



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, FEBRUARY 7, 2018 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. **Travis Neuman** - Requests a Special Use Permit for a manufacturing use (roasting coffee for internet sales. Section 6.3.9.) The property is located at 7396 North Straits Highway, Inverness Township, parcel #091-026-305-043-00 and is zoned Commercial Development (D-CM).

UNFINISHED BUSINESS

1. Draft Zoning Ordinance Amendment For Planned Unit Development
2. Proposed Zoning Ordinance Amendment Relating To Motor Vehicle Repair And Fuel Sales Uses
3. Proposed Zoning Ordinance Amendment Regarding Definition Of Family And Short Term Rentals

NEW BUSINESS

1. Discussion Regarding Zoning Regulation Of Minimum Floor Area For A Dwelling

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN

**RECONVENED CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
CHEBOYGAN COUNTY PLANNING COMMISSION
Joint Meeting
December 20, 2017**

The Reconvened Cheboygan County Board of Commissioners and Planning Commission Joint Meeting was called to order in the Commissioners Room by Commissioner Wallace at 7:00 P.M.

Roll called and a quorum present.

Present: Commissioner Karen Johnson, Richard Sangster, Michael Newman, Cal Gouine, Roberta Matelski and John Wallace, Patty Croft, Harold Borowicz, Michael Kavanaugh, Charles Freese, Stuart Bartlett, Chum Ostwald, Sharon Lyon and John Jazdyk.

Absent: Commissioner Bolinger and Stephen Churchill (Excused)

Staff: Scott McNeil, Karen Brewster and Jeff Lawson

Commissioner Wallace gave the Invocation and led the Pledge of Allegiance.

Motion by Commissioner Sangster, seconded by Commissioner Gouine to approve the agenda as presented. Motion carried with 6 yes, 0 no and 1 absent.

Citizens Comments

Board of Canvassers Chairman Dale Giddings stated he was not aware of any shortcomings with the current election equipment, but, whatever system that was going to be used there were two criteria's that needed to be met. First, there must be paper ballots, which was the bedrock of any good voting system. He stated this was the only way that a recount could be held to make sure the voting equipment was accurate. Secondly, the tabulators must be programmed to operate separately from the internet. The internet was vulnerable to hackers and he wanted to stress the importance. The voting system must be fair, secure and accurate.

Old Business – None

New Business

County Clerk Register Karen Brewster stated that Secretary of State Johnson announced this summer that the State Administrative Board approved a 10-year contract with three vendors with optical-scan voting systems that read and tabulated paper ballots marking the votes. Michigan's voting equipment that had served the State over the past 12 years, was nearing the end of its expected lifespan and needed to be retired. She was asking for approval to apply to the Secretary of State for a grant to purchase a new voting system with Dominion for all precincts, which included precinct

tabulators, Absent Voter Counting Board (AVCB) tabulators, accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software.

Partial funding for the new voting system would be provided by the State, and would include a combination of Federal Help America Vote Act and State appropriated funds in the amount of \$40,635. The State's Budget also included the support for years 1-5. An annual extended service and maintenance expense for years 6-10 in the amount of \$3,383 to be paid by the county.

Discussion held on election training, installation of the new voting equipment and transmission of results through VPN (virtual private network).

Motion by Commissioner Gouine, seconded by Commissioner Johnson to adopt the following resolution in support of the Cheboygan County Clerk's Office to apply to the Secretary of State for a grant in the amount of \$40,635 to purchase a new voting system for all precincts, authorize the chairperson to sign and approve the necessary budget adjustment.

RESOLUTION 17-15

WHEREAS, the Cheboygan County Clerk's Office wishes to apply to the Secretary of State for a grant to purchase a new voting system for all precincts, which includes precinct tabulators, Absent Voter Counting Board (AVCB) tabulators, accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software; and

WHEREAS, partial funding for the new voting system will be provided by the State, and would include a combination of Federal Help America Vote Act and State-appropriated funds; and

WHEREAS, the County and local jurisdiction funding obligations would be required with estimated details available on the attached quote (Cheboygan County's initial expense was at \$40,635 with an estimated annual expense of \$3,383 for years 6-10); and

WHEREAS, the Cheboygan County Clerk plans to begin implementation of the new voting system in 2018.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Cheboygan County Board of Commissioners authorizes the County Clerk to sign the proposed vendor selection and quote for a State Grant Application on behalf of Cheboygan County.

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Joint Discuss of Planning and Zoning Matters

Commissioner Wallace stated that there was a copy of the County's Mission and Vision statement along with the Strategic Planning – Budgeting Process that was handed out.

Administrator Lawson stated that this was a chance for the Board of Commissioners and the Planning Commission to have a joint discussion on topics relating to Planning and Zoning and also a chance to review some of the procedures. The Board of Commissioners meet each Spring, usually in March or April and had a policy discussion meeting to set the Board's Goals and Objectives. Goals focus the direction on an organizations work under the guidance from the Vision and Mission Statement. The goals of the Board of Commissioners were as follows: public safety, economic

development, quality of county services, recognizing social issues, addressing multiple facility needs and collaboration service. The steps of the strategic planning-budgeting were to develop goals, identify objectives and outcomes; appropriate funds to meet objectives that were designed to produce the outcomes that support the goals of the organization and review, monitor, and analyze.

Planning Director Scott McNeil stated that the Master Plan was adopted in early 2015 and took approximately two years of work. The Master Plan was a requirement for any Planning Commission under the Planning Enabling Act of 2008 where all Planning Commissions were required to develop a Master Plan. Also the Zoning Enabling Act of 2006 required a zoning ordinance be based on a Master Plan, which spelled out specific requirements that the plan should include. Since the adoption of the Master Plan, the Planning Commission has reviewed some of the goals, objectives, and recommendations within that plan and has brought forth some changes to the zoning ordinance amendments, which the Board of Commissioner have approved over the last couple of years. Some of these included use terminology review. He stated that the Master Plan itself was a vision for the future. It provided guidelines for land use making decisions.

Goals and objectives were formed directly from input gathered from Cheboygan County stakeholders. A listing of the brief process overview of actions and zoning ordinance amendments, which had been adopted or were in development pursuant to goals listed in the Master Plan. Create a new, user friendly zoning map. An audit of the rezoning amendments was completed. Zoning maps were updated accordingly. New maps were added to the zoning ordinance and the GIS department updated the zoning mapping system for internal use and use on the Cheboygan County website.

The master plan had zoning change recommendations regarding the P-LS Lake & Stream Protection zoning districts. Refine this zoning district to better identify water resources in need of protection rather than everything that was on the USGS topographical map. Amendment #131 was adopted, which rezoned property located on ponds, drains and intermittent streams from Lake and Stream Protection to a zoning district consistent with the surrounding area over the entire county.

The master plan goal was to refine for clarity in the allowable uses in each district; create a table of allowable uses within the ordinance and create consistent terminology of permitted uses. Also it listed all permitted uses in each district rather than referencing allowable uses in other zoning districts. A seven point work plan was developed with items 1 through 3 of the work plan being addressed. As a result of this ongoing project amendment #135 regarding use listings was to be deleted, #140 regarding assembly uses, #141 regarding uses related to convalescent homes have been adopted. Proposed amendment #144 relative to office and service uses and #145 regarding restaurant and bar uses have been subject to public hearings and have been recommended for submission to the Board of Commissioners. Another proposed amendment relative to vehicle repair and gasoline sales was near completion.

The master plan provided some update on the PUD (Planned Unit Development) language, which considered allowing other uses and PUD rezoning options to provide more flexibility. Action on a PUD zoning ordinance amendment was developed, which would provide conditions and approval process to allow a mixing of uses currently allowed in different districts. Further discussion would continue with regard to the approval as a rezoning, which would include approval by the Planning Commission and the Board of Commissioners or provide for approval by the Planning Commission only as allowed under the Zoning Enabling Act of 2006. He stated a byproduct of the PUD discussion produced amendment #136. This amendment provided for an approval process and standards for a Planned Project. Provision of the amendment included the ability of the Planning Commission to reduce setback, parking and dwelling size requirements in conjunction with approval of an overall mixed use development plan for property within a single zoning district.

Commissioner Sangster questioned where the issue with tiny houses was coming into play. Mr. Freese stated that there was a ZBA case coming up and he would really like some guidance from the Board of Commissioners.

Mr. McNeil stated that tiny homes should be run through the Planning Commission process as opposed to the ZBA approving it, but tiny homes was certainly a trend. The minimum square footage was 720 sq. ft.. If the home was within 500 feet of the river or the Lake & Stream Protection zoning district, a minimum width requirement of 24 feet, 14 feet in a residential zoning district and with no minimum width in an agriculture or forestry zoning district.

Administrator Lawson stated that Mr. McNeil identified the process, but if there was a case in front of the ZBA, the ZBA would have to make a decision on that. Several years ago, this was part of the general discussion of the master plan, but it might not have been referred to as tiny homes. The Planning Commission should research the topic, approve preliminary language and provide a recommendation to the Board.

Commissioner Sangster stated that the appeal of these tiny homes was to conserve energy with strong concerns about the environment to live efficiently especially in later years of being on a fixed income.

Sharon Lyon stated that she would rather see someone living in a tiny home versus living in their car. If there were rules and regulations, these homes could be quite nice.

Charles Freese stated that the zoning ordinance could only regulate these homes in certain ways such as size and setback requirements. The way that a tiny home would look would not be something that would be under the control of the zoning ordinance. He stated there were some areas where these tiny homes would be fine and he was just looking for some guidance from the Board of Commissioners.

Mike Kavanaugh stated that the Planning Commission would do some basic research on the subject and then bring it back to the Board of Commissioners for review. There were a lot of benefits to small homes, but there could be a lot of disadvantages. Planning Commission would use caution on where they would go, but would not be able

to restrict the type of siding that would be used. He felt that it was worth the research and there were other areas in Michigan that were allowing them. If there was a specific area set, then a homeowners association could restrict the height, siding and any of these other issues.

Commissioner Wallace stated that this was the goal of the Board of Commissioners to always have public safety first and encourage economic development. It was the consensus of the Board of Commissioners to have the Planning Commission move forward with research because tiny homes located at the right place do have a benefit.

Commissioner Johnson stated that Cheboygan County did not do a good job with the enforcement and maintenance of the property code, which was part of the State of Michigan Building Code. There was a little pamphlet from Building Code that addressed these issues such as blight, not having the proper siding on the home and things like that. She stated that one of the things that she noticed was that the zoning ordinances were not clear and concise when the Planning Commission made decisions. Then the Building Department did not enforce them word for word where the Planning Commission had indicated. In particular, bonding becomes an issue and this needed to be addressed.

Charles Freese indicated that this had been an issue that he had been concerned with for years. He stated that the Planning Commission does a pretty good job of evaluating each issue that comes before them. The Planning Commission puts a number of restrictions on almost every one of the items that were passed. Once it was passed, it then becomes an enforcement issue. There has been a problem with enforcement for as long as he had been around. If there wasn't a person that could go out and check these items that they put restrictions on and see that they were being followed, it didn't do any good.

Mike Kavanaugh agreed that enforcement has been a problem, especially special use permits, which was a request from a developer to do something in a zoning district that was not normally done. He stated that the Planning Commission didn't put any restrictions on that were not reasonable and enforcement needed to be worked on.

Administrator Lawson stated that in the past, there had been a lot of discussion on enforcement and with moving forward with staff changes. When changes were set under a special use permit say in the spring, there were a number of employees that could check the progress of the provisions when they were in the field. In moving forward, the plan was to hire another enforcement officer, but if any of the other inspectors were out there and witnessed something, he would want them to take notes. There should be an immediate review with any project launched. He stated that he thought that part of the issue was for example when a development had been there three or four years, then there needed to be a provision where they take a number of plans per year and re-inspect them possibly on staffing's down time. When enforcement got to a standard where the County needed to take court action, there was a very specific process outlined and legal counsel was involved with guidance. He stated that he had talked with Commissioner Johnson and she had suggested that maybe there

should be more clarification to the public and to possibly discuss it at the Planning Commission or even at the Board level. When the County did enforcement especially in a situation when heading towards court action, the public could be better informed of what that process was.

Charles Freese stated that in the number of amendments that had taken place from the zoning ordinances, he has tried to see that the changes that were made were loosened up rather than being tightened as far as homeowners rights as to what they could do on their own property. Most of the amendments that have taken place in that regard have been positive. When you look at the number of amendments that have been made to the zoning ordinances in the past several months, a lot of these amendments have been nothing more than clarifying terms and straightening out things that were wrong from the beginning in the ordinance. If a term was going to be used, it would have to be defined and consistent all the way thru the ordinance. He explained that there were two ways of zoning. For example an ordinance that specified what could be done in the various zoning districts, identifying each and everything that could be done or there could be an ordinance written where in various zoning districts there could not be certain things done. This Planning Commission was set up as to what could be done in each of these zoning districts. With the revolution of what was going on in the county, there were new uses coming up that were not in the ordinances. This would make a change in the zoning ordinances.

Mike Kavanaugh agreed that most of the revisions and amendments that the Planning Commission made were to loosen up ordinances such as the camping requirements and setbacks on the lake and stream restrictions. If Mr. Freese found a problem, it was brought up to the Planning Commission. There have been a lot of changes, but the reason why they came up has been for refining their definitions. He stated that moving thru these ordinances as they have been was essential to getting them straightened up.

Commissioner Sangster suggested as a policy, going back through and reevaluate these ordinances and amendments because this would be a good exercise to keep a check and balance system.

John Jazdyk stated that based on where the Planning Commission was at right now, they were just looking at what they had in order to make it better. There was a whole other world out there and if the group would like to, the Planning Commission could look into other forms of zoning that was available.

Charles Freese stated that one example would be Emmet County. Emmet County's zoning ordinances were made simple and small with the difference being that Emmet County had each of their townships doing their own zoning. Cheboygan County only had one township that did their own zoning, which was Burt Township. If all of the townships were doing their own zoning, Cheboygan County would have a simple ordinance. He stated that this was not going to work in Cheboygan County. The Planning Commission has patiently been waiting for correspondence back from Tuscarora Township after having scheduled several meetings and a draft of the regulation had been mailed to them asking the township for their comments. This has

been ongoing for approximately eight (8) months. Commissioner Wallace asked for further information from the Community Development Director.

Administrator Lawson stated that in other counties the Planning Commission had provisions set up for a specific time period such as one (1) month, which allowed the townships time to review the wording and give the Planning Commission feedback. Then after that, everyone knew what the process was and would move forward. Patty Croft stated that this had been addressed with the township with no results.

Charles Freese stated that what people do not realize was that on a special use permit there were a certain number of questions that needed to be answered. If the questions were answered positively, the Planning Commission had to grant the special use permit because it could not be legally turned down.

Commissioner Johnson commented regarding the SUP's and the list of questions and things that had to be met. With regard to putting on the restrictions, a yes answer with restrictions was actually a no answer. These get put thru, but if you were to answer the questions with the information that was provided by the client, these answers could be no. Instead the Planning Commission goes thru and makes restrictions instead of turning the questions back to the client to fix and then bringing it back to the Planning Commission with the requirements as to what they want met. There may be restrictions put on that might ultimately could not be met, but the restrictions were put out there and an SUP was granted, which might lead to some confusion.

Charles Freese stated that if a question had to be answered in the affirmative and it could be answered in the affirmative if restrictions were there, the Planning Commission was going to have to grant it. For example if a person would want to use a driveway in a particular location and there was a reason for public safety and it could not be there, then it would be granted, but not with the driveway in that location. He stated that if it was at the other end of the property, there would not be a problem. The client could not be turned down because the Planning Commission did not like the idea.

Commissioner Johnson stated that when a client comes in and was presented with the list of questions that they needed to answer, which was based off of the information that they provided to the Planning Commission. This was not the information that the Planning Commission was going to hand back to the client. She believed that the client needed to come back to the Planning Commission with what their intentions were and what they intended to do. If it wasn't approved, then the client automatically knew that they had to do something in order to bring this back before the Planning Commission to get it approved.

Charles Freese stated that this was where they were supposed to be supplying support to the general public. Mr. McNeil receives applications where they come in on the back of paper napkins, which to him was not an acceptable site plan. Mr. McNeil works with these clients, sometimes at great lengths, trying to get them to come up with the information that needed to be there. He stated that if you were relying on clients to

come in with a complete site plan, 70% of the applications would be turned down and would never make it to the Planning Commission.

Scott McNeil stated that the ordinance would refer to the additional requirements that the Planning Commission would be putting on the special use permit as conditions. There was a section in the zoning ordinance that sets forth as to what can or cannot be a condition. He stated that he was not aware of any plans that were not clear on what they intended to do. The Planning Commission would see that and would say that on this particular case because of the surroundings or because of the testimony, they were in need of additional information. This additional information would be the conditions, which was the general course of action.

Charles Freese stated the garbage disposal business could have been located at other places that would have been a great deal better for this operation than the proposed location, but for whatever the reason, the applicant wanted it to be in that location. It was up to the Planning Commission to approve, disapprove, or approve it with enough restrictions to insure that it wouldn't cause the type of problems that they could anticipate. He summarized the numerous restrictions and stated that with these restrictions, it would have prevented any real problems occurring, if only they had been followed. Now there was a pending court action. He stated that in his opinion everything that came up to the Planning Commission and the Zoning Board of Appeals, he tried to look at it from a stand point of, is it legally sustainably the decisions that they make. If it was going to automatically result in ending up in court, then there was a problem and this was not being handled correctly. Legal Counsel would be contacted. In the past several years, they have done a pretty good job of staying out of court.

Commissioner Wallace asked the Planning Commission if they were getting enough education or training. Mr. Freese stated that most of them had extensive training early on, but some of them haven't had any training. The basic training that they had gone through was many hours of extensive training, which was very beneficial. Ms. Croft stated that a refresher course would be very helpful. Mr. Jazdyk stated that he did not receive any training and it would be helpful, because most of his learning had been on the fly. Mr. McNeil stated that the tools that they have had in the past for training hadn't been offered. There was the Citizens Planner course offered through the MSU-E, but it was a multidimensional course that took several months to complete and often times, the Planning Commission were not able to have the time to put towards this type of training. Mr. Freese stated that Brian Graham came over a couple years ago and gave them several hours of training on what they could or couldn't do to keep them out of trouble.

Administrator Lawson stated that the staff would work with the Planning Commission over the next couple of months to talk about the Citizens Planner course offered through the MSU-E, which could be held here on site or reviewed on line. He stated that in the next couple of months, MSU-E would be interviewing for another educator who would be based here out of Cheboygan County, which would be another resource. His primary job would be to educate on land use issues and zoning.

Community Director Scott McNeil summarized the Planned Unit Development (PUD) ordinance that was currently in the zoning ordinance, which didn't really take advantage of the flexibility that was allowed under the Zoning Enabling Act. The current PUD provided for much like the planned project ordinance that was passed, which allowed certain deviations from development standards, but only allowed the development of uses that were allowed in one single particular zoning district. When, in fact, a PUD could mix uses from many different zoning districts into one development. A PUD draft amendment had been put together that sets forth the ability to mix uses on a much higher level than was currently existing in the zoning ordinance and provided that flexibility in the some of the development standards. The ordinance that was last presented to the Board of Commissioners set forth the criteria for a PUD, which included some of the standards for development and reductions in the minimum lot sizes and minimum lot widths. There were some requirements for some open space that set up the ability for pre-application conferences where the proposed developer could sit down and talk about the development in general terms with the basic conceptual plan. The current amendment sets forth a process by which the Planning Commission would review it and sets forth the requirements for an existing conditions plan and a new plan for development. A PUD was proposed to be in a rezoning district. When a rezoning was going to occur, this was a law change that was going to require the approval of the Board of Commissioners. This amended document also proposed for the Planning Commission to make a recommendation and then a final decision to be made on that PUD by the Board of Commissioners. The Zoning Enabling Act also allowed for a PUD to be approved by the Planning Commission only, which was more like a special use permit. Since the last discussion about PUD's, there has been varying degree of thought as to whether a PUD should be left to the Planning Commission or whether the Board of Commissioners should be involved in the rezoning type of situation. Legal Counsel has provided a legal opinion in that regard.

Charles Freese gave a summary of when the PUD came before the Board of Commissioners and summarized the review process, which would take several months of meetings, if the Board of Commissioner would want to take this on, as their responsibility.

Community Director Scott McNeil stated that with the approval process, there were specific standards and the standards were viewed, exhibits were cited with each standard and the approvals have to be reviewed based on each particular standard that was in the ordinance. This would require some extra work from the Board of Commissioners if they did not want to accept the Planning Commission's findings, which they could do under the ordinance.

Commissioner Wallace stated that the Planning Commission had the most important job and felt that the Planning Commission should make the final decision. It was the consensus of the Board of Commissioners to have the Planning Commission consider the PUD's and to approve or deny them.

Administrator Lawson stated that he would have Mr. McNeil prepare the draft language and to check with legal counsel on that format and then bring the specifics of that

criteria being reviewed back to the Board. Then from there the comments would be sent back to the Planning Commission for final draft of language and recommendations.

Board/Planning Commission Comments

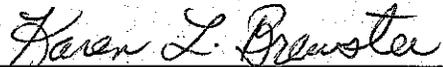
Commissioner Sangster commented that he was glad to have the opportunity to discuss these issues with the Planning Commission because, as a Commissioner, they only hear the bad things. Cheboygan County was up for development and he just wanted to make sure that the county was pushing forward with what they had to work with.

Chum Ostwald commented that the thing that needed to be looked at was the time element. This was a big problem with the public and he didn't know what the answer was. Commissioner Sangster commented that this would fall under Goal #3 "Quality County Service – To work diligently to provide courteous, efficient, quality services."

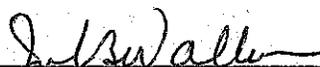
Citizens Comments

Carl Muscott citizen of Tuscarora Township thanked the Board and Planning Commission for their comments. He appreciated Commissioner Wallace's comment on how hard the Planning Commission worked. This was a great group of people and one of the best volunteer groups in the county. He has watched the whole process on the PUD and the current wording was much too restrictive. If you were looking for flexibility from a PUD, then it should be much broader and it had to allow the Board of Commissioners to be involved because you cannot reach across separate zoning districts with a PUD. He invited everyone to read it.

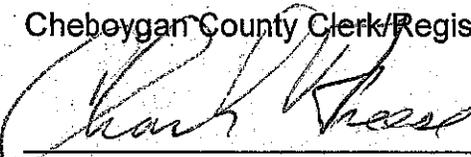
Motion by Commissioner Wallace, seconded by Commissioner Newman, to adjourn to the call of the Chair. Motion carried with 6 yes, 0 no and 1 absent. Meeting adjourned at 9:04 P.M.



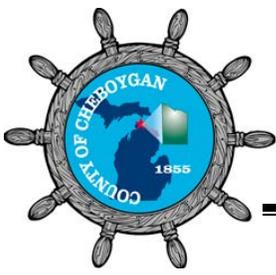
Karen L. Brewster
Cheboygan County Clerk/Register



John B. Wallace
Chairperson Board of Commissioners



Charles Freese
Planning Commission Secretary



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JANUARY 17, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon
ABSENT: Churchill, Jazdzyk
STAFF: Scott McNeil
GUESTS: Bob Lyon, Carl Muscott, Cal Gouine, Karen Johnson, Russell Crawford, Cheryl Crawford, John F. Brown, Roberta Matelski, Eric Boyd

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. Freese, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdzyk)

APPROVAL OF MINUTES

The January 3, 2018 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon), 0 Nays, 2 Absent (Churchill, Jazdzyk)

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Draft Zoning Ordinance Amendment For Planned Unit Development

Mr. McNeil stated that he has changed the ordinance amendment based on the discussion at the last Planning Commission meeting. Mr. McNeil stated that there were other items that need to be discussed. Mr. McNeil stated that he has included language from the Master Plan relative to the Lake, River and Stream Protection future land use category in order to help facilitate discussion regarding allowing PUDs in the Lake and Stream Protection District. Mr. McNeil referred to the first sentence of section 19.2.2 and stated the word “on” has been changed to “along”. Mr. McNeil stated that section 19.5.3 has been added to the amendment. Mr. McNeil stated that this talks about the Cheboygan County Board of Commissioners Liaison being notified of the pre-application conference.

Mr. Freese referred to section 19.2.3 and questioned why “coordinated” is in this section. Discussion was held on removing “coordinated” from section 19.2.3. Mr. Freese referred to section 19.7.1.h and stated that the Planning Commission has discussed phasing of PUDs in the past and wanted to ensure that the applicant did not complete the most profitable phases first in case there are any issues such as bankruptcy. Mr. Freese suggested, “Items in the phases of development should be subject to prior approval of the Planning Commission.” Mr. Freese referred to section 19.7.4 and stated that the Planning Commission should also be able to modify the minimum lot size requirement in addition to the minimum dwelling size requirement. Mr. Freese referred to section 19.2.1 and stated that PUD’s should be allowed in the Lake and Stream Protection zoning district with the proviso that any uses other than residential would require a 200ft. setback from the water. Mr. McNeil asked if there should be any concern regarding the density being allowed.

Mr. Kavanaugh stated that the Lake and Stream Protection zoning district is a protection district. Mr. Kavanaugh asked Mr. McNeil how many PUD applications he has received since he began working for Cheboygan County. Mr. McNeil stated he has not received any PUD applications. Mr. Kavanaugh stated that we haven’t had one application for a PUD in many years and if there is an application there can be a conditional rezoning. Mr. Kavanaugh stated that he doesn’t have a problem with reducing

the lot size a little but asked if we want to go backward like in Topinabee and Mullett Lake Village where there are 30-40ft. wide lots with no room for a replacement septic systems and no isolation from wells. Mr. Kavanaugh stated that we found that reducing the lot size does not work and there is no room for parking. Discussion was held. Mr. Borowicz read section 19.2.5 "Adequate public streets, sewer, water, utilities, and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by this zoning ordinance and other agency or agencies with applicable jurisdiction." Mr. Borowicz stated that we do not have to worry about replacement septic systems. Mr. Kavanaugh stated that this section references sewer. Mr. Kavanaugh stated that it could be changed to on-site sewage disposal.

Mr. Freese stated that a PUD allows uses that we don't already allow to encourage economic growth. Mr. Freese stated that he believes that it would help the economy if someone wants to put in smaller houses on smaller lots in an area with a lot of open space. Mr. Kavanaugh stated that is something that he would support, but he would not support all of the other projects that could come into play. Mr. Kavanaugh stated that if a situation does come up, the Planning Commission can approve a conditional rezoning if it is a good project. Mr. Kavanaugh stated that unless we start getting a lot of requests or PUD's he is not sure why this proposed amendment is important. Mr. Freese stated that someone from out of the area may want to look at the ordinance to see if they can comply with the regulation. Discussion was held. Ms. Croft asked if legal counsel has reviewed this amendment. Mr. McNeil stated that legal counsel has not reviewed this amendment in a while and there are quite a few changes that have been made that would require a review. Mr. Kavanaugh asked Mr. McNeil if he has any comments regarding this issue. Mr. McNeil stated that the future land use for these areas guards against dense development. Mr. McNeil stated that the Lake and Stream Protection zoning district is 500ft. deep and the Planning Commission may not want to have this dense development right at the lake frontage but may want to allow it half way into the district. Mr. McNeil stated that the Planning Commission may not want residential uses that are that dense right up to the waterfront and may want to have it start 200-250ft. back from the water. Mr. Kavanaugh asked Mr. McNeil if he can come up with ideas. Mr. McNeil stated he will come up with language for the Planning Commission to review at the next meeting.

NEW BUSINESS

Review And Comment Regarding Burt Township Draft Zoning Ordinance Amendment

Mr. McNeil stated that he received notification from the Burt Township planning consultant that there have been some changes proposed by the Burt Township Planning Commission. Mr. McNeil stated that he has provided the Planning Commission a copy of the proposed amendment with a memo describing the proposed changes. Discussion was held.

Review Of Definition Of Family Relative To Short Term Rentals

Mr. McNeil stated that he presented proposed zoning ordinance #144 relating to bar and restaurant uses to the Board of Commissioners. Mr. McNeil stated that the proposed amendment contained a section changing the definition of family in order to clarify that an individual is covered and allowed to occupy a dwelling. Mr. McNeil stated that Mr. Graham expressed his concerns with the definition of family, citing his concerns regarding fraternities and sororities. Mr. McNeil stated that he also discussed looking at defining short term rentals separately. Mr. McNeil stated that Mr. Graham has provided his recommendation for the definition of family and short term rental. Mr. McNeil stated that this will address the concerns of legal counsel. Mr. McNeil stated that Mr. Graham has offered to come to a Planning Commission meeting to discuss his experience with other communities.

Mr. Freese stated that this will bring the Cheboygan County right back to where it was originally as far as the definition of family. Mr. Freese stated that we were happy with that a year ago and he agrees with Mr. Graham that it is a better way to go to determine what short term rental is instead of trying to authorize short term rental with the definition of family. Mr. Freese stated that this is a better way to authorize short term rentals. Mr. Kavanaugh stated that we want to allow unrestricted short term rentals. Mr. Kavanaugh stated that we want to take everything out that is a restriction such as the 30 days and not being occupied by the owner. Mr. Kavanaugh stated that this can always be amended if there are any issues in the future. Mr. Kavanaugh stated that there haven't been any issues other than the one in Black Lake. Mr. McNeil stated that we should ask Mr. Graham why he is suggesting these restrictions. Mr. McNeil stated that it has been provided through court rulings that short term rentals are considered something less than 30 days. Mr. McNeil stated it is important to have this time period in the definition and he does not see that as being restrictive. Mr. Freese stated if the owner is on site, it may be considered a bed and breakfast. Mr. McNeil agreed with Mr. Freese. Mr. Borowicz noted that Mackinaw City recently addressed this same issue and they excluded short term rentals from residential areas based on citizen comments. Mr. Freese stated that our citizen's comments wanted to allow short term rentals in residential areas. Mr. Borowicz stated that our citizen's comments were lakefront property owners. Discussion was held.

STAFF REPORT

Mr. McNeil stated that in regards Grandview Beach Association vs. Cheboygan County (Heritage Cove Farms), he received a

decision today from the Court of Appeals and Cheboygan County did prevail. Mr. McNeil stated that there was discussion in the judgment regarding the Planning Commission's review and finding of public safety not being met. Mr. McNeil stated that the Planning Commission, later on, found that an accommodation should be made which put that to rest. Mr. McNeil stated that there was mention of requesting reports from the local police departments. Mr. McNeil stated that he will follow up with the Sheriff's Department and Tuscarora Township Police to request written comments.

Mr. McNeil stated that he has received comments back from Mullett Township regarding uses related to vehicle repair. Mr. McNeil stated that the proposed language is acceptable to Mullett Township. Mr. McNeil stated that Tuscarora Township is taking a closer look at the proposed language and they have invited him to attend their next Planning Commission meeting.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott stated that this is going back to a previous definition of family. Mr. Muscott stated that according to legal counsel, a group of individuals defines a family. Mr. Muscott stated that this is in contravention of section 802 of the Fair Housing Act. Mr. Muscott reviewed other jurisdiction's definitions of family. Mr. Muscott stated that it is serious when we impact the Fair Housing Act and one individual must be added back into the definition of family. Mr. McNeil stated that Mr. Graham references "an individual" in his definition of family. Mr. McNeil stated that this defines short term rental, redefines family and puts a statement in the general conditions that short term rentals shall be permitted uses in all zoning districts. Discussion was held.

Mr. Muscott stated his concerns regarding the proposed PUD amendment not accommodating a lot of uses such as parking a food truck in front of a retail store. Mr. Muscott stated that the PUD really only addresses residential and industrial where as a lot of communities are using PUD's for commercial. Mr. Freese stated that the proposed regulation allows any use authorized in any district in any other district other than Light Industrial and General Industrial. Mr. Freese noted that food trucks would be allowed in the PUD. Discussion was held.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:50pm.

Charles Freese
Planning Commission Secretary

CHEBOYGAN COUNTY PLANNING COMMISSION

Travis Neuman

Exhibit List

1. Cheboygan County Zoning Ordinance
2. Cheboygan County Master Plan
3. Notice of Planning Commission Meeting (1 Page)
4. Special Use Permit Application (6 Pages)
5. Mailing List (2 Pages)
6. Personal Representative Deed L1323 636 (1 Page)
7. Site Plan (1 Page)
- 8.
- 9.
- 10.
- 11.
- 12.

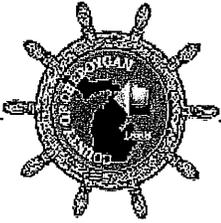
Note: Planning Commission members have exhibits 1 and 2.

NOTICE
CHEBOYGAN COUNTY PLANNING COMMISSION MEETING and PUBLIC HEARING
WEDNESDAY, FEBRUARY 7, 2018 AT 7:00 PM
ROOM 135 – COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721

1. **Travis Neuman** - Requests a Special Use Permit for a manufacturing use (roasting coffee for internet sales. Section 6.3.9.) The property is located at 7396 North Straits Highway, Inverness Township, parcel #091-026-305-043-00 and is zoned Commercial Development (D-CM).

Please visit the Planning and Zoning office or visit our website to see the proposed rezoning and the associated drawings and documents. These documents and staff report may be viewed at www.cheboygancounty.net/planning/. Comments, questions, and correspondence may be sent to 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

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

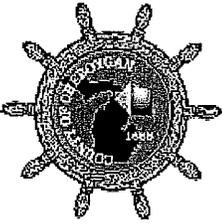
ROASTING COFFEE FOR INTERNET SALES
HOURS: 8am - 5pm
EMPLOYEES: 1

Site Plan Standards.

PLEASE EXPLAIN HOW YOUR REQUEST MEETS EACH OF THE FOLLOWING STANDARDS

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
NO CHANGE
- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
NO CHANGE
- c. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
NO CHANGE
- d. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
NO CHANGE
- e. All buildings or groups of buildings should be so arranged as to permit emergency vehicle access by some practical means.
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.
N/A
- h. Exterior lighting shall be arranged as follows:
 - i. It is deflected away from adjacent properties. NO CHANGE
 - ii. It does not impede the vision of traffic along adjacent streets. NO CHANGE
 - iii. It does not unnecessarily illuminate night skies. NO CHANGE

SPECIAL LAND USE PERMIT APPLICATION



CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT

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

SPECIAL LAND USE PERMIT APPLICATION

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

N/A

- 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.

SEE ATTACHED DRAWING

3. Size of property in sq. ft. or acres: 0.7 ac

4. Present use of property:

COMMERCIAL

5. SUP Standards:

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

YES

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

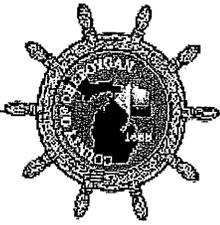
- c. Will the proposed special land use involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen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

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

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

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

CHEBOYGAN COUNTY PLANNING & ZONING DEPARTMENT



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

SPECIAL LAND USE PERMIT APPLICATION

- g. Will the proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services? YES
- h. 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

Date

1-4-18

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

Yes No

Owner's Signature

Date

1-4-18

FOR PLANNING /ZONING DEPT. USE ONLY

Date Received:

1/4/18

Notes:

Fee Amount Received:

\$225.00

Receipt Number:

4034

Public Hearing Date:

2/7/18

Planning/Zoning Administrator Approval:

Signature

1/8/18

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. |
| N/A | | 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. |
| ✓ | | 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. |
| N/A | | i. Location, size, and characteristics of all loading and unloading areas. |
| N/A | | 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. |
| N/A | | 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. |
| ✓ | | o. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used. |
| ✓ | | p. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities. |
| N/A | | q. Elevation drawing(s) for proposed commercial and industrial structures. |
| N/A | | r. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well |
| N/A | | 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

NO CHANGE IN TOPOGRAPHY

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.

Alan J. Granger

SIGNATURE

1-8-18

1-4-18

DATE

091-026-305-041-00
SCHRYER, KAYTE LYNNE
7358 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-100-001-01
CLOSS, CHASE & ASHLEY RICHARDS,
7374 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-100-001-04
CHEBOYGAN AREA SCHOOLS
7461 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-300-010-01
ASHBAUGH, JAMES SCOTT
7300 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-300-024-00
CADRY, RAYMOND
7342 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-305-043-00
NEUMAN, TRAVIS
7396 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-300-001-00
BARRETTE, LEONARD J ET UX
7217 N STRAITS HWY
CHEBOYGAN, MI 49721

091-026-305-041-00
OCCUPANT
7358 N STRAITS HWY
CHEBOYGAN, MI 49749

091-026-100-001-01
OCCUPANT
7374 N STRAITS HWY
CHEBOYGAN, MI 49749

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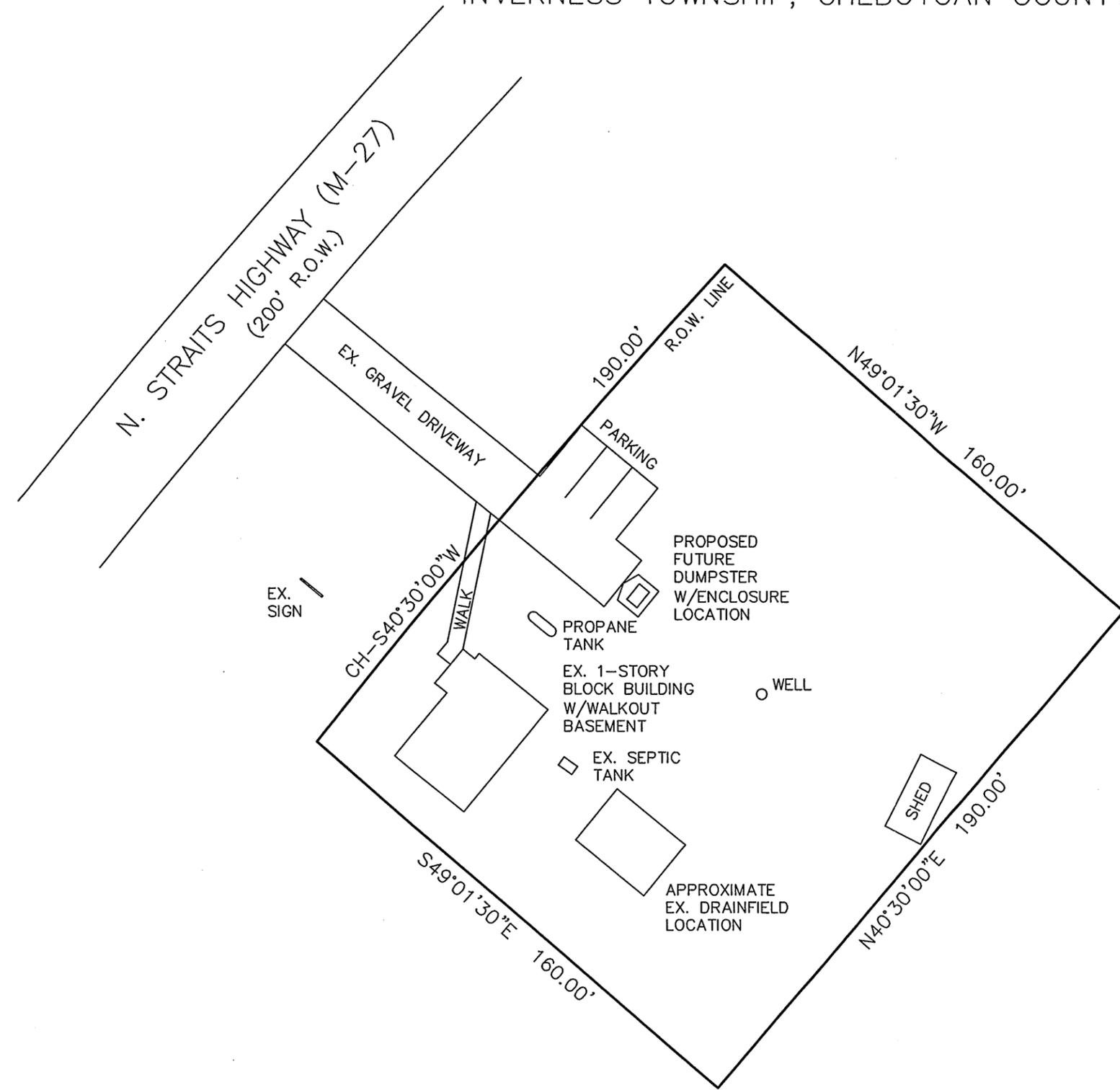
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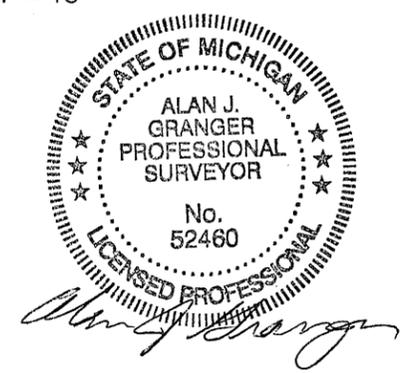
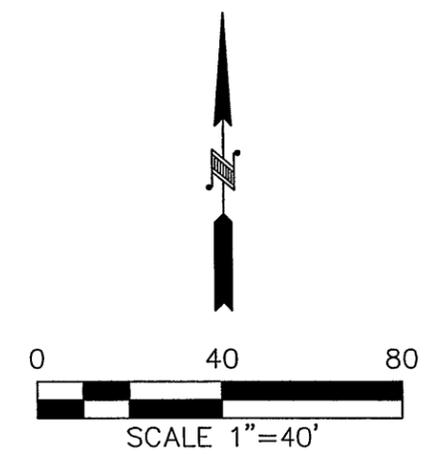
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091-026-300-001-00
OCCUPANT
7217 N STRAITS HWY
CHEBOYGAN, MI 49749

PART OF THE NE1/4 OF THE SW1/4, SECTION 26, T37N, R2W,
 INVERNESS TOWNSHIP, CHEBOYGAN COUNTY, MICHIGAN



- NOTES:
1. PARCEL NO.: 091-026-305-043-00
 2. PROPERTY ZONING: COMMERCIAL
 3. TYPE OF PROPOSED BUSINESS: ROASTED COFFEE THRU INTERNET SALES.
 4. NUMBER OF EMPLOYEES: 1
 5. TRASH REMOVAL WILL BE BY BAGGED GARBAGE; NO DUMPSTER IS NEED AT THIS TIME.
 6. ALL FEATURES AS SHOWN ARE EXISTING.
 7. NO FENCES ARE BEING PLACED.
 8. NO ADDITIONAL LANDSCAPING IS BEING PERFORMED.
 9. NO ADDITIONAL EXTERIOR LIGHTING IS BEING PLACED.
 10. PARCEL IS PARTIALLY WOODED.



| | | | | | |
|--------------|----------------|---------------|---|-----------|-------------------|
| DATE | REVISIONS | CLIENT: |  Granger and Associates, Inc. Engineers • Surveyors 224 S. Main St., Cheboygan, MI 49721 Email: grangerandassociates@gmail.com 231-627-2763 | TITLE: | SCALE: 1"=40' |
| JAN. 4, 2018 | ORIGINAL ISSUE | TRAVIS NEUMAN | | SITE PLAN | SHEET 1 OF 1 |
| | | | | | DRAWN BY: AJG |
| | | | | | JOB NO.: C6513-04 |
| | | | | | |



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

| | |
|---|---|
| Item: Request for a special use permit for a Manufacturing Use (processing coffee beans for internet sales) in a Commercial Development zoning district. | Prepared by: Scott McNeil |
| Date: January 19, 2018 | Expected Meeting Date: February 7, 2018 |

GENERAL INFORMATION

Applicant: Travis Neuman

Owner: Travis Neuman

Contact person: Perry Neuman

Phone: 231-420-6331

Requested Action: Approval of special use permit for a Manufacturing use (processing coffee beans for internet sales) in a Commercial Development zoning district pursuant to Section 6.3.9.

BACKGROUND INFORMATION

Introduction:

The applicant is seeking approval of special use permit pursuant to Section 6.3.9 to allow a manufacturing use (processing coffee beans for internet sales) in a Commercial Development (D-CM) zoning district the former dwelling structure on the site.

Section 6.3.9. regarding the Manufacturing use requires a determination by the Planning Commission that the operational effects are to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke, odor and/or dust. I have noted this required determination in the findings of fact, and offered responses to the same for consideration of the Commission under section 18.7.a. of the specific findings of fact.

Manufacturing is not defined in the zoning ordinance. A common definition for manufacture as found in the Merriam-Webster on line dictionary follows:

- 1: something made from raw materials by hand or by machinery
- 2: the process of making wares by hand or by machinery especially when carried on systematically with division of labor
- 3: the act or process of producing something

Current Zoning:

Commercial Development District (D-CM)

Surrounding Land Uses:

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

Environmentally Sensitive Areas (steep slopes, wetlands, woodlands, stream corridor, floodplain): There is no known environmentally sensitive areas on the subject site.

Historic buildings/features:

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

Traffic Implications

This project will have minimal effect on current traffic conditions.

Parking:

Section 17.6 also provides for 1 parking space to be required for each employee on largest working shift relative to Industrial uses. The applicant indicated that there will be 1 employee requiring 1 parking space. The site plan provides for 3 parking spaces.

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

Access to the site is facilitated by an existing driveway from North Straits Highway. The existing access drive will not be changed. No new access drives are proposed.

Signs

A sign is indicated with the road right of way on the site plan. The application indicates a sign surface area measuring 32 s.f. and a total height of 7.5 ft. The sign surface area and height meet the requirements for a freestanding sign in a Commercial Development zoning district per section 17.19.8. Evidence of approval of the sign location within the road right of way is recommended.

Fence/Hedge/Buffer

No new fence, hedge or other type of buffer is proposed nor are they required.

Lighting

No additional outdoor lighting is proposed.

Stormwater management

There are no changes proposed to the management of stormwater on the site.

Review or permits from other government entities:

Department of Building Safety and Approval of sign location in the road right of way will be required.

Public comments received

None

Recommendations (proposed conditions)

Provide evidence of approval of sign location in road right of way.

CHEBOYGAN COUNTY PLANNING COMMISSION

SPECIAL USE PERMIT REQUEST

Wednesday, February 7, 2018, 7:00 PM

Applicant

Mr. Travis Newman
1855 Richmond Dr.,
Cheboygan, Mi. 49721

Owner

Mr. Travis Newman
1855 Richmond Dr.,
Cheboygan, Mi. 49721

Parcel

7396 North Straits Highway.
Inverness Township
091-026-305-0043-010

GENERAL FINDINGS

1. The subject property is zoned Commercial Development District. (D-CM)
2. The applicant is seeking a special use permit for manufacturing use to process coffee beans for internet sales.
3. Manufacturing is a use which requires a special use permit in the D-CM zoning district per section 6.3.9.
4. Section 6.3.9. requires a determination by the Planning Commission that the operational effects are to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke , odor and/or dust.
5. The applicant is seeking a waiver to the site topographic survey requirement for site plans.
- 6.

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 D-CM Zoning district.
 2. The applicant is seeking a special use permit for a manufacturing use.
 3. The proposed manufacturing use is for processing coffee beans for internet sales. (see exhibit 3)
 4. A manufacturing use is a use which requires a special use permit in the D-CM zoning district per section 6.3.9. which requires a determination by the Planning Commission that the operational effects are to be no greater than the other uses permitted in this district with respect to noise, glare, radiation, vibration, smoke , odor and/or dust.
 5. The Planning Commission hereby determines that the operational effects for processing coffee beans relative to this application, to be no greater that the other uses permitted in the D-CM zoning district with respect to noise, glare, radiation, vibration, smoke , odor and/or dust
 - 6.
 7. Standard has been met.
- Or.
 1. The Planning Commission hereby determines that the applicant has not adequately demonstrated that the operational effects relative to this application, is not greater than the other uses permitted in the D-CM zoning district with respect to noise, glare, radiation, vibration, smoke , odor and/or dust
 - 2.
 - 3.
 4. 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 manufacturing process will be conducted completely within an enclosed building. The proposed manufacturing 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. (see exhibit 3)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1. The applicant has not adequately demonstrated that processing coffee beans 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.
 - 2.
 - 3. 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 manufacturing use for processing coffee beans and 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 7)
 - 2. The manufacturing process will be conducted completely within an enclosed building. (see exhibit 3)
 - 3.
 - 4. Standard has been met.
 Or.
 - 1. The applicant has not adequately demonstrated that processing coffee beans 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.
 - 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 a manufacturing use for processing coffee beans in a D-DM zoning district. The ongoing use as proposed will be constructed, designed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. (see exhibits 3, and 7)
 - 2.
 - 3. 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 manufacturing use for processing coffee beans 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 North Straits Highway (M-27) which is a State Highway. The use will not cause congestion or increase traffic hazards in excess of current capacity. (see exhibit 3 and 7)
 - 2. The site is served by one (1) existing entrance and exit driveway which provides adequate access to the site. The access drives are more than 25 ft. from a street intersection. (see exhibit 3 and 7)
 - 3. Signage, buildings, other elements and do not interfere with driver visibility. (see exhibit 7)
 - 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 and 7)
 - 2.
 - 3. Standard has been met.
 Or.
 - 1.
 - 2. Standard has not been met.

SPECIFIC FINDINGS OF FACT UNDER SECTION 20.10 OF THE ZONING ORDINANCE

The Planning Commission makes the following findings of fact as required by section 20.10 of the Zoning Ordinance for each of the following standards listed in that section:

- a. The site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - 1. 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 are proposed to be removed. 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. No dwelling units are proposed. This standard is not applicable.

- 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 vehicle is provided to the building via an access/exit driveway from North Straits Highway. (see exhibit 7)
 - 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 on the subject lot have access to North Straits Highway (M-27) which is a State Highway. (see exhibit 3 and 7)
 - 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. No subdivision plat or subdivision condominiums are proposed. This standard is not applicable.

- 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 new 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. No public or common ways for vehicular and pedestrian circulation are proposed. This standard is not applicable
- j. Site plans shall conform to all applicable requirements of state and federal statutes and the Cheboygan County Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits.
 - 1. The site plan conforms to applicable requirements of state and federal statutes and the Cheboygan County Master Plan. (see exhibit 2, 3 and 7)
 - 2.
 - 3. Standard has been metOr.
 - 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, February 7, 2018

Patty Croft, Chairperson

Charles Freese, Secretary



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

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Draft Zoning Ordinance Amendment for Planned Unit Development

Date: January 29, 2018

Included with this memo please find a copy of the draft amendment document dated 1/24/18. I have also included language from the Master Plan relative to the Lake, River and Stream Protection future land use category.

Discussion was held regarding proposed phased developments and concerns relative to front loading profit potential in early phases. I believe language provided in section 19.2.4 addresses this concern. The amend document provides that a PUD must comply with standards under section 19.2. This would require that the Planning Commission make findings on the record relative to these standards as well as others.

The Planning Commission also indicated that the ability to modify minimum lot size requirements was desired. To address this I have added the following language under section 19.7.5. for your consideration which reads as follows:

5. The Planning Commission may modify minimum lot size requirements if it can be shown that the design and/or the layout of the lots are either augmented by and/or adequately isolated by greenbelts, distance, additional open space, topography or other buffers from neighboring conforming lots.

The Planning Commission also discussed the ability to approve PUD's in the Lake and Stream Protection (P-LS) zoning district provided there was a setback required from the water front. To address this I have added the following language under a new section 19.2.1.a. and changed language in section 19.2.1. for your consideration which reads as follows:

1. A PUD may be applied for in any zoning district except Resource Protection (P-RC) and Natural Rivers Protection (P-NR).
 - a. A PUD proposed in a Lake and Stream Protection (P-LS) zoning district shall not be located within two hundred and fifty (250) feet of the highwater mark of any lake, river or perineal stream.

Also, to address the density language of Lake, River and Stream Protection future land use category description within the Master Plan I have proposed language under new section 19.4.2.b. which requires lot sizes proposed for single family or two family development in a P-LS district meet current standards for area, width and frontage requirements. This language is proposed to read as follows;

- b. Uses proposed to be located in a Lake and Stream Protection (P-LS) zoning district shall comply with minimum yard setbacks and minimum lot size per dwelling as required under section 17.1.

The document remains as last reviewed with the language changes as discussed in this memo typed in bold.

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

Future Land Use Categories

The following are descriptions of the categories of future land uses that are desired in various areas of Cheboygan County. These categories correspond to the Future Land Use Map, which displays geographically the areas of Cheboygan County where these various land uses are desired in the next 20 years. It is important to note here that the map is very general and is meant to show vaguely where each of these uses is desired. The Future Land Use category descriptions should be relied upon over the future land use map. In addition, boundaries along the edges of these Future Land Use areas on the map should be interpreted loosely and the actual land use goals may be better described by an adjacent Future Land Use category.

Lake, River, and Stream Protection

The Lake, River, and Stream Protection category contains undeveloped land as well as developed residential and recreational uses. This classification applies to both current and future residential and smaller commercial uses along the shores of all the County's lakes and inland waterways. The Future Land Use Map presents the locations of this class by highlighting the shores of selected, major lakes and waterways. This class is designed to apply to all residential, small commercial waterfront development and the map was not intended, nor would it be feasible, to show all graphically.

Future development in the Lake, River, and Stream Protection class should be planned in consideration of potential environmental and aesthetic impacts on the water resources. Shoreline buffers to prevent erosion and filter stormwater run-off, limitations on the application of fertilizers, large setbacks from the water line, lower density, and/or requirements for public sewer for higher density developments are recommended mechanisms for maintaining high water quality.

Accommodations may need to be made for historically smaller waterfront lots such as older platted subdivisions. Larger commercial areas with higher density of commercial activity should be located in the areas designated by the Commercial future land use category.

Appropriate uses for this area include residential, waterfront access, public boat ramps, municipal parks and public beaches.

Draft 1/24/18

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING
ORDINANCE #200 TO PROVIDE STANDARDS AND APPROVAL
REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT (PUD) ZONING
DISTRICT .

Section 1. Amendment of Article 19.

Article 19 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

ARTICLE 19. PLANNED UNIT DEVELOPMENT (PUD)

SECTION 19.1. 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 and review site plans which integrate housing, circulation networks, commercial facilities, open space and recreational areas which are compatible with the surrounding area and natural environment.

SECTION 19.2. Eligibility Requirements. To be eligible for a planned unit development, a parcel shall meet all of the following:

1. A PUD may be applied for in any zoning district except Resource Protection (P-RC) and Natural Rivers Protection (P-NR).

a. A PUD proposed in a Lake and Stream Protection (P-LS) zoning district shall not be located within two hundred and fifty (250) feet of the highwater mark of any lake, river or perineal stream.

2. Minimum lot size for a PUD shall be five (5) acres with a minimum of 350 lineal feet measured along the front property line. Any PUD with proposed industrial use shall contain a minimum of ten (10) acres with a minimum of 500 lineal feet measured along the front property line. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.

3. The entire lot being considered for a PUD must be under single or unified ownership.

4. The site submitted for a PUD shall be developed as a single integrated design entity even though it may be developed in phases and contains a variety of uses. A PUD proposed to be developed in phases shall require approval of each phase by the Planning Commission. A PUD proposed to be developed in phases shall include development phase descriptions indicating phases in which the project is proposed

to be built with events and/or estimated time frames for beginning and completion of each phase. The phase descriptions shall also include specific details about the items constructed at the completion of each phase including but not limited to; the buildings to be built, the amount of parking to be constructed, the site amenities that will be completed, any open space, fencing and/or greenbelt to be installed.

5. Adequate public streets, sewer, water, utilities and drainage shall serve the site and shall be provided in accordance with all applicable policies, regulations, specifications and ordinances as required by this zoning ordinance and other agency or agencies with applicable jurisdiction.

SECTION 19.3. Permitted Uses. Except as provided herein, the permitted uses within a PUD may consist of any use authorized in any zoning district. Any proposed use, however, shall be consistent with the Cheboygan County Master Plan and its land use goals for the location in which the use will be developed. In addition, any use that is authorized exclusively in the Light Industrial Development (D-LI) district and/or the General Industrial Development (D-GI) district shall only be permitted in a PUD located in that respective district.

SECTION 19.4. Development standards for Planned Unit Development (PUD) In addition to eligibility standards under Section 19.2. and general requirements under Section 19.3., the site submitted for PUD shall adhere to the following standards:

1. The development standards for the uses proposed in the PUD shall be consistent with the corresponding standards within this ordinance for those uses except as provided in this section.
2. Minimum lot size, minimum yard setbacks and minimum structure height based on use type:

| USES | Min. Lot Size | | Min. Yard Setbacks (ft.) | | | Max. Structure Height (ft.) |
|---|------------------------------------|-----------------|--------------------------|-----------------|-----------------|-----------------------------|
| | Area (sq. ft.) | Width (ft.) | Front (ft.) | Sides (ft.) | Rear (ft.) | |
| Single Family or Two Family Residential | 9,900 ^b per dwelling | 70 ^b | 25 ^b | 8 ^b | 10 ^b | 35 |
| Multi-Family Residential and/or Non-Residential | Submit with plan | | 25 ^b | 10 ^b | 15 ^b | 35 |
| Industrial | Submit with plan | | 40 ^a | 25 ^a | 25 ^a | 35 |

a. Buildings with industrial uses shall be setback from buildings with other uses a minimum of seventy five (75) feet.

b. Uses proposed to be located in a Lake and Stream Protection (P-LS) zoning district shall comply with minimum yard setbacks and minimum lot size per dwelling as required under section 17.1.

3. Any portion of a PUD with a non-residential or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which contains a residential use.

4. A minimum of fifteen (15) percent of the land developed on any PUD shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Any required perimeter setback area shall not be used to compute area for required open space. The required amount of open space shall be held in common ownership by each owner of property with the development. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final plan

SECTION 19.5. Application and approval standards. The following procedures shall be used for the review and approval of a Planned Unit Development (PUD)

19.5.1. Pre-application Conference. A pre-application conference shall be held with the Planning Commission. The goals of the pre-application conference are to acquaint the Planning Commission with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement, approval, or denial of the PUD.

2. A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit a copy of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and proposed land use(s) for the entire site.

3. The liaison representative to the Planning Commission from the Board of Commissioners shall be invited to the pre-application conference to present any relevant input on behalf of the Board of Commissioners.

19.5.2. Submission of Application and PUD Plan. Following a pre-application conference, if the applicant desires to proceed, they must submit a complete PUD application which shall include an explanation of the PUD, proposed phases of development, PUD site plans, and application fee to the Zoning Administrator.

1. The PUD site plans shall include:

- a. Site plan of existing conditions which shall include the following:
 1. Existing buildings.
 2. Existing parcel boundaries with tax parcel identification numbers.
 3. Existing streets.
 4. Existing woodlands.
 5. Topography with minimum 5-foot contours.
 6. Bodies of water and other significant natural features.

7. Surrounding land uses and zoning.
 8. Existing utilities, wells and septic systems.
 9. Other information as may be requested by staff or the Planning Commission.
- b. Site plan for the proposed development which shall include the following:
1. Boundary of the proposed PUD with legal description.
 2. Footprint, dimensions and elevations of proposed buildings.
 3. Proposed uses and their general locations.
 4. Layout of streets, drives, parking areas and pedestrian paths.
 5. Proposed parcel boundaries.
 6. Minimum setbacks for district perimeters and individual buildings within the development.
 7. Proposed perimeter buffer zones and screening.
 8. Conceptual landscape plan.
 9. Development phases.
 10. Type, estimated number and density range for residential uses within the development.
 11. Proposed open space and acreage thereof.
 12. Table of required and provided parking for all proposed uses.
 13. Proposed location of water and sewer/septic system facilities including easements.
 14. Proposed streets within and adjacent to the development including dimensioned right of way and pavement widths.
 15. Drainage plan and final topography plan with minimum 5 foot contours.
 16. Location of all public utilities including easements.
 17. Signage plan.
 18. A tabulation of the number of acres in the proposed development for various uses including open space, the number of housing units proposed by type.
 19. Other information as may be requested by staff or the Planning Commission.

2. The Zoning Administrator shall deem the PUD application and PUD site plans complete if all requirements of this section have been met. The Zoning Administrator shall present the final plan to the Planning Commission for their review, at the next regular meeting which occurs at least thirty (30) days from the date of submission of a complete plans and application.

SECTION 19.6. Review by the Planning Commission. The Planning Commission shall hold a public hearing on the PUD application and PUD site plans within 30 days of the regular meeting at which it is first reviewed. Notice of the public hearing shall be provided as required in Section 24.2. The Planning Commission shall make findings of fact on the standards for approval and shall approve, approve with conditions or deny the PUD.

19.7. Standards for PUD approval; Conditions; Waiver of PUD Standards; Reapplication of a denied PUD.

1. In addition to standards and requirements under Sections 19.2., 19.3. and 19.4., the application and site plans for a PUD shall comply with the following standards:

- a. The PUD shall be consistent with master plan.
- b. The PUD is designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- c. The PUD will not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance.
- d. The PUD will provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets.
- e. The PUD will have safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided. Motorized and non-motorized traffic within the PUD shall be consistent with existing traffic patterns on public rights of way adjacent to the PUD.
- f. The PUD will not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced
- g. The design of the PUD will ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- h. The PUD will be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
- i. The PUD shall meet the standards of other governmental agencies, where applicable.
- j. The function and design of the PUD shall be consistent with the purpose as set forth in section 19.1.

2. The Planning Commission may impose reasonable conditions to insure that public services and facilities affected by a PUD will be capable of accommodating increased service and facility loads, protect the natural environment, conserve natural resources and energy and insure compatibility with adjacent uses of land and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social well-being of those who will use the PUD under consideration, residents and landowners immediately adjacent to the proposed PUD and the community as a whole.
- b. Be related to the valid exercise of the police power and purposes which are affected by the PUD.
- c. Be necessary to meet the intent and purpose of the requirements and standards established for the PUD under consideration and be necessary to insure compliance with those standards.

3. The Planning Commission may waive any standard for approval upon a finding that all of the following exist:

- a. Presence of limiting conditions related to soils, topography, unusual shape or dimension of the site, or other natural conditions that would inhibit good design.
- b. No good public purpose will be achieved by requiring conformance with the standard(s) to be waived.
- c. The spirit and intent of the PUD provisions will still be achieved.
- d. No nuisance will be created.

4. The Planning Commission may modify minimum dwelling size requirements if it can be shown that the design of the dwellings and/or the layout of the lot are either adequately isolated by greenbelts, distance, or topography from neighboring dwelling units or shown to be architecturally similar to neighboring dwelling units.

5. The Planning Commission may modify minimum lot size requirements if it can be shown that the design and/or the layout of the lots are either augmented by and/or adequately isolated by greenbelts, distance, additional open space, topography or other buffers from neighboring conforming lots.

6. Modifications shall not be granted if they are found to be contrary to the spirit and intent of the zoning ordinance or would be contrary to the County's Future Land Use goals.

7. No application for a PUD which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or if the county's civil counsel by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or the procedures used in the matter were clearly erroneous. A reapplication shall be processed in the same manner as the original application.

SECTION 19.8. Performance Guarantee.

In connection with the approval of a PUD, the Planning Commission may require the Applicant to furnish Cheboygan County with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the site on which the PUD will be located or which the Applicant has agreed to construct even though located outside the site. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the site on which the special land use will be located. For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the County Treasurer at or before the time the PUD is issued. The performance guarantee shall ensure completion of the public and

site improvements in accordance with the PUD approved by the Planning Commission. Any cash deposit or certified funds shall be refunded in the following manner:

- a. One-third of the cash deposit after completion of one-third of the public and site improvements;
- b. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
- c. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If an Applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the County as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

SECTION 19.9. Expiration, Development and Maintenance of approved PUD.

1. An approved PUD application and site plans shall expire **two (2) years** following the date of approval by the Planning Commission, unless construction has begun on the development, or the property owner applies to the Planning Commission for an extension of the approved PUD prior to the expiration of the PUD. The Planning Commission may grant no more than two (2) extensions of an approved PUD for additional one (1) year periods each if it finds both of the following:

- a. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner.
- b. The requirements and standards for PUD approval that are reasonably related to the development have not changed.

2. If the PUD expires pursuant to subsection 1 above, no work may be undertaken until a new PUD approval is obtained following the procedures for a new PUD.

3. Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application, site plan and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

SECTION 19.10. Amendments to Approved PUD site Plan. Amendments to an approved PUD site plan shall be permitted only under the following circumstances:

1. The owner of property for which a PUD site plan has been approved shall notify the zoning administrator of any desired change. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the final plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- a. Reduction of the size of any building and/or sign.
- b. Movement of buildings by no more than twenty (20) feet. Movement of signs shall be reviewed according to the requirements for a zoning permit as per Section 21.3, provided all applicable provisions of this ordinance are met.
- c. Landscaping approved in the final plan that is replaced by similar landscaping to an equal or greater extent.

- d. Any change in the building footprint of a building that does not exceed ten percent (10%) of the building footprint of that building as originally approved by the Planning Commission, provided that the proposed addition does not alter the character of the use or increase the amount of required parking more than ten (10%) percent. No more than two (2) approvals shall be granted by the zoning administrator under this subsection after approval of the final plan.
- e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- f. Changes related to items (a) through (e) above, required or requested by Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
- g. All amendments to final plan by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

2. An amendment to an approved final plan that cannot be processed by the zoning administrator under subsection 1 above shall be processed in the same manner as the original PUD application by the Planning Commission as required under section 19.7.

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 to be 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:

Its: Chairperson

By:

Its: Clerk



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

Date: January 24, 2018

To: Planning Commission

From: Scott McNeil, Planner

Re; Proposed zoning ordinance amendment relating to motor vehicle repair and fuel sales uses.

Included with this memo is a draft ordinance amendment dated 1/19/18 relative to the subject. Also included is the proposed use listing changes to the applicable sections of the current zoning ordinance annotated in red print.

After a recent public hearing regarding the subject amendment it was decided to allow additional review by Mullett and Tuscarora Township officials as it relates to the respective Village Center zoning districts. Included with this memo are email and letter communications relative to the same. You will note that the Tuscarora Township Planning Commission has indicated their desire to have the current use listing under section 13A.3.2. Automobile repair and washing establishments removed and reserve the section for future use. The listing changes and the amendment include this change.

The remainder of the amendment remains as last reviewed. I believe the same is in order for review at a public hearing.

I will look forward to further discussion on this matter with the Planning Commission during the public hearing. Please contact me with questions.

1/19/18
CHEBOYGAN COUNTY
ZONING ORDINANCE AMENDMENT # _____
AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO.
200 RELATIVE TO MOTOR VEHICLE MAINTENANCE AND FUEL SALES USES.

Section 1. Amendment of Section 2.2.

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

Car wash

A commercial establishment with facilities provided for cleaning, drying and waxing of motor vehicles.

Motor vehicle service station

A facility primarily operated and designed for the dispensing and sale of motor fuels, together with the sale of minor accessories and retail items. In addition, such a facility may provide minor motor vehicle servicing, minor repair and maintenance. Motor vehicle service station use does not include any of the following or similar activity: reconditioning of motor vehicles, collision services such as body and frame repair or overall painting of vehicles.

Motor vehicle repair facility

A commercial establishment for the repair of motor vehicles such as automobiles, boats, motor cycles, motor homes, recreational vehicles, tractors and motor vehicle equipment such as farm equipment and trailers. This shall include the sale, installation and servicing of motor vehicle and motor vehicle equipment parts including engine rebuilding. This may include specialty services such as service to brakes, mufflers, tires, body and frame repair and collision repair services including vehicle painting.

Retail sales establishment, small-scale convenience

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

Section 2. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to delete the following definition

Gasoline service station.

Section 3. Amendment of Section 6.2.9.

Section 6.2.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

6.2.2 Automobile, boat, motorized and non-motorized recreational vehicles, farm machinery sales and rental establishments.

Section 4. Amendment of Section 6.2.

Section 6.2. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add sections 6.2.34., 6.2.35. and 6.2.36. which shall read in their entirety as follows:

6.2.34. Car wash

6.2.35. Motor vehicle service station.

6.2.36. Retail sales establishment, small-scale convenience

Section 5. Amendment of Sections 6.3.4., 9.3.2., 9.3.8., 13.3.1., 13C.3.2., 14.3.1. and 14.3.10.

Sections 6.3.4., 9.3.2., 9.3.8., 13.3.1., 13C.3.2., 14.3.1. and 14.3.10. of the Cheboygan County Zoning Ordinance No. 200 are hereby amended to read in their entirety as follows:

6.3.4. Motor vehicle repair facility

9.3.2. Motor vehicle repair facility

9.3.8. Retail sales establishment, small-scale convenience

13.3.1 Car wash, Motor vehicle service station and Motor vehicle repair facility

13C.3.2. Car wash and Motor vehicle repair facility

14.3.1 Motor vehicle repair facility

14.3.10. Retail sales establishment, small-scale convenience

Section 6. Repeal of Sections 13.3.5., 13A.3.2., 13A.3.5., 13C.3.7. and 14.3.8.

Sections 13.3.5., 13A.3.2., 13A.3.5., 13C.3.7. and 14.3.8. of the Cheboygan County Zoning Ordinance No. 200 are hereby repealed and reserved for future use.

Section 7. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 8. Effective Date.

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

CHEBOYGAN COUNTY

By:

John B. Wallace

Its: Chairperson

By:

Karen L. Brewster

Its: Clerk

| Notes | Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales |
|-------|--|
| | <p>Under ARTICLE 6 – COMMERCIAL DEVELOPMENT DISTRICT (D-CM)</p> <p>SECTION 6.2. PERMITTED USES</p> <p>6.2.1. Any use permitted in the D-RS, Residential Development District. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.2. Automobile, boat, <u>motorized and non-motorized recreational vehicles</u>, equipment and farm machinery sales, repair, and rental and washing establishments.</p> <p>6.2.3. Bars and taverns.</p> <p>6.2.4. Bed and Breakfast (Rev. 10/25/09, Amendment #80)</p> <p>6.2.5. Bowling alleys, pool or billiard parlors.</p> <p>6.2.6. Cabinet making shops.</p> <p>6.2.7. Dance, music, voice studios.</p> <p>6.2.8. Dress making, millinery, clothing stores.</p> <p>6.2.9. Drive in eating establishments, fast food establishments, and restaurants. (Rev. 04/12/07, Amendment #67)</p> <p>6.2.10. Farm product stands.</p> <p>6.2.11. Funeral homes, undertaking establishments.</p> <p>6.2.12. Hotels, motels.</p> <p>6.2.13. Laboratories.</p> <p>6.2.14. Nurseries for flowers and plants.</p> <p>6.2.15. Offices.</p> <p>6.2.16. Parking lots, buildings and garages.</p> <p>6.2.17. Retail sales establishment, General</p> <p>6.2.18. Retail sales establishment, Household</p> <p>6.2.19. Retail sales establishment, Specialty</p> <p>6.2.20. Retail lumber yards.</p> <p>6.2.21. Rifle or pistol ranges when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)</p> <p>6.2.22. Assembly, Educational or Social Event Facility</p> <p>6.2.23. Wholesale sales and storage when in completely enclosed buildings. (Rev. 09/28/11, Amendment #92)</p> <p>6.2.24. Multiple family housing. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.25. Nurseries and day care centers for children. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.26. Elderly housing, nursing and convalescent homes. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.27. Boarding and lodging houses. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.28. Medical clinics and doctor's offices. (Rev. 05/23/15, Amendment #127)</p> <p>6.2.29. Private storage buildings, subject to the requirements of Section 17.23. Rev. 05/23/15, Amendment #127)</p> <p>6.2.30. Mobile Food Units, subject to requirements of Section 17.29. (Rev. 02/25/17, Amendment #137)</p> <p>6.2.31. Health and fitness center (proposed in another amendment under consideration)</p> <p>6.2.32. Personal service center (proposed in another amendment under consideration)</p> <p>6.2.33. Pet grooming (proposed in another amendment under consideration)</p> <p>6.2.34. <u>Car wash</u></p> <p>6.2.35. <u>Motor vehicle service station</u></p> <p>6.2.36. <u>Retail sales establishment, small-scale convenience</u></p> |

| Notes | Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales |
|-------|---|
| | <p>Under ARTICLE 6 – COMMERCIAL DEVELOPMENT DISTRICT (D-CM) (Continued)</p> <p>Section 6.3. USES REQUIRING SPECIAL USE PERMITS</p> <p>6.3.1. Bus Terminals.</p> <p>6.3.2. Commercial cleaning plants, dry cleaning, laundry establishments.</p> <p>6.3.3. Contractor's yards, equipment storage and materials handling operations.</p> <p>6.3.4. Gasoline service stations and garages. <u>Motor vehicle repair facility</u></p> <p>6.3.5. Commercial kennels, pet shops, and veterinary hospitals, according to Section 17.16. (Rev. 11/22/09, Amendment #81)</p> <p>6.3.6. Outdoor, drive-in theaters.</p> <p>6.3.7. Outdoor commercial recreation activities.</p> <p>6.3.8. Trailer and mobile home parks.</p> <p>6.3.9. 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.</p> <p>6.3.10. Junk yards, salvage yards and waste disposal sites.</p> <p>6.3.11. Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections. In other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)</p> <p>6.3.12. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)</p> <p>6.3.13 Child Caring Institutions, subject to the requirements of Section 17.24 (Rev. 04/28/10, Amendment #85)</p> <p>6.3.14 Boat Storage (Rev. 08/26/10, Amendment #88)</p> <p>6.3.15 Truck Terminals or Warehouses subject to the requirements of Section 17.26 (Rev. 03/28/12, Amendment #107)</p> <p>6.3.16 Indoor Storage Facilities (Rev. 05/25/13, Amendment #116)</p> <p>6.3.17 Planned Projects subject to provisions of Section 17.28 (Rev. 10/13/16, Amendment #136)</p> |

| Notes | Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales |
|-------|--|
| | <p>Under ARTICLE 9 – AGRICULTURE AND FORESTRY MANAGEMENT DISTRICT (M-AF) SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>9.3.1. See ARTICLE 17, SUPPLEMENTAL REGULATIONS for standards and conditions for special uses and ARTICLE 18, SPECIAL LAND USE (SLU) PERMIT PROCEDURES AND STANDARDS for instructions on applying for permits.</p> <p>9.3.2. Automobile repair and service and gasoline stations. <u>Motor vehicle repair facility</u></p> <p>9.3.3. Assembly, Educational or Social Event Facility</p> <p>9.3.4. Public parks and recreational areas, playgrounds and campgrounds.</p> <p>9.3.5. Entertainment and eating establishments.</p> <p>9.3.6. Commercial Hunting and fishing cabins. (Rev. 04/28/00, Amendment #14)</p> <p>9.3.7. Golf courses, country clubs and sportsmen's associations or clubs.</p> <p>9.3.8. Grocery and party stores. <u>Retail sales establishment, small scale convenience.</u></p> <p>9.3.9. Resorts, resort hotels, recreation farms, vacation lodges, motor inns, motels and other tourist lodging facilities.</p> <p>9.3.10. Slaughter houses and meat packing plants.</p> <p>9.3.11. Travel trailer courts, tenting areas and general camping grounds.</p> <p>9.3.12. Public airports and landing fields, with appurtenant facilities.</p> <p>9.3.13. Non-essential public utility and service buildings.</p> <p>9.3.14. Nursing or convalescent homes.</p> <p>9.3.15. Animal feedlots or piggeries.</p> <p>9.3.16. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.</p> <p>9.3.17. Commercial kennels, pet shops, and veterinary hospitals according to Section 17.16. (Rev.11/23/09, Amendment #81)</p> <p>9.3.18. Junk yards, salvage yards and waste disposal sites. (Rev. 04/26/08, Amendment #75)</p> <p>9.3.19. Commercial composting (Rev. 04/28/00, Amendment #14)</p> <p>9.3.20. Contractor's Yards, provided all of the following requirements are met: (Rev. 12/24/03, Amendment #26)</p> <p>9.3.20.1. Minimum 10 acre parcel.</p> <p>9.3.20.2. Minimum 330' of road frontage / lot width.</p> <p>9.3.20.3. Minimum Setbacks: 100' front; 75' side; 100' rear.</p> <p>9.3.20.4. All related equipment and materials must be stored within an enclosed building, not to exceed 5,000 square feet, or screened from view from public or private roads and adjoining properties under different ownership behind a wooden fence or greenbelt.</p> <p>9.3.20.5. Buildings and uses permitted herein shall only be approved for parcels occupied by the parcel owner and which shall contain the owner's primary residence.</p> <p>9.3.21. Public and private wind generation and anemometer towers. (Rev. 06/17/04, Amendment #31)</p> |

| Notes | Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales |
|-------|---|
| | <p>SECTION 9.3. USES REQUIRING SPECIAL LAND USE PERMITS (Continued)</p> <p>9.3.22. Uses which are not expressly authorized in any zoning district, either by right or By special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)</p> <p>9.3.23 Child Caring Institutions, subject to the requirements of Section 17.24. (Rev. 04/28/10, Amendment #85)</p> <p>9.3.24 Indoor Storage Facilities, subject to requirements of section 17.27.1. (Rev.05/25/13, Amendment #116)</p> <p>Under ARTICLE 13 – VILLAGE CENTER (D-VC) SECTION 13.3.</p> <p>USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>13.3.1 Automobile repair and washing establishments. <u>(Reserved for future use)</u></p> <p>13.3.2 Bus terminals.</p> <p>13.3.3 Dry cleaning and laundry establishments.</p> <p>13.3.4 Assembly, Educational or Social Event Facility</p> <p>13.3.5 Gasoline service stations and garages. <u>(Reserved for future use)</u></p> <p>13.3.6 Hotels and motels.</p> <p>13.3.7 Multiple-family housing.</p> <p>13.3.8 Outdoor recreation activities.</p> <p>13.3.9 Veterinary hospitals.</p> <p>13.3.10 Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)</p> |

| Notes | Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales |
|-------|---|
| | <p>Under ARITCLE 13A – VILLAGE CENTER INDIAN RIVER DISTRICT (VC-IR)</p> <p>SECTION 13A.3. USES REQUIRING SPECIAL LAND USE PERMITS.</p> <p>13A.3.1. Assisted Living Facility/Convalescent Home</p> <p>13A.3.2. Automobile repair and washing establishments <u>Car wash and Motor vehicle repair facility</u></p> <p>13A.3.3. Dry cleaning and laundry establishments</p> <p>13A.3.4. Assembly, Educational or Social Event Facility</p> <p>13A.3.5. Gasoline service stations and garages <u>(Reserved for future use)</u></p> <p>13A.3.6. Outdoor recreation activities</p> <p>13A.3.7. Veterinary hospitals</p> <p>13A.3.8. Visitor Center</p> <p>Under ARTICLE 13C VILLAGE CENTER TOPINABEE DISTRICT (VC-T)</p> <p>SECTION 13C.3</p> <p>USES REQUIREING SPECIAL LAND USE PERMIT</p> <p>13C.3.1. Assisted Living Facility/Convalescent Home</p> <p>13C.3.2. Automobile repair and washing establishments <u>Car wash and Motor vehicle repair facility.</u></p> <p>13C.3.3. Bed and Breakfasts</p> <p>13C.3.4. Day Care Centers</p> <p>13C.3.5. Dry cleaning and laundry establishments</p> <p>13C.3.6. Assembly, Educational or Social Event Facility</p> <p>13C.3.7. Gasoline service stations and garages. <u>(Reserved for future use)</u></p> <p>13C.3.8. Outdoor recreation activities</p> <p>13C.3.9. Veterinary hospitals</p> |

| Notes | Proposed Changes to Zoning Ordinance 200 regarding uses related to Motor Vehicle Repair & Fuel Sales |
|-------|---|
| | <p>Under ARTICLE 14 RURAL CHARACTER /COUNTRY LIVING DISTRICT (D-RC)</p> <p>SECTION 14.3. USES REQUIRING SPECIAL LAND USE PERMITS</p> <p>14.3.1 Automobile repair businesses. <u>Motor vehicle repair facility</u></p> <p>14.3.2 Bed & Breakfasts.</p> <p>14.3.3 Cemeteries.</p> <p>14.3.4 Commercial greenhouses and nurseries.</p> <p>14.3.5 Public parks and recreational areas and playgrounds.</p> <p>14.3.6 Day care centers.</p> <p>14.3.7 Assembly, Educational or Social Event Facility</p> <p>14.3.8 Gas stations. <u>(Reserved for future use)</u></p> <p>14.3.9 Golf courses, country clubs and sportsmen’s associations or clubs.</p> <p>14.3.10 Grocery and party stores. <u>Retail sales establishment, small-scale convenience</u></p> <p>14.3.11 Multiple family housing.</p> <p>14.3.12 Non-essential public utility and service buildings.</p> <p>14.3.13 Nursing or convalescent homes.</p> <p>14.3.14 Assembly, Educational or Social Event Facility</p> <p>14.3.15 Public greenhouses and nurseries.</p> <p>14.3.16 Offices (Rev. 09/28/11, Amendment #92)</p> <p>14.3.17 Veterinary hospitals.</p> <p>14.3.18 Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district. (Rev. 04/26/08, Amendment #75)</p> |

Scott McNeil

From: hobie kirsch <hobiekirsch@gmail.com>
Sent: Sunday, December 17, 2017 11:37 AM
To: Scott McNeil
Subject: Re: Car wash and vehicle repair uses in Village Center Topinabee zoning district

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Scott;

The wording for these seem appropriate. Many of our residence have been calling for a blight ordinance. These definitions will help in protecting businesses that fall into the categories.

We appreciate your diligence and service to the county.

Merry Christmas to you and your family!
Hobie Kirsch
Mullett Township Supervisor
231-838-3977

On Wed, Dec 13, 2017 at 1:26 PM, Scott McNeil <scott@cheboygancounty.net> wrote:

Hi Hobie;

The Cheboygan County Planning Commission would like comment from Mullett Township with regard to Car Wash and Vehicle Repair uses in the Village Center Topinabee zoning district. They are proposed to be defined as follows;

Car wash

A commercial establishment with facilities provided for cleaning, drying and waxing of motor vehicles.

Motor vehicle repair facility

A commercial establishment for the repair of motor vehicles such as automobiles, boats, motor cycles, motor homes, recreational vehicles, tractors and motor vehicle equipment such as farm equipment and trailers. This shall include the sale, installation and servicing of motor vehicle and motor vehicle equipment parts including engine rebuilding. This may include specialty services such as service to brakes, mufflers, tires, body and frame repair and collision repair services including vehicle painting.

Automobile repair and washing establishments are currently allowed in the Village Center Topinabee zoning district with a special use permit. These uses are not defined in the zoning ordinance. The Planning Commission would appreciate review and comment by the township on these uses as proposed to be defined for the village center district. These uses are also proposed to be allowed in the Commercial Development zoning district.

Don't hesitate to contact me with question. I will be following up with you also.

Thanks and Happy Holidays!

Scott McNeil

Community Development Planner

Cheboygan County Planning and Zoning Department

Phone - 231-627-8475

Fax - 231-627-3646

scott@cheboygancounty.net

www.cheboygancounty.net/planning



January 19, 2018

Mr. Scott McNeil
870 South Main Street
P.O. Box 70
Cheboygan, MI 49721

Dear Scott:

The Tuscarora Township Planning Commission held a special meeting on Thursday, January 18, 2018, to review the proposed changes to Zoning Ordinance 200 regarding uses related to motor vehicle repair and fuel sales in the Village Center Indian River Zoning district.

The Commission unanimously recommends to the Cheboygan County Planning and Zoning Board that in Section 13A.3 uses requiring special use land permits that item 13A.3.2 "Car wash and Motor vehicle repair facility" be removed from the ordinance. Additionally, we agree with the decision to remove 13A.3.5 "Gasoline service stations and garages" from the ordinance.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Michael Cherveny, Chair
Tuscarora Township Planning Commission

cc: Susan Fisher, Clerk



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

Date: January 22, 2018

To: Planning Commission

From: Scott McNeil, Planner

Re; Proposed zoning ordinance amendment re; definition of Family and Short term rentals.

Included with this memo is the draft ordinance amendment relative to the subject. This amendment was drafted by attorney Bryan Graham.

During discussion at the most recent meeting relative the subject included questions regarding language in the proposed definition for Short term rentals which requires the owner not occupy the building during the short term rental use.

In discussion with attorney Graham I was advised that the language regarding owner occupancy is due to possible conflicts with other use definitions with owner occupancy such as Bed and breakfast.

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

CHEBOYGAN COUNTY
Zoning Ordinance Amendment # _____

AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING
ORDINANCE NO. 200

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Section 2.2.

Section 2.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new definition of "Short term rentals" in its appropriate alphabetical location, which new definition shall read in its entirety as follows:

SHORT TERM RENTALS

The rental or use of a building customarily used as a dwelling for a period of less than thirty (30) days by an individual, by one or more families, or by a group of individuals who are not the legal owners of the dwelling. A short term rental shall not be occupied by the owner of the building during the period of such rental or use.

Section 2. Amendment of Section 2.2.

The definition of Family within Section 2.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

FAMILY

An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is of a permanent and distinct domestic character who reside in a single dwelling and live as a single housekeeping unit with single culinary facilities. A family, however, shall not include any society, club, fraternity, sorority, association, lodge, or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

Section 3. Amendment of Article 3.

Article 3 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Section 3.18, which new section shall read in its entirety as follows:

SECTION 3.18 SHORT TERM RENTALS

Short term rentals shall be permitted uses in all zoning districts.

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



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

To: Cheboygan County Planning Commission

From: Scott McNeil, Planner

Subject: Discussion regarding zoning regulation of minimum floor area for a dwelling.

Date: January 23, 2018

In order to kick off discussion regarding the subject I have included with this memo copies of regulation schedules from zoning ordinances of surrounding counties. Please note that I did not find a zoning ordinance for Mackinaw County during my internet based search and have provided information from Chippewa County as an alternative. Chippewa County lies directly to the north of Mackinaw County. I have also included a copy of Section 17.1. Area, Width, Lot Size, Setback and Height Requirements from the Cheboygan County Zoning Ordinance.

As you may know, Section 17.1 of the Cheboygan County Zoning Ordinance provides for a minimum floor area requirement of 720 square feet in most all zoning districts. Exceptions include a 500 square foot floor area minimum requirement in the Village Center Topinabee district. There is no minimum floor area or minimum width requirements in the Commercial Development, Light Industrial Development and General Industrial Development districts where dwellings are an allowed use. There is no minimum width requirement in the Village Center Indian River Overlay and Agriculture and Forestry management districts. There are minimum width requirements of 14 feet in the Residential Development, Rural Character/ Country Living, and Village Center Topinabee Residential Overlay districts, 16 feet in the Village Center Indian River, Village Center Topinabee and Village Center Topinabee districts and a minimum width requirement of 24 feet in the Lake and Stream Protection and Natural River Protection districts.

By review of the regulations schedules from surrounding counties I have the following comments:

Chippewa County

The Chippewa County Zoning Schedule of Dimensional Requirements does not provide for minimum dwelling, structure or building area requirements.

Emmet County

The Emmet County Schedule of Regulations provide a minimum floor area requirement of 720 square feet for permanent dwelling units in Single Family Residential, Recreation Residential zoning districts and farm and forest related districts. There is no minimum floor area requirement in the General Residential zoning district or commercial and industrial related zoning districts.

Based on my review of the ordinance only dwelling units which are above/attached to a commercial establishment are allowed in commercial related districts with the exception that single family dwellings are allowed the Parking Transition zoning district. Manufactured Housing Community is an allowed use in the industrial related zoning districts. There are no minimum width requirements.

Emmet County (continued)

Section 5.00, Intent, relative to the General Residential District (where no minimum floor area is required) from the Emmett County Zoning Ordinance reads as follows:

The General Residential District is designed to provide for structures that are needed to house more than one-family, in order to meet the needs of the apartment dwelling. The R-2 District is further intended to serve a transition use function, and is particularly applicable to areas that already have a degree of residential and non-residential use mix, or in areas where such a mix would be desirable.

Otsego County

The Otsego County Schedule of Dimensions provides for minimum ground floor area requirements for a principal structure of 720 square feet in agriculture, forestry, recreation and residential related districts with minimum width requirements ranging from 11 to 20 feet. Based on my review of the ordinance, dwellings are not an allowed use in the commercial and industrial related districts. There is a note (i) with the 720 square foot principal structure floor area requirements which reads as follows:

(i) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

Presque Isle County

The Presque Isle County Schedule of Regulations provides for a minimum ground floor area requirement of 600 square feet for a dwelling in most all zoning districts. There is a minimum ground floor area requirement of 750 square feet in the Restricted Residential zoning district and a requirement of 450 square feet in the Forest/Recreation district. There is no requirement in the Manufacturing zoning district. I was not able to view the ordinance document to verify if dwellings were an allowed use in the Manufacturing district. There are no minimum width requirements.

I will look forward to discussing this matter further with the Planning Commission at the next regular meeting.

ARTICLE 17 - SUPPLEMENT REGULATIONS AND STANDARDS

SECTION 17.1. AREA, WIDTH, LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS

(Rev. 05/17/06, Amendment #57), (Rev. 08/05/06, Amendment #58 & #59) (Rev. 09/28/11, Amendment #92) (Rev. 01/13/12, Amendment #105), (Rev. 05/25/12, Amendment #111),(Rev. 06/28/12, Amendment #112) (Rev. 06/28/12, Amendment #113), (Rev. 10/24/13, Amendment #120), (Rev. 05/23/15, Amendment #127)

| Zoning Districts | | Min. Floor Area | Min. Bldg. Width | Min. Lot Size | | Minimum Yard Setbacks (Feet) | | | Maximum Height of Structures |
|------------------|---|------------------|------------------|---|---|---|-----------------------------------|------------------------------------|------------------------------|
| | | Sq. Ft. | Feet | Area (Sq.Ft.) | Width (Ft.) | Front | Sides | Rear | Feet |
| <u>D-RS</u> | <u>Residential Development</u> | 720 ^D | 14 ^D | 12,000 ^D | 75 ^D | 30 | 8 | 12 | 35 |
| <u>D-CM</u> | <u>Commercial Development</u> | Submit Site Plan | | | | 25 | 10 | 10 | 35 ^I |
| <u>D-LI</u> | <u>Light Industrial Development</u> | Submit Site Plan | | | | 25 | 10 | 10 | |
| <u>D-GI</u> | <u>General Industrial Development</u> | Submit Site Plan | | | | 25 | 10 | 10 | |
| <u>D-RC</u> | <u>Rural Character Development</u> | 720 ^D | 14 ^D | 1 Acre ^D | 150 ^D | 25 | 10 | 12 | 35 |
| <u>M-AF</u> | <u>Agriculture & Forestry Management</u> | 720 ^D | No Min. | 1 Acre ^D | 150 ^D | 50 | 10 | 30 | 35 ^L |
| <u>P-LS</u> | <u>Lake & Stream Protection</u> | 720 ^D | 24 ^D | 15000 ^D | 100 ^D | 40 ^A | 8 ^J | 12 | 35 |
| <u>P-NR</u> | <u>Natural River Protection</u> | 720 | 24 | 50,000 Waterfront Main stream 30,000 Waterfront Tributaries 15,000 Non Waterfront | 200 ^K Waterfront Mainstream 150 ^K Waterfront Tributaries 100 Non Waterfront | 200 ^A Mainstream 150 ^A Tributaries | 15 Waterfront 8 Non Waterfront | 25 Waterfront 12 Non Waterfront | 35 |
| <u>P-RC</u> | <u>Resource Conservation</u> | Submit Site Plan | | | | | | | |
| <u>VC-IR</u> | <u>Village Center Indian River</u> | 720 | 16 | No Min. | 50 | 0 | 0 | 10 | 35 |
| <u>VC-IR-O</u> | <u>Village Center Indian River Overlay</u> | 720 | No Min. | No Min. | No Min. | 0 ^F | 0 ^F | 0 ^F | 35 |
| <u>VC-T</u> | <u>Village Center Topinabee</u> | 720 | 16 | No Min. | 50 | 0 ^G | 0 ^G | 10 ^G | 35 |
| <u>VC-T-O</u> | <u>Village Center Topinabee Overlay</u> | 500 | 16 | No Min. | 25 | 0 ^H | 0 ^H | 0 ^H | 35 |
| <u>VC-T-RO</u> | <u>Village Center Topinabee Residential Overlay</u> | 720 ^D | 14 ^D | 9000 ^D | 60 ^D | 30 | 8 | 12 | 35 |
| | All Districts | B | | | C | | | | |

Zoning Schedule of Dimensional Requirements – TABLE

| Dimensional Requirements | CON | REC | R1 | R2 | R2-TH | R3 | AG | LC | HC | IND |
|--------------------------|---------|------------------------|------------------------|------------------------|------------------------------------|------------------------|-----------|------------------------|------------------------|--------|
| Building height | 35 ft | 35 ft | 35 ft | 35 ft | 35 ft | 45 ft | 45 ft | 45 ft | 75 ft | 75 ft |
| Minimum Lot Area | | | | | | | | | | |
| Without public sewer | 5 Acres | 30,000 ft ² | 20,000 ft ² | 20,000 ft ² | 10,000 ft ² per side | 20,000 ft ² | 1.5 acres | 20,000 ft ² | 20,000 ft ² | 1 acre |
| With public sewer | | | 10,000 ft ² | 10,000 ft ² | 10,000 ft ² per side | 10,000 ft ² | | 10,000 ft ² | 10,000 ft ² | |
| Minimum Lot Width | | | | | | | | | | |
| Without public sewer | 150 ft | 150 ft | 100 ft | 100 ft | 50 ft per side | 100 ft | 150 ft | 100 ft | 100 ft | 150 ft |
| With public sewer | | | 70 ft | 70 ft | 50 ft per side | 70 ft | | 70 ft | 70 ft | |
| Side Yard | | | | | | | | | | |
| Principal Single side | 20 ft | 20 ft | 10 ft | 10 ft | 10 ft | 10 ft | 20 ft | 10 ft | 10 ft | 20 ft |
| Shared Property Line | NA | NA | NA | NA | 0 ft | NA | NA | NA | NA | NA |
| Accessory building | 20 ft | 20 ft | 10 ft | 10 ft | 10 ft | 10 ft | 15 ft | 10 ft | 10 ft | 15 ft |
| Rear Yard | | | | | | | | | | |
| Principal Building | 40 ft | 40 ft | 25 ft | 25 ft | 25 ft | 25 ft | 40 ft | 25 ft | 25 ft | 40 ft |
| Accessory Building | 20 ft | 20 ft | 10 ft | 10 ft | 10 ft | 10 ft | 20 ft | 15 ft | 15 ft | 20 ft |

Note 1: Road setbacks are found in section 70-109.

Note 2: Non-conforming lot requirements are found in section 70-111.

Note 3: All of the setback requirements are in feet, while the required lot area is square feet, unless duly noted.

Note 4: See the individual zoning districts and 70-106 and 70-107 for additional height and setback restrictions and/or regulations.

See each district section for exceptions to the standards in this section.

(Code 1980, § 17.22) (Ord. 06-15, 01-12-2016)

Sec. 70-64 Conservancy District (CON)

In order to protect and preserve the natural character of the lands included within this district and their values for wildlife, water conservation, flood control, recreation, forestry and other public purposes, no land shall be used and no building shall be erected or moved after the effective date of the ordinance from which this chapter is derived except in accordance with the following regulations:

- (a) *Approved uses.* The following are approved uses in the conservancy district:
- (1) Production of forest products.

Schedule of Regulations

Article 19

Schedule of Regulations

| Section | Name | Pg |
|---------|--|-----|
| 19.00 | Limiting Height, Bulk, Density, and Area by Land Use | 109 |
| 19.01 | Notes to Section 19.00 | 110 |

Section 19.00 Limiting Height, Bulk, Density and Area by Land Use

| DISTRICTS | Minimum Lot Size per Unit or Use | | Maximum Height of Structure in Feet | Minimum Yard Setback in Feet | | | Maximum Percent of Lot Coverage by the Area of all Buildings (2) | Minimum Floor Area in Square Feet (1) |
|--------------------------------------|----------------------------------|---------------|-------------------------------------|------------------------------|-----------------|------------|--|---------------------------------------|
| | Area | Width in Feet | | Front (5) | Sides (5) | Rear (3,5) | | |
| R-1 Single Family Residential | ½ acre (a) | 100 | 30 (f, h) | 30 (e, g, i) | 10 (d, g, i) | 25 (i) | 30% | 720 |
| R-2 General Residential | - (c) | 100 | 30 (f, h) | 30 (b, e, g, i) | 20 (b, d, g, i) | 35 (b, i) | 35% | none |
| RR Recreation Residential | ½ acre (a) | 100 | 30 (f, h) | 40 (e, g, i) | 10 (d, g, i) | 35 (i) | 30% | 720 |
| SR Scenic Resource | 30,000 Sq. ft. (a) | 150 | 30 (f, h) | 40 (e, g, i) | 15 (d, g, i) | 40 (i) | 30% | 720 |
| B-1 Local Tourist Business | none | 100 | 30 (f, h) | 25 (e) | 10 (d) | 20 | none | none |
| B-2 & B-3 General Business | none | 100 | 30 (f, h) | 25 (e) | 10 (d) | 20 | none | none |
| P-T Parking Transition | - | - | 30 (f, h) | See (4) | 10 (d, i) | 20 (i) | - | - |
| I-1 & I-2 Light & General Industrial | none | 100 | 30 (f) | 30 (e) | 10 (d) | 20 | none | none |
| FF-1 Farm Forest | 1 acre | 150 | 30 (f, h) | 40 (e, g, i) | 20 (d, g, i) | 35 (i) | 35% | 720 |
| FF-2 Farm Forest | 2 acres | 200 | 30 (f, h) | 40 (e, g, i) | 20 (d, g, i) | 35 (i) | 35% | 720 |
| FR Forest Recreation | 40 acres | 300 | 30 (f, h) | 40 (e, g) | 20 (d, g) | 35 | 35% | 720 |

PUD SEE ARTICLE 17

- (1) For permanent dwelling units and not cottages, cabins, motels or similar uses.
- (2) These provisions shall not apply to structures four (4) feet in height or less.
- (3) Refer to Section 22.11 for Minimum Waterfront Setback.
FOR RESIDENCES ONLY: Setback sixty (60) feet from the 1986 High Water Mark. (IGLD 582.35', 10/86)
- (4) Refer to Article 13, Section 13.03 for setback standards in P-T Districts.
- (5) Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.
- (a)-(j) See notes to Section 19.00, on the pages following.

ARTICLE 17 SCHEDULE OF DIMENSIONS

17.1 Table 1 - LIMITING HEIGHT, DENSITY, AND AREA BY ZONING DISTRICTS (See also Article 21.1 Accessory Buildings and Article 22 General Exceptions for Area, Height, and Use)

| <i>Zoning District</i> | R1 & R2 | R3 | RR | FR & AR | Reserved for future use | Reserved for future use |
|---|----------------------------|--------------------|--------------------|-------------------------------|--------------------------------|--------------------------------|
| Min. Lot Area (Sq. feet) | 20,000 .46 acre | 40,000 .92 acre | 20,000 .46 acre | 88,000 2.02 acre | | |
| Min. Front Setback (b)(j) | 25 ft | 25 ft | 25 ft | 50 ft | | |
| Max. Front Setback | NA | NA | NA | NA | | |
| Min. Side Setback | 10 ft | 10 ft | 10 ft | 20 ft | | |
| Min. Rear Setback | 30 ft (a, h) | 30ft (a, h) | 30 ft (a, h) | 40 ft (a) | | |
| Min. Lot width (k) | 100 ft 150 ft Duplex | 100 ft | 100 ft | 150 ft AR 300 ft Duplex | | |
| Max. % lot coverage | 25% | 25% | 25% | 30% | | |
| Max. Building height (l) | 35 ft (g) | 35 ft (g) | 35 ft (g) | 35 ft (g) | | |
| Min. Ground Floor area of principal structure (Square feet) | 720 (i) | 720 (i) | 720 (i) | 720 (i) | | |
| Min. Width of principal structure | 20 ft (i) | 11ft (i) | 20 ft (i) | 11 ft (i) | | |

| <i>Zoning District</i> | B1 | B2 | B3 | I | HX | MUZ | |
|--|--------------------|--------------------|--------------------|--------------------|--------------------|----------------|--------------------|
| | | | | | | MAIN ST | TOWN CENTER |
| Min. Lot Area (Square feet) | 10,000 | 10,000 | 20,000 | 40,000 | 10,000 | 8,000 | 8,000 |
| Min. Front Setback | 30 ft (e) | Build-to-Area | Build-to-Area |
| Max. Front Setback | NA | NA | NA | NA | NA | NA | NA |
| Min. Side Setback | 10 ft (c) | 5 ft | 5ft |
| Min. Rear Setback | 20 ft (a, d, f) | 10 ft | 10 ft |
| Min. Lot width (k) | 100 ft | 100 ft | 100 ft | 150 ft | 150 ft | 60 ft | 60 ft |
| Max. % lot coverage | NA | NA | NA | NA | NA | NA | NA |
| Max. Building height (l) | 35 ft (g) | 35 ft | 35 ft |
| Min. Ground Floor area principal structure (Square feet) | NA | NA | NA | NA | NA | NA | NA |
| Min. Width of principal structure | NA | NA | NA | NA | NA | NA | NA |

Minimum front, side and rear setbacks, and maximum lot coverage modifications of up to twenty-five percent (25%) may be approved by the Zoning Administrator for nonconforming lots, as described in Article 21.26.1 and 21.26.2.

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**ARTICLE XIV
SCHEDULE OF REGULATIONS ***

| District | Minimum Lot Area (f) (d) | Minimum Lot Width (feet) (f) (d) | Maximum Building Height | | Minimum Yard Setback Requirements (feet) | | | Minimum Ground Floor Area per Dwelling (square feet)** (a) |
|----------------------------------|--------------------------|----------------------------------|-------------------------|----------|--|---------|--------|--|
| | | | Stories (g) | Feet (g) | Front (d) | Side | Rear | |
| Low Density Residential (R-1) | 0.5 A | 100 | 3 | 45 | 30 | (b) | 15 | 600 |
| Medium Density Residential (R-2) | 12,000 s.f. | 80 | 3 | 45 | 30 | (b) | 15 | 600 |
| Restricted Residential (R-3) | 12,000 s.f. | 100 | 3 | 45 | 30 (e) | (b) (e) | 15 (e) | 750 |
| Forest/ Recreation (FR) | 0.5 A | 100 | 3 | 45 | 40 | (b) | 15 | 450 |
| Agricultural Resource (AR) | Farm 10 A | 600 | 3 | 45 | 40 | (b) | 15 | 600 |
| | Resid. 0.5 A | 100 | | | | | | |
| Neighborhood Business (B-1) | 12,000 s.f. | 80 | 3 | 45 | 30 | (b) | 15 | 600 |
| General Business (B-2) | 0.5 A | 100 | 3 | 45 | 50 | 15 | 15 | 600 |
| Manufacturing (M-1) | 1.0 A | 100 | None | None | 100 | 25 | 50 | None |
| Extractive Industry (I-1) | 9.5 A | 300 | None | None | 100 | 50 | 50 | 600 |

* Except as otherwise provided in the Ordinance.

** Applies to single-family detached dwellings only. For others see footnote (c).