



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, MARCH 21, 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.) An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to establish and consolidate use listings related to motor vehicle maintenance and fuel sales.
- 2.) An Ordinance to amend the Cheboygan County Zoning Ordinance #200 to replace the definition of family and to provide a new definition for short term rentals and establish short term rentals as permitted uses in all zoning districts.

UNFINISHED BUSINESS

- 1.) Continued Discussion Of Planned Unit Development Draft Language

NEW BUSINESS

STAFF REPORT

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURN



CHEBOYGAN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

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

Date: February 9, 2017

To: Planning Commission

From: Scott McNeil, Planner

Re; Public Hearing to be held on March 21, 2018 regarding a proposed zoning ordinance amendment relating to motor vehicle repair and fuel sales uses.

Included with this memo is a draft ordinance amendment 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.

Section 1 of the amendment document provides new definitions for Car wash, Motor vehicle service station, Motor vehicle repair facility and Retail sales establishment, small scale convenience.

Section 2 deletes the current definition of Gasoline service station.

Section 3 provides for Automobile, boat, motorized and non-motorized recreational vehicles, equipment farm machinery sales and rental establishments to be allowed in the Commercial Development zoning district with site plan review approval. This is a proposed change from the current use listing of Automobile, boat, equipment and farm machinery sales, repair, rental and washing establishments. You will note that reference to repair and washing are removed with the establishment of the Car wash, Motor vehicle service station, and Motor vehicle repair facility use listings and definitions.

Section 4 provides for Car wash, Motor vehicle service station and Retail sales establishment, small-scale convenience as uses which require site plan review in the Commercial Development zoning district.

Section 5 provides as follows:

Establishes Motor vehicle repair facility as a use which requires a special use permit in the Commercial Development, Agriculture and Forestry Management, Village Center Topinabee and Rural Character/Country Living zoning districts.

Establishes Retail sales establishment, small-scale convenience as a use which requires a special use permit in the Agriculture and Forestry Management and Rural Character/Country Living zoning districts.

Establishes Car wash as a use which requires a special use permit in the Village Center, Village Center Indian River, and Village Center Topinabee zoning districts.

Establishes Motor vehicle service station as a use which requires a special use permit in the Village Center zoning district.

Section 6 eliminates the use listings of Gas stations and Gasoline service stations and garages relative to the Village Center, Village Center Indian River, Village Center Topinabee and Rural Character/Country Living zoning districts, Automobile repair and washing establishments from the Village Center Indian River zoning district as requested by the Tuscarora Township Planning Commission, and reserves the section numbers for future use.

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

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>Car wash and Motor vehicle repair facility</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 ARTICLE 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>(Reserved for future use)</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 REQUIRING 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 REQUIREING 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>

For 3/21/18 Public Hearing
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



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: Public Hearing, Zoning Ordinance Amendment regarding Definition of Family and Short term rentals

Date: February 8, 2018

Included with this memo please find subject amendment document which was prepared by Attorney Bryan Graham.

On Tuesday January 9, 2018 I presented proposed zoning ordinance #144 relating to Bar and Restaurant uses to the Board of Commissioners.

As you may recall, the proposed amendment contained a section changing the definition of Family in order to clarify that an individual is covered under the definition of family and allowed to occupy a dwelling under the zoning ordinance. As you may also recall the definition of Family was changed via amendment #138 in order to allow short term rental of all dwellings in the county without requiring a permit and without additional requirements.

The current definition of Family reads as follows:

FAMILY (Rev. 06/27/17, Amendment #138)

A group of individuals, whether related or unrelated, who are occupying a dwelling

Mr. Graham he expressed his concerns with the definition of family to the Board of Commissioners as they considered adoption of amendment #144. After some discussion the Board of Commissioners adopted the amendment after removing the section relating to the definition of family and remanding the issue to the Planning Commission.

Within the proposed amendment are new definitions for Family and Short term rentals as recommended by Mr. Graham. A provision is also proposed in the amendment document to add a new section 3.18. to the General Provisions article of the zoning ordinance which allows short term rentals in all zoning districts.

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

To: Cheboygan County Planning Commission

From: Jeffery Lawson, County Administrator

Subject: Continued discussion of Planned Unit Development draft language

Date: March 15, 2018

Please find attached in your packet revised draft PUD language (specifically Section 19.2.4) based on continued discussion at the March 7, 2018 Planning Commission Meeting. Commissioner Freese has been working with staff to create a use matrix for the PUD (Section 19.3) which will be provided at the meeting for discussion. Staff has also reattached legal counsel's February 23, 2018 memo for reference.

Staff also discussed with legal counsel the need to amend the ordinance to modify and place provisions related to Performance Guarantees in the administrative section of the ordinance. Discussion needs to be conducted to determine if this amendment should occur in conjunction with the PUD amendment or maintain Section 19.8 in the PUD language and address amending the Performance Guarantee in the future.

YOUNG, GRAHAM & WENDLING, P.C.

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Bryan E. Graham
Peter R. Wendling
Nicole E. Essad

Eugene W. Smith
James G. Young, *Of Counsel*

MEMORANDUM

TO: Jeffery B. Lawson, Administrator
Cheboygan County **VIA EMAIL**

FROM: Bryan E. Graham *BEG*

DATE: February 23, 2018

SUBJECT: Review of proposed PUD zoning ordinance amendment

Scott sent to me for review the proposed PUD zoning ordinance amendment. Scott requested that I responded to you concerning the results of my review, since today was his last day prior to his retirement.

The following are my comments concerning this proposed amendment.

1. Concerning Section 19.2.2, the phrase "Except as provided herein, the minimum . . ." should added at the beginning of the subsection.
2. Concerning Section 19.2.4, there needs to be language added that requires each phase of the PUD to be self-sufficient and not reliant on other phases of the development. It is always theoretically possible that a developer will propose a multi-phased development, but not followed through on subsequent phases. If you would like me to assist in developing this type of language, please let me know.
3. Concerning Section 19.3, I have concerns that the provision as written allows within a PUD uses authorized "in any zoning district," as opposed to limiting the uses within the PUD to the uses authorized in the zoning district in which the PUD will be located. The current language attempts to place restrictions on these permitted uses based on the county master plan. A master plan is used to provide guidance concerning land uses. Typically, a master plan is not specific as to permitted uses. Relying on the general nature of the county master plan to limit proposed uses in a PUD invites litigation concerning what uses are in fact authorized within the PUD.

4. Concerning Section 19.5.2.1.a.9, the phrase “that is relevant to the standards for PUD approval specified in Section 19.7” should be added at the end of the subsection. Zoning staff and the planning commission should not have uncontrolled discretion to require any information. The information required to be submitted should relate to the approval standards.
5. Concerning Section 19.5.2.2, this subsection should be rewritten as follows:

The Zoning Administrator shall review the PUD application and PUD site plans to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the PUD cannot proceed until all required information has been supplied. Once all required information is submitted, the Zoning Administrator shall present the final plan to the Planning Commission for its review under the procedures of this Article at the next regular Planning Commission meeting which occurs at least thirty (30) days after the date of submission of a complete PUD application and PUD site plan.
6. Concerning Section 19.6, the phrase “30 days” should be replaced with the phrase “a reasonable time.” It is not advisable to place an artificial deadline on the planning commission. A complex PUD may require additional time to hold the public hearing. While it is a good idea to attempt to hold a public hearing within 30 days, that requirement should not be included in the ordinance itself.
7. Concerning Section 19.7.1.j, this standard requires that the function and design of a proposed PUD be consistent with the purpose set forth in Section 19.1. It has been my experience that standards that relate to the intent and purpose of a zoning regulation is difficult for a planning commission to apply. As a result, it is my recommendation that this standard be deleted.

If you have questions concerning any of my comments, please do not hesitate to contact.

BEG

cc: Scott McNeil, Planner (via email)

Draft 3/14/18 (2)

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

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 PUD, 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).
2. **Except as provided herein**, the 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 limited to, the buildings to be built, the amount of parking to be constructed, the site amenities that will be completed, any open space, and any fencing and/or greenbelt to be installed. Each phase of the PUD shall be designed and constructed in a logical sequence so that upon completion, each phase shall be capable of functioning on its own regarding adequate access, services, utilities, circulation, and facilities and not depend upon any subsequent phase or phases. However, any newly developed phase may connect roads, utilities, and other**

infrastructure to existing roads, utilities, and other infrastructure within a previously developed phase with Planning Commission approval. In addition, each phase of a PUD shall be designed and constructed to provide at a minimum the proportional share of the common open space and recreational facilities required for the entire project.

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. Also, only common open space, water access facilities, single family, two family and multi-family dwelling uses shall be allowed within three hundred and fifty (350) feet of the highwater mark of any lake, river or perineal stream for a PUD proposed in a Lake and Stream Protection (P-LS) zoning 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 in a Lake and Stream Protection (P-LS) zoning district shall comply with all applicable minimum yard setbacks and minimum lot size per dwelling as required under section 17.1. and Shared Waterfront Access provisions as required in section 10.4.4.

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. Common open space provided along a lake or river shall contain a minimum average depth from the high water mark of fifty (50) feet.

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 **that is relevant to the standards for PUD approval specified in Section 19.7.**
- 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 review the PUD application and PUD site plans to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the PUD cannot proceed until all required information has been supplied. Once all required information is submitted, the Zoning Administrator shall present the final plan to the Planning Commission for its review under the procedures of this Article at the next regular Planning Commission meeting which occurs at least thirty (30) days after the date of submission of a complete PUD application and PUD site plan.

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 a reasonable time** 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. Proposed section 19.7.1.j. is recommended to be deleted**

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, with the exception of minimum lot size and minimum floor area, 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.
 - e. Not located in the Lake and Stream Protection Zoning District
4. The Planning Commission may modify minimum dwelling size requirements in all zoning districts except the Lake and Stream Protection district (P-LS), 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 in all zoning districts except the Lake and Stream Protection district (P-LS), 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:

John B. Wallace

Its: Chairperson

By:

Karen L. Brewster
Its: Clerk