



# 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, FEBRUARY 17, 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**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

1. Consideration of Work Plan for Zoning Ordinance use terminology review process.
2. Consideration of current listed uses proposed to be deleted.
3. Consideration of current listed uses related to Home Occupations proposed to be deleted and proposed changes to Section 17.21 and definition related to Home Occupations.
4. Consideration of zoning ordinance amendment for new section 17.28 Planned Project.

**STAFF REPORT**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURN**



# CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

**Date: February 5, 2016**

**To: Planning Commissioners**

**From: Scott McNeil**

**Re: Project work plan for zoning ordinance use terminology review and update.**

The Planning Commission adopted a project at the July 1, 2015 regular meeting as recommended for future projects in the Master Plan under Zoning Ordinance Changes which is written as follows:

Refine for clarity the allowable uses in each district. Create a table of allowable uses within the ordinance. Create consistent terminology of permitted uses. List all permitted uses in each district rather than referencing allowable uses in other zoning districts.

The following process is proposed:

1. Conduct inventory and table of existing allowable uses.
2. Identify redundant and antiquated uses as well as items which are not uses, per se. These items would be recommended for deletion.
3. Identify similarly worded uses to be standardized under common terminology; propose common terminology. Define. (*Propose Amendment from results of steps 2 and 3*)
4. Remove references to permitted uses in other districts by adding those referenced uses to zoning district. (*Propose Amendment*)
5. Review uses by zoning district. Define remaining uses.
6. Identify new uses to be added. Define.
7. Create table of allowable uses by zoning district. (*Propose Amendment from results of steps 5-7*)

Included with this memo is the inventory table of existing allowable uses pursuant to item 1 of the work plan. Also included for your consideration are two tables pursuant to item 2 of the work plan. One table presents current listed uses proposed to be deleted and the other presents listed uses relative to home occupations proposed to be deleted along with proposed update to the current home occupation ordinance and definition printed in blue.

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

M-AF = Agriculture Forestry Management  
P-LS = Lake & Stream Protection  
D-RS - Residential Development

D-LI = Light Industrial Development  
D-GI = General Industrial Development  
P-NR = Natural River Protection  
D-CM = Commercial Development

P-RC = Resource Conservation  
D-VC = Village Center Development  
D-RC = Rural Character Development  
VC-IR = Village Center Indian River

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

\* = permitted with Zoning Permit

P = permitted by right via Site Plan Review

S = permitted by special use permit

Use	M-AF	P-LS	D-RS	D-LI	D-GI	P-NR	D-CM	P-RC	D-VC	D-RC	VC-IR	VC-IR-O	VC-T	VC-T-O	VC-T-RO
Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business			*	*			*								*
Agricultural activities including accessory buildings								*							
Agricultural, horticultural, dairy farming, cattle raising, poultry raising, livestock raising, forestry and other similar enterprises excluding however, rendering plants, commercial fertilizer production, garbage feeding or disposal activities	*														
Animal feedlots or piggeries	S														
Any development on seasonal roads that requires public services or utilities								S							
Any other use which shall be determined by the Planning Commission to be of the same general character as the uses described in Sectons 6.2.and 6.3. Uses .....				S	S		S								
Arcades, bowling alleys, pool or billiard parlors and clubs.											P	S	P	S	
Artisan workshop which may include an artisan residence.											P	S	P	S	
Assisted Living Facility/Convalescent Home											S		S		
Automobile repair and service and gasoline stations	S														
Automobile, boat, equiment and farm machinery sales, repair, rental and washing establishments				P	P		P								
Automobile repair and washing establishments.									S		S		S		
Automobile repair businesses										S					
Bakeries											P	P	P		
Bars and taverns				P	P		P		*		P	P	P	P	
Bed & Breakfasts		S		P	P		P		*	S	P	P	S	S	
Blast furnace, steel furnace, blooming or rolling mill					S										
Boarding and lodging houses				P	P		P								
Boat liveries, marinas and launching ramps		S													
Boat storage				S	S		S								
Bowling alleys, pool or billiard parlors and clubs				P	P		P		*						
Bus Terminals				S	S		S		S						
Cabin colonies	S	S													
Cabinet making shops				P	P		P								
Campgrounds, camps and clubs for recreational use	S	S													
Cemeteries	*		S							S					S
Chambers of Commerce									P						
Child Caring Institutions, subject to the requirements of Section 17.24.	S						S								
Churches			*	P	*		P		*						P
Churches and parish houses, schools and educational institutions and other municipal buildings, structures and uses.	S														
Commercial cleaning plants, dry cleaning, laundry establishments				S	S		S								
Commercial composting	S			S	S										
Commercial Farms	*														
Commercial Farm Buildings	*														
Commercial greenhouses and nurseries	*									S					



Hobby Farm Buildings.	*														
Home Occupations	*	*	*	*	*		*			*	*	*	*	*	*
Hotels and motels				P	P		P		S		P		P		
Housing of any animals other than pet dogs and/or cats		S													
Hunting grounds, fishing sites and wildlife preserves	*														
Indoor Storage Facilities	S			S	S		S								
Incineration or garbage or refuse when conducted within an approved and enclosed incinerator plant (non-pyrolysis type)					S										
Junk yards, salvage yards and waste disposal sites.	S			S	S		S								
Laboratories				P	P		P								
Major utility service yards and buildings, either public or private					S										
Management or enhancement of fish and wildlife habitats								*							
Manufacture and processing of products such as food, cosmetics, pharmaceuticals and hardware				S	S										
Manufacture of corrosive acid or alkali, cement, lime gypsum or plaster of paris.					S										
Manufacturing, fabricating, processing and assembling activities				S	S										
Manufacturing, production, processing and fabrication when the operational effects are determined to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust				S	S		S								
Marinas			S												S
Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business	*								*						
Meat packing plants and slaughter houses					S										
Medical clinics and doctors offices				P	P		P								
Metal plating, buffing and polishing					S										
Motels and hotels		S													
Multi-family housing			S	P	P		P		S	S	P	P	P	S with conditions	S
Municipal uses														S	
Non-essential public utility and service buildings.	S								S						
Nurseries and day care centers for children			S	P	P		P								S
Nurseries for flowers and plants				P	P		P								
Nursing or convalescent homes.	S								S						
Offices				P	P		P		P	S	P	P	P	S with conditions	
Office or studio of a physician, dentist or other professional person residing on the premises			*	P			P		P						P
Outdoor commercial recreation activities.				S	S		S						S		
Outdoor recreation activities									S		S				
Outdoor, drive-in theaters				S	S		S								
Outdoor Storage Facilities				S	S										
Parking lots, buildings and garages				P	P		P		P						
Parks, playgrounds, golf courses, and other recreational facilities			S												S
Patio homes, townhouses, apartment buildings, condominiums			S												S
Petroleum, gas a flammable liquid storage when accessory to a use permitted in the district, excluding tank farms or bulk storage				S	S										
Private aircraft landing strips.	*														
Private and commercial clubs and lodges with activities in completely enclosed buildings									S						





**Listed uses for consideration to be deleted.**

<b>Listed Use</b>	<b>Zoning districts where allowed</b>
<p>Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business  <i>(covered under section 3.3. Accessory buildings and uses and Section 3.10, Accessory Uses Assumed and applicable to all zoning districts)</i></p>	<p>D-RS, D-LI, D-CM, VC-T-RO</p>
<p>Any development on seasonal roads that requires public services or utilities.</p>	<p>P-RC</p>
<p>Cabin colonies  <i>(Not defined. Otherwise covered under Motel?)</i></p>	<p>P-LS SUP</p>
<p>Existing farms and agriculture uses  <i>(covered under Article 22 Nonconforming uses and structures?)</i></p>	<p>M-AF, D-RS, D-LI, D-GI, D-CM, D-RC,</p>
<p>Existing forest production and forest harvesting operations including portable sawmills, log storage yards and related activities.  <i>(covered under Article 22 Nonconforming uses and structures)</i></p>	<p>D-RC</p>
<p>Gardening, but not including the raising or animals, except for house hold pets. Sheltering, raising or stabling of animals shall be a violation of this ordinance.  <i>(covered under section 3.3 accessory buildings and uses)</i></p>	<p>D-RS, D-LI, D-GI, D-CM, D-RC, D-VC, VC-T-RO</p>
<p>Gardening, but not to include the raising or animals, except dogs and/or cats as house hold pets. Raising, stabling or sheltering of animals, unless authorized by special use permit, shall be a violation of this ordinance.  <i>(covered under section 3.3 accessory buildings and uses)</i></p>	<p>P-LS</p>
<p>Hunting grounds, fishing sites and wildlife preserves</p>	<p>M-AF</p>
<p>Manufacture and processing of products such as food, cosmetics, pharmaceuticals and hardware  <i>(Covered under Manufacturing, fabricating, processing and assembling activities)</i></p>	<p>D-LI, D-GI</p>
<p>State Licensed residential facilities (6 or less persons). <i>(covered by state law, which requires this be regulated the same as residential use)</i></p>	<p>D-RS</p>



Subdivisions and site condominiums <i>(not uses. They are ways to develop and divide land)</i>	D-RC
Temporary mobile homes and travel trailers maintained in sound running condition with a current vehicle license. <i>(covered under section 17.7.)</i>	M-AF

## Listed uses relative to Home Occupations for consideration to be deleted

### Current Definition ;

#### HOME OCCUPATION

Any commercial business operation on a residential use parcel by the resident(s) thereof and that does not conflict with or operate out of character with any surrounding land uses.

### Current Zoning Ordinance Provisions with proposed changes;

#### Section 17.21. Home Occupations (Rev. 06/29/05, Amendment #43)

Cheboygan County recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce trip generation and to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

##### 17.21.1 ADMINISTRATION

A. Home occupations requiring zoning permits are those involving any of the following:

- 1.) Requires an additional on site, non-resident employee.
- 2.) Requires ~~commercial~~ signage.
- 3.) Requires additional parking for or results in additional traffic from customers.
- 4.) Requires ~~commercial~~ deliveries or pick ups of materials or supplies used in the home occupation.

B. No home occupation shall be conducted until a zoning application has been approved by the Zoning Administrator. The application shall include the following:

- 1.) The type of ~~business and business~~ non-residential activities.
- 2.) The number of employees.
- 3.) The vehicles used in the home occupation.
- 4.) The number of expected customer visits per day.
- 5.) The number of expected deliveries/drop offs.

##### 17.21.2 PERMITTED USES

It is recognized that this list may not be totally inclusive. The Zoning Administrator shall determine whether a request is similar to a following listed use as to approve or deny.

- A. Home offices, including architects, counselors, clergy, doctors, dentists, engineers, attorneys, contractors, and accountants
- B. Home studios, including artists, sculptors, musicians, photographers, and authors
- C. Personal services, including barbershops and beauty parlors
- D. Instructional services, including music, dance, art, and craft classes
- E. Repair services, including small appliances, small engines, and computers/electronics
- F. Workrooms, including weaving and woodworking
- G. Day care homes

##### 17.21.3 STANDARDS

- A. Home occupations must be conducted within the principal residential structure and permitted accessory structures and be customarily incidental to the primary residential use of the property.
- B. Customer visits and delivery vehicles are limited to the hours of 8am to 7pm.
- C. Delivery vehicles are limited to passenger vehicles, mail carriers, and express carriers.
- D. Nonresident employees on the premises are limited to one (1) at any one time.
- E. Home occupations shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare, or other similar nuisances not normally found in the surrounding area.
- F. Home occupations shall not generate waste or sewage in volume or type which is not normally associated with residential use.

##### 17.21.4 CONDITIONAL APPROVALS

The Zoning Administrator may impose reasonable conditions with the approval of an application, pursuant to Section 17.21.3 of this Ordinance.

Current Listed use	Zoning districts where allowed
*Home Occupations	M-AF, P-LS, D-RS, D-LI, D-GI, D-CM,
*Home occupations subject to section 17.21.	VC-IR, VC-IR-O,
*Home occupations subject to limitations as defined	VC-T-RO
*Small home operated business such as photography Studio, beauty shop, home repair, insurance, or other business which do not alter the residential nature of the property and are in conformance with established setbacks.	P-NR SUP
* Office or studio of a physician, dentist or other professional person residing on the premises	D-RS

*\*(Consider allowing all home occupation use in all residential structures in all zoning districts under Section 17.21.. Include statement to that effect in Section 17.21: "Home Occupations are permitted in all zoning districts in which single family dwellings are permitted as a matter of right. A zoning permit is required.")*

**Proposed new definition**

A Home Occupation is an accessory activity of a non-residential nature which is performed within a dwelling, or within permanent accessory building and reserved therefor, by an occupant of the living unit and which is customarily incidental to the Residential use of the dwelling unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Section 17.21.



# CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

**To: Cheboygan County Planning Commission**

**From: Scott McNeil, Planner**

**Subject: Draft Zoning Ordinance Amendment for Planned Project**

**Date: February 5, 2016**

Please find a copy of a draft amendment document dated 2/5/16 included with this memo for Planned Project. I am offering this amendment pursuant to discussion at the most recent meeting regarding providing development flexibility via approval by special use permit such as the example provided by attorney Bryan Graham.

The draft amendment provides for a Planned Project use within in particular zoning districts. The amendment proposes provisions for the Planning Commission to allow modifications to parking space, dwelling floor area and width, lot size, and setback requirements. Provisions also include those which limit the amount of residential to non-residential development in order to promote the purpose of the zoning district in which a Planned Project would be proposed. The term Planed Project is offered in order to provide a distinction from a Planned Unit Development as is a being considered via a separate amendment.

By review of the proposed amendment document you will find sections 1 through 4 allow a Planned Project in the Residential Development, Commercial Development, Agriculture and Forestry Management and Rural Character/Country Living zoning districts.

Section 5 of the amendment document provides for a new section to be added to the zoning ordinance to provide for the Planned Project use.

Section 17.28.2. provides general requirements which include a method of approval by special use permit, ownership, and minimum parcel size for the development.

Section 17.28.4.1. contains provisions which set standards for residential to non-residential development based on percentage of developable land area depending on zoning district. This section also allows the Planning Commission to alter the range of percentage of residential development to non-residential development if the Planning Commission finds that that the proposed residential uses are compatible with the surrounding land uses.

Section 17.28.4.2. contains provisions which allow the Planning Commission to reduce parking space, dwelling floor area and width, lot size and setback requirements if the Planning Commission finds that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of the future occupants of the Planned Project, the surrounding neighborhood or the county as a whole. This section also contains a proposed provision that any non-residential use shall maintain a perimeter setback of not less than 50 feet from any adjoining or abutting property within a Residential Development zoning district.

Please contact me with questions.

DRAFT 2/5/16

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE #200  
TO PROVIDE STANDARDS AND APPROVAL REQUIREMENTS FOR PLANNED  
PROJECT USE AND ZONING DISTRICTS WHERE PLANNED PROJECT IS ALLOWED.

**Section 1. Amendment of Section 4.3.**

Section 4.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 4.3.12. which shall read in its entirety as follows:

Planned Project subject to provisions of Section 17.28.

**Section 2. Amendment of Section 6.3.**

Section 6.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 6.3.17. which shall read in its entirety as follows:

Planned Project subject to provisions of Section 17.28.

**Section 3. Amendment of Section 9.3.**

Section 9.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 9.3.25. which shall read in its entirety as follows:

Planned Project subject to provisions of Section 17.28.

**Section 4 Amendment of Section 14.3.**

Section 14.3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 14.3.19. which shall read in its entirety as follows:

Planned Project subject to provisions of Section 17.28.

**Section 5. Amendment of Article 17.** Article 17 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 17.28., which shall read in its entirety as follows:

**Section 17.28. PLANNED PROJECT**

**SECTION 17.28.1. PURPOSE** The purpose of these provisions is to permit and encourage design flexibility, encourage innovation in land development and variety in design, layout, and type of structures constructed, achieve economy and efficiency with uses of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities. This ordinance will enable both developers and Cheboygan County officials to propose, review and agree upon site plans which include a mix of permitted uses and compatible with the surrounding area and natural environment.

**17.28.2. General requirements.** All applications and plans submitted for a Planned Project shall adhere to the following conditions and standards:

1. A Planned Project is subject to Special Use Permit procedures and requirements pursuant to Article 18.
2. Proposed uses shall be designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities with proposed uses and existing uses. A Planned Project shall be designed to create a single integrated and controlled development at its completion and at the completion of each phase of development, if phased development is approved.
3. All parcels of land within a Planned Project shall be controlled by one owner or the application shall be filed jointly by all property owners.
4. The parcel shall be five (5) contiguous acres or more in area.

**17.28.3. Pre-application Conference.** Prior to the submittal of a Planned Project application, the applicant is encouraged to schedule a pre-application conference with the Cheboygan County Zoning Administrator to discuss the purpose and effect of this Ordinance and the criteria and standards herein. At this pre-application conference, the applicant is encouraged to provide the Zoning Administrator a concept plan. This concept plan should include information on the types and placement of structures, utilities and public facilities, and recreational facilities; minimum lot sizes; densities; landscaping and environmental treatment; pedestrian and auto circulation; the compatibility of the proposed development with surrounding uses; and such other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development. Following this pre-application conference, the Zoning Administrator shall present the concept plan, if any, with a report to the Cheboygan County Planning Commission at their next regular public meeting for their information, review and comment. The applicant may schedule an informal informational meeting with the Planning Commission at a regular meeting of the Planning Commission, but no official action shall be taken at such meeting. A special meeting of the Planning Commission may also be scheduled at the request of the Planning Commission with applicable fees paid by the applicant.

**17.28.4. Use and Area Regulations.**

1. **Permitted uses.** Uses in a Planned Project shall be permitted according to the following;
  - a. No use will be permitted for a Planned Project that is not permitted in the zoning district in which the same is proposed.
  - b. In the Residential Development, Agriculture and Forestry Management and Rural Character/Country Living zoning districts non-residential uses may not exceed twenty (20) percent of the developable land area of the Planned Project. Non-residential uses may be allowed up to thirty five (35) percent of the developable land area of the Planned Project if the Planning Commission finds that the proposed non-residential uses are compatible with the surrounding land uses.
  - c. In the Commercial Development zoning district residential uses may not exceed thirty five (35) percent of the developable land area of the Planned Project. Residential uses may be allowed up to fifty (50) percent of the developable land area of the Planned Project if the Planning Commission finds that the proposed residential uses are compatible with the surrounding land uses.

- 2. Planned Project Exceptions to Parking space, Area, Width, Lot Size, and Setback Requirements.** Except to the extent that a Planned Project or a portion of a Planned Project is subject to area regulations mandated by a state agency, a Planned Project may be granted exceptions by the Planning Commission to the required parking spaces, minimum lot size, minimum lot width, minimum front, side or rear setback, minimum building height of the underlying zoning district and minimum number of off-street parking spaces required under Section 17.4 when the following standards are met:
- a. The Planning Commission finds that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of the future occupants of the Planned Project, the surrounding neighborhood or the county as a whole.
  - b. Open Space. Exceptions as permitted in this section must be accompanied by the provision of open space, as defined for the purposes of these Planned Project design requirements. Open space are those areas established specifically for common use by all residents or homeowners of the Planned Project. In an effort to preserve and enhance open space and to provide adequate recreational areas for residential developments, the designated common open space shall comprise at least 15% of the total developable area of the Planned Project to be used for recreational, park, or environmental amenities for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, or utility easements, provided, however, that up to 10% of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent.
  - c. Exceptions to the above requirements are limited to the following extents:
    - i. Minimum lot size for a dwelling in a Planned Project proposed in the Commercial Development zoning district shall be the same as required in the Residential Development zoning district.
    - ii. The minimum lot size for a dwelling shall not be reduced by more than thirty (30) percent of that required in the underlying zoning district.
    - iii. Setbacks shall not be reduced by more than fifty (50) percent of that required in the underlying zoning district.
    - iv. Required parking spaces shall not be reduced by more than sixty (60) percent of the parking space requirement required for each proposed use. In no case shall a dwelling have less than two (2) parking spaces. In reducing required parking spaces, the Planning Commission may require the reservation of a portion of the Planned Project developable land area for future parking.
    - v. Minimum dwelling floor area and width requirements may be reduced by no more than thirty five (35) percent of that required in underlying zoning district requirement.
    - vi. Any non-residential use shall maintain a perimeter setback of not less than 50 feet from any adjoining or abutting property within a Residential Development zoning district.

**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