



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, APRIL 20, 2016 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

AGENDA – Revised 04/12/16

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

PUBLIC HEARING AND ACTION ON REQUESTS

- 1.) **Jerry Malloy on behalf of Cheboygan Storage LLC** - Requests a conditional rezoning from Agriculture and Forestry Management District (M-AF) to Commercial Development District (D-CM) limiting the uses allowed under the Commercial Development District (D-CM) regulations to only the following use and condition;

a. Indoor Storage Facility per section 6.3.16. No other uses are proposed for consideration of the conditional rezoning.

The applicant also proposes that the zoning would revert to the prior zoning (Agriculture and Forestry Management District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the conditional rezoning approval.

The property to be rezoned is located at 1631 Woiderski Road, Inverness Township and described as; COM NW COR SEC 2 TH S 88DEG E 2045.06FT; TH S 2D W 33FT TO POB; TH S 2D W 185FT; TH S 88D E 112FT; TH S 2D W 50FT; TH S 88D E 100FT; TH N 2D E 235FT; TH N 88D W 212.04 TO POB, PT OF E1/2 OF NW FRL1/4.

- 2.) **Jerry Malloy on behalf of Cheboygan Storage LLC** – Requests a Special Use Permit for an Indoor storage facility (Section 6.3.16) pending approval of a conditional rezoning. The property is located at 1631 Woiderski Road, Inverness Township, section 2, parcel #091-002-100-008-00 and is currently zoned Agriculture and Forestry Management (M-AF).
- 3.) **Jacki Hanel and Toni Wilson** – Request a Site Plan Review for a Restaurant use (Section 13B.2.8.) The property is located at 6060 River St., Tuscarora Township, section 24, parcel #161-131-010-002-00 and is currently zoned Village Center Indian River Overlay District (VC-IR-O).

UNFINISHED BUSINESS

- 1.) Proposed Amendment Regarding Uses To Be Deleted
2.) Proposed Amendment Regarding Sign Regulation Based On Content

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN

CHEBOYGAN COUNTY PLANNING COMMISSION

Jerry Malloy/Cheboygan Storage LLC

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Zoning Amendment Application Application (3 Pages)
4. Mailing List (2 Pages)
5. Aerial Photo (1 Page)
6. Site Plan (1 Page)
- 7.
- 8.
- 9.
- 10.
- 11.

Note: Planning Commission members have exhibits 1 and 2.

ZONING AMENDMENT APPLICATION

Adv # 1280
Fee \$ 220.00 Date

Application Approved by: _____

CHEBOYGAN COUNTY
PLANNING & ZONING DEPT.
870 S. MAIN ST., RM 103. PO BOX 103
CHEBOYGAN, MI 49721

TELEPHONE: (231) 627-8489
FAX: (231) 627-3646
www.cheboygancounty.net

PLEASE PRINT

LOCATION (For property rezoning)

Address 1631 Worderski Rd.	City / Village Cheboygan	Township/Sec. Inverness / 2	Zoning District: Agricultural and Forestry Management
Property Tax I.D. (Parcel) Number 091-002-100-008-00	Subdivision or Condo. Name/Plat or Lot No. Not applicable		

APPLICANT

Name Jerry Malloy	Telephone 231-627-3131	Fax 231-627-5191
Address 228 N. Main St.	City & State Cheboygan, Mi.	Zip Code 49721
		E-Mail jmalloy@cheboygantitle.com

PROPERTY OWNER (If different from applicant)

Name Cheboygan Storage LLC	Telephone 231-627-3131	Fax
Address	City & State Cheboygan, Mi.	Zip Code 49721

I. Action Requested

I (we) the undersigned do hereby request that the Cheboygan County Board of Commissioners approve the following petition for a zoning amendment.

- A. Text Amendment: Amend Article ____ Section _____ of Cheboygan County Zoning Ordinance No. 200 by making the following change(s): **Not Applicable**
- B. **Conditional Rezone from Agriculture and Forestry Management to Commercial Development District to include the property described per Section II is being requested (see attached for proposed use and conditions). A previous application for a variance, special use permit, or rezoning on this land has not been made with respect to these premises in the last year.**

II. Property Information (For rezoning)

A. Legal description of property(s) proposed for rezoning: COM NW COR SEC 2 TH S 88DEG E 2045.06FT; TH S 2D W 33FT TO POB; TH S 2D W 185FT; TH S 88D E 112FT; TH S 2D W 50FT; TH S 88D E 100FT; TH N 2D E 235FT; TH N 88D W 212.04 TO POB, PT OF E1/2 OF NW FRL1/4.

B. List all deed restrictions, if applicable: **Not applicable**

C. Names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the land, if applicable. **Not applicable**

D. This area is: **unplatted**,

E. Present use of the property is: **Former retail and storage/warehouse**

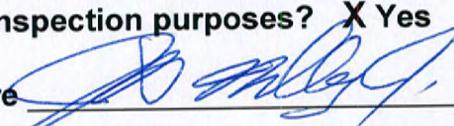
F. Attach a drawing of the property. **See attached**

III. Justification for Requested Action

A. State specifically the reason(s) for this text amendment request at this time. Also attach any supporting documentation. **Not applicable**

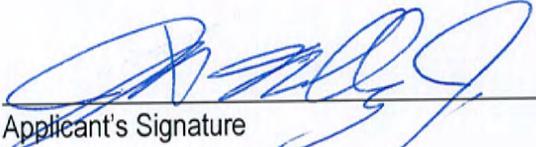
B. If this is a proposed rezoning, what possible negative impacts could occur and what proposed mitigation would take place? **Conditional rezoning for storage facility only. This will have lesser impact than the former retail and warehousing use. The structure does not have another practical use.**

C.

Does the property owner give permission for County zoning officials to enter his or her property for inspection purposes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Owner's Signature 	Date <u>3/29/16</u>

IV. Affidavit

The undersigned affirms that he or she is the owner in the Petition and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his or her knowledge and belief.


Applicant's Signature

3/29/16
Date

Attachment to Jerry Malloy and Cheboygan Storage LLC. Conditional Rezoning Application

List of proposed uses and conditions.

The applicant, Jerry Malloy, on behalf of Cheboygan Storage LLC, proposes limiting the conditional rezoning of property described in the conditional rezoning application to Commercial Development District to the following use;

- a. Indoor Storage Facility per section 6.3.16 of the Cheboygan County Zoning Ordinance #200.

No other uses are proposed for consideration of the conditional rezoning.

The applicant also proposes that the zoning would revert to the prior zoning (Agriculture and Forestry Management District) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the rezoning approval.

16-041-035-300-002-01
INVERNESS DAIRY FARMS INC
1661 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-300-011-00
KITCHEN, MALIA NV (VASSILAKOS
1634 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-300-012-00
MAXWELL, BEVERLY M
1600 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-300-013-00
CARLSON, ELMER REVOC LIVING
1548 WOIDERSKI RD
CHEBOYGAN MI 49721

16-091-002-100-006-00
WOIDERSKI, INGA P
1717 WOIDERSKI RD
CHEBOYGAN MI 49721

16-091-002-100-007-00
WOIDERSKI, DANIEL J ET UX
1661 WOIDERSKI RD
CHEBOYGAN MI 49721

16-091-002-100-008-00
CHEBOYGAN STORAGE, LLC
1803 WOIDERSKI RD
CHEBOYGAN MI 49721

16-091-002-100-009-00
CHAMBERLAIN, JANET ET VIR
10389 WING RD
CHEBOYGAN MI 49721

16-091-002-100-011-01
INVERNESS DAIRY, INC
1633 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-300-002-01
OCCUPANT
12298 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-035-300-011-00
OCCUPANT
1634 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-041-035-300-012-00
OCCUPANT
1600 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-041-035-300-013-00
OCCUPANT
1548 WOIDERSKI RD
CHEBOYGAN, MI 49721

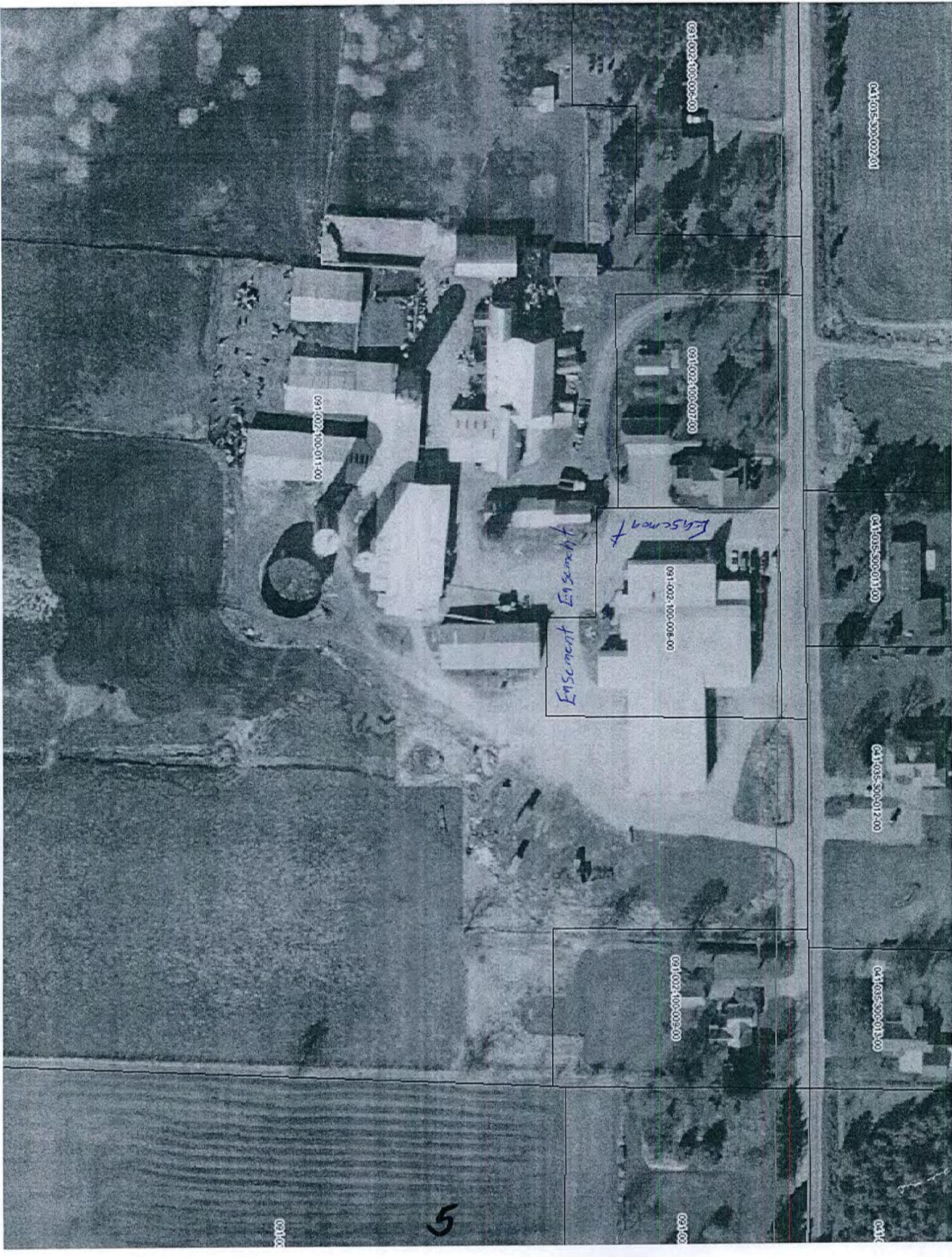
16-091-002-100-006-00
OCCUPANT
1717 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-007-00
OCCUPANT
1661 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-008-00
OCCUPANT
1631 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-009-00
OCCUPANT
1551 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-011-02
OCCUPANT
1633 WOIDERSKI RD
CHEBOYGAN, MI 49721



091-005-300-002-01

091-002-100-003-00

091-002-100-007-00

091-002-100-011-00

091-002-100-008-00

Ergänzung

Ergänzung F

091-005-300-011-00

091-005-300-012-00

091-002-100-009-00

091-005-300-013-00

5

091-005-300-002-01

091-002-100-003-00

091-005-300-002-01



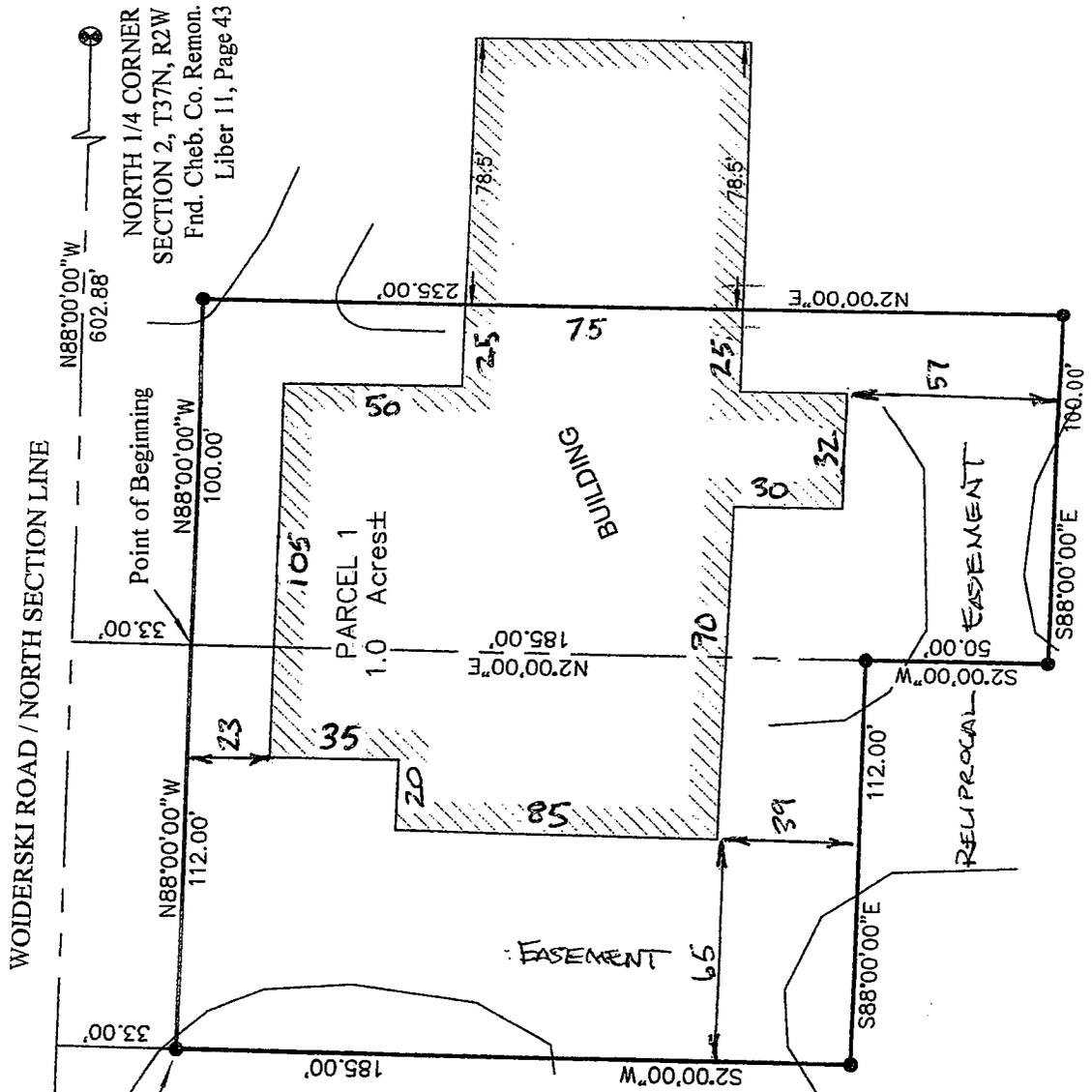
ECKER SURVEYING INCORPORATED

9597 North Straits Hwy.,
Cheboygan, Michigan, 49721
E-mail: EckerSurveying@aol.com
Ph: 231.420.5450
Web: EckerSurveying.com
Fax: 231.627.5450

Certificate of Survey

FOR: JERRY MALLOY

SECTION 2, T 37 N, R 2 W
S15-68-37N-2W-2-NW
DATE: 10-16-2015
DRAWN BY: JLE SHEET 1 OF 1



NORTHWEST CORNER
SECTION 2, T37N, R2W
Fnd. Cheb. Co. Remon.
Liber 11, Page 40

S88°00'00\"E
2045.06'

WOIDERSKI ROAD / NORTH SECTION LINE

NORTH 1/4 CORNER
SECTION 2, T37N, R2W
Fnd. Cheb. Co. Remon.
Liber 11, Page 43

N88°00'00\"W
602.88'

Point of Beginning

Point of Beginning

I, Jeffery L. Ecker, Hereby Certify That I Have Surveyed And Mapped The Parcel Of Land Described Hereon And That The Boundaries And Limits Of Such Do Not Exceed 1' For Each 5000' And That I Have Fully Complied With The Requirements Of Act 132 Of 1970, As Amended Act 280 Of 1972.



- ⊗ GOVERNMENT CORNER
- SET BAR & CAP #58752
- ↑ BREAK LINE

Jeffery L. Ecker
Jeffery L. Ecker, P.S. 58752

10/16/2015



Site Plan By Jerry Malloy
MARCH 15, 2016

LEGAL DESCRIPTION PROVIDED:

Situated in the Township of Inverness, Cheboygan County, Michigan:

Parcel 1: A parcel of land in Section 2, T37N, R2W described as: Commencing at a Section corner common to Sections 2, 3, 34 and 35 between T37N and T38N, R2W; thence South 88°0' East along the East and West Section line 2,045.06 feet; thence 90°0' South 2°0' West 33.00 feet to the Point of Beginning; thence South 02°0' West 185.00 feet; thence 90°0' left South 88°0' East 112.00 feet; thence 90°00' left, North 02°00' East 185.00 feet; thence 90°00' left North 88°00' West 112.00 feet to the Point of Beginning; being part of the NE 1/4, of the NW 1/4 of Section 2, T37N, R2W.

AND: Commencing at Section corner common to Sections 2, 3, 34 and 35 between T38N and T37N, R2W; thence South 88°00' East along the East and West Section line 2,157.06 feet; thence South 02°00' West 33.00 feet for a Place of Beginning of this description; thence South 02°00' West 235.00 feet; thence 90°00' left, South 88°00' East 100.00 feet; thence 90°00' left North 02°00' 235.00 feet; thence 90°00' left North 88°00' West to the Point of Beginning; being a part of the NE 1/4, of the NW 1/4, of Section 2, T37N, R2W.



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/

To: Cheboygan County Planning Commission

From: Scott McNeil

Re: STAFF REPORT relative to conditional rezoning application by Jerry Malloy on behalf of Cheboygan Storage LLC.

Date: April 5, 2016

Introduction

The owner of the subject property has requested a conditional rezoning under Section 4065 of the Michigan Zoning Enabling Act, MCL 125.3405 (P.A. 110 of 2006). The subject property is currently zoned Agriculture and Forestry Management District (M-AF). The applicant requests a conditional rezoning to Commercial Development District (D-CM) limiting the use allowed under the Commercial Development District (D-CM) to Indoor Storage Facility only per section 6.3.16. No other uses are proposed for consideration of the conditional rezoning. The condition of the zoning offered by the applicant provides that the zoning would revert to the prior zoning of Agriculture and Forestry Management District (M-AF) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the conditional rezoning approval

Indoor storage facilities is a use which is allowed with a special use permit in the current Agriculture and Forestry Management district under Section 9.3.24, Indoor Storage Facilities subject to requirements of section 17.27. Section 17.27. reads as follows:

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, an Indoor Storage Facility use within the Agricultural and Forestry Management District shall comply with all of the following applicable supplemental regulations and standards:

17.27.1. A solid evergreen hedge, wall or fence a minimum of 6 feet in height shall be placed a minimum of 3 feet from a rear or side lot line which screens all Indoor Storage Facilities from adjoining lots which are under different ownership.

17.27.2. A minimum distance of 30 feet shall be required between Indoor Storage Facility structures where a wall with doors faces another Indoor Storage Facility structure.

17.27.3. Indoor Storage Facilities shall be located on a County Primary Road or State Trunkline.

This proposed conditional rezoning comes to the Planning Commission as a result of the applicants desire to use an existing structure on the subject lot for commercial storage. The subject is located on Woiderski Road which is a County Local Road, not a County Primary Road as required per section 17.27.3. and thus cannot be approved for an Indoor storage facility use in the current zoning district. The applicant is seeking remedy through the conditional rezoning process as recommended by legal counsel. (see attached email communication.)

Figure 1 indicates the parcel which is proposed to be conditionally rezoned outlined in red and the current zoning of the subject property and the surrounding area.



Figure 1 – Subject parcel and existing zoning

Red outline = Subject parcel

All property in image is zoned Agriculture and Forestry Management.

General Facts

1. Subject Parcel

The subject area includes a single parcel containing 1.14 acres, measuring 212 feet wide and 235 feet at its deepest point. The site is located in section 2 of Inverness Township.

2. Site Conditions

The site is relatively flat. You will note by review of figure 1 and the survey and site plan included with the application that the west boundary line of the subject lot cuts through the existing building. The building is deemed a non-conforming structure pursuant to Article 22 due to setbacks. Attached to this report is a copy of an assessment record which indicates the parcel was in existence in 1967. The structure served as a retail and warehouse use for the former Inverness Dairy. The area proposed to be conditionally rezoned has access to Wolderski Road.

3. Neighboring Parcels

Existing land use on the portion of the current parcel lying to the south and west of the subject area is agriculture which includes a commercial dairy farm. Neighboring parcels to the east and north are improved with single family dwellings.

4. Comparisons in the zoning setback and area requirements

4. Comparisons in the zoning setback and area requirements

	M-AF (existing)	D-CM (proposed)
Minimum Dwelling Floor Area	720	Site plan
Minimum Dwelling Width	No minimum	Site plan
Minimum Lot Area	1 acre	Site plan
Minimum Lot Width	150	Site plan
Minimum Front Setback	50	25
Minimum Side Setback	10	10
Minimum Rear Setback	30	10
Maximum Structure Height	35	35

5. Uses allowed in the existing 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.
- 9.3.23 Child Caring Institutions, subject to the requirements of Section 17.24.
- 9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.

6. Review of Cheboygan County Master Plan

When evaluating this property for a possible conditional rezoning it should be evaluated based on several factors which include its compatibility with surrounding land uses and conformance with the land use goals established in the County's Master Plan. The future land use map in the Cheboygan County Master Plan determines the recommended land uses. This plan is intended to be a guide for future zoning ordinance amendments, which includes zoning map amendments.

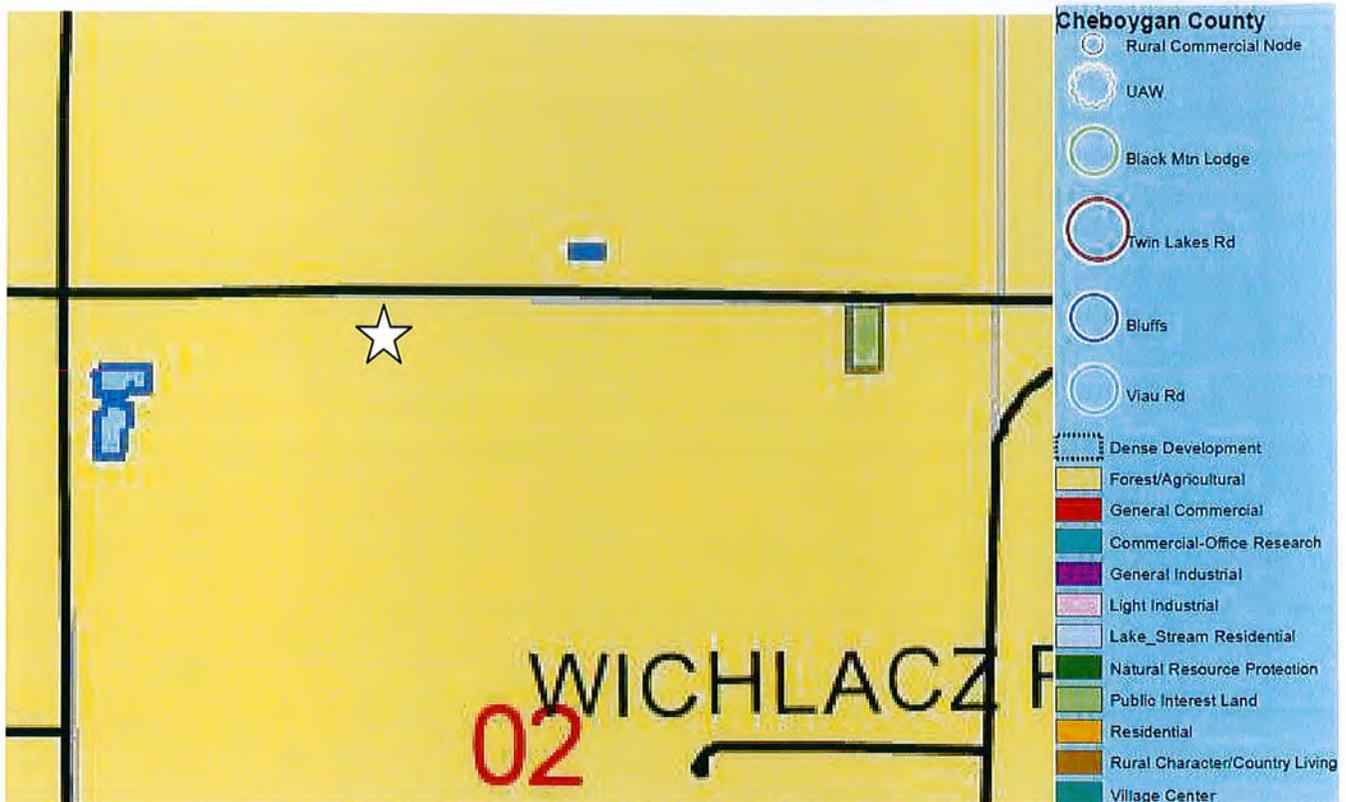


Figure 2 – Cheboygan County Master Plan Future Land Use Map.

The map in figure 2 shows the portion of the Cheboygan County Master Plan Future Land Use Map for the north one half of section 2 of Inverness Township. The star indicates the location of the subject. The green area indicates the location of an Inverness Township Fire Station. The map shows the subject area to be in the Forest/Agriculture category which is described in the County Comprehensive Plan 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.

7. Summary

The subject property is located in section 2 of Inverness Township on Woiderski Road. The Cheboygan County Master Plan Future Land Use map indicates the subject area as Forestry/Agriculture. The surrounding properties are residential or agriculture in use. The subject structure currently enjoys a retail and warehouse non-conforming use. This proposed rezoning, as conditioned by the applicant should have a lesser impact than the current non-conforming use (see page 1 of this report). The proposed conditional rezoning appears inconsistent with most surrounding uses and the Master Plan Future Land Use Map, notwithstanding the current non-conforming use.

Correspondence Received Concerning The Conditional Rezoning Application:

All correspondence received are added to the conditional rezoning application file as exhibits and provided to the Planning Commission accordingly.

Attachments:

- Copy of email communication with Attorney Mr. Peter Wendling regarding Private storage use on County Local Road in an Agriculture and Forestry Management zoning district.
- Copy of assessment record for subject property

Scott McNeil

From: Peter Wendling [pwendling@upnorthlaw.com]
Sent: Saturday, March 26, 2016 2:19 PM
To: Scott McNeil; Steve Schnell
Subject: Re: Cheboygan County - ZBA question

Scott,

You are correct in that this is not a request for a dimensional variance. The request for a variance under 17.27.3 is a request for rezoning because the use is not allowed unless it is on a county primary road or State trunkline. The county road commission has county primary roads and county local roads. Thus the use is forbidden on properties in the district located only on county local roads or private roads. To change this requires a change in the zoning ordinance as it is outside the scope of a variance. As for the evergreens, that could be dimensional or use depending on what they are asking for. Regardless, if the property is not on a State trunkline or county primary road, they cannot do anything unless the zoning is changed. I will be out of the office next week and can revisit this if need be then.

Peter

On 3/23/2016 10:10 AM, Scott McNeil wrote:

Hi Peter;

We have a person who wishes to establish an Indoor Storage Facility in an Ag/Forest zoning district. The use is allowed by special use permit. The use is also conditioned by the following;

SECTION 17.27 INDOOR STORAGE FACILITIES

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, an Indoor Storage Facility use within the Agricultural and Forestry Management District shall comply with all of the following applicable supplemental regulations and standards:

17.27.1. A solid evergreen hedge, wall or fence a minimum of 6 feet in height shall be placed a minimum of 3 feet from a rear or side lot line which screens all Indoor Storage Facilities from adjoining lots which are under different ownership.

17.27.2. A minimum distance of 30 feet shall be required between Indoor Storage Facility structures where a wall with doors faces another Indoor Storage Facility structure.

17.27.3. Indoor Storage Facilities shall be located on a County Primary Road or State Trunkline.

The person would like to be granted a variance from provisions in sections 17.27.1. and 17.27.3.

We are not sure under which section of the ZBA provisions they would apply under. We have looked at section 23.5.2. as we don't think the request would be dimensional for use in nature.

Looking forward to your comment.

Thanks,
Scott McNeil
Community Development Planner
Cheboygan County Planning and Zoning Department
Phone - 231-627-8475
Fax - 231-627-3646
scott@cheboygancounty.net
www.cheboygancounty.net/planning

091-02-100-008

Inverness Dairy
Cheboygan Michigan

IND

1152F-1

Com NW cor Sec 2 th S 83° E 2045.06 ft
th S 2° W 33 ft to POB th S 2° W 135
ft th S 88° E 112 ft th S 2° W 50 ft
th S 88° E 100 ft th N 2° E 235 ft th
N 88° W 212 to POB part of E 2 of N 4 pr 1:

Sec 2 T 37 N R 2 W

MISCELLANEOUS INFORMATION

YEAR	PAID TO	DATE	RECEIPT NO.	YEAR	PAID TO	DATE	RECEIPT NO.
67	pd			89	pd		
68	pd			90	pd		
69	pd			91	pd		
70	pd			92	pd		
71	pd			93	pd		
72	pd			94	pd		
73	pd			95	pd		
74	pd			96	pd		
75	pd			97	pd		
76	pd			98	pd		
77	pd			99	pd		
78	pd		2000		pd		
79	pd			01			
80	pd			02			
81	pd			03			
82	pd			04			
83	pd			05			
84	pd			06			
85	pd			07			
86	pd			08			
87	pd			09			
88	pd			10			

CHEBOYGAN COUNTY

DRAFT
CHEBOYGAN COUNTY
PLANNING COMMISSION

Conditional Rezoning

Applicant: Jerry Malloy
228 N. Main
Cheboygan, MI 49721

Owners: Cheboygan Storage LLC
228 N. Main
Cheboygan, MI 49721

Parcel: Section 2, Inverness Township
Parcel No. 091-002-100-008-00

Hearing Date: Wednesday, April 20, 2016 at 7:00 p.m.

PROPERTY DESCRIPTION

The property of Owners is described more fully as: Situated in the Township of Inverness, County of Cheboygan and State of Michigan.

Parcel #091-002-100-008-00
COM NW COR SEC 2 TH S 88DEG E 2045.06FT; TH S 2D W 33FT TO POB; TH S 2D W 185FT; TH S 88D E 112FT; TH S 2D W 50FT; TH S 88D E 100FT; TH N 2D E 235FT; TH N 88D W 212.04 TO POB, PT OF E1/2 OF NW FRL1/4.

Hereinafter referred to as the "Property".

APPLICATION

A conditional rezoning from Agriculture and Forestry Management District (M-AF) to Commercial Development District (D-CM) limiting the uses allowed under the Commercial Development District (D-CM) regulations to only Indoor Storage Facility per section 6.3.16. No other uses are proposed for consideration of the conditional rezoning. The condition of the zoning would provide that the zoning would revert to the prior zoning of Agriculture and Forestry Management District (M-AF) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the conditional rezoning approval.

The Planning Commission having considered the Application, the Planning Commission having heard the statements of the Applicants, 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 finds that the applicant proposes conditional rezoning of certain real property in the application from Agricultural and Forest Management District (M-AF) and Lake and Stream Protection District (P-LS) to Commercial Development District (D-CM) for the following use:
 - a. Indoor Storage Facilities per section 6.3.16. See exhibit 3.
2. The Planning Commission finds that the applicant has offered the following condition:

The condition of the zoning would provide that the zoning would revert to the prior zoning of Agriculture and Forestry Management District (M-AF) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the conditional rezoning approval. See exhibit 3
3. The Planning Commission finds application is made by Jerry Malloy as applicant and Cheboygan Storage LLC as owner. See exhibit 3.
4. The Planning Commission finds that the legal description of the property at issue, including the proposed property to be rezoned, is included in the application. See exhibit 3.
5. The Planning Commission finds that the Cheboygan County Master Plan Future Land Use Map designates the area with the proposed rezoning as being offered as Forestry/Agriculture. See exhibit 7
6. The Planning Commission finds that the structure located on the subject property is a non-conforming structure. See exhibit 3 and 7
7. The Planning Commission finds that the structure located on the property was previously uses as retail and warehouse for a dairy. See exhibit 3 and exhibit 7
8. 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 applicant is requesting a conditional rezoning from Agriculture and Forestry Management District (M-AF) to Commercial Development District (D-CM) limiting the use allowed under the Commercial Development District (D-CM) regulations to Indoor Storage Facility per section 6.3.16. for an existing structure. No other uses are proposed for consideration of the conditional rezoning.
- B. The Planning Commission finds that upon review of the specific nature of the property, which includes a former use and current non-conforming use as a warehouse and retail for a dairy within the existing structure.
- C. The Planning Commission finds that the property is located next to a commercial dairy farm that the conditional rezoning would not create a negative impact on surrounding property.

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that many of the surrounding land uses are residential and agricultural in nature. Thus, the Planning Commission finds that the proposed conditional rezoning is not reasonably consistent with surrounding uses. See exhibit 7.
- 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 an indoor storage facility use only. Activities which could occur if the subject property is conditionally rezoned would not physically disturb the properties surrounding the land proposed for the conditional rezoning. See exhibit 3 and 7
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed rezoning in and of itself would result in adverse physical impact on surrounding properties as the activities which could occur in the subject area were conditionally rezoned would physically disturb the properties surrounding the land proposed for the conditional rezoning. See exhibit _ .
- B. The Planning Commission finds that most of the surrounding properties are currently agricultural or residential in use. See exhibit 7.
- C. 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 conditional rezoning is granted, there would be an adverse effect on property values in the area.
- B. The Planning Commission finds that
- C. 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 conditional 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 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 an Inverness Township fire station has been established in the area. See exhibit 7 figure 2
- B. The Planning Commission finds that the conditional rezoning is proposed next to a commercial dairy farm.
- C. The Planning Commission finds that the former use of the property was retail and warehouse for a dairy.
- D. The Planning Commission

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that changes which have occurred in the vicinity of the property have trended towards residential and agricultural uses as opposed to commercial uses. As such, the changes that have occurred, albeit they have been slow over the past few years, do not favor the proposed conditional rezoning. See exhibit 7
- B. The Planning Commission finds that there is property available for development which is currently zoned Commercial Development. See exhibit 1
- C. The Planning Commission finds

This standard has/has not been met.

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

WILL SUPPORT THE FACTOR

- A. The Planning Commission finds that given the size of the existing structure, the location of an existing dairy farm which are not subject to the rezoning application, there is no evidence that the conditional rezoning would deter the improvement or development of adjacent property in accordance with existing regulations, much less future land use plans as proposed in Cheboygan County's future land use map. See exhibits 1, 2 and 7.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that there is evidence that the proposed conditional rezoning would deter the improvement or development of adjacent property in accordance with existing regulations since most properties are agricultural and residential uses. See exhibits 1, 2, and 7.
- 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 the former use of the property was retail and warehouse for a dairy farm. As such, the proposed conditional rezoning does not create a special privilege or result in spot zoning. See exhibit 7.
- B. The Planning Commission finds that Indoor storage facilities is a use which is allowed with a special use permit in the Agriculture and Forestry Management zoning district subject to conditions of Section 17.27. See exhibits 1 and 7
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that conditionally rezoning the property will result in commercial use extending into existing M-AF zoned property. The Planning Commission further finds that given the residential uses in the surrounding area that the conditional rezoning will result in the granting of a special privilege to the applicant for uses not available for development by surrounding property owners. See exhibit 2 future land use map and exhibit 7.
- 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 the property is 1.14 acres in size with a unique structure which covers a large portion of the property. See exhibits 3 and 7
- B. The Planning Commission finds that a most recent use of the structure is retail and warehouse for a dairy. See exhibit 7
- C. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that given the other existing uses and the current surrounding land uses, the property can be used for purposes listed under its current zoning classification. See exhibit 2
- 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, as per the adopted Cheboygan County Master Plan, and Future Land Use Map, the future land use categories for surrounding properties may very well better describe the desired future land use on any given parcel and there is support in the Master Plan that this proposed rezoning would allow land uses which would be compatible with surrounding properties and meet the County's land use goals. See exhibit 2.

- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the County's Master Plan depicts the future use of the property as being in the Forestry/Agriculture category which is described 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.

- B. Planning Commission finds that the proposed conditional rezoning is in conflict with the plan use in the Cheboygan County Master Plan. See exhibit 2.

- C. 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 the site will be used for Indoor storage facility only and the applicant will provide public facilities as required. See exhibit 3.
- B. The Planning Commission finds that

WILL NOT SUPPORT THE FACTOR

- A. The Planning Commission finds that the applicant has not sufficiently proven that that the property is or will be served by adequate public and private facilities. See exhibit 3.
- 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 the applicant has indicated a use for Indoor storage facility only and there are no sites nearby which can be used for that purpose. See exhibit 1
- B. The Planning Commission finds that the site contains a unique structure which was used as a retail and warehouse for a dairy. See exhibit 7
- C. 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 for Indoor storage facilities which is allowed with a special use permit in the Agriculture and Forestry Management district subject to section 17.27 as provide undre section 9.3.24. See exhibit 1 and 7
- 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 applicant's request to conditional rezone the property identified in the aforementioned property description in this document is hereby recommended to be denied/approved.

Ayes: _____

Nays: _____

DATE DECISION AND ORDER ADOPTED

April 20, 2016

Date

Chair, Patty Croft

Secretary, Charles Freese

CHEBOYGAN COUNTY PLANNING COMMISSION

Jerry Malloy/Cheboygan Storage LLC – Revised 04/12/16

Exhibit List

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

The following items were added to the exhibit list on 04/12/16

6. E-mail dated 04/08/16 from Fire Chief Dan Socha (1 page)
- 7.
- 8.
- 9.

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>1631 Worderski Rd.</i>	City / Village <i>CHEBOYGAN</i>	Twp / Sec. <i>Inerness 2</i>	Zoning District <i>M-AF</i>
Property Tax I.D. Number <i>091-002-100-008-00</i>	Plat or Condo Name / Lot or Unit No. <i>NA</i>		

APPLICANT

Name <i>Scery Malloy</i>	Telephone <i>231-627-3131</i>	Fax <i>231-627-5191</i>
Address <i>228 N Main</i>	City, State & Zip <i>Cheb MI 49721</i>	E-Mail <i>smalloy@cheboygan-ti.com</i>

OWNER (If different from applicant)

Name <i>Cheboygan Storage LLC</i>	Telephone <i>231-627-3131</i>	Fax
Address	City, State & Zip	E-Mail

PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Change in Use or Additional Use <i>NO CHANGE TO BUILDING</i> <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input type="checkbox"/> Sign, Type: _____ <input type="checkbox"/> Other: _____	Building/Sign Information Overall Length: _____ feet Overall Width: _____ 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 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 type="checkbox"/> Commercial	<input type="checkbox"/> Institutional
<input type="checkbox"/> Multi-Family, # of units _____	<input checked="" 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: M-27 to LINCOLN AVE. - WEST ON LINCOLN AVE 3/4
Mi to Worderski Road - WEST ON Worderski Rd. 3/4 mi. to SITE.
FORMER INVERNOSE DAIRY RETAIL/WAREHOUSE.

SPECIAL LAND USE PERMIT APPLICATION



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

Inside Storage - No Employees.
BUSINESS HOURS AS NEED. -

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 CHANGES TO SITE

- 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 CHANGES TO SITE

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

NO CHANGES TO 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.

NA

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

VEHICLE ACCESS ALL AROUND BUILDING

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

ACCESSED ON WADONSKO ROAD.

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

NO.

- h. Exterior lighting shall be arranged as follows:

i. It is deflected away from adjacent properties. NO EXTERIOR LIGHTING

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

iii. It does not unnecessarily illuminate night skies.

SPECIAL LAND USE PERMIT APPLICATION



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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.

NA

- 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: 1.0 ACRE

4. Present use of property:

None - Former Dairy

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 - INDOOR STORAGE ONLY

- 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 - INDOOR STORAGE ONLY

ONLY

- 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 -

INDOOR STORAGE ONLY AS REQUIRED BY CUSTOMER

- 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 - EXISTING

SPECIAL LAND USE PERMIT APPLICATION



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- 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 [Signature] Date 3/15/16

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

Yes No

Owner's Signature [Signature] Date 3/15/16

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:	<u>3/16/16</u>	Notes:
Fee Amount Received:	<u>\$220.00</u>	
Receipt Number:		
Public Hearing Date:		

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
✓		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.
✓		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.
✓		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
	✓	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
NA		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.
✓		f. Location of existing and proposed buildings and intended uses thereof.
NA		g. Details of entryway and sign locations should be separately depicted with an elevation view.
✓		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.
✓		i. Location, size, and characteristics of all loading and unloading areas.
NA		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
INA		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. <i>OVERHEAD ELECT. ONLY</i>
NA		l. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

SPECIAL LAND USE PERMIT APPLICATION

SITE PLAN REQUIREMENT CHECKLIST

(TO BE SUBMITTED WITH APPLICATION AND SITE PLAN)

INFORMATION SUPPLIED	WAIVER REQUESTED	REQUIREMENT
NA		m. Location and specifications for all fences, walls, and other screening features.
NA		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>
d.	SITE IS FLAT.

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

3/15/16

 DATE

16-041-035-300-002-01
INVERNESS DAIRY FARMS INC
1661 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-300-011-00
KITCHEN, MALIA NV (VASSILAKOS
1634 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-300-012-00
MAXWELL, BEVERLY M
1600 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-300-013-00
CARLSON, ELMER REVOC LIVING
1548 WOIDERSKI RD
CHEBOYGAN MI 49721

16-091-002-100-006-00
WOIDERSKI, INGA P
1717 WOIDERSKI RD
CHEBOYGAN MI 49721

16-091-002-100-007-00
WOIDERSKI, DANIEL J ET UX
1661 WOIDERSKI RD
CHEBOYGAN MI 49721

16-091-002-100-008-00
CHEBOYGAN STORAGE, LLC
1803 WOIDERSKI RD
CHEBOYGAN MI 49721

16-091-002-100-009-00
CHAMBERLAIN, JANET ET VIR
10389 WING RD
CHEBOYGAN MI 49721

16-091-002-100-011-01
INVERNESS DAIRY, INC
1633 WOIDERSKI RD
CHEBOYGAN MI 49721

16-041-035-300-002-01
OCCUPANT
12298 INVERNESS TRAIL RD
CHEBOYGAN, MI 49721

16-041-035-300-011-00
OCCUPANT
1634 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-041-035-300-012-00
OCCUPANT
1600 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-041-035-300-013-00
OCCUPANT
1548 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-006-00
OCCUPANT
1717 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-007-00
OCCUPANT
1661 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-008-00
OCCUPANT
1631 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-009-00
OCCUPANT
1551 WOIDERSKI RD
CHEBOYGAN, MI 49721

16-091-002-100-011-02
OCCUPANT
1633 WOIDERSKI RD
CHEBOYGAN, MI 49721

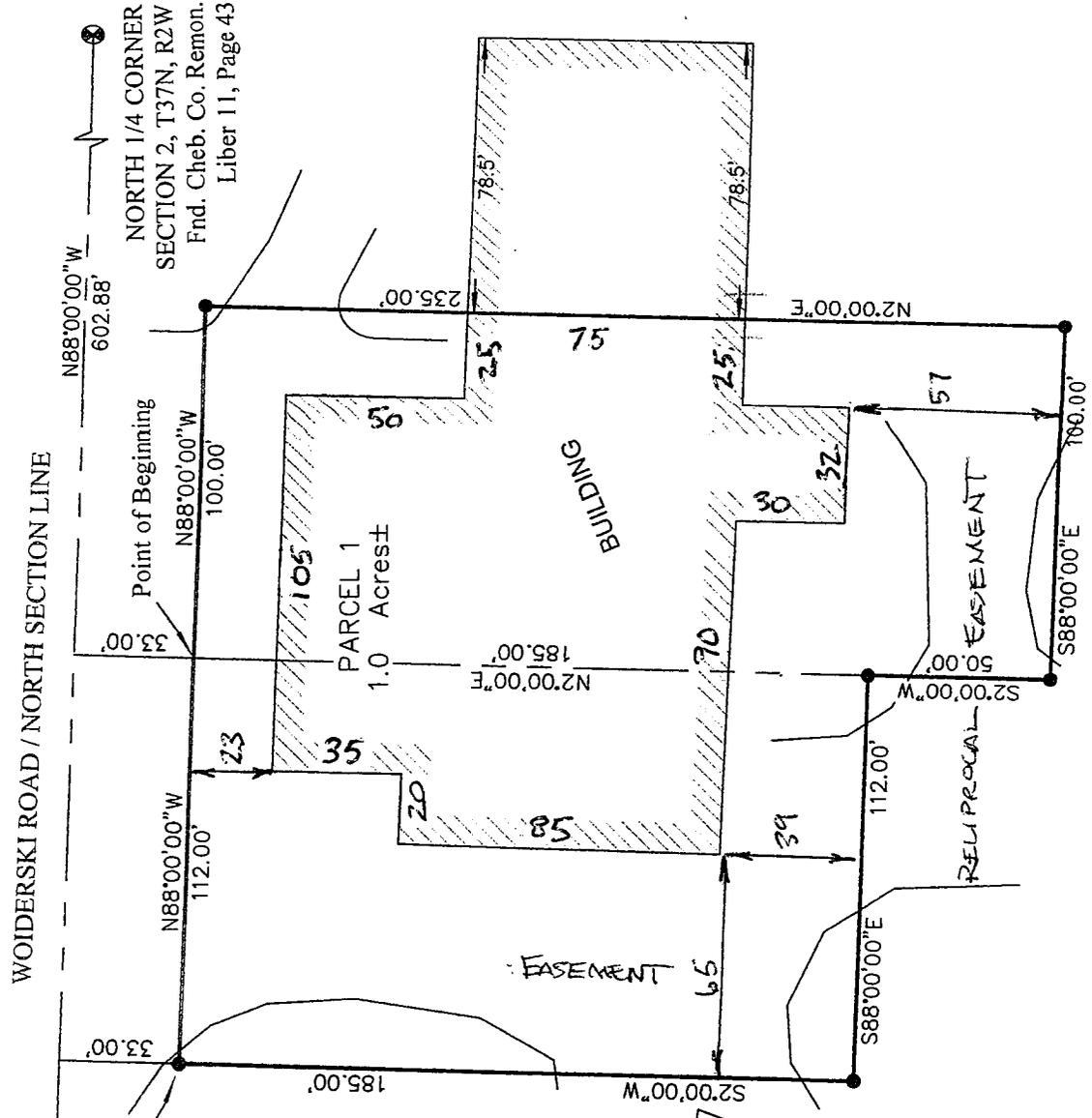
ECKER SURVEYING INCORPORATED

9597 North Straits Hwy.,
Cheboygan, Michigan, 49721
E-mail: EckerSurveying@aol.com
Ph: 231.420.5450
Web: EckerSurveying.com
Fax: 231.627.5450

Certificate of Survey

FOR: JERRY MALLOY

SECTION 2, T 37 N, R 2 W
S15-68-37N-2W-2-NW
DATE: 10-16-2015
DRAWN BY: JLE SHEET 1 OF 1



NORTHWEST CORNER
SECTION 2, T37N, R2W
Fnd. Cheb. Co. Remon.
Liber 11, Page 40

Point of Beginning
S88°00'00"E 2045.06'

Point of Beginning
N88°00'00"W 602.88'

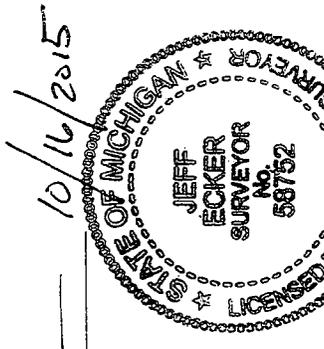
NORTH 1/4 CORNER
SECTION 2, T37N, R2W
Fnd. Cheb. Co. Remon.
Liber 11, Page 43

I, Jeffery L. Ecker, Hereby Certify That I Have Surveyed And Mapped The Parcel Of Land Described Hereon And That The Boundaries And Limits Of Such Do Not Exceed 1' For Each 5000' And That I Have Fully Complied With The Requirements Of Act 132 Of 1970, As Amended Act 280 Of 1972.



GOVERNMENT CORNER
SET BAR & CAP #58752
BREAK LINE

Site Plan By Jerry Malloy
MARCH 15, 2016



LEGAL DESCRIPTION PROVIDED:

Situated in the Township of Inverness, Cheboygan County, Michigan:
Parcel 1: A parcel of land in Section 2, T37N, R2W described as: Commencing at a section corner common to Sections 2, 3, 34 and 35 between T37N and T38N, R2W; thence South 88°0' East along the East and West Section line 2,045.06 feet; thence 90°0' South 2°0' West 33.00 feet to the Point of Beginning; thence South 02°0' West 185.00 feet; thence 90°0' left South 88°0' East 112.00 feet; thence 90°00' left, North 02°00' East 185.00 feet; thence 90°00' left North 88°00' West 112.00 feet to the Point of Beginning; being part of the NE 1/4, of the NW 1/4 of Section 2, T37N, R2W.

AND: Commencing at Section corner common to Sections 2, 3, 34 and 35 between T38N and T37N, R2W; thence South 88°00' East along the East and West Section line 2,157.06 feet; thence South 02°00' West 33.00 feet for a Place of Beginning of this description; thence South 02°00' West 235.00 feet; thence 90°00' left, South 88°00' East 100.00 feet; thence 90°00' left North 02°00' 235.00 feet; thence 90°00' left North 88°00' West to the Point of Beginning; being a part of the NE 1/4, of the NW 1/4, of Section 2, T37N, R2W.

Deborah Tomlinson

From: Dan Socha <inverness.fire@gmail.com>
Sent: Friday, April 08, 2016 2:57 PM
To: Deborah Tomlinson
Subject: Jerry Malloy storage building 1631 Woiderski RD

Ok with building, but we need a fire alarm installed, audible alarm will be fine. Also need room between stored units for firefighters in case of an emergency. Contact Chief Socha on alarm system.

Chief Dan Socha
Inverness Fire DEPT 231-627-3301



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: Consideration of a Special Use Permit for Indoor Storage Facility per section 6.3.16. subject to approval of conditional rezoning application.	Prepared by: Scott McNeil
Date: April 8, 2016	Expected Meeting Date: April 20, 2016

GENERAL INFORMATION

Applicant: Jerry Malloy

Owner: Cheboygan Storage LLC

Contact person: Jerry Malloy

Phone: 231-627-3131

Requested Action: Approval of a Special Use Permit for Indoor Storage Facility per section 6.3.16. subject to approval of a conditional rezoning application.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval of a special use permit for a change of use to Indoor Storage Facility subject to approval of a conditional rezoning. The applicant has requested a conditional rezoning to Commercial Development District (D-CM) limiting the use allowed under the Commercial Development District (D-CM) to Indoor Storage Facility only per section 6.3.16. No other uses are proposed for consideration of the conditional rezoning. The condition of the zoning offered by the applicant provides that the zoning would revert to the prior zoning of Agriculture and Forestry Management District (M-AF) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the conditional rezoning approval

Indoor storage facilities is a use which is allowed with a special use permit in the current Agriculture and Forestry Management district under Section 9.3.24, Indoor Storage Facilities subject to requirements of section 17.27. Section 17.27. reads as follows:

In addition to meeting the general standards for special use permit approval under Section 18.7 of this Ordinance, an Indoor Storage Facility use within the Agricultural and Forestry Management District shall comply with all of the following applicable supplemental regulations and standards:

17.27.1. A solid evergreen hedge, wall or fence a minimum of 6 feet in height shall be placed a minimum of 3 feet from a rear or side lot line which screens all Indoor Storage Facilities from adjoining lots which are under different ownership.

17.27.2. A minimum distance of 30 feet shall be required between Indoor Storage Facility structures where a wall with doors faces another Indoor Storage Facility structure.

17.27.3. Indoor Storage Facilities shall be located on a County Primary Road or State Trunkline.

The conditional rezoning application has been submitted as a result of the applicants desire to use an existing structure on the subject lot for commercial storage. The subject is located on Woiderski Road which is a County Local Road, not a County Primary Road as required per section 17.27.3. and thus cannot be approved for an Indoor storage facility use in the current zoning district.

You will note by review of the site plan included with the application that the west boundary line of the subject lot cuts through the existing building. Attached to this report is a copy of an assessment record card indicating the lot was in existence in 1967. The building is deemed a non-conforming structure pursuant to Article 22 due to setbacks. Most recently, the structure served as a retail and warehouse use for the former Inverness Dairy.

The Special use permit application is for indoor storage only (no outdoor storage) for the existing structure only. No other structures are proposed.

Current Zoning:

Agriculture and Forestry Management (M-AF). Any approval of a special use permit will be conditioned upon receiving approval of the conditional rezoning to Commercial Development pursuant to the application, meeting the conditions stated in the application and any conditions of an approved special use permit.

Surrounding Land Uses:

Residential and Agriculture uses surround the site.. All surrounding parcels are zoned Agriculture Forestry Management District (M-AF).

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

Historic buildings features:

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

Traffic Implications

The requested use is for indoor storage only. This project will have minimal effect on current traffic conditions.

Parking

There are no regulations or standards found in Section 17.6 relative to the proposed use. The applicant indicates in the application that there will be no employees, thus no employee parking has been designated on the site plan. Only parking to facilitate receiving and removal of items to be restored will take place.

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

The site has access on Woiderski Road, which is a County Local Road.

Signs

No signs are proposed.

Fence/Hedge/Buffer

No fence, hedge or buffer is proposed to be added to the existing site improvements. No fence, hedge or buffer is required provided the conditional rezoning application is approved.

Lighting

Exterior lighting exists on the front of the existing building. No additional exterior lighting is proposed.

Stormwater management

There is no significant change to stormwater runoff.

Review or permits from other government entities:

There are no other known permit requirements for review by other government entities at this time.

Public comments received

None

Recommendations (proposed conditions)

The following statement is proposed as General Finding #4:

4. An approved special use permit shall take effect only if the conditional rezoning application dated March 29, 2016 is approved and shall become null and void if the conditional rezoning application is not approved.

091-02-100-008

Inverness Dairy
Cheboygan Michigan

IND

I152F-1

Com NW cor Sec 2 th S 88° E 2045.06 ft
th S 2° W 33 ft to POB th S 2° W 135
ft th S 88° E 112 ft th S 2° W 50 ft
th S 88° E 100 ft th N 2° E 235 ft th
N 88° W 212 to POB part of E2 of N4/4r1:

Sec 2 T 37 N R 2 W

MISCELLANEOUS INFORMATION

CHEBOYGAN COUNTY

DOMESTIC BROS. & CO., BALTIMORE, MICH.

YEAR	PAID TO	DATE	RECEIPT NO.	YEAR	PAID TO	DATE	RECEIPT NO.
67	pd			89	pd		
68	pd			90	pa		
69	pd			91	pa		
70	pd			92	pa		
71	pd			93	pd		
72	pd			94	pa		
73	pd			95	pa		
74	pd			96	pa		
75	pd			97	pd		
76	pd			98	pd		
77	pd			99	pd		
78	pd			2000	pd		
79	pd			01			
80	pd			02			
81	pa			03			
82	pa			04			
83	pa			05			
84	pa			06			
85	pa			07			
86	pd			08			
87	pa			09			
88	pa			10			

CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, October 7, 2015, 7:00 PM

Applicant

Jerry Malloy
228 N. Main St.
Cheboygan , Mi. 49721

Owner

Cheboygan Storage LLC
228 N. Main
Cheboygan , Mi. 49721

Parcel

1631 Woiderski Rd.
Inverness Township
091-002-100-008-00

GENERAL FINDINGS

1. The subject property is currently zoned Agriculture and Forestry Management district (M-AF)
2. The applicant is seeking a special use permit for a change of use to Indoor storage facility subject to approval of a conditional rezoning application dated March 29, 2016 .
3. The applicant has applied for a conditional rezoning of the subject parcel to Commercial Development District (D-CM) limiting the use allowed under the Commercial Development District (D-CM) to Indoor Storage Facility only per section 6.3.16. No other uses are proposed for consideration of the conditional rezoning. The condition of the zoning offered by the applicant provides that the zoning would revert to the prior zoning of Agriculture and Forestry Management District (M-AF) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the conditional rezoning approval.
4. An approved special use permit will not take effect until the conditional rezoning application dated March 29, 2016 is approved and shall be null and void if the conditional rezoning application is not approved.
5. Indoor Storage Facility is a use which requires a special use permit in a D-CM zoning district per Section 6.3.16.
6. The structure on the subject parcel is deemed a non-conforming structure pursuant to Article 22 due to setbacks.
7. The applicant is seeking a waiver from the topography survey requirement.
- 8.

FINDINGS OF FACT UNDER SECTION 18.7 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 18.7 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
 1. The subject property is currently zoned Agriculture and Forestry Management district (M-AF)
 2. The applicant has applied for a conditional rezoning to Commercial Development District (D-CM) limiting the use allowed under the Commercial Development District (D-CM) to Indoor Storage Facility only per section 6.3.16. No other uses are proposed for consideration of the conditional rezoning. The condition of the zoning offered by the applicant provides that the zoning would revert to the prior zoning of Agriculture and Forestry Management District (M-AF) if the applicant has not received zoning compliance and has not fulfilled required conditions of approval within two (2) years of the conditional rezoning approval
 3. The applicant is seeking a special use permit for a change of use to Indoor storage facility subject to approval of the conditional rezoning application cited in item a.2. above..
 4. Indoor Storage Facility is a use which requires a special use permit in a D-CM zoning district per Section 6.3.16.
 5. An approved special use permit shall take effect only if the conditional rezoning application dated March 29, 2016 is approved and shall become null and void if the conditional rezoning application is not approved.

- 6.
7. Standard has been met.

Or.

- 1.
2. Standard has not been met.

- b. The proposed special land use will not 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.

1. The applicant is seeking a change of use to Indoor Storage Facility for a structure formerly used as retail and warehouse for a dairy. (see staff report)

2. Indoor Storage Facility is a use which requires a special use permit in a D-CM zoning district per Section 6.3.16.

3. The Indoor Storage Facility use as proposed will not 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. (see exhibits 3 and 5)

4.

5. Standard has been met.

Or.

1.

2. Standard has not been met.

- c. The proposed special land use will not involve uses, activities, processes, materials, or equipment, or hours of operation 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 or private highway or seen from any adjoining land owned by another person.

1. The applicant is seeking a special use permit for an Indoor Storage Facility. (see exhibit 3)

2. Storage will take place within an existing structure. No outdoor storage is approved.

3. The proposed use will not involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area. (see exhibit 3 and 5)

4.

5. Standard has been met.

Or.

1. All surrounding adjoining land is residential or agriculture in use.

2. An Indoor Storage Facility will involve uses, activities, processes, materials, or equipment, or hours of operation that will create a substantially negative impact on other conforming properties in the area.

3.

4. Standard has not been met.

- d. The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

1. The applicant is seeking a special use permit for an Indoor Storage Facility. (see exhibit 3)

2. Storage will take place within an existing structure. No outdoor storage is approved.

3. The ongoing use as proposed will be constructed, designed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. (see exhibits 3 and 5)

4.

5. Standard has been met.

Or.

1.

2. Standard has not been met.

- e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.
 - 1. The applicant is seeking a special use permit for an Indoor Storage Facility. (see exhibit 3)
 - 2. The proposed use will not place demands of fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties. (see exhibit 3 and 5)
 - 3.
 - 4. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- f. The proposed special land use shall not increase traffic hazards or cause congestion on the public or private highways and streets of the area in excess of current capacity. Adequate access to the site shall be furnished either by existing roads and highways or proposed roads and highways. Minor residential streets shall not be used to serve as access to uses having larger area-wide patronage. Signs, buildings, plantings, or other elements of the proposed project shall not interfere with driver visibility or safe vehicle operation. Entrance drives to the use and to off-street parking areas shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
 - 1. The applicant is seeking a special use permit for an Indoor Storage Facility. (see exhibit 3)
 - 2. The subject property is located on Woiderski Road, which is a County Local Road . (see exhibit 3 and 5)
 - 3. The most recent use of the subject property was retail and warehouse for a dairy. (see staff report)
 - 4. The use will not cause congestion or increase traffic hazards in excess of current capacity. (see exhibit 5)
 - 5.
 - 6. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

- g. The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services.
 - 1. The owner/applicant is seeking a special use permit for an Indoor Storage Facility. (see exhibit 3)
 - 2. Water and sewer facilities or refuse collection are not necessary for this use
 - 3.
 - 4. Standard has been met.Or.
 - 1. The applicant has not adequately demonstrated that water and/or sewer and/or refuse collection is not needed.
 - 2. Standard has not been met.

- h. The proposed special land use will comply with all specific standards required under this Ordinance applicable to it.
 - 1. The special use complies with all the specific standards required under this Ordinance applicable to it and is of the same general character as the uses described in sections 6.2 and 6.3 pursuant to Section 6.3.11. (see exhibit 1, 3 and 5)
 - 2.
 - 3. Standard has been met.Or.
 - 1.
 - 2. Standard has not been met.

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 applicant is seeking a special use permit for an Indoor Storage Facility and will use an existing structure. (see exhibit 3 and 5)
 2. There will be no changes to the structure or the lot. There will be no additional structures.
 3. The site is designed 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 is proposed to be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. Changes to the overall contours of the site are minimal in order to facilitate the development. (see exhibit 5)
 - 4.
 5. 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. There will be no changes to the structure or the lot. There will be no additional structures. (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. No changes to site drainage is proposed. (see exhibit 3)
 - 2.
 3. Standard has been met.

Or.

 - 1.
 2. 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 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 building is located on the site as to permit emergency vehicle access. The site is located on Woiderski Road. (see exhibit 5)
 - 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 structure on the site has access to Woiderski Road, which is a County Local Road. (see exhibit 5)

2.

3. Standard has been met.

Or.

1.

2. Standard has not been met.

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

1. Not applicable. No subdivision condominiums or subdivision plats 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 exterior lighting is proposed (see exhibit 3)

2.

3. 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 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. The site plan conforms to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2, 3 and 5)

2.

3. Standard has been met

Or.

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, April 20, 2016

Patty Croft, Chairperson

Charles Freese, Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Jacki Hanel & Toni Wilson – Revised 04/12/16

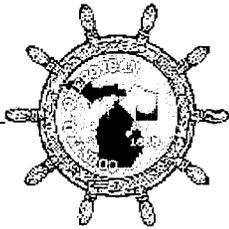
Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Site Plan Review Application (6 Pages)
4. Site Plan (1 Page)
5. Soil Erosion & Sedimentation Control Permit PG15-0135 (1 Page)
6. Quick Claim Deed L1290 P863 (2 Pages)

The following items were added to the exhibit list on 04/12/16:

7. E-mail dated 04/06/16 from Fire Chief David Carpenter (1 Page)
- 8.
- 9.

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 6060 River Street	City / Village Indian River	Twp / Sec. Tuscarora	Zoning District
Property Tax I.D. Number 161-131-010-002-00	Plat or Condo Name / Lot or Unit No.		

APPLICANT

Name Jacki Hanel & Toni Wilson	Telephone 231 290 6041	Fax N/A
Address 1605 Cook Rd	City, State & Zip Indian River Mi. 49749	E-Mail jackihanel@yahoo.com

OWNER (If different from applicant)

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

PROPOSED WORK

Type (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Reconstruction <input type="checkbox"/> Relocated Building <input checked="" type="checkbox"/> Sign, Type: wall-projecting + Marquee <input type="checkbox"/> Other: _____	Building/Sign Information Overall Length: _____ feet Overall Width: _____ feet Floor Area: _____ sq. feet Overall Building Height: _____ feet Sign Area: _____ sq. feet Sign Height 4'-18" sq ft 8'-40" sq ft feet
---	---

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: **S: Straits Hwy to river st on right. Just past Indian River Bridge.**

SITE PLAN REVIEW 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.

Walk up to go Concession Stand open 7 days a week Monday - Sunday, 11 AM - 7 PM with one employee

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.

Property to remain as Natural and existing State

- 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.

Property to remain as Natural and existing State

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

Silt Fence until process complete

- 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.

Plans to erect a 60 ft Long And less than 6 ft tall wood privacy Fence from SW corner toward NW corner of Lot. less than 1 ft from property line

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

remain excessable, open and available to all emergency means

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

Township public Stairs on east side and completely open N-S

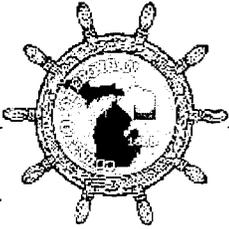
- g. For subdivision plats and subdivision condominiums, there shall be a pedestrian circulation system as approved by the Planning Commission.

N/A

- h. Exterior lighting shall be arranged as follows:

- i. It is deflected away from adjacent properties. Directly Downward Shade x2 on boat
ii. It does not impede the vision of traffic along adjacent streets. Directly Downward Shade x2 on boat
iii. It does not unnecessarily illuminate night skies. 50 watt x2 outdoor lights with yellow bug control bulbs on boat front + back for Saffy.

SITE PLAN REVIEW 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

- 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 property will we open from road to water South to North -

- 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.

SITE PLAN REVIEW APPLICATION

- 3. Size of property in sq. ft. or acres: 2,475 sq ft
- 4. Present use of property: Vacant
- 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 Jacki Hanel Date 4-4-16

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

Yes No

Owner's Signature Jacki Hanel Date 4-4-16



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

FOR PLANNING/ZONING DEPT. USE ONLY

Date Received:	4/4/14
Fee Amount Received:	\$ 1165.00
Receipt Number:	4944
Public Hearing Date:	4/20/14.

Notes:

Planning/Zoning Administrator Approval:

Signature

Date

SITE PLAN REVIEW APPLICATION

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
✓		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.
✓		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.
✓		c. Location of existing and proposed public roads, rights-of-way and private easements of record and abutting streets.
Soil # PG 15-1035 Attached copy Not complete	✓ pending frost law	d. Topography at maximum five foot intervals or appropriate topographic elevations to accurately represent existing and proposed grades and drainage flows.
✓		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.
N/A		f. Location of existing and proposed buildings and intended uses thereof.
✓		g. Details of entryway and sign locations should be separately depicted with an elevation view.
Copy Attached VC-1R-0		h. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, <u>parking areas</u> (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
✓ 22' front		i. Location, size, and characteristics of all loading and unloading areas.
✓ 22' front		j. Location and design of all sidewalks, walkways, bicycle paths and areas for public use as approved by the Planning Commission.
K1-Sewer K2-electric K3-well		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.
N/A		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
60 ft X 5 ft tall wood Privacy		m. Location and specifications for all fences, walls, and other screening features.
N/A		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
On Boat front + Back		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
4 N 96 gal wheeled Cart Pickup Hinged Monday + Friday		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
24' Pontoon on portable trailer w/ enclosed 8x16x7 Shed		q. Elevation drawing(s) for proposed commercial and industrial structures.
N/A		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
N/A copy Attached VC-12-0		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>
D	Slope Reduction Permit PG15-0135 (Copy Attached) Not complete pending frost law & schedule

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.



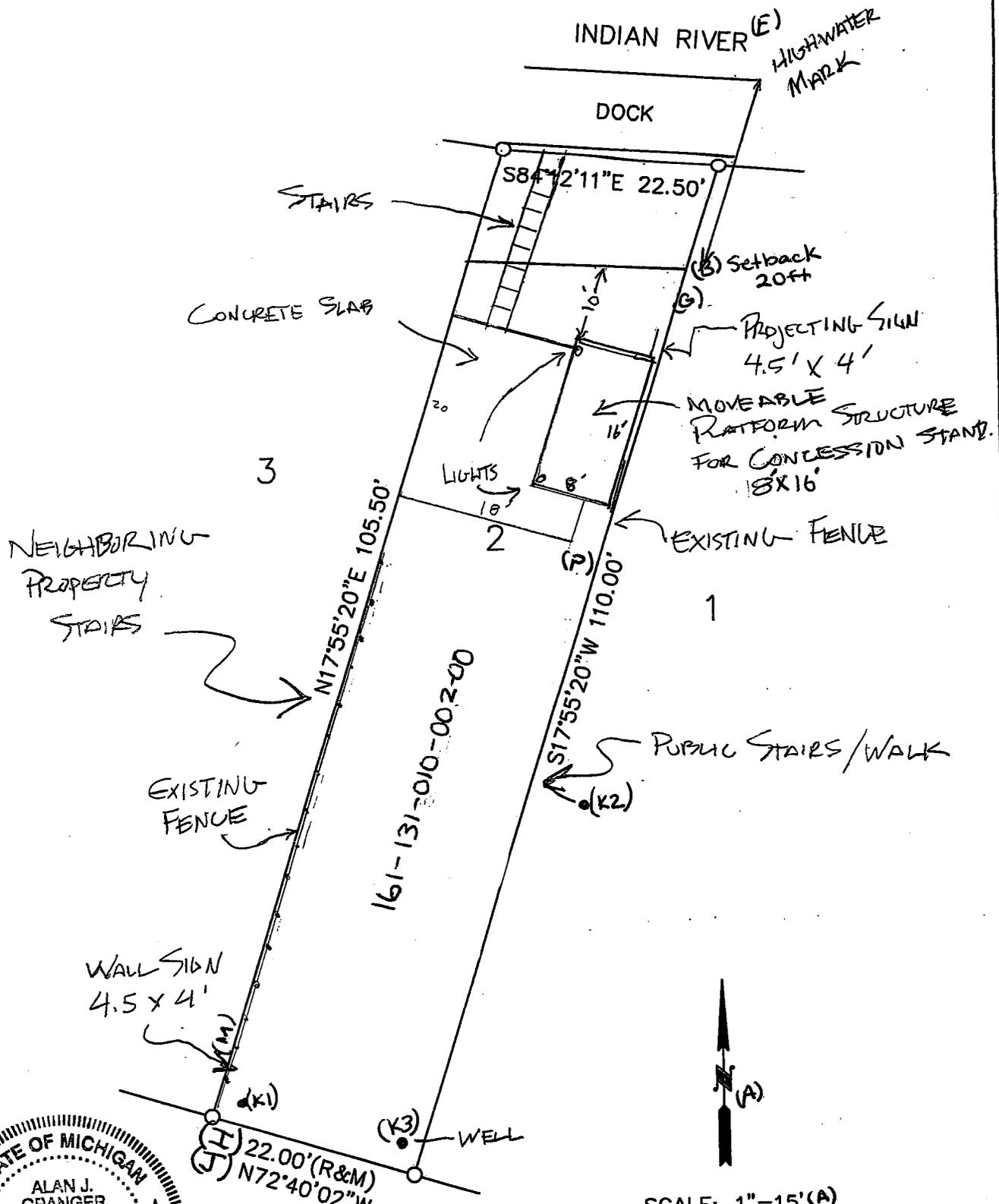
 SIGNATURE

4-4-16

 DATE

CERTIFICATE OF SURVEY

LOT 2, BLK 10, MAP OF THE VILLAGE (NOW CITY) OF INDIAN RIVER,
TUSCARORA TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



SCALE: 1"=15'(A)

○ SET 1/2" REBAR W/CAP #52460

NOTE:
SETBACKS BASED ON
COMMERCIAL ZONING.

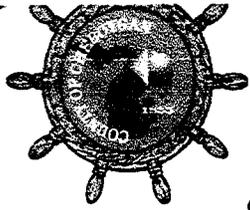
BEARINGS BASED ON SURVEY BY
GRANGER AND ASSOCIATES, INC.

COPYRIGHTED GRANGER & ASSOCIATES INC. 2015

Alan J. Granger
ALAN J. GRANGER P.S. No. 52460

CLIENT: JACKI HANEL DATE: OCT. 6, 2015	Granger and Associates, Inc. Engineers • Surveyors 224 S. Main St., Cheboygan, MI 49721 Email: grangerandassociates@gmail.com 231-627-2763	SEC. 24, T35N, R3W DRAWN JSD SHEET 1 OF 1 JOB NO. C7338-00
--	---	--

4-4-16 Jacki Hanel
(UPDATED 4-5-16)



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

Soil Erosion & Sedimentation Control Permit

(Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended)

ALL PERMITS ARE VALID FOR ONE (1) YEAR.

TUSCARORA

ISSUE DATE: 09/21/15
EXPIRATION DATE: 09/20/16

PG15-0135

Permittee

HANEL J, WILSON T & HANEL H
1605 COOK RD
INDIAN RIVER MI 49749

On Site Responsible Person:

HANEL J, WILSON T & HANEL H
1605 COOK RD
INDIAN RIVER MI 49749

Project Location

6060 RIVER ST 161-I31-010-002-00 TU-24

Permitted Activity:

Slope reduction

Permit Conditions:

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the attached general specific conditions.
2. This permit does not waive the necessity for obtaining all other required federal, state or local permits.
3. Wetland Stipulation As Part Of The Permit Conditions
If any portion of this site that excavation, draining, or the placement of fill material is to take place in, is deemed by the MDEQ to be regulated wetland, this permit becomes invalid and placement of fill or the introduction of sediment to regulated wetlands without first receiving a Part 303 permit from the MDEQ will be a violation of both Part 91 and 303. If the area is deemed not to be regulated wetland, this permit is valid as written.

Specific Conditions:

Permitting Agent

(231)627-8489

Telephone Number

This permit must be posted at the project site.



09/16/2015 3:36:37 PM

RECEIPT# 3710, STATION 2
\$17.00 QUIT CLAIM DEED

Quick Claim Deed

Drafted By:
Toni Lynn Wilson

Return To:
Same

Send Tax Bills To:
4928 Modoc Road
Indian River, MI 49749

Recording Fee:	State Transfer	161-131-010-002-00
File Number:	Tax: \$0	
	County Transfer	
	Tax:\$0	

Know All Persons by These Presents: Toni Lynn Wilson
whose address 4928 Modoc Road Indian River, MI 49749

Quit Claim(s) to Toni Lynn Wilson, Harold Hanel Jr. Jackie Hanel as tenant in common
whose address is 4928 Modoc Rd Indian River Mich 49749
the following described premises situated in the Township of Tuscarora, County of
Cheboygan, State of Michigan, to wit:

Parcel 1 Lot 2 of Block 10, Map of the Village of Indian River, according to the plat there of as set forth in
1 of Plat, Page 25, Cheboygan County records.



LIBER 1290 PAGE 863

For the full consideration of: **One and 00/100 dollars (\$1.00)**

Dated this 16th day of September, 2015

Signed:

Toni L Wilson
Toni L Wilson



(Attached to and becoming a part of Quit Claim Deed dated: 9-14-15 between

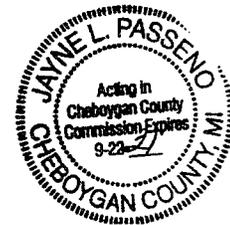
State of Michigan
County of Cheboygan

The foregoing instrument was acknowledged before me
this 16th day of September, 2015 by

Jayne L. Passeno

Jayne L. Passeno

Notary Public:
Notary County:
Acting in:
State of Michigan
Commission Expires:



Deborah Tomlinson

From: Dave Carpenter <dpcarpenter@voyager.net>
Sent: Wednesday, April 06, 2016 3:43 PM
To: Deborah Tomlinson
Subject: Re: 04/20/16 PC Packet

Hi DEb,

I don't see any major concerns regarding the Fire Department for Wilson/Hanel project on the Indian River.

Respectfully,

David Carpenter
Fire Chief

From: Deborah Tomlinson
Sent: Wednesday, April 06, 2016 3:08 PM
To: mailto:dpcarpenter@voyager.net
Subject: 04/20/16 PC Packet

Hi Dave!

The following is a link to the 04/20/16 Planning Commission packet: <http://www.cheboygancounty.net/events/79/45/?eventDate=1461114000>. Please review the request for Jacki Hanel and Toni Wilson and let me know if you have any comments for the Planning Commission.

Thank you!

Debbie

Debbie Tomlinson
Cheboygan County
Community Development Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax
debbiet@cheboygancounty.net



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: Consideration of site plan review for a Restaurant use the Indian River Village Center Overlay zoning district.	Prepared by: Scott McNeil
Date: April 11, 2016	Expected Meeting Date: April 20, 2016

GENERAL INFORMATION

Applicant: Jacki Hanel and Toni Wilson

Contact person: Jacki Hanel

Phone: 231-290-6041

Requested Action: Approval of site plan review for restaurant use pursuant to Section 13B.2.8.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking an approval of a site plan for a restaurant use. The applicant is proposing to serve food to-go from a platform structure. No provisions for onsite serving of food in proposed.

The subject site is a vacant lot located on the Indian River which includes a dock. The lot is located at 6060 River Street (next to the Inn Between Bar and Restaurant) in Tuscarora Township and is zoned Village Center Indian River Overlay (VC-IR-O). Restaurant is a permitted use per section 13B.2.8.

Current Zoning: Indian River Village Center Overlay (VC-IR-O)

Surrounding Land Uses: Commercial uses to the west and south. Public walkway to the east and residential to the north (across the Indian River).

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, and floodplain): The subject lot is located on the Indian River. There are no other known environmentally sensitive areas on the subject site.

Historic buildings/features:

There are no buildings or historic features on this site.

Traffic Implications:

The site is located on River Street. The applicant proposes a food to-go restaurant use. Walk up type of patron from the river and downtown Indian River is anticipated. This project will have minimal effect on current traffic conditions.

Parking:

The applicant proposes a Restaurant use within the Village Center Indian River Overlay zoning District. No onsite parking spaces are required pursuant to Section 13B.4.1. which states as follows:

There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-IR-O zoning district except residential uses, which must comply with the following:

- a. Two (2) off-street parking spaces shall be required for each dwelling unit.
- b. The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.
- c. The required parking spaces shall be maintained as long as each dwelling unit is occupied.

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

The site has access to, and is located on River Street and the Indian River in Tuscarora Twp.

Signs.

The site plan proposes a 4.5 ft x 4 ft. wall sign and a 4.5 ft x 4 ft. projecting sign. Each of these signs meet requirements of the sign ordinance.

Fence/Hedge/Buffer

Fences exist on each lot line. No new fence, hedge or other type of buffer is proposed nor required.

Lighting: Two (2) outdoor lights are proposed on the front of the serving platform. No other lighting is proposed.

Stormwater management;

The applicant has obtained a permit under the Cheboygan County Soil Sedimentation and Stormwater Control Ordinance. No changes to existing stormwater management is proposed.

Review or permits from other government entities

Review by the Department of Building Safety will be required. The Health Department is also reviewing the project.

Recommendations (proposed conditions)

- Compliance with applicable Building Code Requirements.
- Compliance with Health Department Requirements.

CHEBOYGAN COUNTY PLANNING COMMISSION

SITE PLAN REVIEW

Wednesday, April 20, 2016, 7:00 PM

Applicant

Jacki Hanel and Toni Wilson
1605 Cook Road
Indian River, Mi. 49749

Owner

Jacki Hanel and Toni Wilson
1605 Cook Road
Indian River, Mi. 49749

Parcel

6060 River St.
Tuscarora Township
161-131-010-002-00

GENERAL FINDINGS

1. The subject property is zoned Village Center Indian River Overlay District (VC-IR-O).
2. The applicant is seeking a site plan review approval for a restaurant use.
3. Restaurant is a permitted use in a VC-IR-O district per section 13B.2.8.
4. The applicant requests a waiver from the topography survey requirement.
- 5.
- 6.

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 provides for a moderate change in the overall natural counters of the site. (see exhibit 3, 4 and 5)
 2. The site is developed to allow use of surrounding property as permitted by the zoning ordinance. (see exhibit 3 and 4)
 3. The applicant has obtained and Soil and Sedimentation Permit. (see exhibit 5)
 - 4.
 5. 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. The applicant proposes to place a platform structure on the lot to be used for preparing and serving food. (See exhibit 3 and 4)
 2. The applicant has obtained and Soil and Sedimentation Permit. (see exhibit 5)
 - 3.
 4. 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 applicant proposes to place a platform structure on the lot to be used for preparing and serving food.(see exhibit 3 and 4)
 - 2. No changes are proposed for storm water removal.
 - 3. The applicant has obtained and Soil and Sedimentation Permit. (see exhibit 5)
 - 4.
 - 5. Standard has been met.

Or,

- 1.
- 2. 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 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 a practical means of access for emergency vehicles from River Street or the Indian River (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 River Street. (see exhibit 4)
- 2.
- 3. Standard has been met.

Or,

- 1.
- 2. Standard has not 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. A small exterior lights are proposed at the front of the platform structure. (see exhibit 4)
- 2. The lights shall be deflected away from adjacent properties, shall not impede the vision of traffic along adjacent streets and shall not unnecessarily illuminate night skies. (see exhibit 3)
- 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 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. (see exhibit 1,2, 3 and 4)
 - 2.
 3. Standard has been met.

Or,

- 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, April 20, 2016

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: March 22, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Proposed amendment regarding uses to be deleted.

Included with this memo is a draft amendment document dated 3/17/16. I have added comment in red italicized print relative to language to be deleted from the draft document and changes in text printed in bold based on discussion at the most recent meeting.

I will look forward to further discussion. Please do not hesitate to contact me with questions or comments.

3/17/16
CHEBOYGAN COUNTY
Zoning Ordinance Amendment # __

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200

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 which shall read in their entirety as follows:

CAMPING CABIN

A cabin located within a campground which is intended for temporary (**thirty (30) days or less**) shelter and includes sleeping quarters, may include a bathroom, but does not include a kitchen.

GARDENING

Non-commercial production of flowers, fruit, vegetables, and herbs. *(by owner of lot deleted)*

**PORTABLE SAWMILL **

Equipment for the purpose of sawing logs into lumber, designed to be conveniently portable rather than permanently fixed in place.

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 definitions which shall read in their entirety as follows:

CAMPGROUND

An area of land under the control of a person or **other legal entity**, in which pre-established sites are offered for the use of the public, private groups, or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for two (2) or more camping cabins, tents, travel trailers, motor homes, or other types of recreational vehicles.

MOTEL OR MOTOR INN

A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space to provide lodging for thirty (30) days or less **for a fee.**

Section 2. Amendment of Sections 4.2. and 13E.2.

Section 4.2. and 13E.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Sections 4.2.2. and 13E.2.9

Section 3. Amendment of Sections 4.2., 10.2.2. and 13E.2.2.

Sections 4.2.2., 10.2.2. and 13E.2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in their entirety as follows:

Gardening

Section 4. Amendment of Section 9.2.

Section 9.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Section 9.2.10.

Section 5. Amendment of Section 10.3.

Section 10.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Section 10.3.3.

Section 6. Amendment of Section 12.3.

Section 12.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Section 12.3.3.

Section 7. Amendment of Section 14.2.10.

Section 14.2.10. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in it's entirety as follows;

Portable sawmill subject to provisions of Section 14.4.2.

Section 8. Amendment of Section 14.2.

Section 14.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to repeal Section 14.2.10.

Section 9. Amendment of Section 14.4.

Section 14.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to and a new Section 14.4.2. to read in it's entirety as follows;

14.4.2. The use of Portable sawmills is hereby authorized as a permitted use in the Rural Character/Country Living zoning district when all of the following requirements and standards are met:

- a. This Section shall not apply to, nor shall it prohibit, a portable sawmill used for the purpose of sawing logs into lumber from one's own trees on one's own property.
- b. The location and operation of a portable sawmill shall take place within an enclosed structure which is in compliance with all applicable provisions of the zoning ordinance or shall be located and operated at least one hundred (100) feet from any lot line.
- c. All storage, loading, unloading and other activities related to a portable sawmill shall be set back a minimum of fifty (50) feet from any lot line. The storage of logs, lumber and other materials shall be sufficiently contained and placed so as to prevent any adverse effect upon adjacent property owners.
- d. All activities related to a portable sawmill shall be limited to one hundred and twenty (120) days on a lot.

(requirement for zoning permit removed)

Section 10. 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 11. 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)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

Date: April 12, 2016

To: Planning Commissioners

From: Scott McNeil

Re: Proposed amendment regarding sign regulation based on content

Included with this memo is a draft amendment document dated 4/11/16. Also included with this memo is a review document also dated 4/11/16 which provides the entire section regarding signs and indicates the proposed changes in blue print and highlights deletions for your review.

Based on discussion at the most recent meeting I have removed the language relative to the amount of balloons, flags, pennants or pinwheels which may be used under section 17.19.2.j of the draft amendment. The remainder of draft amendment remains as previously presented.

Please do not hesitate to contact me with questions.

Draft Changes to Section 17.19. 4/11/16

SECTION 17.19. SIGNS

(Rev. 12/24/03, Amendment #25), (Rev. 02/25/15, Amendment #125)

The purpose of this section is to regulate the size, location, number, and types of signs that are constructed or reconstructed within the County. These regulations are intended to promote the health, safety and welfare of the general public, and protect the economic value of land within and the aesthetic quality and character of Cheboygan County. In addition, these sign regulations are intended to be a comprehensive system of reasonable, content-neutral, time, place, and manner restrictions for signs that are designed to accomplish all of the following:

- To allow for adequate and effective signage for business identification and other commercial speech.
- To provide for the dissemination of public information, including but not limited to public safety information and notification as required by law.
- To promote safety by providing that signs do not create a hazard from collapse, fire, collision, decay or abandonment, obstruction of police and fire services, and vehicular and pedestrian traffic impairments.
- To protect the public right to receive messages, especially non-commercial types such as religious, social, political, economic, and others protected by the 1st Amendment of the U.S. Constitution.

17.19.1. SIGN DEFINITIONS

BANNER

Any sign of lightweight fabric or similar material that is mounted to a pole, building, or other structure. National, state, and municipal flags are not included.

CANOPY

Any sign that is part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding marquees.

DOUBLE-FACED SIGN (Rev. 06/20/08, Amendment #76)

A sign having back-to-back sign surfaces.

ELECTRONIC SIGN SURFACE (Rev. 06/20/08, Amendment #76)

That portion of a sign surface capable of changing its message or image electronically.

FREESTANDING SIGN

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

GOVERNMENTAL SIGN

A sign by Cheboygan County, the State of Michigan, the federal government, or other governmental agency for street direction, destination, hazardous condition, traffic control, or other similar purposes.

INCIDENTAL SIGN

A sign that is informational and non-commercial, such as "No Parking", "Entrance", "Telephone", etc.

MARQUEE SIGN

A permanent roof-like structure projecting over an entrance.

NEON SIGN (Rev. 09/28/11, Amendment #94)

A sign formed from neon lamps containing neon gas.

NON-CONFORMING SIGN

Any sign lawfully in existence that does not conform to the requirements of this ordinance.

PENNANT

Any lightweight plastic, fabric, or other material, with or without a message, which is suspended and designed to move in the wind.

PORTABLE SIGN

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported such as those transported by means of wheels, excluding such vehicles used in the day-to-day operations of the business.

Deleted: NEIGHBORHOOD IDENTIFICATION SIGN (Rev. 02/25/15, Amendment #125) ¶

A sign which provides a display for apartment dwellings, subdivisions, property owner's associations, condominium dwellings, site condominium or similar developments. A neighbor identification sign may display the name of property owners within such development on the sign.

Deleted: NONCOMMERCIAL SIGN (Rev. 06/20/08, Amendment #76)

Deleted: sign displaying information pertaining to an idea, belief, or opinion and not pertaining to a product, use, occupancuncion, service, activity, or other commercial purpose.

Deleted: OFF-PREMISE SIGN (Rev. 08/19/04, Amendment #34), (Rev. 02/25/15, Amendment #125)

Deleted: A sign which carries a message which is not exclusively related to an activity on the property on which the sign is displayed.

Deleted: POLITICAL SIGN

Deleted: sign relating to the election of a person to public office, to a political party or to a proposition to be voted on at a general or special election called by a public body.

PROJECTING SIGN

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of the building or wall.

Deleted: ¶
REAL ESTATE SIGN

ROOF SIGN

Any sign erected and constructed wholly on and over the roof structure.

SIGN (Rev. 06/20/08, Amendment #76), (Rev. 02/25/15, Amendment #125)

A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is placed or displayed upon any structure, building, parcel of land, and afforded public visibility from out of doors on behalf of or for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.

SIGN HEIGHT

The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

Normal grade is the existing grade prior to construction or the newly established grade after construction, not including any filling or mounding solely for the purpose of locating the sign.

SIGN SURFACE (Rev. 06/20/08, Amendment #76)

That portion of a sign excluding its base, foundation and erection supports on which information pertaining to an idea, belief, opinion, product, use, occupancy, function, service, or activity is displayed.

TEMPORARY SIGN

Any sign that is used temporarily and not permanently mounted.

V-TYPE SIGN (Rev. 06/20/08, Amendment #76)

A sign constructed in a "V" pattern but having only one sign surface visible from any one direction.

WALL SIGN

Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN (Rev. 02/25/15, Amendment #125)

A sign affixed to, etched or painted onto, or placed in or immediately adjacent to a window of a building that is intended to be viewed from a street or from adjacent property.

17.19.2. SIGNS NOT REQUIRING A ZONING PERMIT

(Rev. 02/25/15, Amendment #125)

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:

- There shall be no more than two (2) signs per lot.
- Shall be removed from the lot within sixty (60) days of its original placement and no more than two (2) days after the subject matter of the sign has expired.
- Each sign shall be limited to 8 square feet and no more than 4 feet in height.

Deleted: Temporary signs that are located on a lot for no more than 30 days in a calendar year, do not exceed 8 square feet of sign surface area, and do not exceed 4 feet in height.

Deleted: Temporary signs relating to an event shall be removed within 5 days after such event.

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..

F. Signs that have been approved in conjunction with a valid site plan or PUD.

Deleted: E. One (1) Neighborhood Identification sign, not exceeding 18 square feet of sign surface area.

G. 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:

- Shall be removed from the lot within thirty (30) days after the subject matter of the sign has expired.
- Each sign shall be limited to thirty two (32) square feet of sign surface area.
- There shall be no more than one (1) sign per lot.

Deleted: G. Real estate signs not exceeding 32 square feet of sign surface area.

H. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

I. Signs on motor vehicles not used primarily for advertising purposes.

J. 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:

- Shall not be placed on the lot more than fifteen (15) days before the specific event.
- Shall be removed from the lot within two (2) days after the specific event is over.

Deleted: . A sign not exceeding eight (8) square feet of sign surface area and not exceeding six (6) feet in height that contains a non-commercial message.

Deleted: K. Political Signs not exceeding thirty two (32) square feet of sign surface area and not exceeding six (6) feet in height. Political Signs shall be removed within ten (10) days after the election.

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.

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 such vehicles used in the day-to-day operations of the business.

Deleted: F. Banners balloons, pennants, pinwheels, searchlights, and other similar signs exceeding 15 days and excluding CM, LI, and GI districts

Deleted: Banners shall be permitted in AF district.

G. Signs that interfere with traffic visibility or public services.

H. 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.

Deleted: . Off-premise signs and signs not advertising a business on the same parcel as the sign itself is located. This section includes all zoning districts, excluding CM, VC, LI, and GI. (Rev. 09/11/04, Amendment #35)

17.19.4. ILLUMINATION (Rev. 06/20/08, Amendment #76)

A. Except as permitted under Section 17.19.8.1 for electronic sign surfaces, no sign shall contain flashing, oscillating, moving, animated, or intermittent lights.

B. All external lighting intended to illuminate the sign surface shall be white, shall be directed downward so as not to unnecessarily illuminate the night sky, and shall be shielded so as not to interfere with the vision of persons on adjacent streets or properties.

C. For internally lighted signs, the sign background or field shall be opaque. Letters, numerals, logos and similar message elements may be of a transparent material to permit the internal lighting to reveal the message or image on the sign surface.

D. Any light bulbs or other illumination devices used as part of a message or image within the sign surface shall automatically dim to a light level such that the surface of the illuminated sign reflects no greater than 186 foot candles at or before one-half hour following sunset and until one-half hour before sunrise.

17.19.5. VILLAGE CENTER INDIAN RIVER ZONING DISTRICT SIGN REQUIREMENTS (Rev. 09/28/11, Amendment #94)

A. All signs in this district shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.

C. For lots which face more than one (1) street, sign requirements of Section 17.19.8 shall apply to each street front.

D. 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.

E. 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.

Deleted: B. To respect the character of village centers, off-premise signs shall not be permitted.

Deleted: commercial

17.19.5.A VILLAGE CENTER TOPINABEE SIGN REQUIREMENTS (Rev. 01/13/12, Amendment #106)

All signs in the VC- and VC-T-O zoning districts shall comply with the following:

A. All signs in this district shall be constructed of metal, masonry, wood, or a wood simulator such as molded plastic or routed foam.

C. 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.

D. 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.

Deleted: B. To respect the character of village centers, off-premise signs and billboards shall not be permitted

17.19.6. SIGNS IN EXISTENCE ON OR BEFORE SEPTEMBER 25, 2014 AND NONCONFORMING SIGNS (Rev. 02/25/15, Amendment #125)

A. Purpose. It is often difficult to determine whether a sign that does not comply with the current zoning ordinance sign regulations was erected lawfully at the time and thus constitutes a lawful nonconforming sign or whether the sign was erected at the time in violation of the zoning ordinance sign regulations. In an effort to more effectively enforce sign regulations in the future the Zoning Administrator conducted an inventory of those signs that existed on or before September 25, 2014 which did not comply with the sign regulations in effect on that date. The purpose of this subsection is to classify those signs that existed on or before September 25, 2014 which do not comply with the zoning ordinance sign regulations in effect on that date as nonconforming signs regardless of whether those signs were lawful when first erected. It is further the purpose of this subsection to enforce zoning ordinance sign regulations against signs that were erected after September 25, 2014 in violation of the sign regulations in effect at the time the sign was erected.

B. Nonconforming Sign Status. Any sign in existence on or before September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be deemed a nonconforming sign for purposes of this section, regardless of whether that sign was lawful when first erected.

C. Sign Conformity Requirement. Any sign erected after September 25, 2014 that did not comply with the zoning ordinance sign regulations in effect on that date shall be subject to enforcement action under Section 21.9 of this Ordinance.

D. Nonconforming Sign Regulations.

1. Any nonconforming sign may be altered or repaired and may be replaced by a different sign in the same location, provided that the sign nonconformity, including but not limited to sign surface area, sign height, or setback, is not increased.

2. Any nonconforming sign that is moved to a new location and any nonconforming sign that is replaced with a different sign by the owner in a different location, either on the same lot or a different lot shall be considered a new sign and shall comply with all zoning ordinance sign regulations in effect at that time.

17.19.7. SIGN PERMITS

A. Except for the signs allowed without a zoning permit under Section 17.19.2, a person who desires to erect or display a sign shall obtain a zoning permit for a sign. All sign permit applications shall be submitted to the Zoning Administrator on the appropriate form. (Rev. 02/25/15, Amendment #125).

B. Each application shall be accompanied by the applicable fees as established by the Cheboygan County Board of Commissioners.

C. All applicable signs shall comply with the building and electrical requirements of the Construction Code Department.

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. (Rev. 08/19/04, Amendment #34)

Deleted: and other off-premise signs within business areas.

E. A permit shall be required for any sign type not specifically covered in this Ordinance and will be reviewed on a case-by-case basis.

17.19.8 SIGN REGULATIONS AND STANDARDS

(Rev. 06/20/08, Amendment #76) (Rev. 09/28/11, Amendment #94) (Rev. 01/13/12, Amendment #106) Rev. 02/25/15, Amendment #125)

RS	Residential	LI	Light Industrial	P= Permitted, no zoning permit for sign required
D-RC	Rural Character/Country Living	GI	General Industrial	S= Zoning permit for sign required
CM	Commercial	AF	Forestry/Agriculture	N= Not Permitted
VC	Village Center	LS	Lake & Stream Protection	NA= Not Applicable
VC-IR	Village Center Indian River	P-RC	Resource Conservation	
VC-IR- O	Village Center Indian River Overlay	NRP	Natural Rivers Protection	
VC-T	Village Center Topinabee			
VC-T-O	Village Center Topinabee Overlay			

	RS	D-RC	CM	VC ₃	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP
Frees	S	S	S	S	S	N	S	N	S	S	S	S	S	S
anding	N	N	P	N	N	N	P	P	P	P	P	P	N	N
Banne	S	S	P	P	P	P	P	P	P	P	P	S	S	S
r ₁	N	N	S	S	S	S	S	S	S	S	S	N	N	N
Canop	N	N	P	S	S	N	S	N	P	P	N	N	N	N
y	S	S	P	S	S	S	S	S	P	P	S	S	S	S
Marqu	N	N	S	N	N	N	N	N	S	S	N	N	N	N
ee	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portabl	S	S	P	P	P	S	S	S	P	P	S	S	S	S
e	N	N	S	N	N	N	N	N	S	S	N	N	N	N
Project	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ing	S	S	P	P	P	S	S	S	P	P	S	S	S	S
Roof	N	N	S	N	N	N	N	N	S	S	N	N	N	N
Tempo	P	P	P	P	P	P	P	P	P	P	P	P	P	P
rary	S	S	P	P	P	S	S	S	P	P	S	S	S	S
Wall	N	N	P	P	P	P	P	P	P	P	P	P	P	P
Windo	N	N	P	P	P	P	P	P	P	P	P	P	P	P
w														

Freestanding Sign Requirements.

	RS	D-RC	CM	VC ₃	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP ₄
Maximum Sign Surface Area (sq. ft.)	8	8	80	32	32	NA	32	NA	120	120	18	8	8	8
Maximum Height (ft.)	6	6	25	15	15	NA	15	NA	25	25	12	6	6	6
Minimum Setback (ft.)	4	4	0	0	0	NA	0	NA	0	0	5	4	5	5
Max. number per Parcel	1	1	3	1	1	NA	1	NA	3	3	1	1	1	1

Building Sign Type Regulations (Rev. 08/19/04, Amendment #34), (Rev. 09/29/06, Amendment #62), (Rev. 06/20/08, Amendment #76) (Rev. 09/28/11, Amendment #94) (Rev. 01/13/12, Amendment #106), (Rev. 02/25/15, Amendment #125)

In addition to the Freestanding signs and Window signs as may be permitted, parcels may include signs from up to two (2) of the following categories, as permitted.

	Maximum Number Permitted ⁴	Maximum Sign Surface Area		
Banner	2 per parcel	VC-T 3 per parcel VC-T-O 1 per parcel	18 sq. ft.	VC-T 36 sq. ft. VC-T-O 12 sq. ft.
Canopy	2 per structure		NA	
Marquee	1 per parcel		40 sq. ft.	
Portable	1 per parcel		32 sq. ft.	
Projecting	1 per structure		18 sq. ft.	
Roof	1 per parcel		40 sq. ft.	
Temporary	1 per parcel		18 sq. ft.	
Wall	No Maximum	D-CM, D-LI, D-GI	VC-IR, VC-T, VC-IR-O VC-T-O	All other zoning districts
		2 per structure or one (1) per individual business up to 40 square feet each or 10% of structure wall area facing a public road or street, whichever is greater. The total aggregate area of wall signs shall not exceed three hundred (300) sq. ft.	18 sq.ft. for first 25 feet of street frontages ⁵	18 sq. ft

¹ See Section 17.19.3.F, ² See Section 17.19.3.D., ³ See Section 17.19.5., ⁴ See Section 11.7, ⁵ Additional sign surface area according to the following: One (1) additional sq.ft. of sign surface area for each additional one (1) foot of street frontage above twenty five (25) with a maximum sign surface area of 32 sq. ft.

17.19.8.1 ELECTRONIC SIGN SURFACE REQUIREMENTS (Rev. 06/20/08, Amendment #76)

Electronic sign surfaces shall comply with all of the following requirements:

- A. The electronic sign surface shall only be within a freestanding sign or a wall sign.

- B. The area of the electronic sign surface shall not exceed 75% of the total sign surface.
- C. The message or image shall be static during its display and shall not move or be animated in any way.
- D. The message or image displayed shall remain static for no less than three (3) seconds before changing.
- E. Any change of message or image shall be completed simultaneously throughout the entire electronic sign surface so that no portion of the new message or image is visible in the electronic sign surface at the same time as the old message or image.
- F. Any light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices used to display the message or image within the electronic sign surface shall automatically dim to a light level no greater than 2000 NITS (candelas per square meter) at or before one-half hour following sunset and until one-half hour before sunrise.

17.19.8.2 SIGN SURFACE AREA AND TOTAL SIGN AREA (Rev. 06/20/08, Amendment #76)

The following regulations shall apply to the calculation of sign area:

- A. The maximum sign surface area shall be computed around the perimeter of the frame or border of the sign surface where such exists or around the perimeter of the symbols or letters or other display elements where no border or frame exists. Where a sign surface is composed of letters or images attached directly to a façade, window, door, or marquee, and the letters or images are not enclosed by a border or trimming, the sign surface shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points of the letters or images.
- B. Double-faced signs and V-type signs shall be considered one sign with the area of the sign surface calculated on the larger of the sign surfaces.
- C. A structure containing multiple sign surfaces shall be considered one sign if all of the sign surfaces are included in the same border or frame of the sign. The maximum sign surface area for such a sign shall be computed around the perimeter of the frame or border of the sign surfaces. Otherwise, each sign surface shall constitute a separate sign.
- D. The area of a sign surface shall not include the area of its supporting structure or canopy if the supporting structure or canopy contains no message or image.
- E. For a sign surface that is in the form of a three-dimensional object, the area of the sign surface shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the projected image of the object and multiplying that area by two (2). For purposes of this subsection, the "projected image" is that image created by tracing the largest possible two-dimensional outline of the object.
- F. The total sign area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the base, foundation and erection supports of the sign.
- G. The total sign area shall not exceed 120% of the sign surface area within the sign, if the sign surface is not in the form of a three-dimensional object. If the sign surface is in the form of a three-dimensional object, then the total sign area shall not exceed 60% of the sign surface area.

Draft 04-11-16
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 17.19.1. 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. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

H. Signs on motor vehicles not used primarily for advertising purposes.

I. 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.
- 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 such vehicles used in the day-to-day operations of the business.
- 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.A. 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. 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 5. Amendment of Section 17.19.7.D.

Section 17.19.5. 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 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:
Peter Redmond
Its: Chairperson

By:
Mary Ellen Tryban
Its: Clerk