



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, MAY 4, 2016 AT 7:00 PM  
ROOM 135 – COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

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

1. **Debra and Ronald Radle** - Requests a Special Use Permit for a Commercial Kennel (Section 9.3.17.). The property is located at 12714 Paradise Lake Road., Hebron Township, parcel #030-031-200-002-02 and is zoned Agriculture and Forestry Management District (M-AF).

### **UNFINISHED BUSINESS**

1. Proposed Amendment Regarding Sign Regulation Based On Content
2. Use Terminology Review For Gas Stations/Party Stores
3. Use Terminology Review For Restaurant/Bar

### **NEW BUSINESS**

### **STAFF REPORT**

### **PLANNING COMMISSION COMMENTS**

### **PUBLIC COMMENTS**

### **ADJOURN**



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

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

**PRESENT:** Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdzyk  
**ABSENT:** None  
**STAFF:** Scott McNeil  
**GUESTS:** John Brown, Bob Lyon, Eric Boyd, Tony Matelski, John Moore, Carl Muscott, Jerry Malloy, Russell Crawford, Cheryl Crawford

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the agenda as presented. Motion carried unanimously.

### APPROVAL OF MINUTES

The April 6, 2015 Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Mr. Ostwald, to approve the meeting minutes as presented. Motion carried unanimously.

### PUBLIC HEARING AND ACTION ON REQUESTS

**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.

Mr. McNeil explained that the Planning Commission will review a conditional rezoning application which ultimately requires approval by the Cheboygan County Board Of Commissioners. Mr. McNeil stated that this conditional rezoning is based on limited uses and other conditions as offered by the applicant. Mr. McNeil stated this parcel is currently zoned Agriculture and Forestry Management and the applicant offered a condition to rezone it to Commercial and the condition is that the only use that would be proposed is an indoor storage facility (Section 6.3.1.6). Mr. McNeil stated that the applicant has offered an additional condition that states that the zoning would revert to the prior zoning (Agriculture and Forestry Management) if the applicant does not receive zoning compliance and has not fulfilled required conditions of approval within two years of the conditional rezoning approval. Mr. McNeil reviewed the survey and noted that the east lot line cuts through the building. Mr. McNeil stated that the legal description dates back to 1967 so this is a non-conforming use. Mr. McNeil stated that indoor storage facility is an allowed use with a special use permit in the Agriculture and Forestry Management Zoning District. Mr. McNeil stated that there are conditions with the allowed use and one of the conditions is that the use has to be on a major county road or on a state highway. Mr. McNeil stated this property is located on Woiderski Road which is a local county road.

Mr. McNeil stated that the Planning Commission could not approve an indoor storage facility use within the current zoning district. Mr. McNeil stated that the future land use for this parcel is Agriculture and Forestry Management.

Mr. Malloy explained that the proposed use of indoor storage facility will have less of an impact than the previous use which was a dairy. Mr. Malloy stated that campers, 4-wheelers and snowmobiles will be stored at this location. Mr. Malloy stated that the building does not allow many other uses than what is proposed. Mr. Malloy stated that he was surprised that Woiderski Road is not considered a primary road. Mr. Malloy stated that the fire department has used Woiderski Road for 60-70 years. Mr. Malloy stated that he is asking that the requirement for the fence to be waived. Mr. Kavanaugh stated this is a good use for this building. Ms. Lyons asked if this storage facility will be for large items only and not for household storage. Mr. Malloy stated that they will store campers, motor homes and snowmobiles. Mr. Malloy stated that they do not want to store smaller household items. Mr. Malloy explained that some of the other storage facilities can't handle the bigger boats and campers. Mr. Jazdyk asked if there will be a lot of traffic. Mr. Malloy stated no and that this will be seasonal. Mr. Malloy explained that snowmobiles will be stored in the spring and that campers, motor homes and boats will be stored in the fall. Mr. Malloy stated that there will be a two week period where items will be put in storage or taken out of storage. Mr. Malloy stated that insurance requires that batteries have to be removed from the vehicle and fuel tanks are to be either empty or completely full. Mr. Malloy stated he talked with the fire chief and his requirements works well with their plan. Mr. Malloy stated there will not be any electricity or lights. Mr. Malloy stated there is electricity to run the well for the farm. Mr. Kavanaugh asked if there will be one employee to help load and unload. Mr. Malloy stated that there are three owners in this project and one of the owners will meet with the renter. Mr. Ostwald asked if there is enough land to make turns with the bigger campers. Mr. Malloy stated yes and explained that there is enough room. Mr. Malloy stated that the Road Commission has determined that he does not need to put in curbing between the building and the road.

Mr. Jazdyk asked for Mr. Malloy to provide more details on why he is requesting the fencing requirement be waived. Mr. Malloy explained that between this parcel and the Woiderski parcel to the west there is a driveway. Mr. Malloy stated that they have granted mutual ingress and egress to the farm. Mr. Malloy stated that he is asking that the requirement for the fence to be waived. Mr. McNeil explained that it would be a required condition if the property is zoned Agriculture and Forestry Management. Mr. McNeil stated that it is not a required condition if the property is zoned Commercial Development. Mr. Jazdyk stated that the Planning Commission does not have to worry about this condition. Mr. McNeil stated that it is a condition that the Planning Commission can add when approving the special use permit but it is not a required condition in Commercial Development.

Mr. Jazdyk asked what is the issue with the designation of the road. Mr. McNeil stated that when this was discussed by the Planning Commission, they talked about the type of activity the use would create and how it might not be harmonious with other uses. Mr. McNeil stated that this is one of the conditions that the Planning Commission decided to include. Mr. McNeil stated that this is a good condition and noted that this is an exception to what was being considered at that time.

Ms. Lyon asked if the Planning Commission has any responsibility to the adjacent property owner who owns the other portion of the building. Mr. McNeil stated that proper notice is required and has been given to the property owner. Discussion was held.

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

The Planning Commission reviewed and approved the General Findings:

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

The Planning Commission reviewed and approved the Rezoning Factors:

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

- 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.

**Motion** by Mr. Kavanaugh, seconded by Mr. Freese, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

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

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

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously

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

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

**Motion** by Mr. Kavanaugh, seconded by Mr. Freese, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

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

- A. The Planning Commission finds that 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.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

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

- 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.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

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

- A. The Planning Commission finds that the 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

**Motion** by Mr. Freese, seconded by Mr. Bartlett, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

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

- 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

**Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

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

- A. The Planning Commission finds that, 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.

**Motion** by Mr. Freese, seconded by Mr. Churchill, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

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

- 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.

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

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

- 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

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that the factors will support the conditional rezoning. Motion carried. Motion carried unanimously.

**Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, 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 approved. Motion carried unanimously.

**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).

Mr. McNeil stated that an indoor storage facility requires a special use permit in the Commercial Development Zoning District. Mr. McNeil stated that approval of the conditional rezoning is required by the Cheboygan County Board Of Commissioners. Mr. McNeil stated that building code requirements will have to be met also.

Mr. Churchill asked if there will be external lighting or security lighting. Mr. Malloy stated no.

Ms. Croft asked for public comments. Mr. Muscott commended Mr. Malloy and his partners for recognizing a use for this building. Mr. Muscott noted that the parcel line goes through the building and there will be Agriculture and Forestry Management on one side and Commercial Development on the other side. Mr. Muscott stated that Agriculture and Forestry Management is protected to allow a rendering plant. Mr. Muscott questioned if there should be a buffer between the two districts or allow one zoning for the building. Mr. Malloy explained that the rest of the building has a very large lien on it. Discussion was held. Public comment closed. Mr. Freese stated that the Planning Commission has discussed this issue in the past and realizes the possible problems that there could be when a building is divided by two zoning districts.

Ms. Croft asked if there is any intention of installing a fire alarm system. Mr. Malloy stated yes and noted that he met with the fire chief who told them what is required. Mr. Malloy stated Northern Fire and Safety will be at the site next week. Mr. Malloy stated that Bob Chasse from Northern Fire and Safety has talked with the fire chief and knows what is required. Mr. McNeil noted that this will also be a building code requirement.

**Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting requirements of Department of Building Safety, Health Department and Fire Department and approval of the rezoning request by the Cheboygan County Board Of Commissioners. Motion carried unanimously.

**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).

Mr. McNeil stated this parcel is currently zoned Village Center Indian River Overlay. Mr. McNeil stated in this zoning district there are no minimum front setback requirements or side setback requirements. Mr. McNeil stated there are no off-street parking requirements for any of the uses in this zoning district. Mr. McNeil stated the applicant is proposing a platform in the form of a pontoon boat on a trailer for the restaurant use. Mr. McNeil stated the applicants propose to serve food from the platform of the pontoon boat and it will be food to go. Mr. McNeil stated that food will not be consumed on the site and there are no provisions for it. Mr. McNeil stated the use does fall under the restaurant use, which is not defined in the ordinance. Mr. McNeil stated the common definition based on his research is "to serve food". Mr. McNeil stated that a site plan review is

required as this is a permitted use. Mr. McNeil stated that the 20ft. setback from the river is met and there are no other required setbacks. Mr. McNeil stated that no other structures are proposed.

Mr. Kavanaugh stated this is a unique operation. Mr. Kavanaugh stated that he has been working with the applicants. Mr. Kavanaugh stated that sewer hookup is available and the applicants will have a new water well. Mr. Kavanaugh stated the applicants are working with the Health Department on plan review. Mr. Kavanaugh noted that the proposed hours of operation are very limited. The applicants stated that they would like to extend the hours until 10:00pm.

Mr. Churchill asked if there will be walk-up customers or just boat customers. The applicants stated it would be all walk up customers.

Mr. Jazdyk asked if this will be similar to a food truck where people will take the food back to their vehicles or boats. The applicants agreed that the food will be taken back to the vehicles and boats. Discussion was held regarding no requirement for off-street parking.

Mr. Ostwald asked if bathrooms are required. Mr. Kavanaugh stated that the law requires a bathroom. Mr. Kavanaugh stated the applicants are considering applying for a variance to use the township facilities since there is only one employee. Discussion was held regarding building codes.

Ms. Croft asked for public comments. Mr. Muscott commended the applicants on coming up with a unique idea for a unique piece of property. Discussion was held regarding the pontoon being located down by the water but on land. Public comment closed.

Discussion was held regarding extending the hours of operation until 11:00pm. Mr. Kavanaugh stated that the hours of operation may be hindered by the hours of operation for the public facility. The applicants stated that the public facility is open all night.

**Motion** by Mr. Freese, seconded by Mr. Borowicz, to grant the topography waiver request. Ms. Lyon and Mr. Churchill stated their concerns regarding topography. Mr. Kavanaugh stated there is an abrupt slope and there is a lot of erosion that will have to be addressed. Mr. Kavanaugh stated that the season is close and he does not want to hold up the approval. The applicant stated that they have a soil permit at this time and they have plans to grade the site and bring in sand. The applicant stated that a copy of the soil permit was included with the site plan review application. Mr. Kavanaugh stated that this approval could be subject to soil erosion and DEQ but there is no topography on the plan that was submitted to the Planning Commission.

Motion carried unanimously.

The Planning Commission reviewed and approved the General Findings. The Planning Commission added "Hours of operation are 11:00am - 11:00pm subject to approval by Tuscarora Township." as General Finding #5. The Planning Commission reviewed the Specific Findings of Fact Under Section 20.10. The Planning Commission added "Additional review of Soil and Sedimentation Permit and applicable state regulations would be required for further soil changes. (see exhibit 5)" as 20.10.a.4, 20.10.b.3 and 20.10.c.4. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the site plan based on the General Findings and the Specific Findings of Fact Under Section 20.10 and subject to approval of from Department of Building Safety, District Health Department #4, Soil Erosion, DEQ, and Tuscarora Township for use of the restroom facilities. Motion carried unanimously.

## **UNFINISHED BUSINESS**

### **Proposed Amendment Regarding Uses To Be Deleted**

Mr. McNeil stated that regarding camping cabin, he added a reference to temporary being thirty days or less. Mr. McNeil referred to the definition of gardening and stated that "by owner of lot" was deleted. Mr. McNeil stated that he removed the requirement for a zoning permit relative to the mobile sawmill. Mr. McNeil stated that this amendment is ready for review by legal counsel. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to forward the proposed amendment to legal counsel for review. Motion carried unanimously.

Discussion was held regarding a proposed amendment concerning sign regulation based on content not being included on this agenda. Ms. Croft stated that this item needs to be on the agenda for the next Planning Commission meeting.

## **NEW BUSINESS**

Mr. Kavanaugh stated that there have been a lot of complaints regarding animals in residential zones and Mr. McNeil stated that he would look into these complaints. Mr. Kavanaugh stated that there was a complaint about a man feeding ducks by the river in the Agriculture and Forestry Management Zoning District. Mr. Kavanaugh stated that the Planning Commission may want to review this in the future.

## **STAFF REPORT**

Mr. McNeil stated that he provided the Planning Commission a memo regarding uses in the ordinance that have several use classifications that could be referenced. Mr. McNeil stated that each of the use categories in the memo have several different references on the table. Mr. McNeil stated this will be on the next agenda. Mr. McNeil would like direction from the Planning Commission at which uses they would like to address first. Discussion was held.

Mr. McNeil stated that Ms. Lyon has submitted information on small houses for the Planning Commission members to review.

## **PLANNING COMMISSION COMMENTS**

Ms. Lyon asked Mr. Freese if there are any use classifications that the Zoning Board of Appeals would like to see addressed first. Mr. Freese stated he would like to see restaurant/bars and farm markets. Ms. Lyon suggested reviewing convalescent homes. Mr. Borowicz suggested reviewing party stores/gas stations.

## **PUBLIC COMMENTS**

Mr. Crawford referred to Section 14.4.2.b of the proposed amendment to delete uses and noted that the operation of a portable sawmill does not take place within an enclosed structure. Mr. McNeil explained that the operation is to take place in an enclosed structure or there is an extra setback.

Mr. Brown stated that a sawmill should never be in an enclosed building as the dust will create problems. Mr. McNeil read from section 14.4.2.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." Mr. Brown stated he understands that there are two options but he does not believe that there should be the option of having the portable sawmill, with a gasoline engine and sawdust, in an enclosed structure. Mr. Borowicz noted that there are bigger sawmills by Mio that operate inside of a building. Discussion was held. Mr. McNeil stated he will research this issue.

Mr. Muscott stated his concerns regarding not being able to have a portable sawmill on lots under 100ft in width in Topinabee. Mr. Muscott stated a WoodMizer sawmill is as loud as a tractor running. Mr. Muscott suggested not having a setback requirement but having a restriction on the noise level. Ms. Lyon stated that the concern was regarding portable sawmills that become permanent. Mr. Kavanaugh stated it could be addressed with a 30 day maximum and if it is longer they must meet the 100ft. setback requirement. Mr. McNeil stated that he could research the portable sawmill use. Mr. McNeil noted that this is only for the Rural Character Country Living Zoning District. Mr. Borowicz stated that if the enclosed building requirement is deleted this would fit Rural Character Country Living. Mr. Kavanaugh stated that there are larger parcels in this zoning district. Mr. McNeil stated that this use is only contemplated in Rural Character Country Living and Agriculture and Forestry Management Zoning District.

## **ADJOURN**

**Motion** by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:13pm.

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Charles Freese  
Planning Commission Secretary

# CHEBOYGAN COUNTY PLANNING COMMISSION

Debra Radle – *Revised 05/03/16*

## Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. 05/04/16 Planning Commission Notice
4. Special Use Permit Application (6 Pages)
5. Mailing List (1 Page)
6. Site Plan (1 Page)
7. ~~E-mail Dated 04/19/16 from Brent Shank (1 Page)~~

### ***The following items were added to the exhibit list on 05/03/16:***

8. Letter dated 05/01/16 from Terry Blaskowski to Planning Commission ( 1 Page)
9. Letter from Ralph Hemmer to Planning Commission (1 Page)
- 10.
- 11.
- 12.

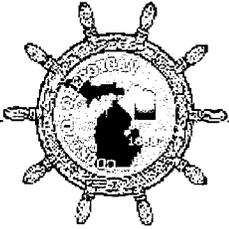
Note: Planning Commission members have exhibits 1 and 2.

**NOTICE**  
**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING**  
**WEDNESDAY, MAY 4, 2016 AT 7:00 PM**  
**ROOM 135 – COMMISSIONERS ROOM**  
**CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

- 1) **Debra and Ronald Radle** - Requests a Special Use Permit for a Commercial Kennel (Section 9.3.17.). The property is located at 12714 Paradise Lake Road., Hebron Township, parcel #030-031-200-002-02 and is zoned Agriculture and Forestry Management District (M-AF).

Please visit the Planning and Zoning office or visit our website to see the associated drawings and documents. These documents and staff report may be viewed at [www.cheboygancounty.net/planning/](http://www.cheboygancounty.net/planning/). Comments, questions, and correspondence may be sent to [planning@cheboygancounty.net](mailto:planning@cheboygancounty.net) or Planning & Zoning Department, PO Box 70, 870 South Main St., Rm. 103, Cheboygan, MI 49721, or presented at the meeting.

Persons with disabilities needing accommodations for effective participation in the public hearing should contact the Community Development Director at the above address one week in advance to request mobility, visual, hearing or other assistance.



# 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>12714 PARADISE LK RD</i>	City / Village <i>Levering MI</i>	Twp / Sec. <i>HEBON / 31</i>	Zoning District <i>M-AF</i>
Property Tax I.D. Number <i>030-031-200-002-02</i>	Plat or Condo Name / Lot or Unit No.		

### APPLICANT

Name <i>Debra Radle &amp; Ron Radle</i>	Telephone <i>231-838-6793</i>	Fax
Address <i>12714 PARADISE LK RD</i>	City, State & Zip <i>Levering MI 49755</i>	E-Mail <i>radlerotman@gmail.com</i>

### OWNER (If different from applicant)

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

### PROPOSED WORK

<b>Type (check all that apply)</b> <input type="checkbox"/> New Building <input type="checkbox"/> Reconstruction <input type="checkbox"/> Addition <input type="checkbox"/> Relocated Building <input checked="" type="checkbox"/> Change in Use or Additional Use <input type="checkbox"/> Sign, Type: _____ <input type="checkbox"/> Other: _____	<b>Building/Sign Information</b> 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)

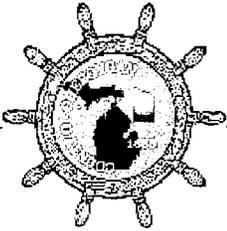
<input type="checkbox"/> Single-Family Residence	<input type="checkbox"/> Expansion / Addition	<input type="checkbox"/> Office	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Duplex	<input type="checkbox"/> Garage or Accessory	<input type="checkbox"/> Commercial	<input type="checkbox"/>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

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

If YES, date of approval: \_\_\_\_\_ Approved Use: \_\_\_\_\_

Directions to site: *LEVERING RD. TO PARADISE LAKE RD. - 2mi. ON PARADISE LAKE RD. - SEE RADLE SIGN.*

SPECIAL LAND USE PERMIT APPLICATION



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

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

We have Cavalier King Charles Spaniel dogs, and  
Breed them - No Employees.

Site Plan Standards.

### PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

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

no change to the ground

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

no change

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

no change

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

Fenced IN Back yard. NO NEIGHBORS NEAR BY

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

NO CHANGE

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

NO CHANGE

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

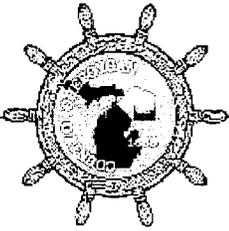
- h. Exterior lighting shall be arranged as follows: No lighting

i. It is deflected away from adjacent properties. —

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

iii. It does not unnecessarily illuminate night skies. —

SPECIAL LAND USE PERMIT APPLICATION



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PHONE: (231)627-8489 ■ FAX: (231)627-3646

SPECIAL LAND USE PERMIT APPLICATION

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

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: 17

4. Present use of property:

Residential

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 - Dog Breeding 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 very little traffic +

not much noise nearest neighbor is over 1/2 mile away

- 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 we

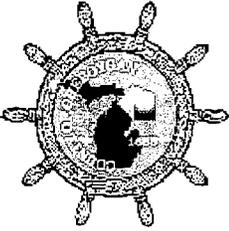
are in farm area + will not bother anything

- e. Will the proposed special land use place demands on fire, police, or other public resources in excess of current capacity? **Explain.**

NO CHANGES

- 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.** NO CHANGES

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**SPECIAL LAND USE PERMIT APPLICATION**

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

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

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

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

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

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

### AFFIDAVIT

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

Applicant's Signature Deb Radlee Date 3-29-16

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

Yes  No

Owner's Signature Ron Radlee Date 3-29-16

### PERMIT FEE RECEIPT

Date Received:	3/29/16	Notes:
Fee Amount Received:	\$220	
Receipt Number:	4939	
Public Hearing Date:	5-4-16	

Planning/Zoning Administrator Approval:

\_\_\_\_\_ Date 4-4-16  
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.
NA		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.
✓		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.
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
✓		m. Location and specifications for all fences, walls, and other screening features.
✓		n. Location and specifications for all existing and proposed perimeter and internal landscaping and other buffering features.
NA		o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
NA		p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
NA		q. Elevation drawing(s) for proposed commercial and industrial structures.
NA		r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well
NA		s. Floor plans, when needed to determine the number of parking spaces required.

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

**SECTION**

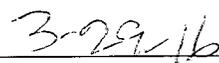
**REASON FOR WAIVER REQUEST**

d.	From APTA - No CHANGE to topo.

**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

  
 \_\_\_\_\_  
 DATE

16-030-029-100-001-00  
STATE OF MICHIGAN  
PO BOX 30448  
LANSING MI 48909

16-030-031-200-002-01  
OCCUPANT  
12720 PARADISE LAKE RD  
LEVERING, MI 49755

16-030-030-400-003-00  
TRICOCI, VINCENZO & SHEILA, TT  
9395 MANITOU SHORES TRL  
LEVERING MI 49755

16-030-031-200-002-02  
OCCUPANT  
12714 PARADISE LAKE  
LEVERING, MI 49755

16-030-031-200-002-01  
BLASKOWSKI, TERRY & STANLEY  
13975 SLADE RD  
CHEBOYGAN MI 49721

16-030-031-200-002-02  
RADLE, RONALD & DEBRA H/W  
12714 PARADISE LAKE  
LEVERING MI 49755

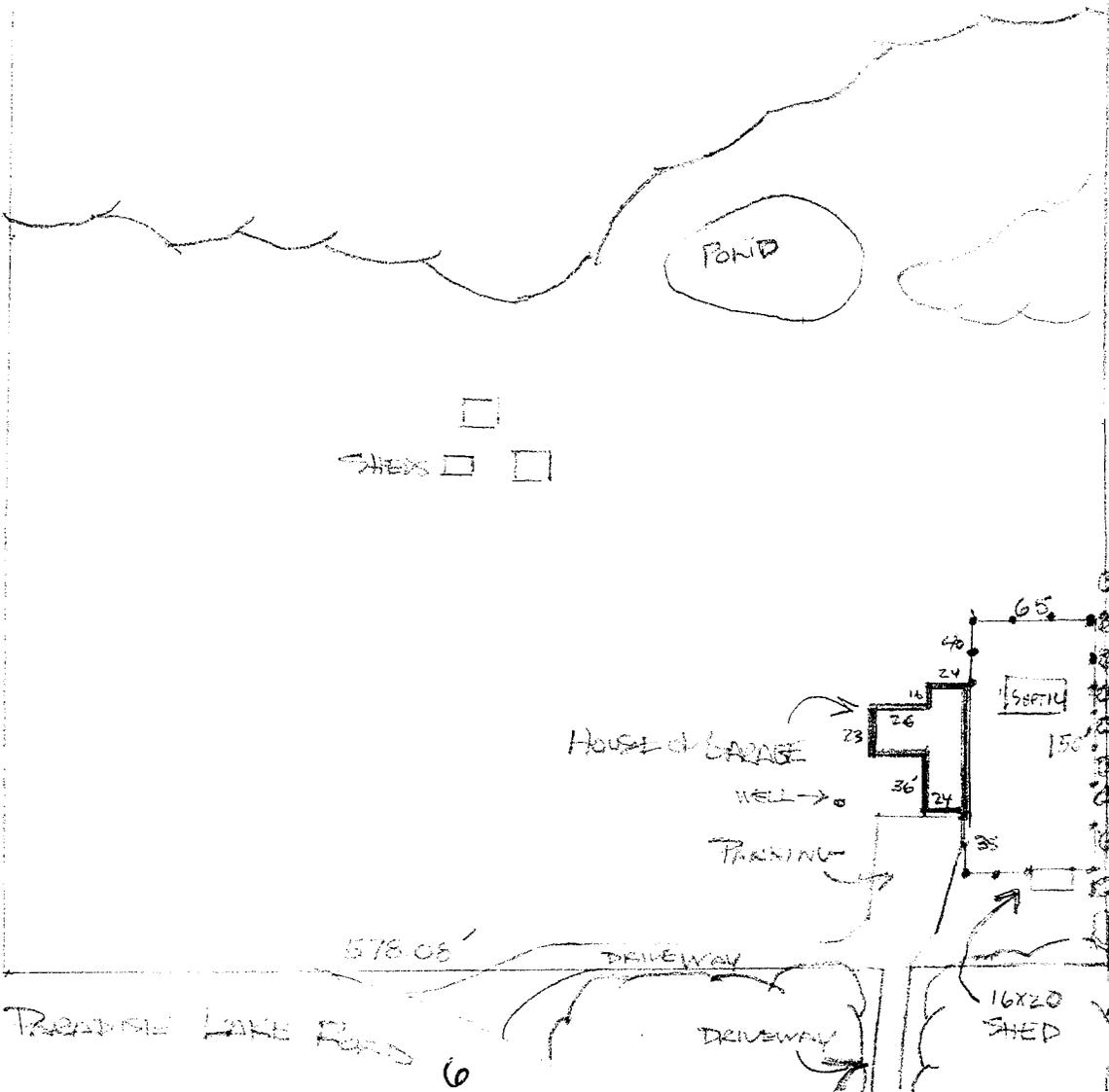
16-030-031-200-004-00  
HEMMER, RALPH REVOC LIV TRUS  
13423 PARADISE LAKE RD  
LEVERING MI 49755

16-030-032-100-001-00  
HEMMER, RALPH, TRUSTEE  
13423 PARADISE LAKE RD  
LEVERING MI 49755

587.43'

1298.56'

1296.88'



Deb Rade. 3-30-16  
 SCALE = 100 FT / INCH  
 W. FACE \* \* \* \* \*  
 R. HIGH

BROADWAY LAKE RD  
 6

**Deborah Tomlinson**

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**From:** Brent Shank [mailto:mgr@chcrc.com]  
**Sent:** Tuesday, April 19, 2016 2:03 PM  
**To:** Deborah Tomlinson  
**Subject:** Re: 05/04/16 PC Packet

Debbie,

I do not have any concerns on the proposed use. Traffic Impact will be minimal.

Thank you,

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

5-1-16

DEAR PLANNING COMMISSION

I AM TERRY BLASKOWSKI, and  
I OWN PROPERTY TO THE WEST  
OF RADLES PROPERTY,

I am writing to let you  
know that I have no problem  
with their request to operate  
a commercial kennel on their  
property.

THANK YOU  
TERRY BLASKOWSKI  
Terry Blaskowski

Ralph Hemmer  
13423 Paradise Lake Road  
Levering, MI 49755

Cheboygan County Planning Commission  
870 S. Main St.  
Cheboygan, MI 49721

Dear Sirs/Madams:

My name is Ralph Hemmer and I own property that sits adjacent (both to the South & East) to the property owned by Debra and Ronald Radle located at 12714 Paradise Lake Road.

I am writing this letter in reference to their request for a Special Use Permit for a Commercial Kennel on their property in Hebron Township.

I have no objection to the Radle's desire and request to operate a Commercial Kennel on their property. Furthermore, I support their request and recommend approval of their request.

Thank you for your time and service.

Best Regards,

A handwritten signature in black ink that reads "Ralph Hemmer". The signature is written in a cursive style and is positioned above a horizontal line.

Ralph Hemmer



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

## STAFF REPORT

<b>Item:</b> Special Use Permit for a Commercial Kennel in an Agricultural and Forestry Management District (M-AF)	<b>Prepared by:</b> Scott McNeil
<b>Date:</b> April 22, 2016	<b>Expected Meeting Date:</b> May 4, 2016

### GENERAL INFORMATION

**Applicant:** Debra and Ron Radle

**Contact person:** Debra Radle

**Phone:** 231-627-1076

**Requested Action:** Special Use Permit for Commercial Kennel per Section 17.16.

### BACKGROUND INFORMATION

#### **Introduction:**

The applicant is seeking approval of a special use permit for a commercial kennel in order to breed dogs and sell puppies on property located at 12714 Paradise Lake Road in section 31 of Hebron Township.

The definition of Commercial Kennel reads as follows:

Any building(s), structure(s), or location(s), where either of the following apply: (A) four (4) or more dogs more than four (4) months of age are housed for one or more of the following purposes: grooming, breeding, boarding, training for compensation or (B) more than nine (9) dogs more than four (4) months of age are housed for any purpose. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses, or other agricultural livestock are housed or located shall not be included in the definition of a commercial kennel after verification by the Zoning Administrator.

The subject parcel is zoned Agricultural and Forestry Management (M-AF). Commercial Kennel is a use requiring a special use permit per Sections 9.3.17. and 17.16. Section 17.16 reads as follows:

Commercial kennels, pet shops and veterinarian hospitals may be permitted upon approval of a Special Land Use Permit only in Rural Character (D-RC), Commercial (D-CM), Light Industrial (D-LI), General Industrial (D-GI) Development Districts, and in Agriculture and Forestry Management (M-AF) Districts. The special use permit application for a commercial kennel shall be issued when all other

zoning requirements have been met and the planning commission finds, based on information provided by the applicant, that all of the following requirements have been met:

- a. The commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS) and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character/Country Living (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts.
- b. All dog enclosures shall be screened so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs.
- c. The facility shall comply with the requirements to obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply with this section.
- d. All dogs must be housed within completely enclosed buildings between the hours of 10:00pm and 8:00am.

The applicant proposed construction of a 6 ft. inch chain link fence that will include screening material as indicated on the site plan.

**Current Zoning:**

Agriculture and Forestry Management District (M-AF)

**Surrounding Land Uses:**

Residential use to the west. Vacant to the north, south and east.

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

**Historic buildings/features:**

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

**Traffic Implications**

This project will have minimal effect on current traffic conditions.

**Parking**

There are no parking requirements for the proposed use listed in Section 17.6. No employees are indicated by the applicant. The site plan provides for a parking area in front of the garage on the site plan. The Planning Commission will need to make an adequate parking determination relative to the Commercial Kennel use.

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

Access to the site is provided via Paradise Lake Road.

**Signs**

No signs are proposed.

**Fence/Hedge/Buffer**

Screening of all dog enclosures so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs is a requirement pursuant to section 17.16.b. The applicant proposes to provide a 6 ft. high screen fence. (see site plan)

**Lighting**

No exterior lighting is proposed.

**Stormwater management**

There is no change to stormwater runoff.

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

Section 17.16.c requires that the facility obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply. It is recommended that should the Planning Commission approve the special use permit that it be conditioned upon providing a copy of a active kennel license issued by the Cheboygan County Animal Control Officer to the planning and zoning department during the time a Commercial Kennel is operated on the subject site. (see recommended conditions) There are no other known permit requirements for review by other government entities at this time.

**Public comments received**

None

**Recommendations (proposed conditions)**

- The applicant to provide a copy of an active license from the Cheboygan County Animal Control Officer to the Planning and Zoning Department during the time the Commercial Kennel is in operation.

# CHEBOYGAN COUNTY PLANNING COMMISSION

## SPECIAL USE PERMIT REQUEST

Wednesday, May 4, 2016, 7:00 PM

Applicant

Debra and Ron Radle  
12714 Paradise Lake Rd.  
Levering, Mi. 49755

Owner

Same as applicant

Parcel

12714 Paradise lake Rd.  
Hebron Township  
030-031-200-002-02

### GENERAL FINDINGS

1. The subject property is zoned Agriculture and Forestry Management. (M-AF)
2. The owner/applicant is seeking a special use permit for a Commercial Kennel.
3. Commercial Kennel is a use which requires a special use permit in an M-AF district per Sections 9.3.17. and 17.16.
4. The applicant is seeking a waiver to the site topographic survey requirement for site plans.
- 5.

### Findings of Fact Under Section 17.16 of the Zoning Ordinance

Commercial kennels, pet shops and veterinarian hospitals may be permitted upon approval of a Special Land Use Permit only in Rural Character (D-RC), Commercial (D-CM), Light Industrial (D-LI), General Industrial (D-GI) Development Districts, and in Agriculture and Forestry Management (M-AF) Districts. The special use permit application for a commercial kennel shall be issued when all other zoning requirements have been met and the planning commission finds, based on information provided by the applicant, that all of the following requirements have been met:

- a. The commercial kennel building(s) and all associated dog enclosures must be located at least five hundred (500) feet from any Residential (D-RS), Mixed Residential (D-MR), and Lake and Stream Protection (P-LS) zoning district boundary. This section shall apply only for commercial kennels located in the Rural Character (D-RC) and Agriculture and Forestry Management (M-AF) zoning districts.
  1. The proposed commercial kennel is in a M-AF zoning district.
  2. The commercial kennel building and associated dog enclosures are more than 500 feet from any Residential (D-RS), Mixed Residential (D-MR), and Lake and Stream Protection (P-LS) zoning district boundary (see staff report)
  - 3.
  4. Standard has been met.Or;
  - 1.
  2. Standard has not been met.
- b. All dog enclosures shall be screened so that any activity on neighboring parcels or on the public or private streets shall not be visible to the dogs.
  1. The site plan notes indicate that 6 ft. tall screen fence will be placed which will serve as an enclosure when the dogs are out doors. (see exhibit 6)
  - 2.
  3. Standard has been met.Or;
  - 1.
  2. Standard has not been met.

- c. The facility shall comply with the requirements to obtain a kennel license as issued by the Cheboygan County Animal Control Officer and shall keep an active kennel license in order to comply with this section.
  - 1. The applicant shall provide evidence of an active kennel license to the planning and zoning department as issued by the Cheboygan County Animal Control Officer during the time the applicant is operating a commercial kennel.
  - 2.
  - 3. Standard has been met.
 Or;
  - 1.
  - 2. Standard has not been met.
  
- d. All dogs must be housed within completely enclosed buildings between the hours of 10:00pm and 8:00am.
  - 1. The dogs and puppies shall be kept within the dwelling as indicated on the site plan between the hours of 10:00pm and 8:00am. (see exhibit 6)
  - 2.
  - 3. Standard has been met.
 Or;
  - 1.
  - 2. Standard has not been met.

**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 located in a M-AF Zoning district.
  - 2. Commercial Kennels are a use requiring a special use permit per in a M-AF Zoning district per sections 9.3.17 and 17.16. (see exhibit 1)
  - 3.
  - 4. 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 special land use permit is for a commercial kennel license at the applicant's residence and will not create a substantially negative impact on the natural resources of the County or the natural environment as a whole. (see exhibit 3 and 6)
  - 2.
  - 3. 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 special land use permit is for a commercial kennel to breed and sell puppies.
  - 2. The proposed special 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 6)
  - 3.
  - 4. Standard has been met.
 Or.
  - 1. The applicant proposes to breed and sell puppies in a relatively small fenced in area which will create a substantially negative impact on other conforming properties in the area. (see exhibit 6)
  - 2.
  - 3. 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 special use permit is for commercial kennel license.
  - 2. The proposed use will utilize existing improvements and structures for the special use.
  - 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 exhibit 3 and 6)
  - 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 special use permit is for a commercial kennel at the applicant's residence and 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 6)
  - 2.
  - 3. 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 subject property is located on Paradise Lake Rd, which is a County Local road. (see exhibit 6)
  - 2. The use will not cause congestion on or increase traffic hazards in excess of current capacity. (see exhibit 3)
  - 3. Existing buildings and other elements do not interfere with driver visibility. No new elements or signage are proposed. (see exhibit 3 and 6)
  - 4.
  - 5. 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 special use is adequately served by water and sewer facilities, and refuse collection and disposal facilities. (see exhibit 3)
  - 2.
  - 3. Standard has been met.
 Or.
  - 1.
  - 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. (see exhibit 3)
  - 2.
  - 3. Standard has been met.
 Or.
  - 1. The special use does not comply with standards required under this ordinance under sections\_\_\_\_\_
  - 2.
  - 3. 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. No changes to the overall contours of the site are proposed (see exhibit 3)
  - 2.
  - 3. Standard has been met.
 Or.
  - 1.
  - 2. Standard has not been met.
  
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
  - 1. No trees or soil removal are proposed. No topographic modifications are proposed. (See exhibit 3)
  - 2.
  - 3. Standard has been met.
 Or.
  - 1.
  - 2. Standard has not been met.
  
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - 1. No changes to site drainage are 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. The proposed special use is for a commercial kennel. Screening will be provided for visual and sound privacy for the dwelling unit located therein. (see exhibit 6)
  - 2.
  - 3. Standard has been met.Or;
  - 1.
  - 2. Standard has not been met.
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
  - 1. A practical means for access by emergency vehicles is provided from Paradise Lake Road. (see exhibit 6)
  - 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 structures and dwelling unit on the subject property has access to Paradise Road which is a public road. (see exhibit 6)
  - 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 plats and subdivision condominiums are proposed. (see exhibit 3)
- 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 or common ways are proposed. (see exhibit 3)

- 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 exhibits 2, 3 and 6)
  - 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, May 4, 2016

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Patty Croft, Chairperson

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Charles Freese, Secretary



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

**Date: April 26, 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.

I will provide a report relative to any feedback from Mullett or Tuscarora Townships relative to off premise signs.

Please do not hesitate to contact me with questions.

**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

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 <sub>3</sub>	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 <sub>1</sub>	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	N
Windo	N	N	P	P	P	P	P	P	P	P	P	P	P	N
w														

**Freestanding Sign Requirements.**

	RS	D-RC	CM	VC <sub>3</sub>	VC-IR	VC-IR-O	VC-T	VC-T-O	LI	GI	AF	LS	P-RC	NRP <sub>4</sub>
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 <sup>4</sup>		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	<b>No Maximum</b>		D-CM, D-LI, D-GI	VC-IR, VC-T, VC-IR-O VC-T-O	All other zoning districts
			<b>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.</b>	18 sq.ft. for first 25 feet of street frontages <sup>5</sup>	18 sq. ft

<sup>1</sup> See Section 17.19.3.F, <sup>2</sup> See Section 17.19.3.D., <sup>3</sup> See Section 17.19.5., <sup>4</sup> See Section 11.7, <sup>5</sup> 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.



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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**Date: April 26, 2016**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re: Use terminology review for Gas Stations/Party Stores and Restaurant/Bar**

Attached are summaries of how the uses of *gas stations/party stores* and *restaurant/bar* are currently regulated. Each summary includes the zoning district in which each of the listed uses is allowed and if a Site Plan Review (SPR) or Special Use Permit (SUP) is required. Also included are any related definitions or other related use references from the zoning ordinance.

Attached to the use listings are copies taken from A Planners Dictionary which contain related sample definitions. A Planners Dictionary was published in 2004 by the American Planning Association.

Also included for your review related to restaurant uses, please find a copy of "Zoning Practice" dated September 2013 regarding Food Trucks. Zoning Practice is also publication of the American Planning Association.

I will look forward to discussion with the Planning Commission as we evaluate each use listing toward updating, refining and clarifying the use listings in the zoning ordinance.

Please contact me with questions.

**Listed uses related to Gas stations/Party Stores**

**Related definitions in the zoning ordinance:**

**GASOLINE SERVICE STATION**

A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

<b>Current Listed use</b>	<b>Zoning districts where allowed</b>	<b>Allowed by</b>
Automobile repair and service and gasoline stations	M-AF	SUP
Gas stations	D-RC	SUP
Gasoline service stations and garages	D-LI, D-GI, D-CM, D-VC, VC-IR, VC-T	SUP
Grocery and party stores	M-AF, D-RC, VC-IR-O, VC-T-O	SUP
	D-VC, VC-IR, VC-T	Site Plan

**Section 17.6. Table of Minimum Parking Requirements**

Automobile repair garages, gas stations

**Section 17.18.2. Specific Nonresidential Uses Requiring Greenbelts, Walls or Fence**

Drive-in Restaurants, gasoline stations & vehicle repair

A facility that is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals. (*North Liberty, Iowa*)

■ **convenience goods** Retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location. Because these goods cost relatively little compared to income, they are often purchased without comparison shopping. (*California Planning Roundtable*)

\* ■ **convenience store** (See also *gas station minimart*) A retail store with a floor area of less than 2,500 square feet that sells groceries and may also sell gasoline; does not include automotive service stations or vehicle repair shops. (*Durham, N.C.*)

Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. (*Boulder, Colo.*)

A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods. (*Renton, Wash.*)

A small-scale food store usually less than 15,000 square feet in size, generally located in small neighborhood convenience centers. Such stores may have on-site service of food or drink for immediate consumption, carry for sale general food items as well as medicines, cosmetics, and limited beer and wine items. Hours of operation of such stores may also be extended over other types of food stores. (*Santa Rosa, Calif.*)

A retail store generally containing less than 2,500 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers. It is designed to attract a large volume of stop-and-go traffic. (*Rock Hall, Md.*)

→ **Commentary** Some zoning codes make a distinction between convenience stores and

other commercial retail uses. This distinction is most commonly based on the size of the establishments, with the upper threshold for convenience stores ranging from 5,000 to 7,500 square feet. Convenience stores are regulated differently from other retail uses because their operating characteristics—traffic generation, hours of operation, noise, litter, and lighting—tend to be more intrusive to neighboring residential areas. Readers should also consult the definitions for “gas station minimart.”

■ **convent** (See also *group residential facility; monastery*) The dwelling units of a religious order or congregation. (*Island County, Wash.*)

A place of residence for bona fide members of a religious order who carry on religious, medical, educational or charitable work in adjacent institutions. (*Madison, Wisc.*)

A building or group of buildings designed to provide group housing for persons under religious vows or orders. (*Grand Prairie, Tex.*)

A housing facility where the residents are limited to members of a specific religious order. (*San Luis Obispo, Calif.*)

■ **convention center** (See also *conference center*) A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. (*Clearwater, Fla.*)

A commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or nonprofit groups that are primarily used by group members. (*Milwaukee, Wisc.*)

■ **conversation/rap parlor** A building or portion of a building in which there is advertising, offering, or selling the service of engaging in or listening to conversation, talk, or discussion, regardless of whether other goods or services are also

simultaneously advertised, offered, or sold, and regardless of whether those other goods or services are also required to be licensed. The term “conversation parlor” shall not include bona fide legal, medical, psychiatric, psychological, or counseling services by a person or firm appropriately licensed; or bona fide educational institutions, or panels, seminars, or other similar services offered by such institutions; or churches or synagogues. (*St. Paul, Minn.*)

■ **convey** To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest. (*Concord, N.C.*)

■ **conveyance plat** (See also *plat definitions*) A plat that may be used for the transfer of land qualifying as a minor subdivision. (*Concord, N.C.*)

■ **cooperative** (See also *condominium; dwelling, multifamily*) A multiple-family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership. (*Maple Grove, Minn.*)

A type of ownership characterized by collective ownership of an object by an organization whose members share in the profits or other benefits of said collective ownership. (*Carmel, Ind.*)

A group or association which has taken a deed or lease to property and which issues stock upon which the tenant's rights to proprietary leases are based. The stock, or other evidence of interest in the cooperative corporation or association, shall be purchased by persons who are tenants in the occupancy of at least 80 percent of the accommodations in the structure and are entitled by reason of such ownership to proprietary leases of such accommodations. (*Sandy, Ore.*)

A multiple-family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership. (*Robbinsdale, Minn.*)

offensive or dangerous to health. (*Gurnee, Ill.*)

The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food. (*Ames, Iowa; Charleston, Ill.*)

Any human-made or human-used waste which, if deposited within the city other than in a garbage receptacle, does create or tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the city. "Garbage" includes by illustration only any litter, trash, refuse, confetti, debris, rubbish, excrement, urine, offal composed of animal matter or vegetable matter or both, or any noxious or offensive matter including but not limited to grass clippings, leaves, cut weeds, newspaper, magazine, glass, metal, plastic or paper container, or compound, hide, feathers, brick, cinderblock, concrete, sand, gravel, stone, glass or other used construction materials, motor vehicles or parts thereof, furniture, appliances such as refrigerators, freezers, ranges, stoves, washers, and dryers, carcass of a dead animal, ashes, cigarettes, cigars, and food or food products. (*Golden, Colo.*)

■ **garden** (*See also community garden; home produce; horticultural land*) A parcel used for the growing of vegetables, flowers, etc. used for human consumption but not for commercial sale. (*Stevens Point, Wisc.*)

A tract of land devoted to outdoor cultivation of flowers, fruits, or small plants, and unenclosed by any structure other than a fence. (*Westlake, Ohio*)

■ **garden apartment** (*See also dwelling definitions*) An apartment building located on a lot, either singly or together with other similar apartment buildings, generally having a low density of population and having substantial landscaped open space adjacent to the dwelling units. (*North Kansas City, Mo.*)

A group of detached or attached apartment houses not more than two stories in height containing dwelling units, with each unit having its own cooking facilities. For the purpose of front yard, setback, side yard, and rear yard, such "garden apartments"

may be treated as a single unit, provided that site plans showing the location of structures, paving facilities, drainage facilities, screening, and fencing are approved by the town board. (*Islip, N.Y.*)

An apartment building containing four or more apartments with no portion of the building below the first story or above the second story used for dwelling purposes. (*Mashpee, Mass.*)

■ **garden center** (*See also nursery*) A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils. (*Lake County, Ill.*)

■ **gas distribution pipeline** (*See also petroleum distribution facility*) Mains, services, equipment, and appurtenant facilities which carry or control the supply of gas from the point of local supply to and including the sales meter. (*Boulder County, Colo.*)

Transportation facilities for the conveyance of: crude petroleum; refined petroleum products such as gasoline and fuel oils; natural gas; mixed, manufactured, or liquified petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. (*Truckee, Calif.*)

■ **gas and oil operation** (*See also petroleum refining*) Any structure, facility, or activity which is constructed on or disturbs land in association with oil or gas drilling, production, or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, and pipelines. (*Boulder County, Colo.*)

The drilling, extraction, and transportation of subterranean fossil gas and petroleum, and necessary attendant uses and structures, but excluding refining, processing, or manufacturing thereof. (*Moorpark, Calif.*)

■ **gas and oil site** That area surrounding a gas and oil operation. (*Boulder County, Colo.*)

■ **gas regulator station** An assemblage of equipment which reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. This may include auxiliary equipment such as valves, control instruments, or control lines as well as piping. (*Boulder County, Colo.*)

■ **gas station** (*See also automobile service station; oil change facility*) Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of motor vehicles. (*Hartford, Conn.*)

That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash. (*North Liberty, Iowa*)

Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental, where no more than two abandoned vehicles or other motor vehicles shall be stored on the premises. May include the sale of propane or kerosene as accessory uses. (*Cecil County, Md.*)

■ **gas station, cardlock fueling facility** An automated vehicle fuel sales facility without an attendant. (*Truckee, Calif.*)

■ **gas station, full-service** A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such a facility must provide minor vehicle servicing, minor repairs, and maintenance, and may provide engine rebuilding but not reconditioning of motor vehicles, collision services such as body, frame, or fender straightening and repair, or overall painting of automobiles. (*Londonderry, N.H.*)

■ **gas station, limited-service** A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such a facility may provide minor vehicle servicing, minor repairs, and maintenance, including engine rebuilding but not reconditioning of motor vehicles, collision services such as body, frame, or fender straightening and repair, or overall painting of automobiles. (*Londonderry, N.H.*)

■ **gas station minimart** (*See also convenience store*) A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverages, and pastries may be included in the food items offered for sale, but food items that are prepared or individually proportioned on the premises shall be prohibited. (*Wheeling, Ill.*)



gas station minimart

A place where gasoline, motor oil, lubricants, or other minor accessories are re-tailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket. (*St. Paul, Minn.*)

■ **gas tank sales** Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail sale, wholesale, or wholesale distributing. (*Mishawaka, Ind.*)

■ **gas transmission pipeline** Pipelines and appurtenant facilities installed for the purpose of transmitting gas from a source to a distributing center, to a large volume

customer, or to interconnect sources of supply. (*Boulder County, Colo.*)

Any pipeline or system of pipelines and all necessary appurtenances to the pipeline or system used to transport inert, nontoxic, nonflammable gas for industrial purposes to industrial users who pay for the service, but does not include any pipeline or system of pipelines that transports gas for power, light, or fuel. (*State of Arizona*)

■ **gate** A movable frame or solid structure which swings, slides, or rolls controlling ingress and egress through an opening in a fence, wall, or vegetation. (*Woodside, Calif.*)

■ **gate, open** (*See also fence definitions*) A gate constructed of such materials as wood, wrought iron, extruded metal, or other materials where no more than 20 percent of the surface area of the face of the gate when in a closed position obstructs a view through the gate from a



open gate

position perpendicular to the gate. (*Woodside, Calif.*)

■ **gate, solid** (*See also fence definitions*) A gate constructed entirely of solid opaque material or such material as wood, wrought iron, extruded metal, or other materials where more than 20 percent of the surface area of the face of the gate when in a closed position obstructs a view through the gate from a position perpendicular to the gate. (*Woodside, Calif.*)

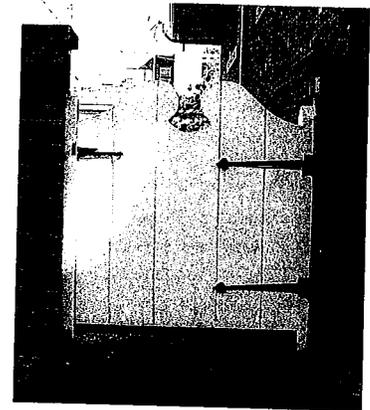
■ **gated community** Residential areas that restrict access to normally public spaces. These are subdivisions of

usually high-end houses located mostly in suburbs, but some more recently in inner-city areas. The type of gates can range from elaborate guard houses to similar electronic arms. Residents may enter by electronic cards, identification stickers, codes, or remote control devices. Visitors must stop to be verified for entry. (*American Planning Association*)



gated community

A residential neighborhood where accessibility is controlled by means of a gate, guard, barrier or other similar improvement within or across a privately maintained right-of-way. (*Apple Valley, Calif.*)



solid gate

■ **gateway** An entrance corridor that heralds the approach of a new landscape and defines the arrival point as a destination. (*American Planning Association*)



gateway



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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**Date: April 26, 2016**

**To: Planning Commission**

**From: Scott McNeil, Planner**

**Re: Use terminology review for Gas Stations/Party Stores and Restaurant/Bar**

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Also included for your review related to restaurant uses, please find a copy of "Zoning Practice" dated September 2013 regarding Food Trucks. Zoning Practice is also publication of the American Planning Association.

I will look forward to discussion with the Planning Commission as we evaluate each use listing toward updating, refining and clarifying the use listings in the zoning ordinance.

Please contact me with questions.

## Listed uses related to Restaurant/Bar

**Related definitions in the zoning ordinance:** None

<b>Current Listed use</b>	<b>Zoning districts where allowed</b>	<b>Allowed by</b>
Bars and Taverns	D-LI, D-GI, D-CM, VC-IR, VC-IR-O, VC-T, VC-T-O SP	Site Plan
Drive in eating establishments, fast food establishments, and restaurants	D-CM	Site Plan
Entertainment and eating establishments	M-AF	SUP
Restaurants	D-VC, VC-IR, VC-IR-O, VC-T, VC-T-O	Site Plan
Restaurant/Bar	P-LS	SUP

### Section 17.6. Table of Minimum Parking Requirements

Bars, Night Clubs

Restaurant – carry out

Restaurants – regular

Restaurants – Fast food, drive in

### Section 17.18.2. Specific Nonresidential Uses Requiring Greenbelts, Walls or Fence

Drive-in Restaurants, gasoline stations & vehicle repair

facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities. (*Clark County, Nev.*)

A meeting facility which may also include on-site kitchen/catering facilities. The banquet/reception hall's primary purpose is a location for activities such as weddings and other such gatherings by appointment. In some cases, a bed and breakfast and/or a restaurant may be associated with a reception hall. (*Issaquah, Wash.*)

✕ ■ **bar** (*See also tavern*) An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. (*Blue Springs, Mo.*)

An establishment or part of an establishment used primarily for the sale or dispensing of liquor by the drink. (*Camden, Maine*)

Any place devoted primarily to the selling, serving, or dispensing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. (*West Des Moines, Iowa*)

A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor. (*Dewey Beach, Del.*)

A commercial establishment open to the general public which sells and serves intoxicating beverages for consumption on the premises. (*Lancaster, Ohio*)

■ **bar, service** An area without patron seating used for the preparation of alcoholic beverages to be carried to patrons by serving staff. (*Dewey Beach, Del.*)

■ **barber shop** Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers. (*Norfolk, Va.*)

A fixed place of business wherein barbering is practiced. (*Oak Park, Ill.*)

A fixed establishment or place where one or more persons engage in the practice of barbering. (*State of Colorado*)

■ **barber shop work station** That area to which a barber, stylist, beauty salon stylist, or other regular employee is assigned to serve customers. (*Beverly Hills, Calif.*)

■ **barn** (*See also agricultural building*) A large accessory building used exclusively for the storage of grain, hay, and other farm products, or the sheltering of livestock or farm equipment. (*German-town, Tenn.*)

An accessory structure upon a lot customarily used for the housing of livestock or for the storage of crops or machinery used in bona fide agricultural activities. (*Trenton Township, Ohio*)

A building used for the housing and care of horses or other permitted livestock, and for the storage of feed, hay, other crops, and farm or equine equipment, and permitted uses accessory to those listed herein. (*Woodside, Calif.*)

■ **barn, pole** [Nonresidential structure where] wooden post and beam act as the main structural support for roof and walls. No concrete/masonry support under posts; walls and roof covered with metal skin. (*Vandais Heights, Minn.*)

A typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage and not intended for human habitation. (*Duquoin, Ill.*)

■ **barnyard** (*See also corral; stockyard*) A fenced area adjoining a barn used primarily for the keeping of animals. (*Unalaska, Alaska*)

■ **base density** (*See density, base*)

■ **base flood** (*See also flood, 100-year*) The flood having a 1 percent chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. (*Dewey Beach, Del.; Glen*

*Ellyn, Ill.; Kauai County, Hawaii; Richland, Wash.; Stevens Point, Wisc.*)

■ **base flood area** The land area subject to inundation by waters of the base flood. (*Glen Ellyn, Ill.*)

■ **base flood elevation** (*See also flood definitions*) That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a 1 percent or greater chance of flooding in any given year. (*Yakima County, Wash.*)

The highest water surface elevation of the base flood. (*Glen Ellyn, Ill.*)

An elevation equal to that which reflects the height of the base flood. (*Stevens Point, Wisc.*)

The surface elevation of the base flood through a drainageway or floodplain. Where super-critical flow exists, the critical depth shall be considered the depth of flow for the drainageway or floodplain. (*Sedona, Ariz.*)

■ **base map** A map showing the important natural and man-made features of an area. Such maps are used to establish consistency when maps are used for various purposes (e.g., reproductions of the same base map could be used to show natural resource limitations, public facilities, and land use as the basis for the official zoning map). (*American Planning Association*)

■ **base zoning district** (*See also zoning district*) The underlying zoning district. (*Pittsburgh, Pa.*)

The classification of all land within [the jurisdiction], in accordance with the zoning map of [the jurisdiction]. (*Willistown Township, Pa.*)

A portion of the city within which only certain land uses and structures are permitted and certain standards are established for development of land. (*San Juan Capistrano, Calif.*)

A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless ex-

through the area. Typical uses include but are not limited to: overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, resort recreation facilities, and restaurant and retail uses which are customarily appurtenant to such uses. (*Deschutes County, Ore.*)

■ **resort area** An area with facilities to accommodate the needs and desires primarily of visitors, tourists, and transient guests. (*Hawaii County, Hawaii*)

■ **resort, camping** Any privately or municipally owned parcel of land accessible by automobile or other engine-driven vehicle designed for the purpose of supplying accommodations for overnight use by recreational vehicles. (*Bayfield County, Wisc.*)

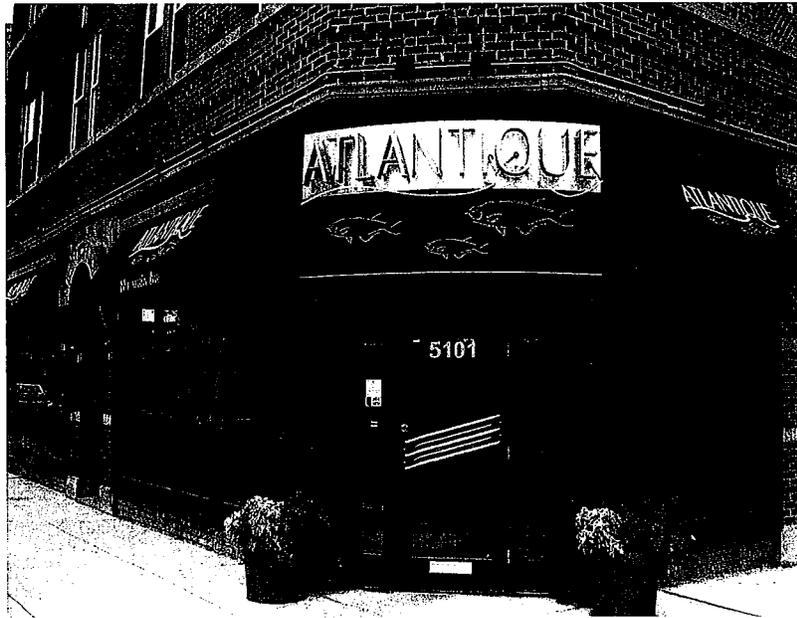
■ **resource extraction** (*See extractive industry*)

■ **resource recovery** (*See also recycling definitions*) The reuse of resources, usually those present in solid wastes or sewage. (*California Planning Roundtable*)

The process of obtaining useful material or energy resources from solid waste and includes: (A) Energy recovery, which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material. (B) Material recovery, which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties and can be reused or recycled from some purpose. (C) Recycling, which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity. (D) Reuse, which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity. (*Deschutes County, Ore.*)

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■ **restaurant** A structure in which the principal use is the preparation and sale of food and beverages. (*Prince William County, Va.*)



restaurant

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages. (*Delafield, Wisc.*)

Any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises. However, a snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield, or park operated by the agency or group of an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant. (*Danville, N.Y.*)

An establishment engaged in the preparation of food and beverages containing more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers. (*Bedford County, Va.*)

An establishment where food and/or beverages are prepared, served, and consumed, and whose principal method of operation includes one or both of the following characteristics: (1) customers are normally provided with an individual

menu and served their food and beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building. (*Cumberland, Md.*)

Any establishment where food and drink are prepared, served, and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed. A minimum of 51 percent of gross sales must be created by the sale of food. (*Ocean City, Md.*)

■ **restaurant, cafeteria** Food is selected by a customer while going through a serving line and taken to a table for consumption. (*Hopkins, Minn.*)

■ **restaurant, carry-out** A structure which is maintained, operated, or advertised or held out to the public as a place where food, beverage, or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises. (*Beverly Hills, Calif.*)

Food is prepared for consumption off the premises only. (*Hopkins, Minn.*)



carry-out restaurant

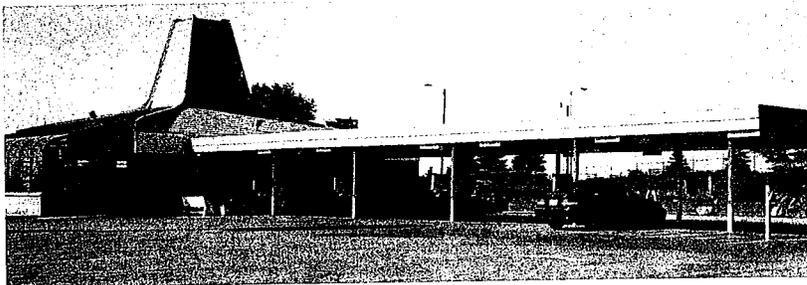
Establishments where food is usually ordered by telephone and prepared on the premises for consumption off the premises, with no seating or other area provided on the premises for consumption. The establishment may deliver food to the customer, or the customer may pick food up. (Richfield, Minn.)

A retail food service business that sells ready-to-eat foods, usually in bulk quantities, primarily for consumption off the premises. A carry-out restaurant that has more than limited seating (12 or fewer seats) or 75 square feet of patron area, shall be deemed to be a restaurant for zoning purposes. (St. Paul, Minn.)

A restaurant where food, frozen dessert, or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises. (St. Louis, Mo.)

An establishment where some or all of the meals or food are prepared for customers to take off the premises. (Beaverton, Ore.)

■ **restaurant, drive-in** A building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the pub-



drive-in restaurant

lic normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the pa-

trons. Services are effected principally while patrons remain in their vehicles. (Concord, Pa.)

An establishment whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure, where revenues from the sale of food equal at least 40 percent of the gross revenue. (Scottsdale, Ariz.)

An establishment deriving more than 50 percent of gross revenue from the sale of food and drink not including alcoholic beverages, and which functions as a retail outlet where food or beverages are sold and delivered to patrons in parked motor vehicles. (Jefferson City, Mo.)

■ **restaurant, entertainment** An establishment where food and drink are prepared, served, and consumed, within a structure that includes, as an integral component of the facility, electronic or mechanical games of skill, simulation, and virtual reality, play areas, video arcades, or similar uses, billiards, and other forms of amusement. (Maryland Heights, Mo.)

Any establishment providing as a principal use the combination of family-oriented recreation and on-premises dining where neither the recreation nor the on-premises dining is clearly accessory or incidental to the operation of the other. Recreation may include but is not limited to television and motion pictures; sound and sight systems; mechanical- and/or electronic-operated games; animated

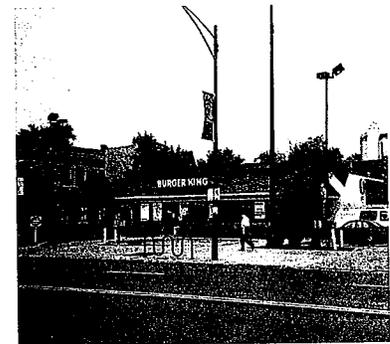
mechanical devices and/or rides; and live entertainment. (Fairfax County, Va.)

■ **restaurant, family** An establishment serving food in or on nondisposable dishes to be consumed primarily while

seated at tables or booths within a building and which has no on-sale liquor service (on-sale beer and wine permitted as regulated by the [city] code). (Maple Grove, Minn.)

Food is served to a customer and consumed by [the customer] while seated at a counter or table. (Hopkins, Minn.)

■ **restaurant, fast-food** (See also *drive-through window*; *formula restaurant*) Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed. (Richfield, Minn.)



fast-food restaurant

An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises. (Glendale, Calif.)

Any restaurant whose design or principal method of operation includes four or more of the following characteristics: (1) 45 percent or more of the floor area is devoted to food preparation, employee work space, and customer service area; (2) a permanent menu board is provided from which to select and order food; (3) if a chain or franchised restaurant, standardized floor plans are used over several locations; (4) customers pay for food before consuming it; (5) a self-service condiment bar is provided; (6) trash receptacles are provided for self-service bussing; (7) furnishing plan indicates hard-finished, stationary seating arrange-

ments; and (8) most main course food items are prepackaged rather than made to order. (*St. Paul, Minn.*)

■ **restaurant, fine** An establishment where food and drink are prepared and served. Customer turnover rates are typically one hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch. (*Traverse City, Mich.*)

■ **restaurant, outdoor customer dining area** (See also *outdoor service area; sidewalk café*) A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is (a) located entirely outside the walls of the subject building, (b) enclosed on two sides or less by the walls of the building with or without a solid roof cover, or (c) enclosed on three sides by the walls of the building without a solid roof cover. (*Thousand Oaks, Calif.*)

An area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant. (*Melbourne, Fla.*)

■ **restaurant, sit-down** An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools. This use may include incidental delivery service using no more than two delivery vehicles. (*Redondo Beach, Calif.*)

An establishment which sells food and beverages in a ready-to-consume state primarily to persons who are seated within the building or outside on the premises. (*Merrimack, N.H.*)

■ **restaurant, small** An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and characterized pri-

marily by table service to customers in nondisposable containers. Typical uses include cafes, coffee shops, and small restaurants. (*Blacksburg, Va.*)

■ **restaurant, specialty** Establishments whose primary business is the sale of a single specialty type of food or beverage that is not considered a complete meal (e.g., candy, coffee, or ice cream). The sale of other food, beverages, or merchandise is incidental to the sale of the specialty food or beverage. Food and beverages are for customer consumption within the restaurant or restaurant patio area. (*Rancho Mirage, Calif.*)

■ **restoration** (See also *reconstruction; rehabilitation*) Restoring a building as nearly as possible to its appearance at a given date in time. (*Las Vegas, N.Mex.*)

Returning a critical area or its buffer to a state in which its stability and functions approach its unaltered state as closely as possible. (*Burien, Wash.*)

The act of returning a property to a former condition, such as a house museum to the time period of a famous resident. (*Troy, Ohio*)

■ **restrictive covenant** (See also *covenant definitions; deed restriction*) A written agreement executed by and between a property owner and the city . . . whereby the property owner for a specified consideration by the city agrees to

certain conditions, restrictions, and/or limitations on the use, maintenance, or sale of his property. Such restrictive covenant shall be recorded in the public record . . . and shall run with the land and shall be binding upon the property owner, his successors, and assigns. (*Coral Gables, Fla.*)

A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding upon subsequent owners of the property. (*Renton, Wash.*)

■ **resubdivision** (See also *subdivision definitions*) The changing of an existing parcel created by a plat and recorded with the county clerk and register of deeds. (*Concord, N.C.*)

■ **retail** (See also *business, commercial*) The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license. (*Lake Elsinore, Calif.*)

■ **retail display window** A window or opening in the exterior wall of any portion of a building used for business purposes, through which merchandise, services, or business are displayed or advertized. A window glazed with transparent glass in the business portion of a building, any part of which window is less than six feet above the sidewalk or the established sidewalk grade beneath the window. (*New York, N.Y.*)



retail display window

# ZONING PRACTICE

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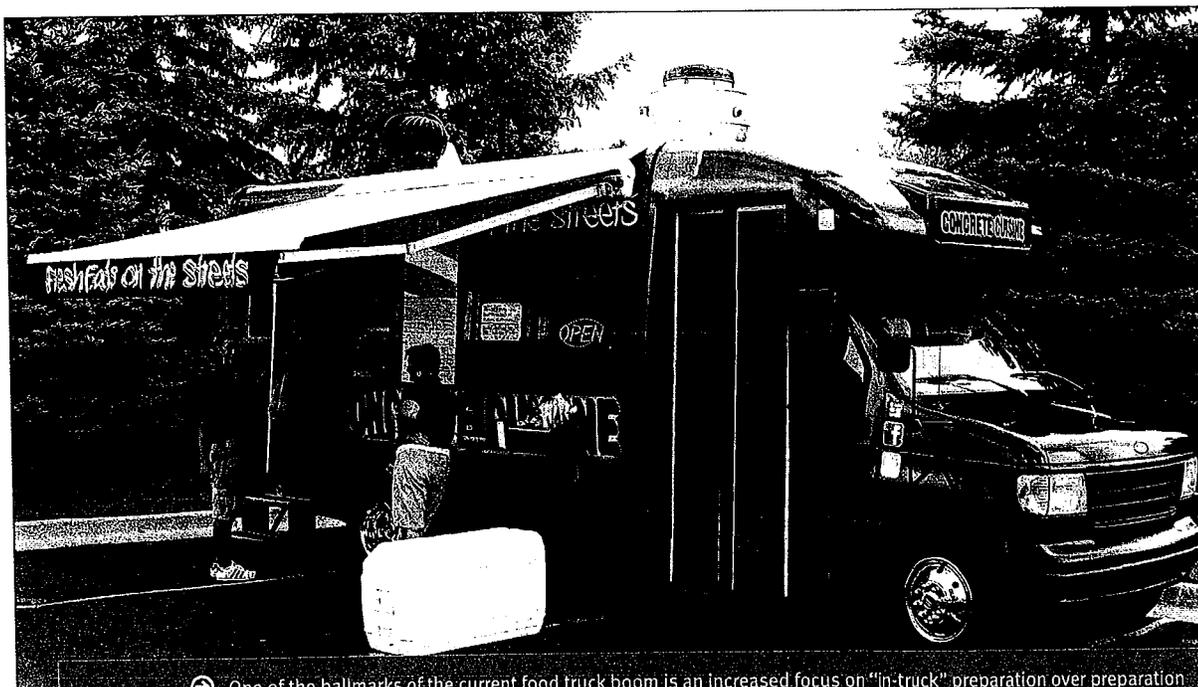
## PRACTICE FOOD TRUCKS



# Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



Jill Bahm/Clearzening

➦ One of the hallmarks of the current food truck boom is an increased focus on "in-truck" preparation over preparation at a central commissary.

According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of "buying local" and "food as entertainment" that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven't disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business ([www.socalmfva.com](http://www.socalmfva.com)). And this fall, Roam—a first-ever industry conference for mobile food

## ASK THE AUTHOR JOIN US ONLINE!

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Go to the APA website at [www.planning.org](http://www.planning.org) and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

### About the Authors

Rodney Arroyo, AICP, is president of Clearzoning, Inc. He holds a Master of City Planning degree from Georgia Tech and has more than 30 years' expertise in planning and transportation. His experience includes master plans, zoning ordinances, form-based codes, corridor studies, and access management plans. Arroyo also serves as an expert witness in planning and zoning issues, is a national and state planning award winner, and serves as an adjunct professor for Wayne State University's graduate urban planning program.

Jill Bahm, AICP, is a principal planner with Clearzoning, Inc. She holds a Master of Urban and Regional Planning degree and has worked in both the public and private sectors as a downtown development authority director, city planner, and real estate marketing professional. Bahm's professional interests include economic development, recreation planning, historic preservation, community participation, and organizational development.

suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry ([www.wsfcongress.com](http://www.wsfcongress.com)).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn't really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

### WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today's food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (§30.08.030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages "green carts" that offer fresh produce in certain areas of the city and has special regulations for these uses ([www.nyc.gov/greencarts](http://www.nyc.gov/greencarts)).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

### THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- **It provides an opportunity to increase jobs and businesses.** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- **It offers opportunities to provide food choices where zoning precludes restaurants.** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of

healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- *It can increase activity in struggling business districts* by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- *They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.* Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- *They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.* Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

#### ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (\$5.9.32.K).

Other cities, including Phoenix, Arizona (\$624.D.87); Chapel Hill, North Carolina (\$§10-66-74); and Fort Worth, Texas (\$5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's

provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?



➡ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

### Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

nity and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



➡ This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). In a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

### Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

### Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

#### Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck “rally” at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

#### Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

#### Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

#### Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

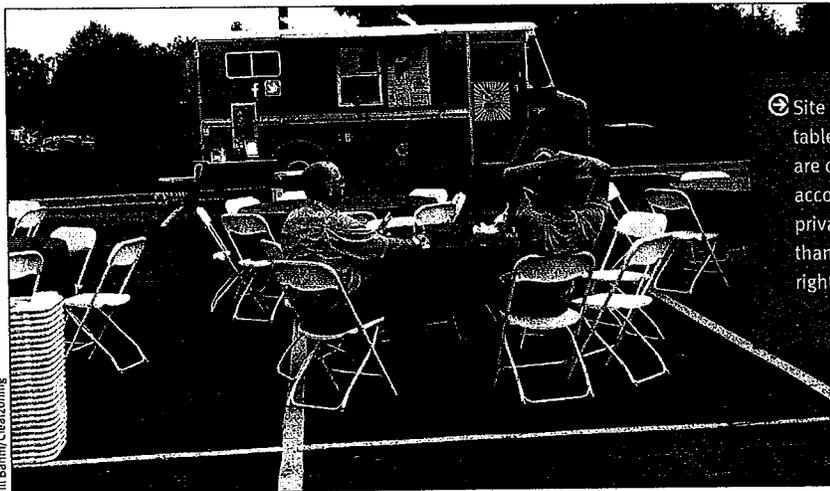
Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking “[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?”

#### Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

According to Market Master Shelly Mazur, “It’s nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating.”

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a “nuisance,” and finding that “when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash” (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a “mobile food court” when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

#### Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food

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table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

### Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§7.4.9.F) and Kalamazoo (§§25-63–68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

### Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§7.4.9.F.10).

### TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for "Food Vending Group Sites," defined as "the stationary operation of three (3) or more 'mobile food vendors' clustered together on a single private property site, public property site, or within a specific section of public right-of-way" (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

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■ **taking** (See also *condemnation; condemnation, inverse; eminent domain; highest and best use; police power*) To take, expropriate, acquire, or seize property without compensation. (*Iowa State University Extension Service*)

A real estate term traditionally used to mean acquisition by eminent domain but broadened by the U.S. Supreme Court to mean any government action that denies economically viable use of property. More recent federal and state legislative proposals would consider any government program causing a "substantial" reduction in property values to be a taking. (*California Planning Roundtable*)

■ **tandem parking** (See *parking, tandem*)

■ **tank, bulk storage** Storage tanks used for dispensing of flammable or combustible liquids or gases into smaller containers or for use in industrial processes and distributed to the process by closed-circuit piping. Storage and use of fuel oil tanks and containers connected with oil-burning equipment as defined in the [state fire code] are exempt. (*Mishawaka, Ind.*)

■ **tank farm** An open-air facility containing a number of aboveground, large containers for the bulk storage in liquid form of petroleum products. (*Sioux Falls, S.Dak.*)

The storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets. (*Altoona, Iowa*)

The storage of chemicals, petroleum products, or hazardous materials in above ground or below ground storage containers designed for wholesale distribution or mass consumption. (*Champaign, Ill.*)

The storage of raw materials, including fuel. (*Chelsea, Mass.*)

The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to dis-

tributors or retail dealers or outlets. (*Bondurant, Iowa*)

■ **tank station** Distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons. (*Bondurant, Iowa; Altoona, Iowa*)

■ **tanning studio** (See also *personal services establishment*) Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment. (*Salt Lake County, Utah*)

■ **target area** (See also *block grant; Community Development Block Grant; community redevelopment agency*) Specifically designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by very low- and low-income households. (*California Planning Roundtable*)

■ **tattooing** (See also *body art; body piercing*) Any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding. (*Alma, Mich.*)

The creation of an indelible mark, figure, word, or graphic illustration upon a hu-

man body by the insertion of pigment under the skin or by the production of scars. This term shall also apply to body illustrations and permanent cosmetics. (*Ormond Beach, Fla.*)

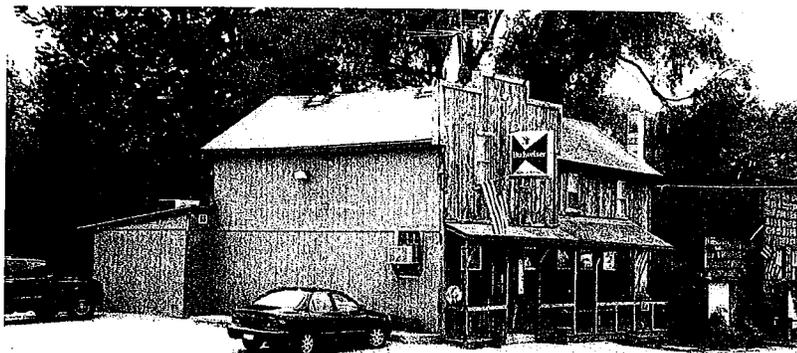
■ **tattoo parlor/body-piercing studio** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. (*Las Vegas, Nev.*)

Any room or space where tattooing is performed for compensation. Tattooing means a placement in human tissue of any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure, or symbol done by scarring upon or under the skin. (*Mishawaka, Ind.*)

A commercial use involving the marking of skin of persons with a design by a process of pricking or ingraining an indelible pigment or by raising scars, or similar method. (*Frostburg, Md.*)

■ **tavern** (See also *bar*) Any place in which fermented malt beverages or intoxicating liquors are sold for consumption upon said premises. (*Madison, Wisc.*)

An establishment used primarily for the serving of alcoholic beverages by the



tavern

\* **LCNT.** drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use. (*Ocean City, Md.*)

\* An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises. (*Burr Ridge, Ill.*)

■ **tax abatement** The full or partial exemption from ad valorem taxes of certain real and/or personal property in a reinvestment zone designated for economic development purposes. (*Houston, Tex.*)

A release of a certain tax liability for a specific period of time and under certain circumstances. (*Wisconsin Department of Natural Resources*)

■ **tax credit** A dollar amount that may be subtracted from the amount of taxes owed. (*California Planning Roundtable*)

■ **tax increment** Additional tax revenues that result from increases in property values within a development area. [California] law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20 percent to be used to increase and improve the community's supply of very low- and low-income housing. (*California Planning Roundtable*)

Generally, the incremental tax revenues, determined with reference to the tax increment base, resulting from the increase in property values or from the increase in commercial activity as a result of a project. More specifically, the term includes the following: (1) The incremental tax revenues resulting from an increase in the total market value of taxable real property situated in a tax increment district and an increase in the business use and occupancy of such taxable real property. (2) The payment in lieu of taxes assigned to or agreed to be paid by governmental entities or nonprofit organizations with property situated or otherwise assignable to a tax increment district. Whether all or only a portion of this payment is to be considered part of the tax increment shall

be determined at the time the tax increment district is created. (3) The incremental tax revenues resulting from an increase in total taxable sales and rentals of tangible personal property and in the rendition of taxable services by vendors located in a tax increment district. (4) The incremental tax revenues resulting from an increase in total gross receipts or gross or net profits or income realized by persons or entities from business conducted in a tax increment district. (*Johnstown, Pa., Redevelopment Authority*)

■ **tax increment base** (1) The aggregate market value of all taxable real property located within a tax increment district on the date the district is created. (2) In a district where the governing body has levied a tax on the business use and occupancy of real estate, the average aggregate market value of real property located within the district and used or occupied for business purposes during the last available 12-month period preceding the date of creation of the district. (3) In a district where the governing body has levied a sales tax, the total amount of taxable sales, rentals, and services subject to the sales tax of the [state] and occurring within the district during the last calendar year or the last available 12-month period preceding the date of creation of the district. (4) In a district where the governing body has levied a mercantile license tax, business privilege tax, net profits tax, or similar tax for the privilege of engaging in business within the district, the total amount of taxable gross receipts, net income, or net profits, as the case may be, realized by taxpayers at locations within the district during their last taxable period which ended before the date of creation of the district. (*Johnstown, Pa., Redevelopment Authority*)

■ **tax increment financing (TIF)** A tool used by cities and other development authorities to finance certain types of development costs. The public purposes of TIF are the redevelopment of blighted areas, construction of low- and moderate-income housing, provision of employment opportunities, and improvement of the tax base. With TIF, a city "captures" the additional property taxes generated by the development that would have

gone to other taxing jurisdictions and uses the "tax increments" to finance the development costs. (*Minnesota Office of the Legislative Auditor*)

A real-estate development technique applicable to industrial, commercial, and residential projects to cover the costs of publicly provided project improvements. TIF uses anticipated increases in real estate tax revenues resulting from increased property values to pay off bonds sold to finance qualifying redevelopment costs. TIF allows the financing of land acquisitions and redevelopment improvements with tax-free borrowing, thereby reducing interest costs. In addition, use of TIF allows businesses to purchase renovated sites and buildings at less than market costs. (*State of Kansas*)

A . . . tool that enables local governments to finance the redevelopment of a designated blighted area [using the tax increment]. (*El Paso, Tex.*)

■ **tax increment financing (TIF) district** (See also *special district*) A contiguous geographic area within a redevelopment area defined and created by resolution or ordinance of the governing body of the municipality creating the district. (*Johnstown, Pa.*)

A district established in order to attract private developers to blighted areas in need of redevelopment. Tax increment financing works by using increased tax revenues of a redevelopment area to fund improvements and incentives for rehabilitation. (*Springfield, Ill.*)

A district created to facilitate redevelopment and stimulate new investment in deteriorating areas or potentially problematic sites. TIF districts enable a municipality to borrow against the future tax revenues of an area to fund a variety of costs associated with the redevelopment process. During the time a TIF is in place, all affected local taxing bodies continue to receive their shares of taxes on the initial assessed valuation of the district. Only the additional tax revenue, or increment, is used to fund redevelopment expenses. TIF funds can be used to pay for property acquisition, site preparation, utility connections, building rehabilitation, in-