



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, AUGUST 3, 2016 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

*AGENDA – Revised 08/01/16*

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

**PUBLIC HEARING AND ACTION ON REQUESTS**

- 1.) **BRYAN FROST** - Requests a Special Use Permit for a Salvage yard - Section 9.3.18. The property is located at 7455 Reams Rd., Mentor Twp., section 8, parcel #200-008-100-014-02, and is zoned Agriculture and Forestry Management (M-AF).  
*(This item was tabled at the July 20, 2016 Planning Commission meeting.)*

**Mr. Frost has submitted a request to table this consideration of a special use permit for a salvage yard.**

- 2.) **Public Hearing on 2017 Capital Improvements Program**

**UNFINISHED BUSINESS**

- 1.) Review of Sign Ordinance Amendment
- 2.) Review of proposed definitions regarding uses related to Restaurant and Bar and Gas Station and Party Store

**NEW BUSINESS**

**STAFF REPORT**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURN**



# CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8489 ■ TDD: (800)649-3777

## **CHEBOYGAN COUNTY PLANNING COMMISSION MEETING WEDNESDAY, JULY 20, 2016 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING**

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzyk  
**ABSENT:** Ostwald  
**STAFF:** Steve Schnell  
**GUESTS:** Bob Lyon, Eric Boyd, Kevin Przybyla, Tony Matelski, Russell Crawford, Chery Crawford, Peyton Frost, Justin Baumgarten, Chris Pawloski, Brian Frost, Gretchen Frost, Carl Muscott, Meghan Pionk, Mark Pionk, Sherry Pionk, Greg Drogowski, Jodi Drogowski, David Carpenter, Brian Fullford, Travis Conners, Russell Bobcean, Donna Bobcean, Matthew Theumick

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

### **PLEDGE OF ALLEGIANCE**

Chairperson Croft led the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Freese, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Ostwald)

### **APPROVAL OF MINUTES**

The July 6, 2016 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Ostwald)

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

**JOHN PRZYBYLA/EJS RIGGSVILLE RD. LLC** - Requests a Special Use Permit for Manufacturing - Section 6.3.9, and Indoor Storage Facility, Section 6.3.16. The property is located at 6379 and 6418 Riggsville Rd., Munro Twp., section 24, parcel #080-024-400-009-00 and 080-025-200-002-01, and is zoned Commercial Development (D-CM).

Mr. Schnell explained that the applicant is requesting a special use permit under section 6.3.9 for manufacturing and section 6.3.16 for storage. Mr. Schnell explained that section 6.3.9 regarding the manufacturing use requires a determination by the Planning Commission that the operational effects are to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust. Mr. Schnell referred to the site plan and noted that the manufacturing will occur at the front of the existing building. Mr. Schnell noted that there is a single family dwelling use at the back of the building. Mr. Schnell stated that the applicant is requesting approval for a freestanding sign by the road. Mr. Schnell stated that 10 parking spaces are required for the manufacturing use and two for the residence. Mr. Schnell stated that this requirement is met and there is room for more parking spaces. Mr. Schnell stated that he clarified with Fire Chief Socha that it is only a recommendation, not a requirement, that there be an external fire alarm.

Discussion was held regarding the manufacturing process. Mr. Churchill asked if hazardous materials will be used in the manufacturing process. Mr. Schnell read from exhibit 4 “The construction and curing process of carbon fiber has no hazardous waste byproduct or create any of the following factors: noise, glare, radiation, vibration, smoke, odor and/or dust”

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

Mr. Kavanaugh stated there are no hazardous materials and the property is zoned Commercial. Mr. Kavanaugh stated the building is not being used and he believes this is a good location.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Ostwald)

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to Department of Building Safety requirements, Health Department #4 requirements and making an additional recommendation for a smoke alarm. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Ostwald)

**BRYAN FROST** - Requests a Special Use Permit for a Salvage yard - Section 9.3.18. The property is located at 7455 Reams Rd., Mentor Twp., section 8, parcel #200-008-100-014-02, and is zoned Agriculture and Forestry Management (M-AF).

Mr. Schnell referred to the site plan and noted the location where 6ft. high evergreen trees are proposed for screening. Mr. Schnell stated that section 3.6.4.3 has an 8ft. requirement. Mr. Frost stated that he was planning on a berm. Mr. Schnell stated that this is the screening area and within this area will be the salvage yard. Mr. Schnell stated that the parcel is zoned Agriculture and Forestry Management. Mr. Schnell stated that there are regulations in place for salvage yards and that he has talked with Don Ozoga at the DEQ regarding materials that are source separated. Mr. Schnell stated that Mr. Ozoga proposed some conditions in his e-mail. Mr. Schnell stated that he encourages strongly that these conditions be included and that he be included as part of the enforcement matter. Mr. Schnell stated that this is an enforcement matter and there is a lot going on at this site that is not part of the final plan and will have to be cleaned up. Mr. Schnell stated that a zoning permit will be required for the private storage building that is proposed.

Mr. Kavanaugh asked how far along is the enforcement matter and has the site been cleaned up. Mr. Schnell stated that this is in violation of the Zoning Ordinance. Mr. Schnell stated that if someone expresses an interest in submitting an application to the Planning Commission, the enforcement matter is put on hold, and he works with them on the application process first. Mr. Schnell noted that whether or not the Planning Commission approves the request, at all times it is a violation. Mr. Schnell stated that they only seek enforcement after this process is complete or when they feel that they are not getting cooperation or compliance. Mr. Schnell stated that Mr. Frost has been cooperative. Mr. Kavanaugh asked what would be required to clean up the site and to meet the requirements of the Zoning Ordinance. Mr. Schnell stated when he did the site visit there was a lot of material under tarps and he does not know the extent of what will have to be cleaned up. Mr. Schnell referred to the site plan and noted areas that may have to be cleaned up.

Mr. Freese stated that he visited the site and read through the regulation and he sees this as a disposal area. Mr. Freese stated there is garbage, scrap wood, treated wood, wood, recyclable materials, glass, rubbish and yard clippings. Mr. Freese stated our regulation requires a written plan and that has not been submitted by the applicant. Mr. Freese stated the statement that was submitted is not enough to make an evaluation on whether what he is proposing will be adequate. Mr. Freese stated he would not be comfortable moving forward with this request without a written plan. Mr. Freese believes this request should be tabled until Mr. Frost is able to submit a written plan.

Mr. Frost stated he has a landscaping business at this location for 25 years. Mr. Frost questioned why it is a problem now when it has not been a problem in the past 25 years. Discussion was held. Mr. Frost and Mr. Freese discussed the location of garbage, cans and bottles on the site. Mr. Frost stated that the bottles and cans were located by the burning barrel and questioned if it is illegal to have a burning barrel. Mr. Frost stated that 80% of the metal on the property is almost gone. Mr. Frost stated that on his property there are dock sections, pieces of wolmanized lumber, railroad ties and broken concrete. Mr. Frost stated that he uses these items in his landscaping business. Mr. Frost stated he has been in the landscaping business for 25 years and this has not been a problem in the past. Mr. Kavanaugh explained that a plan is being required because Mr. Frost has been at this location for 25 years and it has not been cleaned up yet. Mr. Frost stated that he will have Northstar Landscaping build a big berm with their loader. Mr. Frost stated he is trying to do more than what he needs to do.

Ms. Croft asked for public comments. Mr. Drogowski stated that his property is adjacent to Mr. Frost's property and he has lived there for 11 years. Mr. Drogowski stated he has to look at the refuse every day. Mr. Drogowski stated he has three issues with this request. Mr. Drogowski stated the first item is a blight issue. Mr. Drogowski stated that he and his family moved to the area because of the natural beauty of the area and they prefer that this property be restored and that it stays that way. Mr. Drogowski stated the second item is environmental issues. Mr. Drogowski stated that no one knows exactly what materials are at this location. Mr. Drogowski questioned if there are ground water issues. Mr. Drogowski stated the third item is that Mr. Frost was issued a notice from the DEQ in October of 2015 of his unlawful activity and was advised to clean it up by December 1, 2015. Mr. Drogowski stated that Mr. Frost refused to do so and has now applied for a special

salvage permit. Mr. Drogowski believes that if Mr. Frost were serious about the scrap metal only salvage yard, he would have cleaned up the property first and then applied for the permit. Mr. Drogowski believes it is a ploy on Mr. Frost's part and that he will not do anything if he receives this salvage permit.

Ms. Frost stated that her husband has been working hard to clean up the property. Ms. Frost questioned when their property became a junkyard. Ms. Frost stated she has lived there five years and she did not know that it was a junkyard. Ms. Frost asked when her husband was asked to write this plan. Mr. Schnell stated that Mr. Frost was told about a written plan during the first meeting in his office. Mr. Frost stated that he would have submitted the plan today if he had known about it. Ms. Frost stated that her husband is trying to clean up their property and she is sorry about how Mr. Drogowski and other neighbors feel.

Mr. Bobcean stated he lives approximately ¼ of a mile north of Mr. Frost's property. Mr. Bobcean stated that the landscaping business has not existed for 25 years and may have existed for 18 years. Mr. Bobcean stated that anyone who does not believe this looks like a salvage yard would have to be blind. Mr. Bobcean stated that there is a hiking and skiing trail that abuts this property. Mr. Bobcean stated that he and the neighbors moved to this area for peace and quiet and the area is pretty Mr. Bobcean stated the area is not pretty now.

Mr. Pionk stated that he owns six acres adjacent to Mr. Frost's property. Mr. Pionk stated that he objects to this salvage operation. Mr. Pionk stated that he has photos that he has taken from his property. Mr. Pionk stated that he plans to build a retirement home. Mr. Pionk stated his property is elevated and he looks down onto Mr. Frost's property. Mr. Pionk questioned who would want to build a retirement home and have to look at this property. Mr. Pionk stated 6ft. or 8ft. trees will not block the view. Mr. Pionk stated that when he purchased his property there was a little bit of brush on Mr. Frost's property. Mr. Pionk stated that all of the salvage and refuse was not on the property at that time.

Mr. Price stated that he lives to the north and is not there all of the time. Mr. Price asked if this application is for a salvage yard. Ms. Croft stated yes. Mr. Price asked if this is for scrap metal also. Mr. Schnell stated that is what Mr. Frost has indicated in the application. Mr. Price stated he is trying to see how this will coordinate with a landscape business if there is scrap metal as those two are not related. Mr. Price stated there is a scrap metal yard a few miles down the road on Parke Road that has been there for a long time. Mr. Price questioned if there is a need for another scrap metal business. Mr. Price stated there is a lot of concern with a scrap metal business as stuff falls out of the trucks onto the road and puncture tires. Mr. Price questioned who will maintain it and environmental issues. Mr. Price is asking for clarity on how the two uses are related. Mr. Schnell noted in the application it states that it is for salvage and metal resale. Mr. Schnell read from the application "source separating waste and metal salvage only stored on site."

Mrs. Drogowski stated that she owns the property to the east of Mr. Frost's property. Mrs. Drogowski stated that she is against the Planning Commission issuing this special use permit for this property. Mrs. Drogowski stated that Mr. Frost has shown a blatant disregard for the law which regulates solid waste. Mrs. Drogowski stated that Mr. Frost has been dumping rubbish of all sorts on this property for years in violation of law. Mrs. Drogowski stated that following complaints made by several neighbors, Mr. Frost was issued a letter by the DEQ to clean up the property by December 1, 2015. Mrs. Drogowski stated that Mr. Frost failed to do so. Mrs. Drogowski stated that her concern is that, given his lack of regard for laws in the past, he will not hesitate to continue to do so in the future. Mrs. Drogowski stated that she also believes that he is using this application for a special use permit for a salvage yard as a means of circumventing the legal directive that he has already been given. Mrs. Drogowski stated that Mr. Frost has told her that his wife does not want to live here anymore and it appears that they are pursuing that option. Mrs. Drogowski asked why should they be left to live with the mess.

A heated discussion followed. Ms. Croft asked Mr. Frost to leave the meeting.

Ms. Rashid stated she is representing her family who owns property on Wildwood Road and Reams Road. Ms. Rashid stated they are concerned about possible negative environmental effects that the salvage yard would have on ground water, vegetation and wildlife. Ms. Rashid stated that Mr. Frost's property is uphill from the Cedar Creek Swamp that runs through their property and feeds Pickerel Lake. Ms. Rashid stated that they are concerned about potential chemical contamination. Ms. Rashid stated there has been extensive dumping that has already occurred on this property. Ms. Rashid stated it is extremely worrisome and is potentially hazardous and is blight for the neighbors as well as for those in the area enjoying the trails. Ms. Rashid stated that she and her family are opposed to this permit.

Public comment closed

Mr. Freese stated there have been several comments that this is blight. Mr. Freese stated that he will agree that this is probably blight, however, there is no blight ordinance. Mr. Freese stated there is a lot of things can be done because of what it actually is and not what it looks like. Mr. Freese stated the action that has been requested to be taken is in accordance with the law. Mr. Freese stated our regulation requires that there be a written plan submitted covering those points. Mr. Freese stated if the applicant is taking in separated non-metallic and metallic materials and storing them for a limited period on the site and then disposing of them, we would have to give him the special use permit, however, we have had problems in the past with disposal operations that have gotten worse. Mr. Freese stated that he is not comfortable acting on this request without a written plan. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to table the request until the August 3, 2016 Planning Commission meeting to allow the applicant to submit a complete written plan to be evaluated by the Planning Commission and the DEQ.

Discussion was held. Mr. Kavanaugh would like to see fencing/berming in the plan. Mr. Kavanaugh stated that part of the Planning Commission looking at the request is Mr. Frost taking care of the violation. Mr. Kavanaugh stated these are zoning issues. Mr. Freese stated this property is a mess and it is in violation and it should be corrected. Mr. Kavanaugh stated Mr. Frost was issued an order from the DEQ and he did not meet the deadline. Mr. Kavanaugh questioned why the Planning Commission would issue a permit to allow something similar. Mr. Churchill stated he does not want to see Mr. Frost back until he is in compliance as it proves to the Planning Commission that he is serious about this issue. Mr. Schnell stated this poses an enforcement issue. Mr. Schnell stated if Mr. Frost refuses and it is taken to court, the judge will ask if Mr. Frost is trying to be in compliance. Mr. Schnell stated that to give Mr. Frost due process, whether or not he is in violation, the Planning Commission has a duty to review the application regardless of the situation. Mr. Schnell stated that he is working on the enforcement situation on the site right now. Mr. Borowicz stated that enforcement may be Mr. Schnell's issue, but it is almost impossible to accomplish. Discussion was held.

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Ostwald)

**INDIAN RIVER UNITED METHODIST CHURCH / CASS CASUCCI** - Requests a Special Use Permit for Religious Institution - Section 13A.3.4. The property is located at 3527 South Straits Highway, Tuscarora Twp., section 24, parcel #161-M55-033-001-00, and is zoned Village Center Indian River (VC-IR).

Mr. Schnell stated this is a request for a special use permit for educational, municipal, religious institution and private club (section 13.A.3.4) in the Village Center Indian River Zoning District. Mr. Schnell stated that an applicant's statement outlining all of the different programs has been included in the packet. Mr. Schnell stated 31 parking spaces are required. Mr. Schnell stated that 8 parking spaces are provided on site and they are asking for a waiver for the remainder as this parcel is located in the Village Center Indian River Zoning District.

Mr. Freese stated that other businesses have been authorized without meeting parking standards. Mr. Freese stated that one of the goals of the overlay district was to reduce the parking requirements placed on each business in the downtown area. Mr. Freese stated there is parking across the street and to the north. Mr. Freese stated that he does not believe the Planning Commission can require anything more than what they are proposing. Mr. Freese stated it is the responsibility of the individual business to make sure that they have adequate parking.

Ms. Lyon asked what are the hours of operation. The applicant stated from 3:00pm to 7:00pm, Monday through Friday. Discussion was held regarding the availability of public parking. Mr. Kavanaugh stated that parking concerns him, but the Planning Commission has approved two new businesses with no parking. Mr. Kavanaugh stated he was hoping that the township could have commented on parking.

Ms. Croft asked for public comments. Mr. Muscott stated this is a great use for the building and for the area. Mr. Muscott stated it is a place for the youth to hang out and make constructive use of their time. Mr. Muscott stated he has seen this done in other communities. Mr. Muscott explained that parking should not be an issue at all. Mr. Muscott stated that most of the people in the community will be behind this use and it will bring more people downtown. Public comment closed.

**Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Ostwald)

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Specific Findings of Fact Under Section 13.A.4.1, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit based on the General Findings, Specific Findings of Fact Under Section 13.A.4.1, Finding of Fact Under Section 18.7 and the Specific Findings of Fact

Under Section 20.10 subject to Department of Building Safety regulations and Health Department regulations. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Ostwald)

**TRAVIS CONNERS** – Requests a Site Plan Review for Condominium for Private Storage Buildings – Section 6.2.29. The property is located at 1050 Sand Road, Inverness Township, section 23, parcel #091-023-400-016-02, and is zoned Commercial Development (D-CM).

Mr. Schnell explained that this property is currently vacant. Mr. Schnell referred to the site plan and reviewed topography and the location of storm water retention areas. Mr. Schnell stated that Hank Jankoviak (Soil Erosion Officer) reviewed this site plan and he did not have any issues with it. Mr. Schnell stated that this parcel is located in the Commercial Development Zoning District. Mr. Schnell stated that there is a common area that will serve as a driveway for all of the units. Mr. Schnell stated that Section 6.2.29 allows for private storage and site condominiums are addressed in the ordinance.

Mr. Fullford stated this is an acceptable use and these types of buildings are in high demand. Mr. Fullford stated that there will not be a well or septic.

Ms. Croft noted that the Road Commission is requiring the driveway to be paved with concrete curb and gutter. Mr. Fullford stated that they will meet the Road Commission requirements. Discussion was held regarding legal review of master deed and condominium documents. Mr. Freese stated he would like to see live screening on the east side.

Ms. Croft asked for public comments. Mr. Muscott questioned if this is a site plan that will be built out with speed or if it is a speculative type of development. Mr. Connors stated it could be a 1-3 year project. Mr. Connors stated he intends to build a nice facility with nice facades. Mr. Connors stated there will be no outside storage and it will be a nice facility when it is done. Public comment closed.

Mr. Schnell asked if the Planning Commission would want to require the screening prior to any construction. The Planning Commission agreed that screening is required before any construction begins.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed the Specific Findings of Fact Under Section 20.10 and revised b1, "Changes relative to soil removal and topographic modifications will be only such as needed to provide an adequate level site for the proposed storage facilities."

The Planning Commission approved the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Borowicz, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:

1. Meet Department of Building Safety requirements
2. Meet Road Commission requirements on the access
3. Legal Counsel review and approval of master deed and condominium documents
4. Vegetative screening on the east side before construction begins and in accordance with the Zoning Ordinance
5. Meet Soil and Sedimentation requirements

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Churchill, Jazdzyk), 0 Nays, 1 Absent (Ostwald)

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

No comments.

#### **STAFF REPORT**

Mr. Schnell stated that Tuscarora Township contacted him and Sue Fisher indicated that they would like to meet with the Planning Commission on October 19, 2016. Mr. Schnell stated that the meeting will be held at the Tuscarora Township Hall. Discussion was held regarding the meeting being with Cheboygan County Planning Commission, Tuscarora Township and Tuscarora Township Planning Commission. Mr. Schnell stated that he will let the Chamber of Commerce know of this unique meeting as we are looking for local input. Discussion was held regarding the meeting being posted. Mr. Kavanaugh stated that he would like to see written recommendations from Tuscarora Township & Tuscarora Township Planning Commission prior to this meeting.

**PLANNING COMMISSION COMMENTS**

Discussion was held regarding an enforcement issue.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:29pm.

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Charles Freese  
Planning Commission Secretary

DRAFT

## Deborah Tomlinson

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**From:** Scott McNeil  
**Sent:** Friday, July 29, 2016 8:05 AM  
**To:** Deborah Tomlinson  
**Subject:** FW: Salvage Yard permit

Debi;

Please forward this request to the Planning Commission.

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

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**From:** Steve Schnell  
**Sent:** Thursday, July 28, 2016 10:55 PM  
**To:** Scott McNeil  
**Subject:** Fwd: Salvage Yard permit

*Sent from my Verizon Wireless 4G LTE DROID*

----- Original Message -----  
**Subject:** Salvage Yard permit  
**From:** Gretchen <[dodgegirl98@gmail.com](mailto:dodgegirl98@gmail.com)>  
**To:** Steve Schnell <[steve@cheboygancounty.net](mailto:steve@cheboygancounty.net)>  
**CC:**

Good Morning Steve

I would like to request the planning commission table my Salvage yard permit due to the fact we need to re-evaluate our plan. If possible I would like to have a conference call with you and Gretchen to go over the entire thing.

Thank you

Brian Frost

# CHEBOYGAN COUNTY PLANNING COMMISSION

Brian Frost – *Revised 07/06/16*

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Special Use Permit Application (6 Pages)
4. Site Plan (1 Page)
5. Mailing List (1 Page)

***The following items were added to the exhibit list on 06/23/16:***

6. E-mail dated 06/16/16 from John Ozoga to Steve Schnell (1 Page)

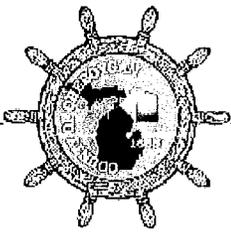
***The following items were added to the exhibit list on 06/28/16:***

7. Notice of Planning Commission Meeting

***The following items were added to the exhibit list on 07/06/16:***

8. E-mail Dated 06/30/16 From Brent Shank, Cheboygan County Road Commission Manager (1 Page)
- 9.
- 10.
- 11.
- 12.

Note: Planning Commission members have exhibits 1 and 2.



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

### PROPERTY LOCATION

Address <i>7455 Reams Rd.</i>	City / Village	Twp / Sec. <i>Meriv / 08</i>	Zoning District <i>M-AF</i>
Property Tax I.D. Number <i>200-008-100-014-02</i>	Plat or Condo Name / Lot or Unit No.		

### APPLICANT

Name <i>Brian Frost</i>	Telephone <i>231-881-0655</i>	Fax -
Address <i>7455 Reams Rd.</i>	City, State & Zip <i>Ann Arbor MI, 49706</i>	E-Mail -

### OWNER (If different from applicant)

Name <i>As Above</i>	Telephone	Fax
Address	City, State & Zip	E-Mail

### PROPOSED WORK

<b>Type (check all that apply)</b> <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" 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: _____	<b>Building/Sign Information</b> Overall Length: _____ feet Overall Width: <i>NA</i> feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: _____ sq. feet Sign Height _____ feet
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### PROPOSED USE (check all that apply)

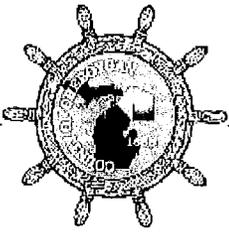
<input checked="" type="checkbox"/> Single-Family Residence <i>Existing</i>	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units _____	<input type="checkbox"/> Storage	<input type="checkbox"/> Industrial	<input type="checkbox"/> Utility <i>Sec. 9.3.18</i>
<input checked="" type="checkbox"/> Other: <i>Metal Salvage</i>			

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: *Wilbur Road to Reams Road - South on Reams Road - 6 Miles.*

SPECIAL LAND USE PERMIT APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

*Salvage metal Resale*  
*Source - separating waste, metal salvage only stored on site*

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.

*No change*

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.

*No change*

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

*No change*

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 change*

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

*Yes*

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

*Yes*

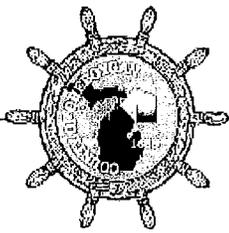
g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

*Not applicable*

h. Exterior lighting shall be arranged as follows:

- i. It is deflected away from adjacent properties. *no additional light*
- ii. It does not impede the vision of traffic along adjacent streets.
- iii. It does not unnecessarily illuminate night skies.

SPECIAL LAND USE PERMIT APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

SPECIAL LAND USE PERMIT 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.

No Change

- 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.

yes

3. Size of property in sq. ft. or acres: 8

4. Present use of property:  
Construction Yard / Storage

5. SUP Standards:

- a. Is the property located in a zoning district in which the proposed special land use is allowed?

yes

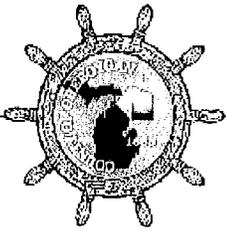
- b. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the County or the natural environment as a whole? **Explain.** No

- c. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person? **Explain.** No

- d. Will the proposed special land use be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned? **Explain.** yes

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.** No

- f. Will the proposed special land use be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services? **Explain.** yes



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

SPECIAL LAND USE PERMIT APPLICATION

g. Will the proposed special land use comply with all specific standards required under this Ordinance applicable to it (i.e. parking, setbacks, etc)? yes

6. 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.*

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

8. 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

*[Handwritten Signature]*

Date

6-9-16

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

Yes  No

Owner's Signature

*[Handwritten Signature]*

Date

6-9-16

### FOR PLANNING/ZONING DEPT. USE ONLY

Date Received:	<u>6/14/16</u>	Notes:
Fee Amount Received:	<u>\$220.00</u>	
Receipt Number:	<u>5082</u>	
Public Hearing Date:	<u>7/20/16</u>	
Planning/Zoning Administrator Approval:		
Signature		Date

# SPECIAL LAND USE PERMIT 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 = 100ft. 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, carports, 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 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.
✓		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
NA		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
NA		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
NA		q. Elevation drawing(s) for proposed commercial and industrial structures.
NA		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
NA		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.

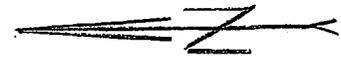
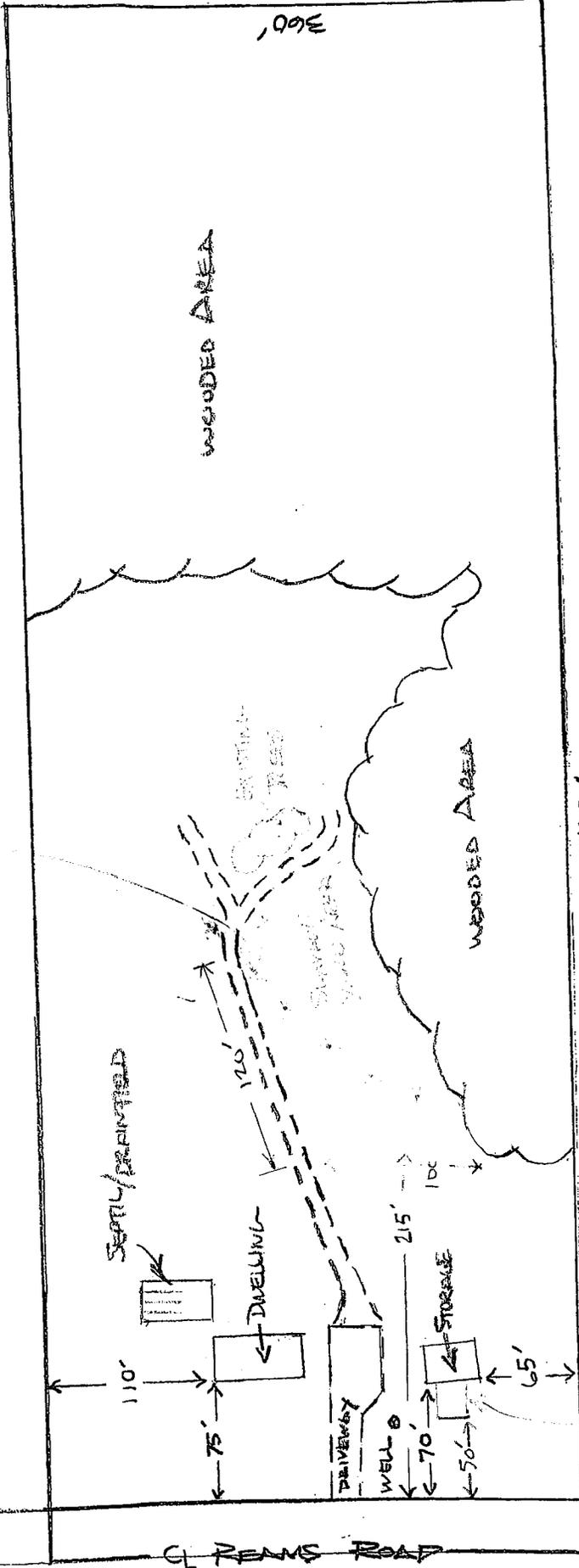
[Handwritten Signature]

SIGNATURE

6-9-16

DATE

6' HIGH EVERGREEN TREES  
PLANTED 30' ON CENTER



SCALE 1" = 100'

*Handwritten signature or name*

*New House on Trance  
2/24/20*

16-200-007-300-001-00  
STATE OF MICHIGAN  
PO BOX 30448  
LANSING MI 48909

16-200-008-100-014-02  
OCCUPANT  
7455 REAMS RD  
WOLVERINE, MI 49799

16-200-007-400-001-00  
DOBBS, EDWARD & MARILYN H/W  
1928 BATTLE CREEK RD  
CHARLOTTE MI 48813

16-200-008-100-014-04  
OCCUPANT  
7385 REAMS RD  
ALANSON, MI 49706

16-200-008-100-014-02  
FROST, BRIAN K  
7455 REAMS RD  
ALANSON MI 49706

16-200-008-100-014-03  
PIONK, MARK & SHERRY H/W  
48415 STONEACRE DR  
MACOMB MI 48044

16-200-008-100-014-04  
DROGOWSKI, GREG & JODI H/W  
7385 REAMS RD  
ALANSON MI 49706

16-200-008-200-001-00  
STATE OF MICHIGAN  
PO BOX 30448  
LANSING MI 48909

16-200-008-300-001-00  
DOBBS, EDWARD & MARILYN H/W  
1928 BATTLE CREEK RD  
CHARLOTTE MI 48813

## Steve Schnell

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**From:** Ozoga, John (DEQ) <OZOGAJ@michigan.gov>  
**Sent:** Wednesday, June 15, 2016 9:58 AM  
**To:** Steve Schnell  
**Cc:** Roycraft, Phil (DEQ); Woods, Vence (DEQ); Drogowski, Greg (DNR); Fitzgerald, Joseph (DEQ); Radulski, Rebecca (DEQ); Burke, Brian (DEQ); 'drekowski@nemcog.org'  
**Subject:** Special Use Permit - Mr. Brian Frost Residence, 7455 Reams Road, Alanson, MI

Steve, as we discussed, it would be advisable to include the following conditions (if) a Special Use Permit (Permit) is issued for collecting scrap metal and other source separated recyclable materials at the Mr. Frost residence. (a) The operation of the facility shall be in full compliance with the Part 115, Solid Waste Management, of NREPA, 1994 PA, Michigan Compiled Law 324.11501 et seq.; and rules promulgated thereunder. (b) Only source separated materials for recycling as defined by Part 115,324.11506, Sec. 11506 (6) shall be temporarily stored onsite. (c) Source separated materials shall not be allowed to speculatively accumulated onsite in violation of Part 115, R299.4105, Rule 105 (l). (d) No storage or processing of solid waste as per Part 115, 324.11506, Sec. 11506 (3) or (4) is authorized under the Permit. (e) No burning or burial of solid waste is allowed at the facility.

Complete copies of each of the aforementioned statutory and rule citations have already been sent to you. It is my understanding that a public hearing for this pending Permit will be held on July 20, 2016 at the Cheboygan County Office. After the hearing it my understanding that site inspection will be scheduled prior to making a decision on the Permit. If possible I would like to attend the inspection to assure that no remaining solid waste violations are occurring at the site. If you have any questions please feel free to contact me at 231-429-1719 or 989-705-3403.

## Deborah Tomlinson

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**From:** Brent Shank [<mailto:mgr@chcrc.com>]  
**Sent:** Thursday, June 30, 2016 1:08 PM  
**To:** Deborah Tomlinson  
**Subject:** Re: 07/20/16 PC Agenda

Debbie,

That worked much better. I have reviewed the proposed items and there are no issues/concerns from the Road Commission.

Thank you,

Brent Shank  
Engineer/Manager  
Cheboygan County Road Commission  
[mgr@chcrc.com](mailto:mgr@chcrc.com)  
(231) 238-7775



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

## STAFF REPORT

<b>Item:</b> Special use permit for a Salvage yard in and Agriculture and Forestry Management zoning district.	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> July 28, 2016	<b>Expected Meeting Date:</b> August 3, 2016 ( Tabled from July 20, 2016)

### GENERAL INFORMATION

**Applicant:** Brian Frost

**Contact person:** Brian Frost

**Phone:** 231-881-0655

**Requested Action:** Approval of Special Use Permit for a Salvage yard in an Agriculture and Forestry management zoning district pursuant to Section 9.3.18.

### BACKGROUND INFORMATION

#### **Introduction:**

The Planning Commission opened the public hearing relative to this issue on July 20, 2016 and tabled the matter to the August 3, 2016 regular meeting pending submission of a plan by the applicant as required under Section 3.6.5. of the Cheboygan County Zoning Ordinance #200.

The applicant is seeking approval of a Special Use Permit to allow a salvage yard use on the same lot as the applicants dwelling and accessory buildings. This application comes to the Planning Commission as a result of enforcement. The applicant/property owner has been storing metal on and other material on the site which has been salvaged in conjunction with his landscaping business. The special use permit is being sought for salvage of metal for resale only.

The subject site is located in an Agriculture and Forestry Management (M-AF) zoning district. Salvage yard is a use which requires a special use permit per section 9.3.18.

Other applicable provisions relative to salvage yard with the zoning ordinance read as follows:

3.6.5. In addition to the documentation requirements of ARTICLE 18 and ARTICLE 19, applications for special land use permits to establish junkyards, salvage yards, waste disposal sites or facilities for handling, disposal or storage of hazardous and/or toxic materials shall contain a written plan detailing how these materials will be handled and disposed of and how they will be prevented from entering the ground water. The plan must contain a spill contingency plan for hazardous and toxic materials. Work areas where spills of oil and gasoline are inevitable shall have impervious floors with an internal floor drain collection system which drains into a blind sump where spilled materials can be recovered and be roofed to prevent rainfall from washing these materials off site into the surface or ground water. Storage vaults shall be provided for temporary storage of batteries and vehicle fluids which comply with federal and state laws and standards.

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

Mr. John Ozoga, from the Michigan Department of Environmental Quality has also been involved in reviewing the salvage activity on the site. Proposed conditions for the special use permit, if approved, have been recommended by Mr. Ozoga. (see Recommendations (proposed conditions) below.)

**Current Zoning:**

Agriculture and Forestry Management (M-AF)

**Surrounding Land Uses:**

Vacant forest uses surround the subject site on the south and west. Residential uses on large acreage parcels are located to the north and east.

**Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain):** There are no known environmentally sensitive areas.

**Historic buildings/features:**

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

**Traffic Implications**

The proposed salvage yard use is on the same lot as the applicants dwelling and accessory buildings. Traffic implications will be minimal.

**Parking**

There are no regulations or standards found in Section 17.6 relative to parking for the proposed use.

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

Access to the site is facilitated by an existing driveway from Reams Road.

**Signs**

No signs are proposed.

**Fence/Hedge/Buffer** The applicant proposes to screen the salvage yard with 6 ft. high evergreen trees planted 30 ft. on center in conjunction with existing trees on the site. Section 3.6.4.3. provides a requirement for an obscuring eight (8) foot high wall, fence or green belt.

**Lighting**

No lighting is proposed

**Stormwater management**

The site plan provides for maintaining the existing contours. No storm water management improvements are proposed.

**Review or permits from other government entities:**

Solid Waste facilities are overseen by the Michigan Department of Environmental Quality.

**Public comments received**

None

**Recommendations (proposed conditions as advised by Mr. John Ozoga, Michigan Department of Environmental Quality)**

1. The operation of the facility shall be in full compliance with Part 115, Solid Waste Management, of Natural Resources and Environmental Protection Act being act 451 of 1994.
2. Only source separated materials for recycling as defined by Part 115,324.1150., Section 11506(6) shall be temporarily stored on site.
3. Source separated materials shall not be allowed to be speculatively accumulated on site in violation of Part 115,R299.4105, Rule 105 (1).
4. No storage or processing of solid waste per Part 115,324.11506, Section 11506(3) or (4) is authorized.
5. No burning or burial of solid waste is allowed at the facility.



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8485 ■ FAX: (231)627-3646  
[www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/)

**To: Planning Commissioners**

**From: Scott McNeil**

**Re: Public Hearing on 2017 Capital Improvement Program.**

**Date: July 8, 2016**

Section 65 of the Planning Enabling Act of 2008 provides that the Planning Commission shall annually prepare a capital improvements program in order to further the desirable future development of the local unit of government under the master plan. The Planning Enabling Act also provides that the capital improvements program shall show those public structures and improvements, in general order of priority that in the commission's judgment will be needed or desirable and can be undertaken in within the ensuing 6 year period.

The Planning Commission has developed and approved a draft plan for 2017 and scheduled a public hearing on the plan for August 3, 2016 pursuant to the procedures listed in the plan. A copy of the draft plan is included with this memo.

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

# **CHEBOYGAN COUNTY**



**DRAFT July 8, 2016**

# **CAPITAL IMPROVEMENTS PROGRAM 2017 - 2022**

Approved by the Planning Commission on \_\_\_\_\_, 2016

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## **Introduction**

The Michigan Planning Enabling Act (Act 33, 2008) requires local municipalities that have adopted a master plan to annually prepare a capital improvements program.

The Act provides that the capital improvements program show those public structures and improvements, in general order of their priority that in the judgment of the Planning Commission will be needed or desirable and can be undertaken within the ensuing 6-year period.

A capital improvements program is a blueprint for planning capital improvement expenditures. The inclusion of a project in a capital improvement program will not require any public entity or department of the county to fund or complete the project. It is a planning tool that can coordinate community planning, financial capacity and physical development.

This report has been prepared and projected on a one-time cash basis that lists the potential project and its estimated cost as provided by various agencies and departments of the county. This cash method of reporting may suggest a substantial one-time cost for many improvements. Not considered are such factors as debt amortization or shared expenses such as grants or other financial aid.

The projects listed in this report reflect the Planning Commission's determination that they are needed or desirable in general order priority and that they do not conflict with the Master Plan.

## **Definition**

Capital improvements or the purposes of this capital improvements program shall be defined as additions to County assets which are the result of construction or purchase of land, buildings or facilities or renovations of the same, with an estimated useful life of five (5) years or more and exceed an estimated cost of \$15,000.00.

## **Procedure**

- a) The staff of the Community Development Department will gather project information from the agencies and departments within the county for inclusion in the CIP and present the same to the Cheboygan County Planning Commission.
- b) The proposed projects are reviewed by the Planning Commission. Agency and department representatives will provide a report to the Planning Commission by request.
- c) The Planning Commission will review the project information and elect which projects should be included in the CIP and place such projects in a general order of priority.
- d) The staff of the Community Development Department will present a draft CIP to the Planning Commission for review.
- e) The Planning Commission holds a public hearing on the draft CIP and may make changes to the draft CIP accordingly.
- f) The Planning Commission will forward the final draft CIP, along with a recommendation, to the Cheboygan County Board of Commissioners.
- g) The Cheboygan County Board of Commissioners will approve, modify or reject with reasons, the CIP.
- h) The Planning Commission will annually update the CIP utilizing the above procedure.

## **Project Prioritizing**

Projects are presented in a general order of priority in consideration of factors listed in the following categories:

- a) Needed (essential, should do)
  - Addresses an objective of the Master Plan
  - Satisfies a legal obligation
  - Corrects a condition dangerous to public health and safety
  - Reduces future operating and maintenance costs
  - Leverages local, state or federal funds.
  - Prevents irreparable damage to a valuable public facility
  - Stimulates economic growth and private investment
  
- b) Desirable (important, could do)
  - Provides a new or expanded level of service
  - Provides a facility improvement adding efficiency or increase in use with minimal or no operating cost increase.
  - Enhances cultural or natural resources.

## **Project Descriptions**

## **Needed Project Category**

## **Cheboygan County Capital Improvement Program**

### **Project Description**

**Project Title:** Cheboygan County Airport Maintenance Building

**Agency:** Cheboygan Airport Authority

**Project Type:** New Facility

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

**Year(s) of Project:** 2017

**Estimated Cost:** \$320,000

**Planning Commission Priority Category:** Needed

# **Cheboygan County Capital Improvement Program**

## **Project Description**

**Project Title:** Terminal Ramp Rehabilitation

**Agency:** Cheboygan Airport Authority

**Project Type:** Facility maintenance

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

**Year(s) of Project:** 2021

**Estimated Cost:** \$635,000

**Planning Commission Priority Category:** Needed

# **Cheboygan County Capital Improvement Program**

## **Project Description**

**Project Title:** County Building trim panel /window replacement.

**Agency:** County Building Maintenance Department

**Project Type:** Facility Maintenance

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

**Year(s) of Project:** 2018

**Estimated Cost:** \$65,000

**Planning Commission Priority Category:** Needed

# Cheboygan County Capital Improvement Program

## Project Description

**Project Title:** County Building Record Storage Building Remodel

**Agency:** County Building Maintenance

**Project Type:** Facility Improvement

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

**Est. Project Year** 2018.

**Estimated Cost:** \$60,000

**Planning Commission Priority Category:** Needed

# **Cheboygan County Capital Improvement Program**

## **Project Description**

**Project Title:** Mullett Burt Road

**Agency:** Cheboygan County Road Commission

**Project Type:** Rehabilitation

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

**Year(s) of Project:** 2017

**Estimated Cost:** \$420,000

**Planning Commission Priority Category:** Needed

# **Cheboygan County Capital Improvement Program**

## **Project Description**

**Project Title:** South Straits Highway

**Agency:** Cheboygan County Road Commission

**Project Type:** Rehabilitation

**Project Description:** Wolverine Village Limits to Hakwood Road. Project scope includes, subgrade corrections, bituminous base crush, shape and resurface, drainage corrections, ditching and restoration.

**Year(s) of Project:** 2017

**Estimated Cost:** \$420,000

**Planning Commission Priority Category:** Needed

# **Cheboygan County Capital Improvement Program**

## **Project Description**

**Project Title:** East Mullett Lake Road (Phase 2)

**Agency:** Cheboygan County Road Commission

**Project Type:** Rehabilitation

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

**Year(s) of Project:** 2017

**Estimated Cost:** \$668,100

**Planning Commission Priority Category:** Needed

# Cheboygan County Capital Improvement Program

## Project Description

**Project Title:** East Mullett Lake Road (Phase 3)

**Agency:** Cheboygan County Road Commission

**Project Type:** Rehabilitation

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

**Year(s) of Project:** 2018

**Estimated Cost:** \$561,000

**Planning Commission Priority Category:** Needed

# **Cheboygan County Capital Improvement Program**

## **Project Description**

**Project Title:** Townline Road

**Agency:** Cheboygan County Road Commission

**Project Type:** Rehabilitation

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

**Year(s) of Project:** 2018

**Estimated Cost:** \$420,000

**Planning Commission Priority Category:** Needed

## **Cheboygan County Capital Improvement Program**

### **Project Description**

**Project Title:** Fuel Tank and Fuel Dock Replacement and Upgrade

**Agency:** Cheboygan County Marina

**Project Type:** Facility Replacement

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

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

**Estimated Cost:** \$800,000

**Planning Commission Priority Category:** Needed

# Cheboygan County Capital Improvements Program

## Project Description

**Project Title:** Sand Road Senior Center Parking lot resurfacing

**Agency:** Cheboygan County Council on Aging

**Project Type:** Facility Maintenance

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

**Year of Project:** 2017

**Estimated Cost:** \$85,000

**Planning Commission Priority Category:** Needed

# Cheboygan County Capital Improvements Program

## Project Description

**Project Title:** Wolverine Senior Center Parking lot resurfacing

**Agency:** Cheboygan County Council on Aging

**Project Type:** Facility Improvement

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

**Year of Project:** 2018

**Estimated Cost:** \$45,000

**Planning Commission Priority Category:** Needed

## **Project Descriptions**

### **Desirable Project Category**

## **Cheboygan County Capital Improvement Program**

### **Project Description**

**Project Title:** Terminal Renovation and Expansion

**Agency:** Cheboygan Airport Authority

**Project Type:** Facility Addition and Maintenance

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

**Year(s) of Project:** 2019

**Estimated Cost:** \$240,000

**Planning Commission Priority Category:** Desirable

## **Cheboygan County Capital Improvement Program**

### **Project Description**

**Project Title:** County Building Energy Efficiency Upgrades

**Agency:** County Building Maintenance

**Project Type:** Facility Improvement

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

**Est. Project Year** 2017 to 2020.

**Estimated Cost:** \$15,000 each year

**Planning Commission Priority Category:** Desirable

## **Cheboygan County Capital Improvement Program**

### **Project Description**

**Project Title:** Orchard Beach Road

**Agency:** Cheboygan County Road Commission

**Project Type:** Rehabilitation

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

**Year(s) of Project:** 2018

**Estimated Cost:** \$560,000

**Planning Commission Priority Category:** Desirable

## **Cheboygan County Capital Improvement Program**

### **Project Description**

**Project Title:** Mann Road

**Agency:** Cheboygan County Road Commission

**Project Type:** Rehabilitation

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

**Year(s) of Project:** 2019

**Estimated Cost:** \$561,300

**Planning Commission Priority Category:** Desirable

**2017 Cheboygan County Capital  
Improvements Program**

**DRAFT  
6/16/2016**

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Cheboygan County Airport</b>						
N Maintenance Building	320,000					
D Terminal Renovation/Expansion			240,000			
N Terminal Ramp Rehabilitation					635,000	
<b>Department Total</b>	<b>320,000</b>	<b>0</b>	<b>240,000</b>	<b>0</b>	<b>635,000</b>	<b>0</b>
<b>Cheboygan Building Maintenance</b>						
D County Bldg. Energy Efficiency Imps	15,000	15,000	15,000	15,000		
N County Bldg. Panel/Window Replacement		65,000				
N County Bldg. Record Storage	60,000					
<b>Department Total</b>	<b>75,000</b>	<b>75,000</b>	<b>15,000</b>	<b>15,000</b>	<b>0</b>	<b>0</b>
<b>Cheboygan Co. Rd. Commission</b>						
N Mullett Burt Rd.	420,000					
N South Straits Hwy	420,000					
N E. Mullett Lake Rd. Rehab. Phase 2	668,100					
N E. Mullett Lake Rd. Rehab. Phase 3		561,000				
D Orchard Beach Rd.		560,000				
N Townline Rd.		420,000				
D Mann Rd.			561,300			
<b>Department Total</b>	<b>1,508,100</b>	<b>1,541,000</b>	<b>561,300</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Cheboygan County Marina</b>						
N Fuel Tank and Fuel Dock Replacement	800,000					
<b>Department Total</b>	<b>800,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Cheboygan County Council on Aging</b>						
N Sand Road Center Parking Lot Resurfacing	85,000					
N Wolverine Center Parking Lot Resurfacing		45,000				
<b>Department Total</b>	<b>85,000</b>	<b>45,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Capital Improvement Program Total</b>	<b>2,788,100</b>	<b>1,661,000</b>	<b>816,300</b>	<b>15,000</b>	<b>635,000</b>	<b>0</b>



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Update of sign ordinance relative to content based regulation.**

**Date: July 26, 2016**

Included with this memo is a copy of the amendment document relative to the subject dated July 25, 2016 which has been subject to review by legal counsel.

Changes resulting from legal counsel review include adding exception language regarding incidental signs in Section 17.19.3.C. and sign on vehicles used in day to day operations in Section 17.13.3.E.

As a result, I believe the ordinance amendment is in order for review at a public hearing.

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

July 25, 2016

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

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

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

**Section 1. Amendment of Section 17.19.1.**

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

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

**Section 2. Amendment of Section 17.19.2.**

Section 17.19.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT**

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

- A. Incidental signs, not exceeding 3 square feet of sign surface area.
- B. Any temporary sign constructed using a wire, metal, wood or other support structure capable of being placed in the ground and removed from the ground by a single individual with relative ease subject to the following requirements:
  - 1. There shall be no more than two (2) signs per lot.
  - 2. Shall be removed from the lot within sixty (60) days of it's original placement and no more than two (2) days after the subject matter of the sign has expired.
  - 3. Each sign shall be limited to 8 square feet and no more than 4 feet in height.
- C. Governmental signs.
- D. One (1) dwelling owner or occupant name plate per use which is not illuminated and does not exceed an area of two (2) square feet of sign surface area, and may be in addition to any other permitted sign.
- E. Signs that have been approved in conjunction with a valid site plan or PUD.
- F. Any sign authorized pursuant to a written contract between the owner of the lot on which the sign will be located and any third party and placed on the lot for a specified period of time subject to the following requirements:
  - 1. Shall be removed from the lot within thirty (30) days after the subject matter of the sign has expired.
  - 2. Each sign shall be limited to thirty two (32) square feet of sign surface area.
  - 3. There shall be no more than one (1) sign per lot.
- G. Signs on motor vehicles not used primarily for advertising purposes.
- H. The use of any balloons, flags, pennants or pinwheels, individually, as a group, or connected to a sign intended to draw attention to a specific event at a specific location subject to the following requirements:
  - 1. Shall not be placed on the lot more than fifteen (15) days before the specific event.
  - 2. Shall be removed from the lot within two (2) days after the specific event is over.

### **Section 3. Amendment of Section 17.19.3.**

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

#### **17.19.3. PROHIBITED SIGNS**

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

### **Section 4. Amendment of Section 17.19.5.**

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

#### **17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS**

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

### **Section 5. Amendment of Section 17.19.5.A.**

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

#### **17.19.5.A VILLAGE CENTER TOPINABEE SIGN REQUIREMENTS**

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

**Section 6. Amendment of Section 17.19.7.D.**

Section 17.19.7.D. of the Cheboygan County Zoning Ordinance No 200 is hereby amended to read in its entirety as follows:

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

**Section 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:  
Peter Redmond  
Its: Chairperson

By:  
Mary Ellen Tryban  
Its: Clerk



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231)627-8485 ■ FAX: (231)627-3646  
[www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/)

**Date: July 8, 2016**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re: Use terminology review of proposed use listings and definitions regarding Restaurant/Bar and Gas Stations - Party Stores.**

Per recent discussion with the planning commission please find updated proposed definitions with new language in bold print.

By review of the proposed use classifications regarding Restaurant /Bar, you will note additional language which references alcoholic beverages in the restaurant definition and outdoor service for fast food restaurant. Per discussion regarding drive in restaurant I have offered a new definition as well as added language for service in an adjacent parking lot for carry out restaurant which I believe would cover the drive in restaurant use.

You will also note that I have provided a new proposed definition for mobile food unit. Due to the multi-site nature of mobile food units, a different method of review and permitting may be in order. As a result I have included for discussion a draft amendment that would allow mobile food units in the Commercial Development zoning district and provide an administrative review and approval process with specific criteria for your review and comment.

By review of the proposed use classification regarding Gas station and Party stores you will find language referencing motor vehicle repair replacing reverence to auto repair as discussed.

I will look forward to continued discussion with the Planning Commission. Please contact me with questions.

**DRAFT 7/8/16**  
**CHEBOYGAN COUNTY**  
**Zoning Ordinance Amendment # \_\_\_\_\_**

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY  
ZONING ORDINANCE No. 200 TO PROVIDE DEFINITION, REGULATIONS AND  
STANDARDS FOR MOBILE FOOD UNITS.

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS

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

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

**Mobile Food Unit**

A temporary establishment that is a vehicle-mounted food service designed to be readily movable without disassembly where food and beverages are served primarily for consumption off-premises and may have limited outdoor seating.

**Section 2. Amendment of Section 6.2.**

Section 6.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 6.2.30. which shall read in its entirety as follows:

6.2.30. Mobile food unit subject to provisions of Section 17.29.

**Section 3. Amendment of Article 17.**

Article 17 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 17.29, which shall read in its entirety as follows:

Section 17.29. Mobile food unit

A mobile food unit shall comply with the following regulations and standards:

- a. A zoning permit shall be required for each location where a mobile food unit will be open for business to the public unless that location is part of a special event as approved by the local governmental unit with jurisdiction of that property. The zoning permit application shall include statements as to the days and hours of operation and shall indicate that all of the following applicable regulations and standards are met:
- b. No more than one (1) mobile food unit may be placed upon a private lot at any one time and shall meet all setback requirements as would pertain to a structure greater than 150 square feet even if that mobile food unit is of a smaller size. More than one (1) mobile food unit on a lot at the same time shall require approval under Article 20 of this ordinance.

- c. All goods sold at a mobile food unit shall be food related and prepared within the mobile food unit.
- d. The mobile food unit shall meet applicable requirements of the Health Department.
- e. In addition to signage placed on the mobile food unit, a mobile food unit shall be allowed one (1) temporary accessory sign no greater than 8 square feet in sign surface area and no greater than three (3) feet in height displayed at the location of the mobile food unit. The sign shall be displayed only during times when food is being served from the mobile food unit. The temporary sign shall not be placed in a road right of way without the approval of the governing body with jurisdiction.
- f. No more than twelve (12) accessory chairs and no more than three (3) accessory tables may be placed out of doors on the lot. Tables and chairs shall meet setback requirements applicable to a structure greater than 150 square feet.
- g. Each mobile food unit shall have a minimum of two (2) off street parking spaces if no accessory seating is offered or a minimum of three (3) off street parking spaces if accessory seating is offered. Parking spaces as required for the main use or uses of the lot shall be maintained in addition to those required for the mobile food unit. If parking space requirements for the property may be waived as permitted in other parts of this ordinance, then the required parking spaces for the mobile food unit may be waived in the same manner.
- h. The mobile food unit shall have a minimum of one (1) trash receptacle with a minimum capacity of thirty (30) gallons available for use by its customers. Trash shall be removed from the lot daily or more frequently as needed.
- i. A mobile food unit shall use available lighting at the lot. No additional lighting for the mobile food unit shall be allowed.
- j. A mobile food unit shall not be placed on a lot for more than 30 days in a calendar year.

### **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:  
Peter Redmond  
Its: Chairperson

By:  
Mary Ellen Tryban  
Its: Clerk

Use Classifications and definitions related to Gas Stations and Party Stores. 6/24/16

Proposed new definition for **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, including engine rebuilding. **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.

Retail sales establishment, Small-scale convenience

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

Motor Vehicle Repair

An 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. This may include specialty services such as service to brakes, mufflers, tires, body and frame repair and collision repair services.

Use classifications and proposed definitions related to Restaurant/Bar (June 30, 2016)

#### 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.

#### **Mobile Food Unit (see proposed associated amendment)**

**A temporary establishment that is a vehicle-mounted food service designed to be readily movable without disassembly where food and beverages are served primarily for consumption off-premises and may have limited outdoor seating.**

#### Restaurant

An establishment where food and beverages, **which may include alcoholic 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.

#### 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 adjoining 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 vehicles which are parked in an adjoining 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.**

#### 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.