

NOTICE

**THE CHEBOYGAN COUNTY PLANNING COMMISSION MEETING
SCHEDULED FOR WEDNESDAY, MAY 20, 2020 at (7:00 P.M.) at 870 S. Main Street, Cheboygan
Michigan will be conducted via Virtual/Telephonic Attendance by Cheboygan County Resolution
2020-06 and Executive Order 2020-75.**

The public may access the meeting telephonically by dialing:

**United States (Toll Free) 1-877-309-2073
Access Code: 703-138-253**

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Those who are hearing impaired can dial 7-1-1 as a free service in Michigan. Provide the operator the toll free number and access code above to be connected to the phone call with help from MI Relay. If other aids and services are needed for individuals with disabilities, please contact the Director of Planning and Zoning. The Planning Commission packet is available for download at:
www.cheboygancounty.net

ELECTRONIC PLANNING COMMISSION MEETING PARTICIPATION

The public will be asked to identify themselves. When you call in please state your name until acknowledged for the record.

- Public comments -- will be taken only during the Public Comment portion of the meeting agenda.
- Please make your public comments when called upon to do so or state no comment.
- The time limit for an individual's public comments shall be 3 minutes.

The following Planning Commission members will be attending the meeting virtually/by phone:

- Patty Croft, pmattson@freeway.net
- Harold Borowicz, hborowicz@yahoo.com
- Michael Kavanaugh, kavandann@gmail.com
- Stuart Bartlett, sbartlett@cheboyganacounty.net
- Sharon Lyon, sjl07@juno.com
- Karen Johnson, karenjohnson@sbcglobal.net
- Ed Delana, edelana@cheboygancounty.net
- Charles Freese
- Chum Ostwald
- Cheboygan County Director of Planning and Zoning – Michael Turisk
mturisk@cheboygancounty.net



CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, MAY 20, 2020 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

SCHEDULED PUBLIC HEARING

NEW BUSINESS

UNFINISHED BUSINESS

1. Proposed Amendment #155 to Cheboygan County Zoning Ordinance No. 200 that would amend Article 22 (Nonconforming Uses, Structures).
2. Proposed Amendment #157 to Cheboygan County Zoning Ordinance No. 200 that would amend Section 18.12 (Expiration of Special Use), Section 20.16 (Expiration of Site Plan Review) and Section 21.4 (Expiration of Zoning Permit).

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #155

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO NONCONFORMING BUILDINGS OR STRUCTURES, PROPERTIES AND USES

Section 1. Amendment of Article 22

Article 22 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

ARTICLE 22. – NONCONFORMING BUILDINGS OR STRUCTURES, PROPERTIES AND USES

SECTION 22.1 INTENT AND PURPOSE

Nonconformities are buildings or structures, lots, and land uses that do not conform to one or more of the requirements of this Ordinance or any subsequent amendment, which were lawfully established prior to the effective date of this Ordinance or any subsequent amendment. Such nonconformities are generally incompatible with the current or intended use of land in the district in which located. Accordingly, the purpose of this article is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, discontinuance and conditions under which nonconformities shall be permitted to continue.

Section 22.2 NONCONFORMING LAND USE PERMITTED; COMPLETION ALLOWED

- A. If the use of a building or structure or the use of the land was lawful at the time of enactment of this Ordinance or any subsequent amendment, then that use may be continued although the use does not conform to the provisions of this Ordinance or any subsequent amendment, under the terms and conditions of this Article.
- B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of a building or structure on which substantial construction has been lawfully begun prior to the effective date of this Ordinance or any subsequent amendment.

SECTION 22.3 NONCONFORMITY REGULATIONS

The following regulations shall apply to all nonconforming uses, buildings and structures:

- A. Normal maintenance and incidental repairs, including repair or replacement of walls, windows, fixtures, wiring, or plumbing, may be performed on any nonconforming building or structure or on any structure containing a nonconforming use.

- B. A nonconforming building or structure or a building or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the County Building Official, may be restored to a safe, habitable condition.

~~B.~~ If a nonconforming building or structure or a building or structure that contains a nonconforming use is damaged or destroyed by any means or is removed by the property owner, then such nonconforming building or structure shall ~~may~~ be restored, rebuilt, or repaired in conformance with the Zoning Ordinance. to no greater than its original configuration and on its original foundation or footprint.

- C.

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~~G.D.~~ A nonconforming building or structure or a building or structure that contains a nonconforming use may be enlarged or altered in any way, provided such enlargement or alteration does not:

1. Create any nonconformity that did not exist prior to the enlargement or alteration.
2. Increase the degree of new nonconformity (i.e., the enlargement or alteration is closer to the property line than the nonconforming building or structure prior to the enlargement or alteration).
3. Increase the extent of nonconformity (i.e., a larger portion of the nonconforming building or structure is within the setback area than was present prior to the enlargement or alteration) for structures within the water(front) building setback area for properties zoned Lake and Stream Protection (P-LS) and Natural Rivers Protection (P-NR) zoning districts.

~~D.E.~~ If a nonconforming sign is damaged or destroyed by any means ~~or is removed by the owner to the extent that the cost of necessary repairs or the cost of replacement will exceed fifty percent (50%) of the replacement cost of the sign,~~ then such nonconforming sign shall only be repaired, reconstructed or replaced in complete conformity with the applicable provisions of this Ordinance.

~~E.F.~~ A nonconforming use, building or structure shall not be replaced with another nonconforming building or structure unless approved by the Zoning Board of Appeals pursuant to the requirements of this subsection.

1. The owner of a nonconforming use, building or structure who desires to replace that nonconformity with another nonconforming use, building or structure shall file an application with the Zoning Administrator and shall provide all information necessary to show compliance with the standards contained in Subsection 3, below.
2. Upon receipt of a complete application, the Zoning Administrator shall schedule a public hearing following the requirements of Section 23.7.2 of this Ordinance.
3. Following the public hearing the Zoning Board of Appeals shall approve the proposed new nonconforming use, building or structure if it finds that all of the following standards have been met:
 - a. The proposed new nonconforming use, building, or structure would not create a greater nonconformity than previously existed on the property ~~any nonconformity that did not exist on the property~~ prior to the requested replacement.
 - b. The proposed new nonconforming use, building, or structure would make the property more conforming to the zoning regulations.
 - c. The proposed new nonconforming use, building, or structure would improve the property and would not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

SECTION 22.4 NONCONFORMING LOT OF RECORD

The following regulations shall apply to all nonconforming lots of record:

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then the owner of those lots or parcels may hold, develop, and convey those lots or parcels under one of the following options:

- A. The owner may hold, develop, and convey those nonconforming lots or parcels as separate nonconforming lots of record. Under this option, each nonconforming lot or parcel may be individually sold and, except as provided herein, may be individually developed as a nonconforming lot of record. Each individual nonconforming lot or parcel shall comply with all applicable setback regulations. Provided, however, no dimensional variance shall be granted for such lot or parcel when the need for that dimensional variance would be eliminated by combining those contiguous lots, parcels, or portions of lots or parcels as an undivided lot or parcel for the purposes of this Ordinance under Subsection B, below.
- B. The owner may prepare and record in the Register of Deed's Office a deed restriction approved by the Zoning Administrator combining those nonconforming lots or parcels, or portions of lots or parcels, into an undivided lot or parcel for the purposes of this Ordinance. Under this option, if combining the lots or parcels, or portions of lots or parcels results in a conforming lot, then that undivided lot may be developed as authorized by the zoning district in which it is located, and all applicable setbacks shall be measured from the exterior lot lines of the undivided lot without regard to any interior lot lines that existed prior to recording the deed restriction. If combining the lots or parcels, or portions of lots or parcels does not result in a conforming lot, then that undivided lot may be developed as a nonconforming lot of record under Subsection A, above, including the right to seek any needed dimensional variances.

Section 2. 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 unconstitutional or invalid.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #157

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO THE EXPIRATION OF ZONING PERMITS, SPECIAL USE PERMITS AND SITE PLAN
REVIEW APPROVALS

Section 1. Amendment of Section 18.12.

Section 18.12. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 18.12. EXPIRATION OF SPECIAL USE PERMIT

- a. An approved Special Use Permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the ~~Planning Commission~~ Zoning Administrator for an administrative extension prior to the expiration of the special use permit. ~~The Planning Commission~~ Zoning Administrator may grant one (1) administrative extension of an approved special use permit for an additional one (1) year period if it is found that:
1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner;
 2. The requirements and standards for special use permit approval that are reasonably related to the development have not changed; and
 3. Any amendment to the Zoning Ordinance adopted subsequent to the approved special use permit would not significantly result in significant change to the general character of the project associated with the approved Special Use Permit.
- b. The Planning Commission may grant one (1) additional extension of an approved Special Use Permit and for an additional one (1) year if it finds that the standards in subsections (1), (2), and (3) above are satisfied.
- c. If the Special Use Permit expires pursuant to subsection (a) above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the required procedures.

Section 2. Amendment of Section 20.16.

Section 20.16. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 20.16. EXPIRATION OF SITE PLAN REVIEW

- a. An approved Site Plan Review shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration,

or the property owner applies to the ~~Planning Commission~~ Zoning Administrator for an administrative extension prior to the expiration of the approved Site Plan Review. ~~The Planning Commission~~ Zoning Administrator may grant one (1) administrative extension of an approved Site Plan Review for an additional one (1) year if it is found that:

1. The property owner or applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner;
 2. The requirements and standards for Site Plan Review approval that are reasonably related to the development have not changed; and
 3. Any amendment to the Zoning Ordinance adopted subsequent to the approved Site Plan Review would not significantly result in significant change to the general character of the project associated with the approved Site Plan Review.
- b. The Planning Commission may grant one (1) additional extension of an approved Site Plan Review and for an additional one (1) year if it finds that the standards for approval in subsections (1), (2) and (3) above are satisfied.
- c. If the Site Plan Review expires pursuant to subsection (a) above, no work pursuant to the Site Plan Review approval may be undertaken until a new Site Plan Review is obtained from the Planning Commission following the required procedures.

Section 3. Amendment of Section 21.4.

Section 21.4. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 21.4. EXPIRATION OF ZONING PERMIT If the work described in any permit has not begun within ~~180 days~~ one (1) year from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning ~~Administrator~~ Officer and written notice thereof shall be given to the persons affected.

Section 4. 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 5. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk

DRAFT 052020