defined based on the type of structure and the use of the sign. Mr. McNeil stated that changes were made to signs that are prohibited based on safety concerns. Mr. McNeil stated that there were updates to the Village Center Indian River and Village Center Topinabee zoning district sign requirements to remove reference to off-premise signs. Mr. McNeil stated that the amendment document provides clarifying language regarding billboards as regulated by the State of Michigan.

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

Ms. Lyon referred to section 17.19.3 and stated that signs with moving or revolving parts are prohibited. Ms. Lyon asked if this will include digital signs. Mr. McNeil stated that there is a separate section in the Zoning Ordinance for digital signs.

Ms. Croft asked for public comments. Mr. Muscott referred to section 17.19.2.B.1 and stated that a sign not requiring a permit

must be removed no more than 2 days after the subject matter of the sign has expired. Mr. Muscott stated that the content of the sign has to be read to decide whether the event has passed. Mr. Muscott referred to section 17.19.H and stated that this section references balloons, flags, pennants, and pinwheels. Mr. Muscott stated swiffer banners are being used everywhere and would violate this section. Discussion was held. Mr. McNeil stated that these recommendations were presented early on by legal counsel. Mr. McNeil stated that you do have to read the sign to determine if it needs to be removed. Mr. McNeil stated that the criteria for which the signs are permitted are content neutral. Mr. McNeil stated that he emailed this question to legal counsel and he has not heard back from legal counsel yet. Mr. McNeil stated that the public hearing could be adjourned to wait for legal counsel's response. Mr. Borowicz stated that he doesn't believe there is a problem with content neutrality because the event is over and the sign is supposed to be removed. Ms. Lyon agreed with Mr. Borowicz. Mr. McNeil stated that he doesn't believe that the Planning Commission is done looking this ordinance as there are a few unanswered questions by the Reed vs. Town of Gilbert case. Public comment closed. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to forward the amendment to provide content neutral definitions, regulations and standards for signs to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried.

UNFINISHED BUSINESS

Boat Shelter Overlay District

Mr. Freese recommended deleting the 20%. Mr. Freese stated that if someone has a 40ft. lot, 20% would allow for a canoe and not much else. Mr. Freese stated that 16ft. will allow everyone the same width. Ms. Croft stated that "whichever is lessor" will also be deleted. Ms. Croft asked if another public hearing will have to be held. Mr. McNeil stated yes. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to schedule a public hearing for January 3, 2018. Motion carried. 6 Ayes (Bartlett, Freese, Borowicz, Croft, Lyon, Jazdyk), 0 Nays, 3 Absent (Churchill, Kavanaugh, Ostwald)

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated that there will be a joint meeting of the Board of Commissioners and Planning Commission on December 20, 2017. Mr. McNeil stated that Mr. Lawson has asked him to put together information on priorities that the Planning Commission has identified and worked on from the Master Plan.

Mr. McNeil stated that Mr. Muscott has submitted a US Sign Council Model Sign Code, which has been uploaded to the tablets.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott stated that recently there was an 8ft. x 40ft. overseas storage container installed behind the Summer Store in Indian River. Mr. Muscott stated that he asked Steve Schell several years ago about these containers and Mr. Schnell explained that they are trailers and can only be used during construction and can't be used as a permanent shed. Mr. Muscott stated that this building is 160sf and is regulated by the Building Code requirements. Mr. Muscott stated that these types of structures weigh about 5,000lbs and are capable of carrying 56,000lbs. Mr. Muscott stated that these structures are very common in most of the country and moving more into Michigan. Mr. Muscott asked if the Planning Commission or Zoning Board of Appeals can make a ruling as to whether these structures are a trailer. Mr. Borowicz stated that a trailer has wheels and these types of structures do not have wheels. Mr. Muscott stated that when the structure is painted, it is as neat as the average shed and they are vandal proof and basically indestructible. Mr. Freese stated that if there are no wheels on the structure, it is not a trailer. Mr. McNeil stated that it is his determination that they are not a trailer and the intended use is what they would be classified under from a zoning standpoint. Mr. Muscott stated that it would qualify as a shed under 200sf and not subject to building code. Mr. McNeil stated that he does not believe that it would be regulated under the building code, but can't say for certain as it may be based on use. Mr. Freese asked Mr. Muscott to submit his questions in writing and he would receive an answer.

ADJOURN

Motion by Mr. Borowicz, seconded by Ms. Lyon, to adjourn. Motion carried. Meeting was adjourned at 7:24pm.

CHEBOYGAN COUNTY PLANNING COMMISSION

Dave Fernelius – Revised 11/28/17

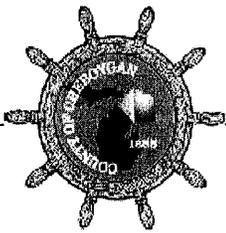
Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Site Plan Dated 05/06/17 (2 Pages)
5. Floor Plan Dated 05/06/17 (1 Page)
6. Elevations Dated 05/06/17 (1 Page)

The following items were added to the exhibit list on 11/28/17:

7. Email dated 11/28/17 from Dan Socha, Inverness Fire Chief (1 Page)
- 8.
- 9.
- 10.

Note: Planning Commission members have exhibits 1 and 2.



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PROPERTY LOCATION

Address 10459 N STRAITS HWY	City / Village CHEBOYGAN	Twp / Sec. T37/SEC 7	Zoning District D-CM
Property Tax I.D. Number 092-007-400-009-02/092-007-400-009-03	Plat or Condo Name / Lot or Unit No.		

APPLICANT

Name DAVE FERNELIUS	Telephone 231-627-5673	Fax
Address 11283 N STRAITS HWY	City, State & Zip CHEBOYGAN, MI 49721	E-Mail

OWNER (If different from applicant)

Name	Telephone	Fax
Address	City, State & Zip	E-Mail

PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input type="checkbox"/> Other: _____	Building/Sign Information Overall Length: <u>182</u> feet Overall Width: <u>192</u> feet Floor Area: <u>21,877</u> sq. feet Overall Building Height: <u>24'-2"</u> feet Sign Area: <u>NA</u> sq. feet Sign Height: <u>NA</u> feet
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PROPOSED USE (check all that apply)

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

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

If YES, date of approval: _____ Approved Use: _____

Directions to site: At S.W. Cor. N Straits Hwy & VFW Rd.

SITE PLAN REVIEW APPLICATION



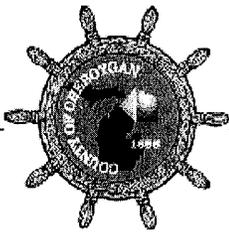
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FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	11/8/17	Notes:
Fee Amount Received:	\$170.00	
Receipt Number:	5996	
Public Hearing Date:	12/6/17	
Planning/Zoning Administrator Approval:		
		11/9/17
Signature		Date

SITE PLAN REVIEW APPLICATION



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SITE PLAN REVIEW APPLICATION

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

NO CHANGE IN USE. NEW AND USED VEHICLE DEALERSHIP, REPAIR SERVICE AND BODY SHOP .

HOURS OF OPERATION MONDAY-FRIDAY 8:00 AM TO 6:00 PM, SATURDAY 9:00 AM TO 4:00 PM

NUMBER OF EMPLOYEE: 30

2. Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

THE SITE DOES NOT CHANGE IN ELEVATIONS EXCEPT AS REQUIRED FOR DRAINAGE.

SURROUNDING PROPERTIES WILL BE UNAFFECTED BY THIS DEVELOPMENT.

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

TREES AND SHRUBS IN SET BACK WILL REMAIN OR BE REPLACED TO MAINTAIN PLANTINGS.

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

NEW SITE DRAINAGE IS DESIGNED TO DETAIN STORM WATER ON SITE.

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

NO RESIDENTIAL DWELLING UNITS ARE ASSOCIATED WITH THIS SITE.

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

THE SITE PROVIDES FOR PRACTICAL EMERGENCY VEHICLE ACCESS AND MOVEMENT. VIDES PG 12

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

THE SITE DESIGN PROVIDES THAT EVERY STRUCTURE HAS ACCESS TO THE PUBLIC STREETS.

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

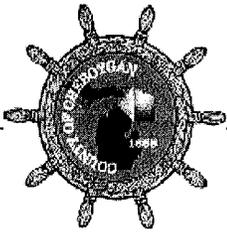
NOT APPLICABLE.

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. YES

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

iii. It does not unnecessarily illuminate night skies. YES



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SITE PLAN REVIEW APPLICATION

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

THE SITE DESIGN AND ADDITION PROVIDE FOR THIS REQUIREMENT.

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.

THE SITE DESIGN AND ADDITION PROVIDE FOR THIS REQUIREMENT.

3. Size of property in sq. ft. or acres: 5.2 ACRES

4. Present use of property:
AUTOMOBILE DEALERSHIP

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

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

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

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

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

AFFIDAVIT

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

Applicant's Signature

Date

11-7-17

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

Yes No

Owner's Signature

Date

11-7-17

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

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

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

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		a. North arrow, scale and date of original submittal and last revision. Site plan is to be drawn at a scale of 1 inch = 100 ft. or less.
X		b. Seal of the registered engineer, architect, landscape architect, surveyor, planner, or other site plan preparer. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
X		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
X		d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
X		e. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, stormwater controls, flood plains, and wetlands.
X		f. Location of existing and proposed buildings and intended uses thereof.
X		g. Details of entryway and sign locations should be separately depicted with an elevation view.
X		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carpools, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
X		i. Location, size, and characteristics of all loading and unloading areas.
X		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
X		k. Location of all other utilities on the site including but not limited to wells, septic systems, stormwater controls, natural gas, electric, cable TV, telephone and steam and proposed utility easements.
X		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SITE PLAN REVIEW APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

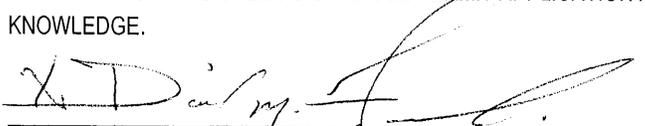
INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
X		m. Location and specifications for all fences, walls, and other screening features.
X		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
X		o. Exterior lighting locations with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

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

<u>SECTION</u>	<u>REASON FOR WAIVER REQUEST</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

AFFIDAVIT

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

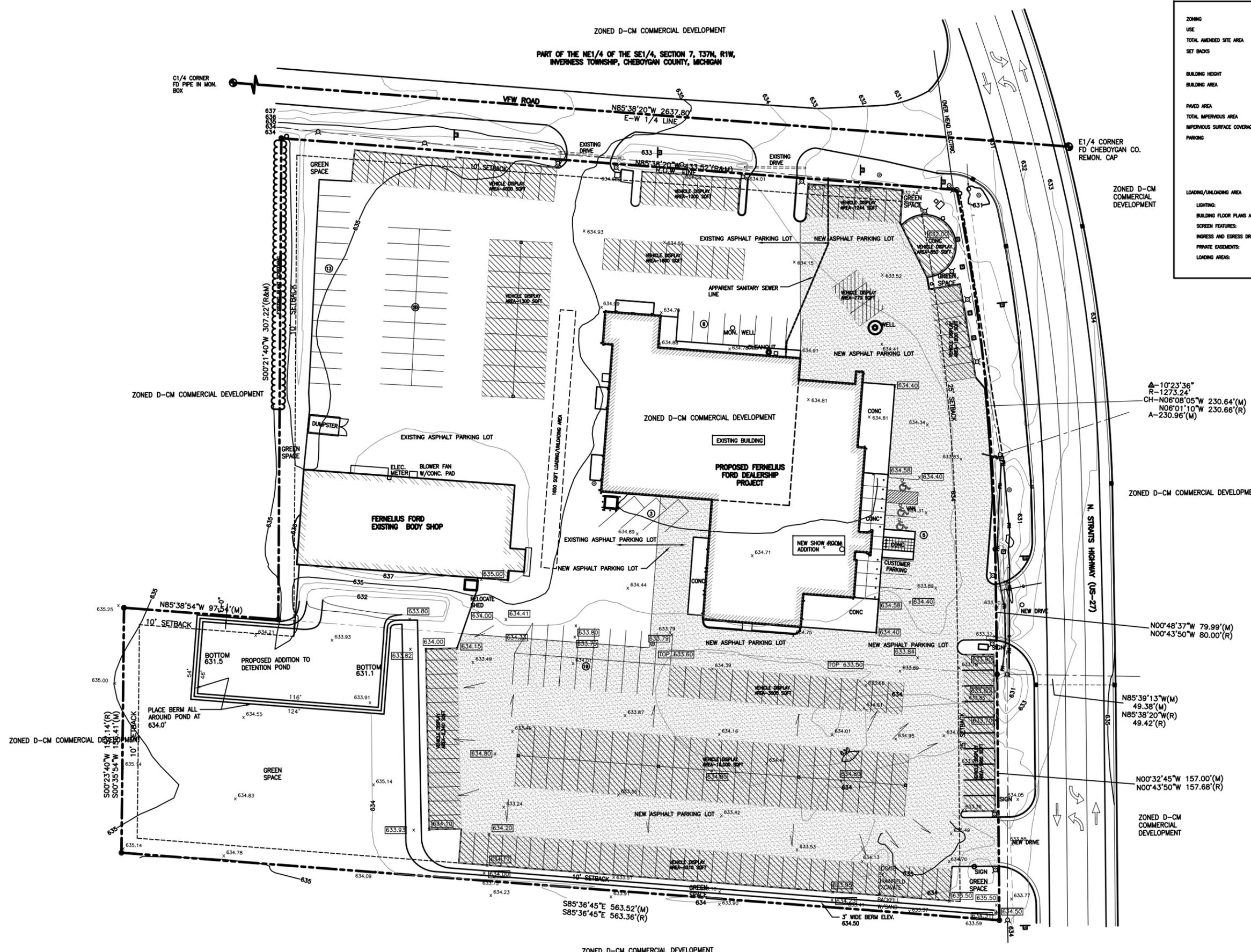


 SIGNATURE

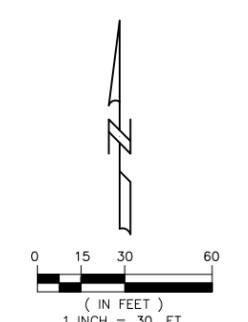
11.7.17

 DATE

ZONED D-CM COMMERCIAL DEVELOPMENT
 PART OF THE NE1/4 OF THE SE1/4, SECTION 7, T37N, R1W,
 INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



ZONING	D-CM COMMERCIAL DEVELOPMENT
USE	AUTOMOBILE SALES AND SERVICE UNCHANGED
TOTAL AMENDED SITE AREA	5.2 ACRES +/-
SET BACKS	25' FRONT YARD 10' SIDE YARD 10' REAR YARD
BUILDING HEIGHT	35' MAXIMUM ALLOWED - 24'-2" PROVIDED
BUILDING AREA	22,300 SQFT SHOW ROOM AND SERVICE 13,189 SQFT BODY SHOP (UNCHANGED) 35,489 TOTAL BUILDING AREA
PAVED AREA	132,358 SQFT
TOTAL IMPERVIOUS AREA	167,647 SQFT
IMPERVIOUS SURFACE COVERAGE	74%
PARKING	INDOOR VEHICLE DISPLAY 1,855 SQFT/250 8 SPACES 48 SPACES REQUIRED OUTDOOR VEHICLE DISPLAY AREA 25,774 SQFT/5000 8 SPACES SERVICE BAYS - 10 AT 2 PER BAY 20 SPACES EMPLOYEES 30/2 15 SPACES TOTAL REQUIRED 48 SPACES
LOADING/UNLOADING AREA	9'x20' PARKING SPACES AT 90' 48 SPACES PROVIDED - INCLUDING 3 BARRIER FREE SPACES
LIGHTING	SEE LIGHTING PLAN
BUILDING FLOOR PLANS AND ELEVATIONS	SEE FLOOR PLANS AND ELEVATIONS
SCREEN FEATURES	NONE REQUIRED
INGRESS AND EGRESS DRIVES	TO REMAIN UNCHANGED
PRIVATE EASEMENTS	NONE KNOWN
LOADING AREAS	PROVIDED



- ⊙ POWER POLE
- ⊕ LIGHT POLE
- ⊠ SIGN
- ⊡ CATCH BASIN
- ⊞ CATCH BASIN
- ⊙ FD PIPE
- ⊙ FD IRON W/CAP #16051
- ⊙ FD IRON W/CAP #16041
- ⊙ SET 1/2" REBAR W/CAP #52460
- (R) RECORDED AS MEASURED AS
- (M) MEASURED AS
- x 634.33 EXISTING ELEVATION
- x 634.33 PROPOSED FINISH ELEVATION
- ▭ ASPHALT AREA TO BE DISTURBED

BEARINGS BASED ON SURVEY BY GRANGER & ASSOCIATES, INC.

Richard Clements Architect, PLLC
 13215 Merry Lane
 Okemos, MI 49759
 richardlee1923@live.com 989-370-3681

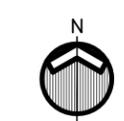
FERNELIUS FORD LINCOLN
 10459 N STRAITS HWY.
 CHEBOYGAN, MI

date	for
date 02 NOV 17	for ZONING
date 31 JAN 17	for PRELIMINARY
date 06 JAN 17	for PRELIMINARY
revised:	

date: May 06, 2017	sheet:
project: 1722	C2.0
SITE PLAN	

SITE PLAN
 ALL SITE INFORMATION PROVIDED BY GRANGER AND ASSOCIATES DATED JULY 7, 2017

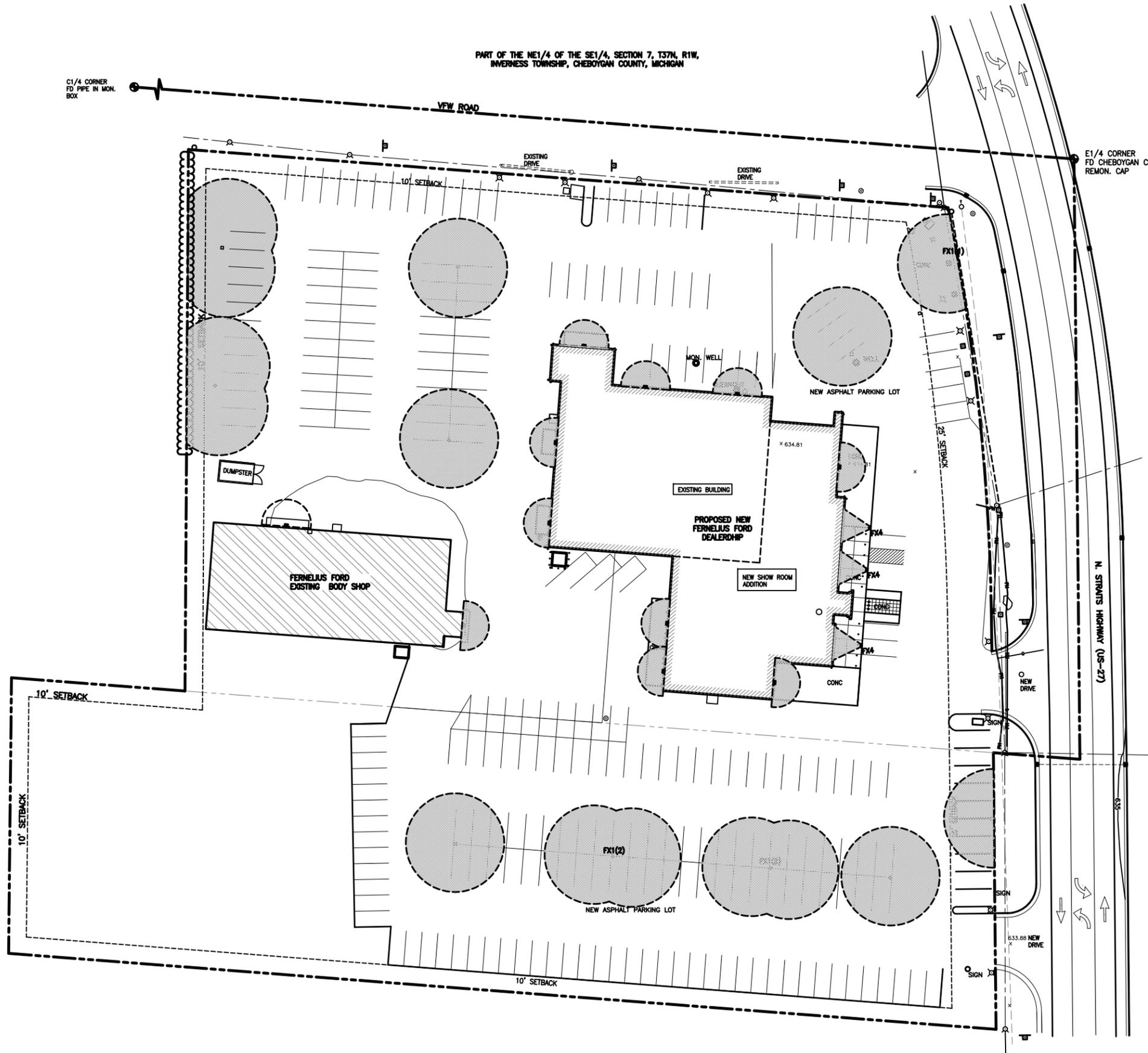
SCALE 1"=30'-0"



PART OF THE NE1/4 OF THE SE1/4, SECTION 7, T37N, R11W,
 INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN

C1/4 CORNER
 FD PIPE IN MON.
 BOX

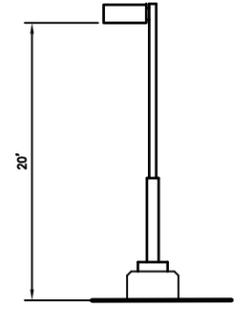
E1/4 CORNER
 FD CHEBOYGAN CO.
 REMON. CAP



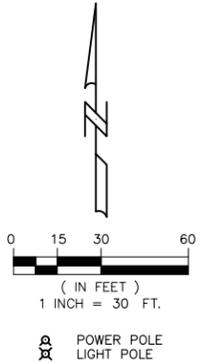
- LIGHTING FIXTURE LEGEND**
- FX1(1) - AREA LIGHT HD - SINGLE FIXTURE
 - FX1(2) - AREA LIGHT HD - DOUBLE FIXTURE
 - FX2 - BOLLARD LOW LEVEL DOWN LIGHTING
 - FX4 - FLOOD LIGHTING ACCENT LIGHTING FOR DISPLAY VEHICLES, NOT DIRECTED UP ABOVE BUILDING
 - FX6 - WALL MOUNTED DOWN LIGHTING

NOTE: 1.) ALL LIGHTING WILL BE SHIELDED TO PREVENT UP LIGHTING BEYOND THE INTENDED SURFACE, DOWN LIGHTING BEYOND THE SITE LIMITS, AND SO AS TO NOT CREATE A HAZARD TO VEHICULAR TRAFFIC ON THE ADJOINING ROAD

2.) ALL OTHER SPECIAL LIGHTING AS NOTED ON DRAWING



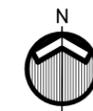
LIGHT POLE DETAIL NOT TO SCALE



SITE PLAN

ALL SITE INFORMATION PROVIDED BY GRANGER AND ASSOCIATES DATED JUL 7, 2017

SCALE 1"=30'-0"

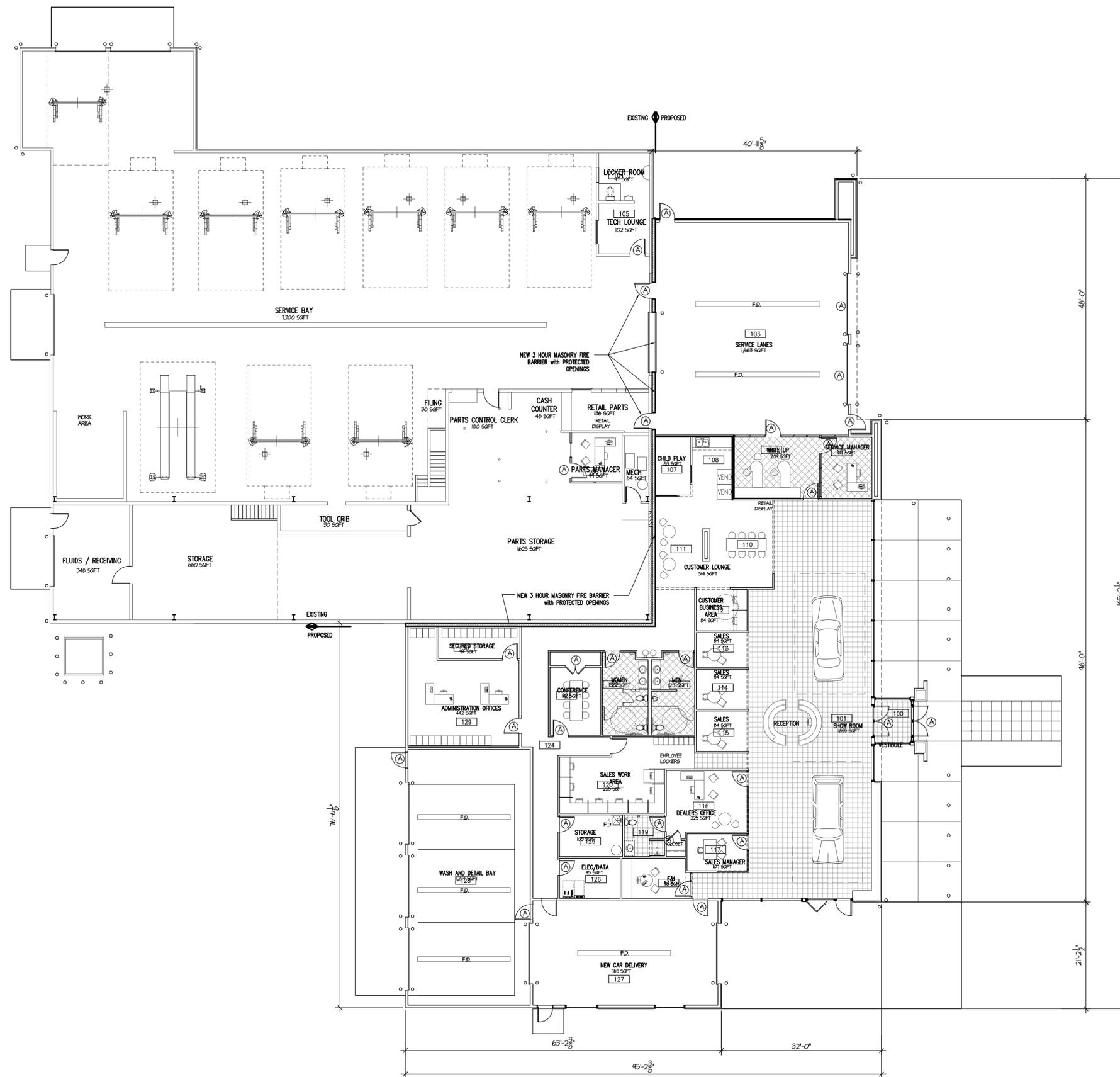


Richard Clements Architect, PLLC
 15215 Merry Lane
 Okemos, MI 49759
 richardlee1523@live.com 989-370-3681

FERNELIUS FORD LINCOLN
 10459 N STRAITS HWY.
 CHEBOYGAN, MI

date	for
date	for
date 02 NOV 17	for ZONING
revised:	

date: May. 06, 2017	sheet:
project: 1722	C2.0
SITE PLAN	
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SQUARE FOOT TABLE		
	REQUIRED FORD LINCOLN	PROVIDED
CUSTOMER	584	913
CUSTOMER LOUNGE	300	514
CUSTOMER BUSINESS AREA	60	84
CHILD PLAY AREA	80	83
RETAIL DISPLAY	48	48
RETAIL PARTS COUNTER	48	136
CASHIER COUNTER	48	48
SALES	2596	3300
SHOWROOM	1600	1855
SALES OFFICE	80	252
FBI	96	96
SALES MANAGER	96	107
SALES WORK AREA	224	225
NEW CAR DELIVERY AREA	500	765
SERVICE	6595	11375
SERVICE STALLS AREA	5130	7700
SERVICE STALLS #	10	11
STORAGE	359	660
LUNCHROOM, WC, LOCKERS	150	0
SERVICE WRITEUP	80	181
SERVICE WRITEUP STATIONS	2	2
SERVICE LANES	600	1509
SERVICE VEHICLES #	2	2
FILING AREA	20	30
SERVICE MANAGERS OFFICE	96	98
WARRANTY OFFICE	80	0
DISPATCH OFFICE	80	0
WASH AND DETAIL BAY	0	1,274
ADMINISTRATION	950	981
DEALERS OFFICE	200	260
GEN. MANAGER	150	0
ADMIN. OFFICES	360	442
CONFERENCE ROOM	120	141
SECURED RECORDS STORAGE	80	92
COMPUTER ROOM	40	46
PARTS	1826	2252
PARTS MANAGER OFFICE	96	99
CONTROL CLERK OFFICE	80	180
PARTS STORAGE	1500	1625
PARTS STORAGE FOOT PRINT	1500	1625
RECEIVING AREA	150	348
BUILDING SUPPORT	1071	1054
RESTROOMS	253	253
MECH. ROOMS	164	164
JANITOR	80	105
HALLWAYS	40	532

FLOOR PLAN
 NEW - 10,044 SF
 EXISTING - 12,031 SF

SCALE 3/32"=1'-0"



NOT FOR CONSTRUCTION

Richard Clements Architect, PLLC
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 Okemos, MI 48864
 richardlee1525@live.com 989-370-3681

FERNELIUS FORD LINCOLN

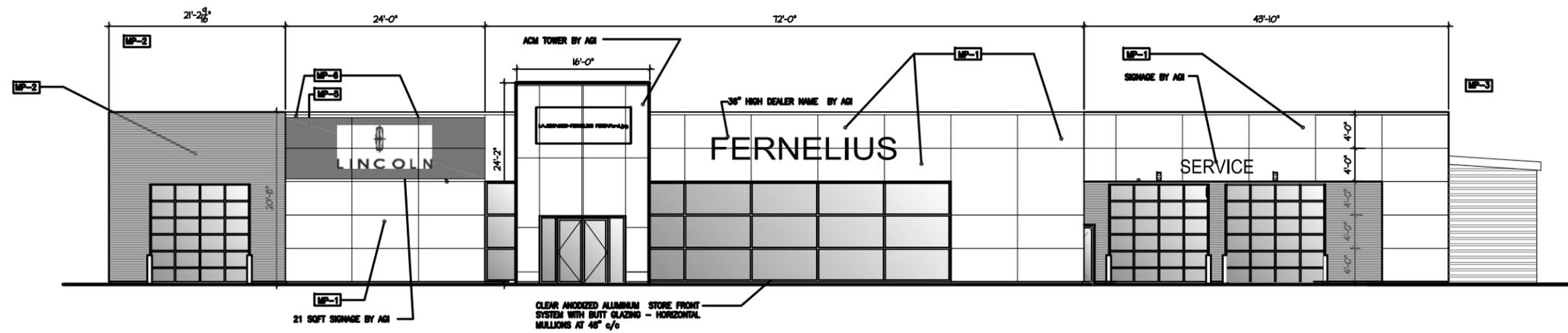
10459 N STRAITS HWY.
 CHEBOYGAN, MI

date 31 MAY 17 for PRELIMINARY
 date 31 JAN 17 for PRELIMINARY
 date 06 JAN 17 for PRELIMINARY

revised:

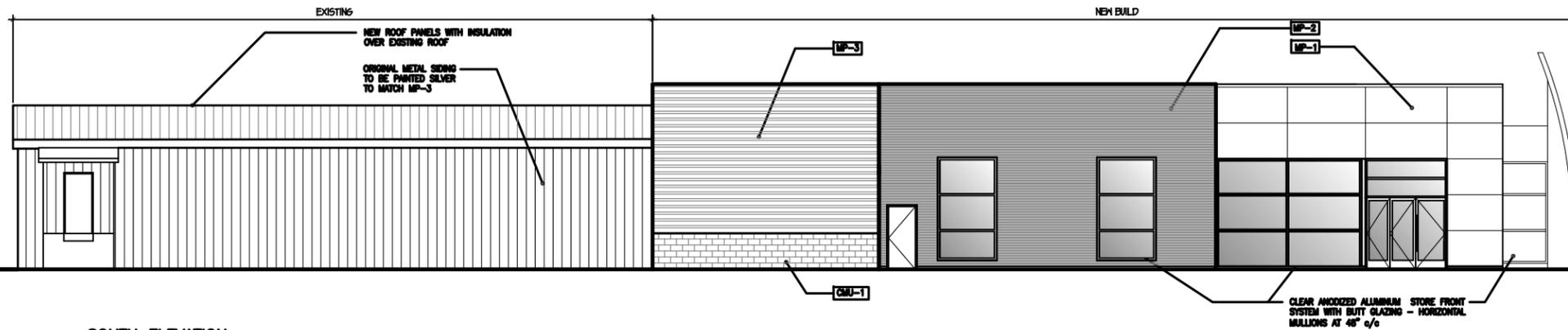
date May. 06, 2017 sheet:
 project: 1722

FLOOR PLAN A1.0
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EAST ELEVATION

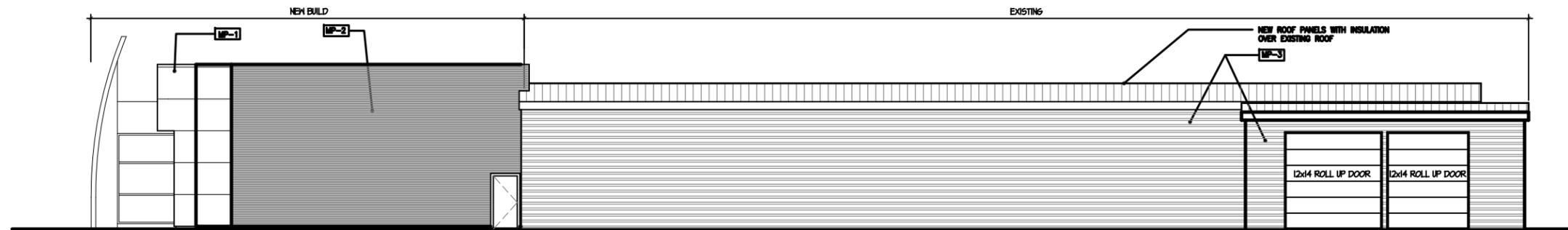
SCALE 1/8"=1'-0"



SOUTH ELEVATION

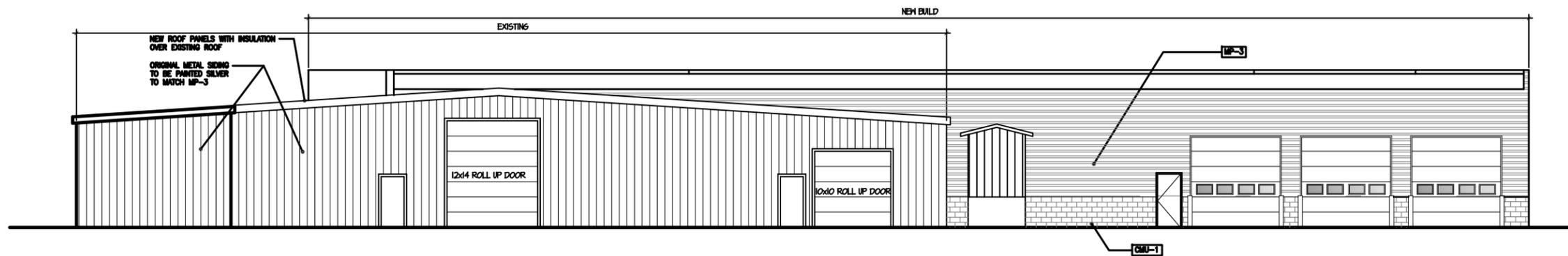
SCALE 1/8"=1'-0"

FINISH MATERIAL SCHEDULE	
MP-1	ALPOLAC HURLINE SILVER ACM PRESSURE EQUALIZED RAIN SCREEN DRY JOINT
MP-2	ALCOA SLATE CORRUGATED METAL PANEL 7\"/>



NORTH ELEVATION

SCALE 1/8"=1'-0"



WEST ELEVATION

SCALE 1/8"=1'-0"

NOT FOR CONSTRUCTION

Richard Clements Architect, PLLC 15215 Merry Lane Okemos, MI 48864 richardlee1925@live.com 989-370-3681	
FERNELIUS FORD LINCOLN	
10459 N STRAITS HWY. CHEBOYGAN, MI	
date 31 MAY 17	for PRELIMINARY
date 31 JAN 17	for PRELIMINARY
date 06 JAN 17	for PRELIMINARY
revised:	
date May. 06, 2017	sheet:
project 1722	A2.0
ELEVATIONS	
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Deborah Tomlinson

From: Dan Socha [<mailto:inverness.fire@gmail.com>]

Sent: Tuesday, November 28, 2017 1:08 PM

To: Deborah Tomlinson

Subject: Fernelius Addition

Fine with addition, I'm sure they will be going by building code for fire suppression and alarms, also access all around building for emergency vehicles. need knock box installed, will get box for them at their cost to meet our specs. Have them get with me when ready.

Chief Dan Socha
Inverness Fire Dept.
231-627-3301 231-420-0512



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

Item: David Fernelius – Site Plan Review for auto sales and repair structure addition.	Prepared by: Scott McNeil
Date: November 20, 2014	Expected Meeting Date: December 6, 2017

GENERAL INFORMATION

Applicant: David Fernelius

Contact person: Same

Phone: 231-627-5673

Requested Action: Site plan review for auto sales show room, auto receiving and office addition.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking site plan approval for a show room, auto receiving and office addition to an existing auto sales and repair use. The subject property is zoned Commercial Development District D-CM. Auto sales and repair is a permitted use per section 6.2.2.

Current Zoning:

Commercial Development District. (D-CM)

Surrounding Land Uses:

Commercial to the north and south, residential to the east and vacant to the west.

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain): No known environmental sensitive areas

Historic buildings/features:

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

Traffic Implications

Existing driveway locations are proposed to remain. The existing use is proposed to continue. No significant change is anticipated relative to traffic.

Parking:

Section 17.6 relative to auto sales and repair provides for 1 parking space to be required for each 250 square feet of indoor display area, 1 space per 5,000 square feet of outdoor sales area, 2 spaces per service bay and 1 parking space per 2 employees. Based on the floor plan and site plan submitted there is a total of 1855 square feet of indoor display which requires 8 parking spaces. Based on the site plan submitted there is a total of 25,744 square feet of outdoor display area which requires 6 parking spaces. Based on the floor plan submitted, there are 10 service bays which require 20 parking spaces. The applicant has indicated that there are 30 employees which require 15 parking spaces. As a result a total of 49 parking spaces are required. The site plan provides for 65 parking spaces.

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

Access to the site is facilitated by four existing driveways to M-27 and VFW Road.

Signs

No new signs or sign locations are proposed at this time.

Fence/Hedge/Buffer

No new fence, hedge or other type of buffer is proposed. All surrounding property is zoned Commercial Development District.

Lighting

No additional exterior lighting is proposed.

Stormwater management

A permit has been issued under the Cheboygan County Soil Erosion and Sedimentation and Pollution Control Ordinance.

Review or permits from other government entities:

There are no other known permit requirements.

Public comments received

None

CHEBOYGAN COUNTY PLANNING COMMISSION
SITE PLAN REVIEW

Wednesday, December 6, 2017, 7:00 PM

Applicant

David Fernelius
11283 N. Straits Hwy
Cheboygan , Mi. 49721

Owner

David Fernelius
11283 N. Straits Hwy.
Cheboygan, Mi. 49721

Parcel

10459 N. Straits Hwy.
Inverness Township
092-007-400-009-02
092-007-400-009-03

GENERAL FINDINGS

1. The property is located in a Commercial Development (D-CM) zoning district
2. The current and proposed use of the subject property is auto sales and repair which is a permitted use in a D-CM zoning district per section 6.2.2.
3. The applicant is seeking a site plan review amendment for structure addition to an existing use.
- 4.
- 5.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

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

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 1. The site plan includes a grading plan which indicates a limited change in overall contours and minimal reshaping of the site. (see exhibit 4)
 - 2.
 3. Standard has been met.Or;
 - 1.
 2. Standard has not been met.
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
 1. No tree and soil removal is proposed. (see exhibit 3)
 - 2.
 3. Standard has been met.Or;
 - 1.
 2. Standard has not been met.

- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
 - 1. The site plan includes a grading plan which indicates proper site drainage so that removal of storm water will not adversely affect neighboring properties. (see exhibit 4)
 - 2.
 - 3. Standard has been met.
 Or:
 - 1. The applicant has not adequately demonstrated that removal of storm waters will not adversely affect neighboring properties.
 - 2.
 - 3. Standard has not been met

- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
 - 1. Not applicable. No dwelling units exist or are proposed.

- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means
 - 1. The site plan provides for building locations arranged in order to permit a practical means of access for emergency vehicles. (see exhibit 4)
 - 2.
 - 3. Standard has been met.
 Or;
 - 1.
 - 2. Standard has not been met.

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
 - 1. The site is located on, and has access to N. Straits Hwy (M-27) and VFW Road.
 - 2.
 - 3. Standard has been met.

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

- h. Exterior lighting shall be arranged as follows: a. It is deflected away from adjacent properties, b. It does not impede the vision of traffic along adjacent streets and c. It does not unnecessarily illuminate night skies.
 - 1. No additional exterior lighting is proposed. (see exhibit 3)
 - 2. Exterior lighting shall be deflected away from adjacent properties, shall not impede the vision of traffic along adjacent streets and shall not unnecessarily illuminate night skies.
 - 3.
 - 4. Standard has been met.
 Or;
 - 1.
 - 2. Standard has not been met.

- i. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan..
 - 1. Not applicable. No public or common ways are proposed

- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
 - 1. This site plan will conform to the Master Plan, zoning ordinance, and any applicable state and federal laws.
 - 2.
 - 3. Standard has been metOr
 - 1.
 - 2. Standard has not been met

DECISION

TIME PERIOD FOR JUDICIAL REVIEW

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

DATE DECISION AND ORDER ADOPTED

Wednesday, December 6, 2017

Patty Croft, Chairperson

Charles Freese, Secretary

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



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 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.

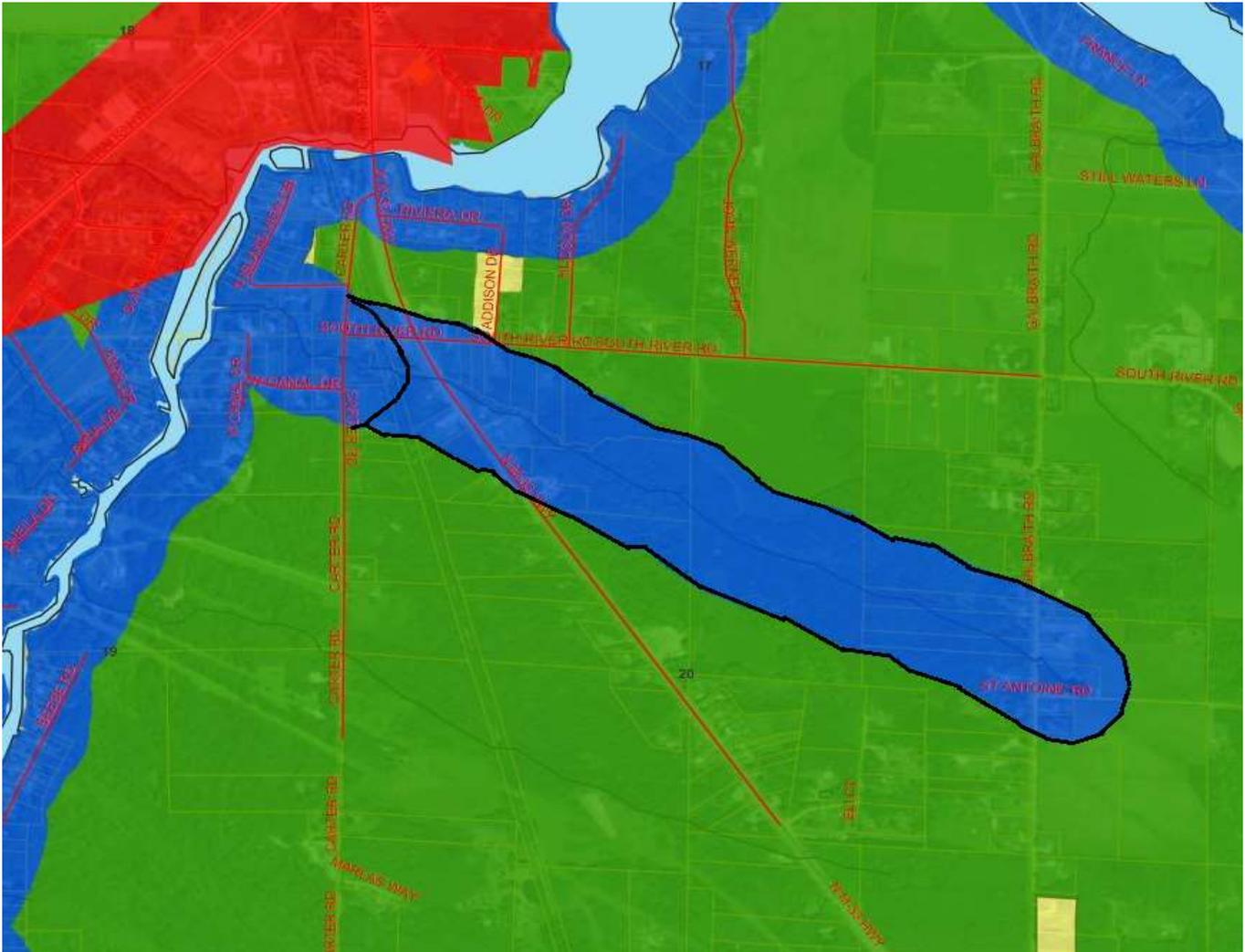


Figure 1

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)

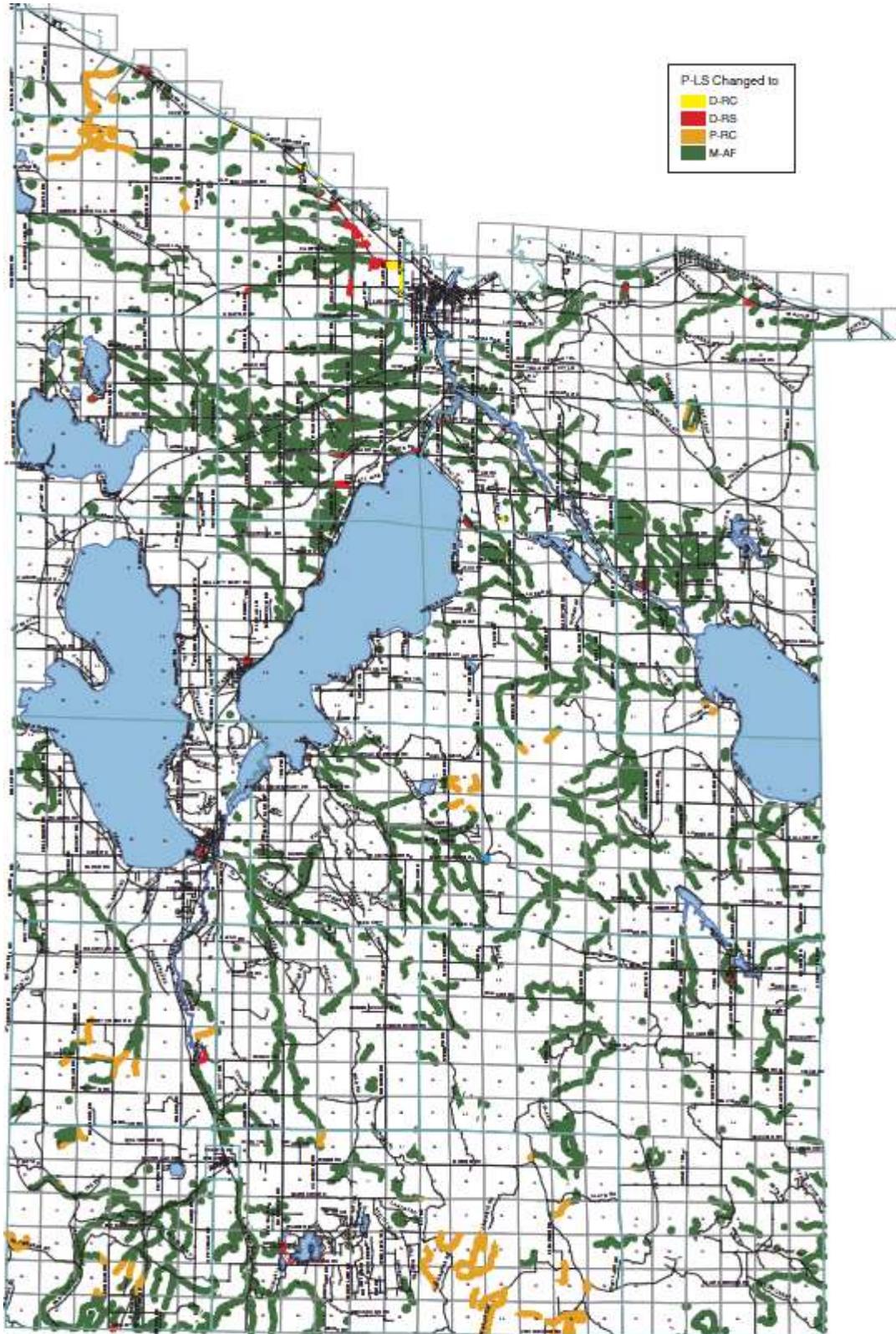


Figure 3
2015 Rezoning Map

Draft for December 6, 2017 Public Hearing
CHEBOYGAN COUNTY
PLANNING COMMISSION

Proposed rezoning of property currently zoned Lake and Stream Protection (P-LS) to Agriculture and Forestry Management (M-AF) and Residential Development (D-RS).

Hearing Date: Wednesday, December 6, 2017 at 7:00 p.m.

PROPERTY DESCRIPTION

See attached amendment document and map attached there to and hereinafter referred to as the "Properties".

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

GENERAL FINDINGS OF FACT

1. The Planning Commission proposes rezoning certain real properties currently zoned Lake and Stream Protection (P-LS) to Agriculture and Forestry Management (M-AF) and Residential Development (D-RS). See exhibit 4.
2. The Planning Commission finds that the properties to be rezoned, are represented in the attached proposed amendment document. See exhibit 5.
3. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the properties with the proposed rezoning as being offered as Forest/Agricultural, See exhibit 2 and exhibit 4 figure 2.
4. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4
5. The Planning Commission finds that

REZONING FACTORS

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the properties are directly contiguous to areas already located in the proposed zoning districts, such that adding the subject properties as proposed for rezoning would not result in an isolated, detached area of land rezoned. See exhibit 4.

- B. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.

- C. The Planning Commission finds that 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.
See exhibits 2 and 4.

- D. The Planning Commission finds that properties which are within five hundred (500) feet of a perennial stream should be in the Lake and Stream (P-LS) zoning district and this rezoning addresses the objective within the Cheboygan County Master Plan as stated in Will Support The Factor C under Rezoning Factor 1. See exhibit 4.

- E. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that many of the existing land uses in the current P-LS zoning district which are proposed to be rezoned are not compatible with uses as provided for the proposed zoning district. See exhibit _____

- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that there is no evidence that the proposed rezoning would result in an adverse physical impact on surrounding properties 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.

- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that this proposed rezoning would allow land uses which could be incompatible with surrounding property and/or will not meet the County's land use goals. See exhibit ____

- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that there is no evidence in the form of an appraisal or other document study which shows, that if the rezoning is approved, there would be an adverse effect on property values in the areas proposed for rezoning.

- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

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

- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that properties which are within five hundred (500) feet of a perennial stream should be in the Lake and Stream (P-LS) zoning district and this rezoning addresses the objective within the Cheboygan County Master Plan as stated in Will Support The Factor C under Rezoning Factor 1. See exhibit 2 and 4.
- B. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that changes which have occurred in the vicinity of the properties have trended towards other uses and the changes that have occurred do not favor the proposed rezoning. See exhibit _
- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that 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 exhibits 1, and 4 figure 2.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed rezoning would deter the improvement or development of adjacent property. See exhibit _,
- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that properties are directly contiguous to areas already located in the proposed zoning district, such that adding the subject properties as proposed for rezoning would not result in an isolated, detached area of land rezoned and will not grant a special privilege to an individual property owner. See exhibit 4.

- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the rezoning will result in the granting of a special privilege to an individual for uses not available for development by surrounding property owners. See exhibit ____

- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that properties which are within five hundred (500) feet of a perennial stream should be in the Lake and Stream (P-LS) zoning district and this rezoning addresses the objective within the Cheboygan County Master Plan as stated in Will Support The Factor C under Rezoning Factor 1. See exhibit 2 and 4.

- B. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.

- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the subject properties can certainly be used for purposes listed under its current zoning classification. See exhibit ____.

- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that the future use of the properties proposed for rezoning as being consistent with the categories of as provided on the Future Land Use Map and the County's Master Plan. See exhibit 2 and 4 figure 2
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the County Master Plan and future land use map does not contemplate the type of use being proposed by the subject rezoning. See exhibit 2.
- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

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

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the proposed rezoning not sufficiently proven that that the subject properties will be served by adequate public and private facilities. See exhibit
- B. The Planning Commission finds that

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that properties which are within five hundred (500) feet of and perennial stream should be in the Lake and Stream (P-LS) zoning district and this rezoning addresses the objective within the Cheboygan County Master Plan as stated in Will Support The Factor C under Rezoning Factor 1. See exhibit 4.
- B. The Planning Commission finds that the properties are within five hundred (500) feet of an intermittent stream. See exhibit 4.
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that, with respect to the proposed rezoning, nearby land is available. See exhibit ____.
- B. The Planning Commission finds that
This standard has/has not been met.

DECISION

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

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

Motion made by _____, supported by _____ that based upon the general findings of fact and the rezoning factors that the proposed rezoning as provided in the attached amendment documents is hereby recommended to be denied/approved.

Ayes: _____

Nays: _____

DATE DECISION AND ORDER ADOPTED

Date

Patty Croft, Chairperson

Charles Freese, Secretary



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: November 7, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Public Hearing to be held on December 6, 2017 regarding a proposed zoning ordinance amendment relating to motor vehicle repair and fuel sales uses.

Included with this memo is a draft ordinance amendment relative to the subject. Also included is the proposed use listing changes to the applicable sections of the current zoning ordinance annotated in red print.

Section 1 of the amendment document provides new definitions for Car wash, Motor vehicle service station, Motor vehicle repair facility and Retail sales establishment, small scale convenience.

Section 2 deletes the current definition of Gasoline service station.

Section 3 provides for Automobile, boat, motorized and non-motorized recreational vehicles, equipment farm machinery sales and rental establishments to be allowed in the Commercial Development zoning district with site plan review approval. This is a proposed change from the current use listing of Automobile, boat, equipment and farm machinery sales, repair, rental and washing establishments. You will note that reference to repair and washing are removed with the establishment of the Car wash, Motor vehicle service station, and Motor vehicle repair facility use listings and definitions.

Section 4 provides for Car wash, Motor vehicle service station and Retail sales establishment, small-scale convenience as uses which require site plan review in the Commercial Development zoning district.

Section 5 provides as follows:

Establishes Motor vehicle repair facility as a use which requires a special use permit in the Commercial Development, Agriculture and Forestry Management, Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts.

Establishes Retail sales establishment, small-scale convenience as a use which requires a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living zoning districts.

Establishes Car wash as a use which requires a special use permit in the Village Center, Village Center Indian River, and Village Center Topinabee zoning districts.

Establishes Motor vehicle service station as a use which requires a special use permit in the Village Center zoning district.

Section 6 eliminates the use listings of Gas stations and Gasoline service stations and garages relative to the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts and reserves the section numbers for future use.

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

For 12/6/17 Public Hearing
CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT #_____
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200 RELATIVE TO MOTOR VEHICLE 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 6.2.34., 6.2.35. and 6.2.36. which shall read in their entirety as follows:

6.2.34. Car wash

6.2.35. Motor vehicle service station.

6.2.36. 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

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales
	<p>Under ARTICLE 6 – COMMERCIAL DEVELOPMENT DISTRICT (D-CM)</p> <p>SECTION 6.2. PERMITTED USES</p> <p>6.2.1. Any use permitted in the D-RS, Residential Development District. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.2. Automobile, boat, <u>motorized and non-motorrzed recreational vehicles</u>, equipment and farm machinery sales, <u>repair, and rental and washing</u> establishments.</p> <p>6.2.3. Bars and taverns.</p> <p>6.2.4. Bed and Breakfast (Rev. 10/25/09, Amendment #80)</p> <p>6.2.5. Bowling alleys, pool or billiard parlors.</p> <p>6.2.6. Cabinet making shops.</p> <p>6.2.7. Dance, music, voice studios.</p> <p>6.2.8. Dress making, millinery, clothing stores.</p> <p>6.2.9. Drive in eating establishments, fast food establishments, and restaurants. (Rev. 04/12/07, Amendment #67)</p> <p>6.2.10. Farm product stands.</p> <p>6.2.11. Funeral homes, undertaking establishments.</p> <p>6.2.12. Hotels, motels.</p> <p>6.2.13. Laboratories.</p> <p>6.2.14. Nurseries for flowers and plants.</p> <p>6.2.15. Offices.</p> <p>6.2.16. Parking lots, buildings and garages.</p> <p>6.2.17. Retail sales establishment, General</p> <p>6.2.18. Retail sales establishment, Household</p> <p>6.2.19. Retail sales establishment, Specialty</p> <p>6.2.20. Retail lumber yards.</p> <p>6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)</p> <p>6.2.22. Assembly, Educational or Social Event Facility</p> <p>6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)</p> <p>6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.26. Elderly housing, nursing and convalescent homes. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.28. Medical clinics and doctor’s offices. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.29. Private storage buildings, subject to the requirements of Section 17.23. Rev. 05/23/15, Amendment #127)</p> <p>6.2.30. Mobile Food Units, subject to requirements of Secton 17.29. (Rev. 02/25/17, Amendment #137)</p> <p>6.2.31. Health and fitness center (proposed in another amendment under consideration)</p> <p>6.2.32. Personal service center (proposed in another amendment under consideration)</p> <p>6.2.33. Pet grooming (proposed in another amendment under consideration)</p> <p>6.2.34. <u>Car wash</u></p> <p>6.2.35. <u>Motor vehicle service station</u></p> <p>6.2.36. <u>Retail sales establishment, small-scale convenience</u></p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales
	<p>Under ARTICLE 6 – COMMERCIAL DEVELOPMENT DISTRICT (D-CM) (Continued)</p> <p>Section 6.3. USES REQUIRING SPECIAL USE PERMITS</p> <p>6.3.1. Bus Terminals.</p> <p>6.3.2. Commercial cleaning plants, dry cleaning, laundry establishments.</p> <p>6.3.3. Contractor's yards, equipment storage and materials handling operations.</p> <p>6.3.4. Gasoline service stations and garages. <u>Motor vehicle repair facility</u></p> <p>6.3.5. Commercial kennels, pet shops, and veterinary hospitals, according to Section 17.16. (Rev. 11/22/09, Amendment #81)</p> <p>6.3.6. Outdoor, drive-in theaters.</p> <p>6.3.7. Outdoor commercial recreation activities.</p> <p>6.3.8. Trailer and mobile home parks.</p> <p>6.3.9. Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust.</p> <p>6.3.10. Junk yards, salvage yards and waste disposal sites.</p> <p>6.3.11. 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. (Rev. 04/26/08, Amendment #75)</p> <p>6.3.12. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)</p> <p>6.3.13 Child Caring Institutions, subject to the requirements of Section 17.24 (Rev. 04/28/10, Amendment #85)</p> <p>6.3.14 Boat Storage (Rev. 08/26/10, Amendment #88)</p> <p>6.3.15 Truck Terminals or Warehouses subject to the requirements of Section 17.26 (Rev. 03/28/12, Amendment #107)</p> <p>6.3.16 Indoor Storage Facilities (Rev. 05/25/13, Amendment #116)</p> <p>6.3.17 Planned Projects subject to provisions of Section 17.28 (Rev. 10/13/16, Amendment #136)</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales
	<p>Under ARTICLE 9 – AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF)</p> <p>SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>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.</p> <p>9.3.2. Automobile repair and service and gasoline stations. <u>Motor vehicle repair facility</u></p> <p>9.3.3. Assembly, Educational or Social Event Facility</p> <p>9.3.4. Public parks and recreational areas, playgrounds and campgrounds.</p> <p>9.3.5. Entertainment and eating establishments.</p> <p>9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)</p> <p>9.3.7. Golf courses, country clubs and sportsmen’s associations or clubs.</p> <p>9.3.8. Grocery and party stores. <u>Retail sales establishment, small scale convenience.</u></p> <p>9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.</p> <p>9.3.10. Slaughter houses and meat packing plants.</p> <p>9.3.11. Travel trailer courts, tenting areas and general camping grounds.</p> <p>9.3.12. Public airports and landing fields, with appurtenant facilities.</p> <p>9.3.13. Non-essential public utility and service buildings.</p> <p>9.3.14. Nursing or convalescent homes.</p> <p>9.3.15. Animal feedlots or piggeries.</p> <p>9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.</p> <p>9.3.17. Commercial kennels, pet shops, and veterinary hospitals according to Section 17.16. (Rev.11/23/09, Amendment #81)</p> <p>9.3.18. Junk yards, salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)</p> <p>9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)</p> <p>9.3.20. Contractor’s Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)</p> <p>9.3.20.1. Minimum 10 acre parcel.</p> <p>9.3.20.2. Minimum 330’ of road frontage / lot width.</p> <p>9.3.20.3. Minimum Setbacks: 100’ front; 75’ side; 100’ rear.</p> <p>9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.</p> <p>9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner’s primary residence.</p> <p>9.3.21. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)</p> <p>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</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales
	<p>the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)</p> <p>SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS (Continued)</p> <p>9.3.23 Child Caring Institutions, subject to the requirements of Section 17.24. (Rev. 04/28/10, Amendment #85)</p> <p>9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.1. (Rev.05/25/13, Amendment #116)</p> <p>Under ARTICLE 13 – VILLAGE CENTER (D-VC) SECTION 13.3.</p> <p>USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>13.3.1 Automobile repair and washing establishments. <u>Car wash, Motor vehicle service station and Motor vehicle repair facility</u></p> <p>13.3.2 Bus terminals.</p> <p>13.3.3 Dry cleaning and laundry establishments.</p> <p>13.3.4 Assembly, Educational or Social Event Facility</p> <p>13.3.5 Gasoline service stations and garages. <u>(Reserved for future use)</u></p> <p>13.3.6 Hotels and motels.</p> <p>13.3.7 Multiple-family housing.</p> <p>13.3.8 Outdoor recreation activities.</p> <p>13.3.9 Veterinary hospitals.</p> <p>13.3.10 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. (Rev. 04/26/08, Amendment #75)</p> <p>Under ARITCLE 13A – VILLACE CENTER INDIAN RIVER DISTRICT (VC-IR)</p> <p>SECTION 13A.3. USES REQUIRING SPECIAL LAND USE PERMITS.</p> <p>13A.3.1. Assisted Living Facility/Convalescent Home</p> <p>13A.3.2. Automobile repair and washing establishments <u>Car wash and Motor vehicle repair facility</u></p> <p>13A.3.3. Dry cleaning and laundry establishments</p> <p>13A.3.4. Assembly, Educational or Social Event Facility</p> <p>13A.3.5. Gasoline service stations and garages <u>(Reserved for future use)</u></p> <p>13A.3.6. Outdoor recreation activities</p> <p>13A.3.7. Veterinary hospitals</p> <p>13A.3.8. Visitor Center</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales
	<p>Under ARTICLE 13C VILLAGE CENTER TOPINABEE DISTRICT (VC-T)</p> <p>SECTION 13C.3 USES REQUIREING SPECIAL LAND USE PERMIT</p> <p>13C.3.1. Assisted Living Facility/Convalescent Home</p> <p>13C.3.2. Automobile repair and washing establishments <u>Car wash and Motor vehicle repair facility.</u></p> <p>13C.3.3. Bed and Breakfasts</p> <p>13C.3.4. Day Care Centers</p> <p>13C.3.5. Dry cleaning and laundry establishments</p> <p>13C.3.6. Assembly, Educational or Social Event Facility</p> <p>13C.3.7. Gasoline service stations and garages. <u>(Reserved for future use)</u></p> <p>13C.3.8. Outdoor recreation activities</p> <p>13C.3.9. Veterinary hospitals</p> <p>Under ARTICLE 14 RURAL CHARACTER /COUNTRY LIVING DISTRICT (D-RC)</p> <p>SECTION 14.3. USES REQUIREING SPECIAL LAND USE PERMITS</p> <p>14.3.1 Automobile repair businesses. <u>Motor vehicle repair facility</u></p> <p>14.3.2 Bed & Breakfasts.</p> <p>14.3.3 Cemeteries.</p> <p>14.3.4 Commercial greenhouses and nurseries.</p> <p>14.3.5 Public parks and recreational areas and playgrounds.</p> <p>14.3.6 Day care centers.</p> <p>14.3.7 Assembly, Educational or Social Event Facility</p> <p>14.3.8 Gas stations. <u>(Reserved for future use)</u></p> <p>14.3.9 Golf courses, country clubs and sportsmen’s associations or clubs.</p> <p>14.3.10 Grocery and party stores. <u>Retail sales establishment, small-scale convenience</u></p> <p>14.3.11 Multiple family housing.</p> <p>14.3.12 Non-essential public utility and service buildings.</p> <p>14.3.13 Nursing or convalescent homes.</p> <p>14.3.14 Assembly, Educational or Social Event Facility</p> <p>14.3.15 Public greenhouses and nurseries.</p> <p>14.3.16 Offices (Rev. 09/28/11, Amendment #92)</p> <p>14.3.17 Veterinary hospitals.</p> <p>14.3.18 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. (Rev. 04/26/08, Amendment #75</p>



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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PHONE: (231)627-8485 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: November 8, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Public Hearing on December 6, 2017 regarding zoning ordinance amendment relating to Bar and Restaurant uses.

Included with this memo is a draft ordinance amendment relative to the subject. Also included is a report with the proposed use listing changes to the current zoning ordinance as discussed in this memo annotated in red print.

Section 1 of the amendment document provides a new definitions for Bar, Dive through, Restaurant, Restaurant, carry out, Restaurant, drive in, and Restaurant, fast food.

Section 2 is a house keeping type measure to clarify that an individual is covered under the definition of Family and allowed to occupy a dwelling under the zoning ordinance.

Section 3 provides as follows:

Establishes a Drive through to be allowed in the Commercial Development zoning district with site plan review approval.

Replaces the current Drive in eating establishments, fast food establishment and restaurants use listings with Restaurant, carry out, Restaurant, drive in, and Restaurant fast food as uses which require site plan review in the Commercial Development zoning district.

Replaces the current use listings of Bars and taverns, Entertainment and eating establishments and Restaurant/Bar with Bar and Restaurant as uses which require site plan review in the Commercial Development zoning district and uses which require a special use permit in the Agriculture and Forestry Management and Lake and Stream Protection zoning districts respectively.

Replaces the current use listing of Bars and taverns with Bar and Restaurant as uses which require site plan review in the Village Center, zoning district.

Replaces the current use listing of Bars and taverns with Bar, Restaurant and Restaurant, carry out as uses which require site plan review in the Village Center Indian River, Village Center Indian River Overlay, Village Center Topinabee and Village Center Topinabee Overlay zoning districts.

Section 4 repeals the use listing of Restaurants in the Village Center Indian River, Village Center Indian River Overlay, Village Center Topinabee and Village Center Topinabee Overlay zoning districts and reserved the sections for future use.

Section 5 changes language in section 13A.4.5 to allow outdoor seating on a public sidewalk or in a public right-of-way in the Indian River Village Center zoning district with approval of the government body with jurisdiction only as previously discussed.

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

Draft For December 6, 2017 Public Hearing
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

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..

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 13B.2.8., 13C.2.12., and 13D.2.5

Sections 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

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Bars and Restaurants
	<p>Under ARTICLE 6 – COMMERCIAL DEVELOPMENT DISTRICT (D-CM)</p> <p>SECTION 6.2. PERMITTED USES</p> <p>6.2.1. Any use permitted in the D-RS, Residential Development District. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.2. Automobile, boat, equipment, and farm machinery sales, repair, rental and washing establishments.</p> <p>6.2.3. <u>Bar and Restaurant, Restaurant, carry out, Restaurant, dirve in and Restaurant, fast food.</u> Bars and taverns.</p> <p>6.2.4. Bed and Breakfast (Rev. 10/25/09, Amendment #80)</p> <p>6.2.5. Bowling alleys, pool or billiard parlors.</p> <p>6.2.6. Cabinet making shops.</p> <p>6.2.7. Dance, music, voice studios.</p> <p>6.2.8. Dress making, millinery, clothing stores.</p> <p>6.2.9. <u>Drive through</u> Drive in eating establishments, fast food establishments, and restaurants. (Rev. 04/12/07, Amendment #67)</p> <p>6.2.10. Farm product stands.</p> <p>6.2.11. Funeral homes, undertaking establishments.</p> <p>6.2.12. Hotels, motels.</p> <p>6.2.13. Laboratories.</p> <p>6.2.14. Nurseries for flowers and plants.</p> <p>6.2.15. Offices.</p> <p>6.2.16. Parking lots, buildings and garages.</p> <p>6.2.17. Retail sales establishment, General</p> <p>6.2.18. Retail sales establishment, Household</p> <p>6.2.19. Retail sales establishment, Specialty</p> <p>6.2.20. Retail lumber yards.</p> <p>6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)</p> <p>6.2.22. Assembly, Educational or Social Event Facility</p> <p>6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)</p> <p>6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.26. Elderly housing, nursing and convalescent homes. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.28. Medical clinics and doctor’s offices. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.29. Private storage buildings, subject to the requirements of Section 17.23. Rev. 05/23/15, Amendment #127)</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Bars and Restaurants
	<p>Under ARTICLE 9 – M-AF AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>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.</p> <p>9.3.2. Automobile repair and service and gasoline stations.</p> <p>9.3.3. Assembly, Educational or Social Event Facility</p> <p>9.3.4. Public parks and recreational areas, playgrounds and campgrounds.</p> <p>9.3.5. Bar and Restaurant Entertainment and eating establishments.</p> <p>9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)</p> <p>9.3.7. Golf courses, country clubs and sportsmen’s associations or clubs.</p> <p>9.3.8. Grocery and party stores.</p> <p>9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.</p> <p>9.3.10. Slaughter houses and meat packing plants.</p> <p>9.3.11. Travel trailer courts, tenting areas and general camping grounds.</p> <p>9.3.12. Public airports and landing fields, with appurtenant facilities.</p> <p>9.3.13. Non-essential public utility and service buildings.</p> <p>9.3.14. Nursing or convalescent homes.</p> <p>9.3.15. Animal feedlots or piggeries.</p> <p>9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.</p> <p>9.3.17. Commercial kennels, pet shops, and veterinary hospitals according to Section 17.16. (Rev.11/23/09, Amendment #81)</p> <p>9.3.18. Junk yards, salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)</p> <p>9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)</p> <p>9.3.20. Contractor’s Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)</p> <p>9.3.20.1. Minimum 10 acre parcel.</p> <p>9.3.20.2. Minimum 330’ of road frontage / lot width.</p> <p>9.3.20.3. Minimum Setbacks: 100’ front; 75’ side; 100’ rear.</p> <p>9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.</p> <p>9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner’s primary residence.</p> <p>9.3.21. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)</p> <p>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. (Rev. 04/26/08, Amendment #75)</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Bars and Restaurants
	<p>SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS (Continued)</p> <p>9.3.23 Child Caring Institutions, subject to the requirements of Section 17.24. (Rev. 04/28/10, Amendment #85)</p> <p>9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.1. (Rev.05/25/13, Amendment #116)</p> <p>Under ARTICLE 10 – P-LS LAKE AND STREAM PROTECTION DISTRICT</p> <p>SECTION 10.3. USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>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.</p> <p>10.3.2. Campgrounds, camps and clubs for recreational use. (Rev. 09/20/03, Amendment #23)</p> <p>10.3.3. <i>(reserved for future use)</i></p> <p>10.3.4. Retail stores and shops.</p> <p>10.3.5. Boat liveries, marinas and launching ramps.</p> <p>10.3.6. Golf courses, driving ranges and country clubs. (Rev. 09/20/03, Amendment #23)</p> <p>10.3.7. Motels and hotels.</p> <p>10.3.8. Duplexes, multi-family and apartment buildings.</p> <p>10.3.10. Assembly, Educational or Social Event Facility</p> <p>10.3.11. Housing of any animals other than pet dogs and/or cats.</p> <p>10.3.12. Use of any parcel of waterfront property as a common use area for access to the water by one (1) or more non-waterfront single family dwelling(s). (See Section 10.4.4) (Rev. 02/23/11, Amendment #90)</p> <p>10.3.13. Public access sites.</p> <p>10.3.14. Bar and Restaurant <u>Restaurant/Bar</u> (Rev. 04/28/00, Amendment #14)</p> <p>10.3.15. Bed & Breakfasts (Rev. 05/17/06, Amendment #57)</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Bars and Restaurants
	<p>Under ARTICLE 13 – D-VC VILLAGE CENTER</p> <p>SECTION 13.2. PERMITTED USES</p> <p>13.2.1 Any use permitted in the D-RS District.</p> <p>13.2.2 Bar and Restaurant Bars and taverns.</p> <p>13.2.3 Bed and Breakfasts.</p> <p>13.2.4 Bowling alleys, pool or billiard parlors.</p> <p>13.2.5 Chambers of Commerce.</p> <p>13.2.6 Day care centers.</p> <p>13.2.7 Farm product stands.</p> <p>13.2.8 Grocery and party stores.</p> <p>13.2.9 Offices</p> <p>13.2.10 Parking lots and garages.</p> <p>13.2.11 Restaurants.</p> <p>13.2.12 Retail sales establishments, General.</p> <p>13.2.13 Retail sales establishments, Household.</p> <p>13.2.14 Retail sales establishments, Specialty.</p> <p>13.2.15 Theaters, excluding drive-in theaters. (Rev. 09/28/11, Amendment #92)</p>
	<p>Under ARITCLE 13A – VC-IR VILLAGE CENTER INDIAN RIVER DISTRICT</p> <p>SECTION 13A.2. PERMITTED USES</p> <p>13A.2.1. Bowling alleys, pool or billiard parlors</p> <p>13A.2.2. Artisan workshop which may include an artisan residence</p> <p>13A.2.3. Bakeries</p> <p>13A.2.4. Bar, Restaurant and Restaurant, carryout Bars and taverns.</p> <p>13A.2.5. Bed and Breakfasts.</p> <p>13A.2.6. Day care centers.</p> <p>13A.2.7. Farm product stands, farmers markets</p> <p>13A.2.8. Grocery and party stores.</p> <p>13A.2.9. Home occupations subject to Section</p> <p>13A.2.10. Hotels and motels</p> <p>13A.2.11. Multiple-family housing</p> <p>13A.2.12. Offices</p> <p>13A.2.13. Restaurant</p> <p>13A.2.14. Retail sales establishments, General</p> <p>13A.2.15. Retail sales establishments, Household</p> <p>13A.2.16. Retail sales establishments, Specialty</p> <p>13A.2.17. Single-family, two-family dwellings.</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Bars and Restaurants
	<p>Under ARTICLE 13B VC-IR-O VILLAGE CENTER INDIAN RIVER OVERLAY DISTRICT SECTION 13B.2.</p> <p>13B.2.1. Bakeries</p> <p>13B.2.2. Bar , Restaurant and Restaurant , carryout Bars and taverns-</p> <p>13B.2.3. Bed and Breakfasts.</p> <p>13B.2.4. Farmers markets which meet the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices for Farm Markets</p> <p>13B.2.5. Home occupations subject to Section 17.21.</p> <p>13B.2.6. Multiple-family housing</p> <p>13B.2.7. Offices</p> <p>13B.2.8. Restaurant</p> <p>13B.2.9. Retail sales establishments, General</p> <p>13B.2.10. Retail sales establishments, Household</p> <p>13B.2.11. Retail sales establishments, Specialty</p> <p>13B.2.12. Single-family, two-family dwellings according to Section 13A.4.3.</p> <p>SECTION 13B.3. USES REQUIREING SPECIAL LAND USE PERMITS</p> <p>13B.3.1. Arcades, bowling alleys, pool or billiard parlors.</p> <p>13B.3.2. Artisan workshop which may include an artisan residence</p> <p>13B.3.3. Farm product stands, farmers markets</p> <p>13B.3.4. Grocery and party stores.</p> <p>13B.3.5. Visitor Center</p> <p>Under ARTICLE 13C VC-T VILLAGE CENTER TOPINABEE DISTRICT</p> <p>SECTION 13C.2. PERMITTED USES</p> <p>13C.2.1. Arcades, bowling alleys, pool or billiard parlors.</p> <p>13C.2.2. Artisan workshop which may include an artisan residence</p> <p>13C.2.3. Bakeries</p> <p>13C.2.4. Bar, Restaurant and Restaurant, carryout Bars and taverns</p> <p>13C.2.5. Detached single family dwellings</p> <p>13C.2.6. Farm product stands, farmers markets</p> <p>13C.2.7. Grocery and party stores</p> <p>13C.2.8. Home occupations subject to Section 17.21</p> <p>13C.2.9. Hotels and Motels</p> <p>13C.2.10. Multi-family housing</p> <p>13C.2.11. Offices</p> <p>13C.2.12. Restaurants</p> <p>13C.2.13. Retail sales establishments, General</p> <p>13C.2.14. Retail sales establishments, Household</p> <p>13C.2.15. Retail sales establishments, Specialty</p> <p>13C.2.16. Two family dwellings according to Section</p>

Notes	Proposed Changes to Zoning Ordinance 200 regarding uses related to Bars and Restaurants
	<p>Under ARTICLE 13D VC-T VILLAGE CENTER TOPINABEE OVERLAY DISTRICT SECTION 13D.2.</p> <p>13D.2.1. Bars, Restaurant and Restaurant , carryout Bars and taverns.</p> <p>13D.2.2. Farmers markets which meet the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices for Farm Markets.</p> <p>13D.2.3. Home occupations according to Section 17.21.</p> <p>13D.2.4. Real Estate Offices (see Section 13D.4.2.b.)</p> <p>13D.2.5. Restaurants</p> <p>13D.2.6. Retail sales establishments, General</p> <p>13D.2.7. Retail sales establishments, Household</p> <p>13D.2.8. Retail sales establishments, Specialty</p> <p>13D.2.9. Single family dwellings according to Section 13D.4.1</p>



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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www.cheboygancounty.net/planning/

Date: November 8, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Public hearing regarding zoning ordinance amendment relating to Office, Health and fitness center and Personal service uses.

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

Section 1 of the amendment document provides new definitions for Pet grooming, Health and fitness center and Personal service center.

Section 2 provides a new definition for Office.

Section 3 provides new section 4.3.13. for Planned projects in the Residential Development district which was mistakenly replaced by a recent amendment.

Section 4 provides for Health and fitness center, Personal service center and Pet grooming to be allowed in the Commercial Development zoning district with site plan review approval.

Section 5 provides for Personal service center and Pet grooming to be allowed in the Indian River Village Center zoning district and Personal service center to be allowed in the Indian River Village Center Overlay zoning district with site plan review approval.

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

For 12/6/17 Public Hearing
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 location 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.

Pet grooming.

A commercial establishment where the hygienic care and cleaning of a domesticated pet including haircuts and grooming is provided and where pets are not kept overnight

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., 6.2.32. and 6.2.33 which shall read in their entirety as follows:

6.2.31. Health and fitness center

6.2.32. Personal service center

6.2.33. Pet grooming

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

Section 13A.2. and 13B.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following sections 13A.2.18., 13A.2.19 and 13B.2.13. which shall read in their entirety as follows:

13A.2.18. Personal service center

13A.2.19. Pet grooming

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