



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING  
WEDNESDAY, OCTOBER 21, 2020 AT 7:00 PM  
ROOM 135 - COMMISSIONERS ROOM  
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

## **AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

**SCHEDULED PUBLIC HEARINGS**

**NEW BUSINESS**

1. Discussion on future amendment to Zoning Ordinance No. 200 that would provide specific zoning and development standards for waste hauler land uses

**UNFINISHED BUSINESS**

2. Draft Amendment #160 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Standards for Freestanding Signs and Electronic Sign Surface

**STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION**

**PLANNING COMMISSION COMMENTS**

**PUBLIC COMMENTS**

**ADJOURNMENT**



# CHEBOYGAN COUNTY PLANNING COMMISSION

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

## CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, OCTOBER 07, 2020 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

- PRESENT:** Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana
- ABSENT:** Borowicz
- STAFF:** Mike Turisk, Jen Merk
- GUESTS:** Bryan Graham, Eric Boyd, Andrea Cowles, Debbie Neumann, Kathy Maison, Doug Duke, Patty Richard, Leif Hanson, Deborah Sloan, Frank Hill, Gary Straddling, John Brown, John Moore, Robert Kramer, Allison Alexander, Carol Freismuth, Charles Gano, Sheryl Kendrick, David Clark, Dawn Webb, Jim Webb, Roger Wilson, Todd Chappell

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

### PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

### APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Kavanaugh to approve the agenda as presented. Ms. Croft noted that legal counsel has requested that the third item on the agenda, Proposed Amendment #155, be moved to the first item on the agenda. Mr. Kavanaugh withdrew his motion. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the agenda as revised by moving the third item on the agenda, Proposed Amendment #155, to the first item on the agenda. Motion carried unanimously. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

### APPROVAL OF MINUTES

The September 2, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

The September 16, 2020 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Bartlett, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

### PUBLIC HEARING AND ACTION ON REQUESTS

**PUBLIC HEARING ON PROPOSED ZONING ORDINANCE AMENDMENT #155** – A proposed Amendment to Cheboygan County Zoning Ordinance No. 200 regarding amended standards relative to Nonconforming Buildings or Structures, Properties and Uses. The public is invited to attend and present its comments.

Mr. Turisk stated that proposed Amendment #155 is regarding nonconforming buildings, structures, properties and uses. Mr. Turisk stated that the Planning Commission has had several discussions regarding this proposed amendment since 2019. Mr. Turisk stated that this is a housekeeping item and has been sitting on the shelf for the Planning Commission to review. Mr. Turisk stated that this is a much needed amendment to the Zoning Ordinance. Mr. Turisk stated that one change has been made to the amendment since the Planning Commission’s last discussion in September. Mr. Turisk stated that legal counsel suggested deleting what was formally Section 22.3.F regarding altering and enlarging a nonconforming building. Mr. Turisk stated that this amendment will clarify nonconformances for the public and make the enlargements of nonconforming properties and nonconforming uses easier than what is currently in the Zoning Ordinance.

Mr. Graham stated that he deals with Zoning Ordinances for municipalities all over northern Michigan. Mr. Graham stated that the current Article 22 is the most restrictive nonconforming use provisions that he has seen in many ordinances. Mr. Graham stated that this should be revised to loosen up the regulation so that property owners that have nonconformities would be able to use their properties in ways that are currently prohibited under the current Zoning Ordinance. Mr. Graham explained that this proposed amendment is a vast improvement to the existing Article 22.

Ms. Johnson referred to Section 22.3.A and stated that she thought this sentence was to be restructured. Ms. Johnson stated that there is still a reference to a nonbearing wall. Mr. Freese and Mr. Turisk stated that this should be corrected. Mr. Turisk stated that the term nonbearing will be deleted. Ms. Johnson stated she is still in opposition to Section 22.4.A. Ms. Johnson stated that there are numerous subdivisions with nonconforming lots in Cheboygan and this is restricting them from developing their properties. Ms. Johnson referred to Section 22.4.B and stated her concerns regarding the Zoning Administrator approving deed restrictions to combine the nonconforming lots. Mr. Graham stated that when combining lots legally it is done through a deed restriction. Mr. Graham stated there is a legal need to have deed restrictions when you are combining two adjoining parcels or lots. Mr. Graham stated that he does not care whether it is approved by the Zoning Administrator or by civil counsel. Mr. Graham stated that he can prepare the appropriate forms for the Zoning Administrator to utilize to be sure that we're combining the lots with a deed restriction that is going to be in recordable form and that meet legal requirements. Ms. Johnson stated that she challenges the need for a deed restriction in order to combine lots. Mr. Graham stated that that by putting two parcels on the same tax bill is not legally combining the parcels. Discussion was held.

Mr. Kavanaugh asked Mr. Graham if this is the correct approach. Mr. Graham stated it is the correct approach and his legal advice will not change. Mr. Graham stated that by delaying this amendment, you are delaying the opportunities for property owners within the county to have a freer use of their land.

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

**Motion** by Mr. Freese, seconded by Mr. Delana, to forward Amendment #155 to the Cheboygan County Board of Commissioners with a recommendation for approval with the change to delete "nonbearing" in Section 22.3.A. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Delana), 1 Nay (Johnson), 1 Absent (Borowicz)

**DOUGLAS DUKE** – Requests a rezoning from Residential Development (D-RS) to Agriculture and Forestry Management (M-AF). The subject property is located at 7064 Mohawk Avenue, Tuscarora Township, section 11, parcel ID #161-C09-000-248-00 and is described as follows: CHIPPEWA BEACH SUB, LOTS 248, 249, 250 & 251. (SEC 11, T35N,R3W) 261/384;562/253

Ms. Merk reviewed the background information contained in the staff report.

Mr. Duke stated that it was suggested that the storage of the cabins is being taken care of and they will be moved in probably in two weeks. Mr. Duke stated that regarding parking, he has other plans and it won't be an issue. Mr. Duke stated the property is going to stay in the state that it is currently and he is planning on building a house in the next two years. Mr. Duke stated that he did what he was legally asked to do. Mr. Duke stated that he has had vandalism on his property. Mr. Duke stated that he has stored his travel trailer on the property so he could camp and work on the property. Mr. Duke stated that he has put up a camera and on several occasions the police have issued trespassing citations. Mr. Duke stated that he has been accused of breaking the law, but he has done everything to follow the law. Mr. Duke stated that he is working with the officers in the township regarding the vandalism and trespassing. Mr. Duke stated that he has decided to withdraw his rezoning request as he is looking at other options. Mr. Duke stated this business will continue and it is just taking a different path. Mr. Duke thanked everyone for their time to allow him to experience this process. Mr. Duke stated that there are other issues in the neighborhood that are getting dealt with at the township level. Ms. Merk explained to Mr. Duke that the request to withdraw the application will need to be submitted in writing. Mr. Kavanaugh asked Mr. Duke if he will operate the shanty rental business at this property. Mr. Duke stated that he is not operating on this property now and he has never operated on this property. Mr. Duke stated that when a shanty is rented, the party will meet by the launch and then go out on the lake to set up the shanty. Mr. Duke stated that there are no regulations or permits required in the State of Michigan to rent ice shanties. Mr. Kavanaugh asked where the shanties will be stored. Mr. Duke stated Mann's Budget Storage. Mr. Duke stated that he has an agreement for this year until he purchases other property or finds a different solution. Discussion was held.

**DAVID CLARK** - A special use permit application for a machine shop land use, per Section 6.3.9 of the Zoning Ordinance (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). The subject property is zoned Commercial Development (D-CM) and located at 10999 N. Extension Rd. in Munro Township, parcel ID #080-011-200-004-00, Section 11.

Mr. Turisk reviewed the background information contained in the staff report.

Mr. Delana asked Mr. Turisk if the first suggested condition has been satisfied by the email from Kyle Keller at District Health Department #4. Mr. Turisk stated no and noted that a copy of the sewage disposal permit was included in the packet.

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

The Planning Commission reviewed the General Findings. Mr. Freese stated that #3 should be revised, "The Planning Commission finds that the subject property is conditionally zoned Commercial Development (D-CM) for use as a machine shop manufacturing facility."

**Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request and the engineer seal waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

The Planning Commission reviewed and approved the General Findings, the Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:

1. Prior to operation, the applicant shall have an on-site sewage disposal and well system evaluation by the District 4 Department of Health.
2. The applicant shall provide the Planning and Zoning Department the Acceptance of Conditions form to be attached to the special land use amendment approval letter within thirty (30) calendar days from the date of the approval letter. This form shall be signed by the owner(s) of the subject property. The applicable building permit application(s) shall include a site plan in conformance with this special land use amendment that meets all applicable site development standards (such as minimum required setbacks from property boundaries) and appropriate building permit fees, as applicable. Permits must be issued within twelve (12) months from the date of the special land use amendment approval letter (unless an extension request is approved, pursuant to Section 18.12.a., as amended), otherwise the special land use amendment may be deemed void upon thirty (30) days written notification to the applicant.
3. Any changes to the approved special use shall be subject to review by the Planning and Zoning Department and may require approval by the Planning Commission.
4. It is the applicant's responsibility to obtain any additional permits or meet additional conditions, if any, that may be applicable to the land use pursuant to other federal, state, or local laws or regulations.
5. The conditions agreed to at the 09/02/20 Planning Commission meeting for the conditional rezoning and as documented in the minutes of that meeting, a copy of which is attached to and made a part hereof are made conditions of the approval of this special use permit.

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Croft, Ostwald, Lyon, Johnson, Delana), 0 Nays, 1 Absent (Borowicz)

#### **UNFINISHED BUSINESS**

No comments.

#### **NEW BUSINESS**

No comments.

#### **STAFF REPORT**

Mr. Turisk reviewed workshops that are being offered by the Michigan Association of Planning. Mr. Turisk asked the Planning Commission members to let him know which workshops they are interested in attending.

#### **PLANNING COMMISSION COMMENTS**

Mr. Kavanaugh stated that Mr. Duke's request is a great example of how Planning and Zoning is supposed to work. Mr.

Kavanaugh stated that Mr. Duke made a good decision after looking at what information the Planning Commission provided. Mr. Kavanaugh stated that the Planning Commission is supposed to provide for orderly development of the community.

**PUBLIC COMMENTS**

No comments.

**ADJOURN**

**Motion** by Mr. Kavanaugh, to adjourn. Motion carried. Meeting was adjourned at 7:56pm.

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Charles Freese  
Planning Commission Secretary

DRAFT



# CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721  
PHONE: (231) 627-8489 ■ FAX: (231) 627-3646  
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## MEMORANDUM

Date: October 15, 2020 for the October 21, 2020 Planning Commission Meeting

To: Planning Commissioners

From: Michael Turisk, Planning Director 

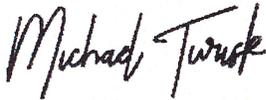
**Re: Discussion Regarding Proposed Amendment #160 – An Ordinance Relative to Standards for Freestanding Signs and Electronic Sign Surface Requirements**

Planning Commissioners,

Recall that proposed Amendment #160 regards Section 17.19 (Signs), and was last on our agenda on September 16. (Amendment #160 largely considers various zoning standards applicable to the use of freestanding signs in our Commercial Development zoning districts). Our discussion on September 16 focused on standards under which multiple freestanding signs would be allowed.

The attached draft intends to reflect the points of discussion on September 16, including allowing for up to three freestanding signs per lot depending on the length of public right-of-way frontage, minimum property boundary setbacks and sign separation. The attached draft also proposes a minor change to our definition for Electronic Sign Surface, and specifically identifies electronic signage for fuel pricing.

See you on Wednesday.



Enclosure(s):

Draft Zoning Amendment #160  
Approved meeting minutes from the September 16, 2020 meeting of the Planning Commission

**DRAFT 10/21/2020**

**CHEBOYGAN COUNTY  
Zoning Ordinance Amendment #160**

**AN ORDINANCE TO AMEND THE CHEBOYGAN COUNTY ZONING ORDINANCE No. 200 RELATIVE TO  
STANDARDS FOR FREESTANDING SIGNS AND ELECTRONIC SIGN SURFACE**

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

**Section 1. Amendment of Section 17.19.1**

The following Definition in Section 17.19.1 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**ELECTRONIC SIGN SURFACE**

That portion of a sign surface capable of changing its message or image electronically, and whose message is displayed through the use of LED, LCD, plasma or other similar types of panels or screens.

**Section 2. Amendment of Section 17.19.8**

Section 17.19.8 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

**17.19.8. SIGN REGULATIONS AND STANDARDS**

<b>D-RS</b>	Residential	<b>D-LI</b>	Light Industrial	
<b>D-RC</b>	Rural Character/Country Living	<b>D-GI</b>	General Industrial	
<b>D-CM</b>	Commercial	<b>M-AF</b>	Forestry/Agriculture	P= Permitted, no zoning permit for sign required
<b>VC</b>	Village Center	<b>P-LS</b>	Lake & Stream Protection	S= Zoning permit for sign required
<b>VC-IR</b>	Village Center Indian River	<b>P-RC</b>	Resource Conservation	N= Not Permitted
<b>VC-IR- O</b>	Village Center Indian River Overlay	<b>P-NR</b>	Natural Rivers Protection	NA= Not Applicable
<b>VC-T</b>	Village Center Topinabee			
<b>VC-T-O</b>	Village Center Topinabee Overlay			

	D-RS	D-RC	D-CM	VC <sup>3</sup>	VC-IR	VC-IR-O	VC-T	VC-T-O	D-LI	D-GI	M-AF	P-LS	P-RC	P-NR <sup>4</sup>
Freestanding	S	S	S	S	S	N	S	N	S	S	S	S	S	S
Banner <sup>1</sup>	N	N	P	N	N	N	P	P	P	P	P	N	N	N
Canopy	S	S	P	P	P	P	P	P	P	P	S	S	S	S
Electronic Sign Surface	N	N	S	N	N	N	N	N	N	N	N	N	N	N
Marquee	N	N	S	S	S	S	S	S	S	S	N	N	N	N
Portable	N	N	P	S	S	N	S	N	P	P	N	N	N	N
Projecting	S	S	P	S	S	S	S	S	P	P	S	S	S	S
Roof	N	N	S	N	N	N	N	N	S	S	N	N	N	N
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall	S	S	P	P	S	S	S	S	P	P	S	S	S	S
<b>Window</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>N</b>

Window Sign Requirements

Non-illuminated – No maximum number and no maximum sign surface area

Illuminated – Maximum of two per structure and maximum of 10 sq. ft. of sign surface area each.

**Freestanding Sign Requirements**

	D-RS	D-RC	D-CM <sup>6</sup>	VC <sup>3</sup>	VC-IR	VC-IR-O	VC-T	VC-T-O	D-LI	D-GI	M-AF	P-LS	P-RC	P-NR <sup>4</sup>
Maximum Sign Surface Area (sq. ft.)	8	8	80	32	32	NA	32	NA	120	120	18	8	8	8
Maximum Height (ft.)	6	6	25	15	15	NA	15	NA	25	25	12	6	6	6
Minimum Setback <sup>2</sup> (ft.)	4	4	0	0	0	NA	0	NA	0	0	5	4	5	5
Max. number per Parcel	1	1	3	1	1	NA	1	NA	3	3	1	1	1	1

<sup>6</sup> See Subsection 17.19.8.2.H for additional standards for Freestanding Signs in the D-CM zoning districts

**Building Sign Type/Electronic Sign Surface Regulations**

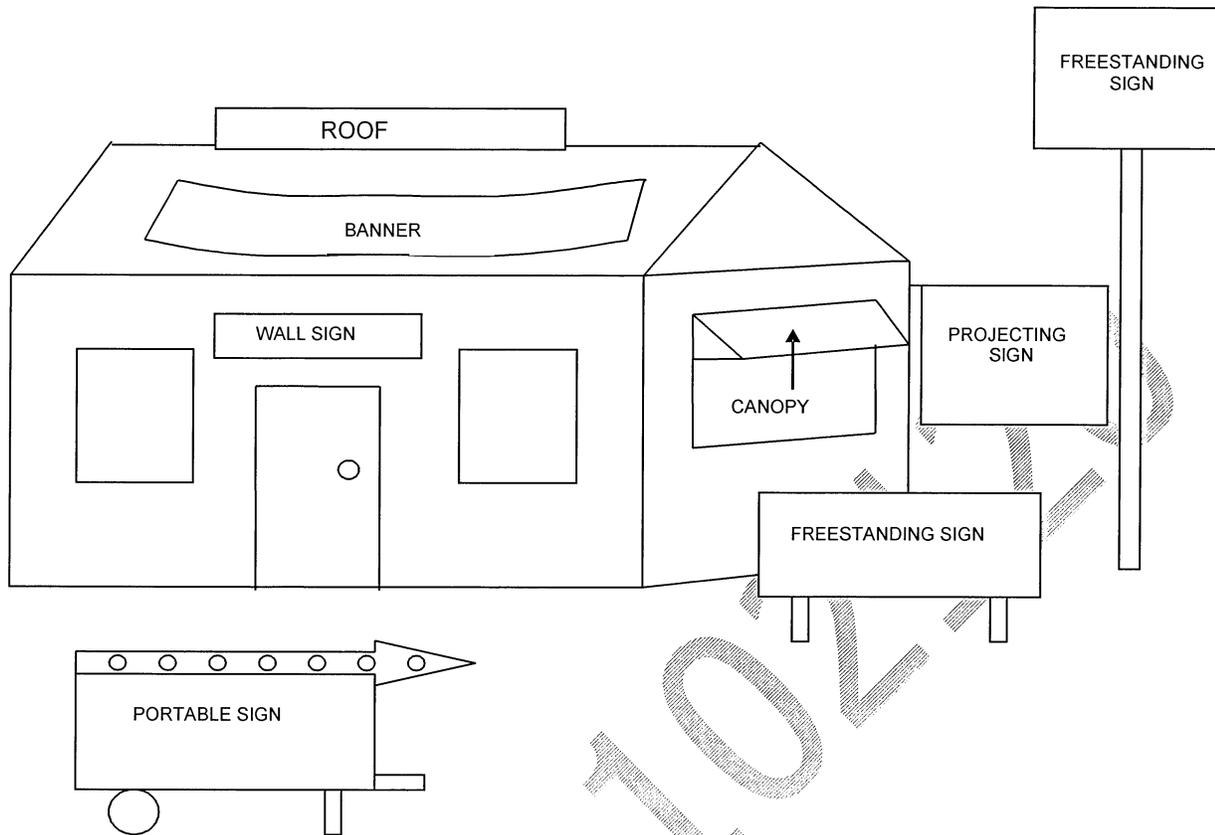
In addition to the Freestanding signs and Window signs as may be permitted, parcels may include signs from up to two (2) of the following categories, as permitted.

	Maximum Number Permitted <sup>4</sup>		Maximum Sign Surface Area		
	Banner <sup>1</sup>	2 per parcel	VC-T 3 per parcel VC-T-O 1 per parcel	18 sq. ft.	VC-T 36 sq. ft. VC-T-O 12 sq. ft.
Canopy	2 per structure		NA		
Electronic Sign Surface <sup>7</sup>	1 per parcel		32 sq. ft.		
Marquee	1 per parcel		40 sq. ft.		
Portable	1 per parcel		32 sq. ft.		
Projecting	1 per structure		18 sq. ft.		
Roof	1 per parcel		40 sq. ft.		
Temporary	1 per parcel		18 sq. ft.		
Wall	No Maximum		D-CM, D-LI, D-GI	VC-IR, VC-T, VC-IR-O VC-T-O	All other zoning districts
			2 per structure or one (1) per individual business up to 40 square feet each or 10% of structure wall area facing a public road or street, whichever is greater. The total aggregate area of wall signs shall not exceed three hundred (300) sq. ft.	18 sq. ft. for first 25 feet of street frontage <sup>5</sup>	18 sq. ft.

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

<sup>5</sup> Additional sign surface area according to the following: One (1) additional sq. ft. of sign surface area for each additional one (1) foot of street frontage above twenty-five (25) with a maximum sign surface area of 32 sq. ft.

<sup>7</sup> See Section 17.19.8.1. Signs that include Electronic Sign Surface area dedicated to fuel pricing and associated with an on-site fueling station are permitted in the M-AF, D-LI and D-GI zoning districts.



**Section 3. Amendment of Section 17.19.8.1**

**17.19.8.1 ELECTRONIC SIGN SURFACE REQUIREMENTS**

Section 17.19.8.1 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

Electronic sign surfaces shall comply with all of the following requirements:

- A. The electronic sign surface shall only be within a freestanding sign or a wall sign.
- B. The area of the electronic sign surface shall not exceed 32 square feet. The message or image shall be static during its display and shall not move or be animated in any way.
- C. The message or image displayed shall remain static for no less than three (3) seconds before changing.
- D. Any change of message or image shall be completed simultaneously throughout the entire electronic sign surface so that no portion of the new message or image is visible in the electronic sign surface at the same time as the old message or image.
- E. Any light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices used to display the message or image within the electronic sign surface shall automatically dim to a light level no greater than 2000 NITS (candelas per square meter) at or before one-half hour following sunset and until one-half hour before sunrise.

**Section 4. Amendment of Section 17.19.8.2**

Section 17.19.8.2 of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Subsection (H) and shall read in its entirety as follows:

## 17.19.8.2 SIGN SURFACE AREA AND TOTAL SIGN AREA

The following regulations shall apply to the calculation of sign surface area and total sign area:

A. The maximum sign surface area shall be computed around the perimeter of the frame or border of the sign surface where such exists or around the perimeter of the symbols or letters or other display elements where no border or frame exists. Where a sign surface is composed of letters or images attached directly to a façade, window, door, or marquee, and the letters or images are not enclosed by a border or trimming, the sign surface shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points of the letters or images.

B. Double-faced signs and V-type signs shall be considered one sign with the area of the sign surface calculated on the larger of the sign surfaces.

C. A structure containing multiple sign surfaces shall be considered one sign if all of the sign surfaces are included in the same border or frame of the sign. The maximum sign surface area for such a sign shall be computed around the perimeter of the frame or border of the sign surfaces. Otherwise, each sign surface shall constitute a separate sign.

D. The area of a sign surface shall not include the area of its supporting structure or canopy if the supporting structure or canopy contains no message or image.

E. For a sign surface that is in the form of a three-dimensional object, the area of the sign surface shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme external points or edges of the projected image of the object and multiplying that area by two (2). For purposes of this subsection, the "projected image" is that image created by tracing the largest possible two-dimensional outline of the object.

H. In addition to the requirements of Section 17.19.8., freestanding signs in the Commercial Development (D-CM) Zoning Districts shall comply with the following requirements:

1. For lots with one (1) freestanding sign, the sign surface area shall not exceed 80 square feet.
2. For lots with a minimum of 100 feet of public right-of-way, one (1) additional freestanding sign may be installed for each additional 100 ft. of public right-of-way (up to a maximum of three [3] freestanding signs per lot), subject to the following:
  - a. There shall be a minimum separation distance of 100 feet between freestanding signs (as measured from the sign base or support structures of the freestanding signs).
  - b. A minimum setback of 100 feet from any property boundary (as measured from the sign base or support structures to the property boundaries).
  - c. The aggregate sign surface area for freestanding signs shall not exceed 80 sq. ft.
3. Freestanding signs for corner lots are allowed along each public right-of-way frontage subject to the applicable standards under Section 17.19.8.

### Section 5. 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 6. Effective Date.

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

CHEBOYGAN COUNTY

By:  
John B. Wallace  
Its: Chairperson

By:  
Karen L. Brewster  
Its: Clerk

DRAFT 102120

overlay. Mr. Wendling stated that it can be done through a township that is requesting short term rentals be addressed but the township has to go along with it and create their own licensing and regulatory provisions because the easiest way under the ordinance is simply to allow it as a use by right. Mr. Wendling explained that the downside is once they're allowed under zoning, the existing vacation rentals become lawful nonconforming uses and any regulations will apply to new vacation rentals. Mr. Freese stated that we have enacted an amendment that allows short term rentals in all districts without exception and without any restrictions. Mr. Freese stated read Section 3.18 "Short term rentals shall be permitted uses in all zoning districts." Mr. Wendling stated that short term rentals are already allowed and any vacation rentals that existed prior is grandfathered and it doesn't make a difference if you just have it permit free or a use by right. Mr. Freese stated that short term rentals are causing problems in certain areas and the question is if there is anything we can do to address the problems. Mr. Wendling stated that unfortunately this is best solved by the individual townships that wish to regulate that area through a licensing order. Mr. Borowicz stated that there are concerns regarding overloading septic systems on small lakes. Mr. Wendling stated that this can be handled through a police power ordinance under township police powers. Mr. Wendling stated that they can copy Health Department rules. Mr. Wendling reviewed possible regulations that can be handled by the township. Mr. Wendling stated that the County does not have this authority. Discussion was held. Mr. Wendling stated that he has a sample licensing ordinance that he created for East Bay Township. Mr. Wendling stated that he can provide a copy of the ordinance, but this will not help Cheboygan County as it is something that the township will have to pass. Mr. Delana stated that the township may not have the resources for this regulatory process and was hoping the Planning Commission could do something to assist. Mr. Wendling stated that when the townships adopt an ordinance, normally the licensing comes with a fee which is meant to cover the cost of the regulatory ordinance. Mr. Wendling stated that there are companies that perform these services for the township. Mr. Freese stated that this regulation would fund itself as far as administration of the program. Mr. Kavanaugh asked if the township can regulate the area that they want licensed or do they have to do it through the entire township. Mr. Wendling stated no and that it has to be the entire township because they are under county zoning, and they are not able to use the zoning districts to create the boundaries. Mr. Wendling stated that the short term rental amendment has been passed so the Planning Commission is done on the zoning side and you would create problems by trying to repeal the amendment. Discussion was held.

Ms. Webb stated that one of the reasons that there are no complaints is because they do not know where to file a complaint and it is not the rental aspect itself but the number of people. Ms. Webb explained that there are short term rentals on Burt Lake that are renting to 10 to 12 people and the septic systems are 50 years old. Mr. Wendling read from a sample police power ordinance, "The maximum occupancy for short term rentals shall be two persons per bedroom, not including preschool aged children. In no case may the number of persons occupying a short term rental, including all guests, or the occupants exceeds 10, regardless of the number of bedrooms." Mr. Wendling stated that this is an ordinance that is now in effect in East Bay Township in Grand Traverse County. Mr. Wendling stated that there are things that can be done through a police power ordinance, but they will have to be done by the township. Ms. Webb asked who will enforce the ordinance. Mr. Wendling stated that all police power ordinances will be enforced by the township enforcement officer. Mr. Wendling stated that sometimes the township supervisor handles the enforcement, but this ordinance is more complex they will have the assistance of a company such as Host Compliance which will be paid for through the licensing process. Mr. Wendling stated that the company will gather the information in one central location and it will be shipped to the township, and they will determine violations, but it will be up to the township code enforcement officers to enforce those violations. Discussion was held.

#### **Zoning Ordinance Amendment #160 - An Amendment Relative To Standards For Freestanding Signs And Electronic Sign Surface Requirements**

Mr. Turisk stated that the Planning Commission has discussed in the past Section 17.19 regarding governing freestanding signage in the Commercial Development Zoning Districts. Mr. Turisk noted that this proposed amendment is driven by a dimensional variance application that went before the Zoning Board of Appeals on December 30, 2019 for a freestanding sign in the Commercial Development Zoning District that was proposed to be larger than the maximum 80 square feet sign currently allowed. Mr. Turisk stated that the Zoning Board of Appeals denied the variance request given the lack of practical difficulty and Board of Commissioners subsequently directed the Planning Commission to consider an amendment. Mr. Turisk stated that this is the first draft of an ordinance amendment that regards this topic. Mr. Turisk stated that staff is suggesting minor housekeeping changes which are highlighted in yellow.

Mr. Turisk referred to Section 17.19.8 and noted that the zoning district abbreviations are being updated to be in harmony with what is currently in the Zoning Ordinance. Mr. Turisk referred to Section 17.19.8 and stated that staff is suggesting to add some clarity to this section with respect to electronic signage. Mr. Turisk stated that we do not identify where electronic signage is permitted in the County. Mr. Turisk stated that the Commercial Development Zoning District seems to be the most appropriate zoning district for electronic signage. Mr. Turisk referred to the Building Sign Type Regulations table under Section 17.19.8 and noted that electronic signage is proposed to be added to this table with a number limiting that type of

signage to one per parcel. Mr. Turisk stated that rather than continuing to govern digital signs with a percentage standard he is proposing to replace that percentage standard with a dimensional standard. Mr. Turisk stated the Zoning Ordinance allows the digital signage surface area to be up to 75% of the sign. Mr. Turisk stated that the intent of that specific limitation was to limit the size of digital signs, but the reality is that it doesn't fully do that. Mr. Turisk stated that if there is a 100 square foot sign and you allow 75% of that to be digital, you'll have a 75 square foot digital surface. Mr. Freese stated that one of the problems which illustrated this was a Zoning Board of Appeals request to have a sign that was more than 75% of the existing sign, but in fact they reduced the size of the sign and actually was asking for less than the electric sign they already had. Mr. Freese stated that if we are trying to limit the size of the electronic display, it should be limited by square feet. Mr. Freese stated that a percentage of the overall signage should not be considered. Mr. Turisk referred to Section 17.19.8.1 and stated that the percentage has been changed from 75% to 60 square feet. Mr. Turisk stated that he talked with legal counsel regarding this change, and Mr. Graham stated that it is up to the Planning Commission to make this determination. Mr. Turisk stated that the sign with the largest digital signage surface area that has been permitted was for the Knights of Columbus and that was for 48 square feet (4ft. x 12ft.). Mr. Turisk stated that permits were also issued to McDonald's in Indian River for 20 square feet, Fraternal Order of Eagles in Indian River for 24 square feet, Fernelius Ford for just under 28 square feet and the Inland lakes High School for a little over 24 square feet. Mr. Turisk stated that 60 square feet could be pretty aggressive. Mr. Freese suggested that the maximum be 4ft. x 8ft or 32 square feet. Mr. Kavanaugh agreed with Mr. Freese. Ms. Lyon asked if the sign surface area would include the permanent portion of the sign. Mr. Freese stated it is the digital portion of the sign only that would be limited to the 32 square feet. Ms. Lyon asked if it is considered two separate signs. Mr. Freese stated yes. Discussion was held.

Mr. Turisk referred to Section 17.19.8.2.H and stated that it was the consensus of the Planning Commission to not increase the sign surface area for freestanding signs in the Commercial Development Zoning District. Mr. Turisk stated that a variance application was submitted in December 2019 for a 100 square foot sign and it was denied. Mr. Turisk stated that the Cheboygan County Board of Commissioners asked the Planning Commission to look at possibly increasing the size of the freestanding in the Commercial Development Zoning District. Mr. Turisk stated that the Planning Commission has stated that they are uncomfortable with increasing the size of the freestanding sign in the Commercial Development Zoning District. Mr. Turisk stated that the way the Zoning Ordinance is written suggests that one may erect or construct up to three freestanding signs on a property each up to 80 square feet. Mr. Turisk stated that this is potentially 240 square feet of signs surface area. Mr. Turisk stated that the proposed language seeks to limit freestanding signs in the Commercial Development Zoning District to 80 square feet, but would allow for additional signage depending upon the amount of public right away frontage. Mr. Turisk stated that the proposed language allows for up to three freestanding signs as long as the lot has a minimum of 300 linear feet of public right away. Mr. Turisk stated that in addition there would be a 100 foot separation requirement to preclude a clumping or clustering effect. Mr. Turisk stated that the aggregate sign surface area for freestanding signs will be limited to 80 square feet. Mr. Turisk stated that is a dimensional standard that the Planning Commission will need to discuss. Mr. Freese stated that the Planning Commission discussed that one sign with a maximum of 80 square feet would be allowed, regardless of parcel frontage, but if there would be more than one sign then the separation distance came into effect. Mr. Freese stated that the separation was not only between the signs, but between signs and the property boundary. Mr. Turisk stated that seems reasonable.

Mr. Freese referred to 17.19.8.2.G and stated his concerns that the sign surface area is determined by the outside perimeter of the sign and all supporting structures. Discussion was held. Mr. Turisk stated that the principal concerns with freestanding signs are height and sign surface area. Mr. Freese provided examples of three dimensional signs and how to calculate the sign surface area. Mr. Delana asked if Mr. Freese is suggesting that 17.19.8.2.F and 17.19.8.2.G be removed or modified. Mr. Freese stated that he does not see the sense in keeping these sections. Mr. Kavanaugh suggested removing these sections and discuss it at the next meeting. Mr. Freese stated that the proposed language for Section 17.19.8.2.H will need to reflect that one freestanding sign with a maximum of 80 square feet would be allowed and to have another sign there will need to be an additional 200 feet. Discussion was held regarding the proposed language for Section 17.19.8.2.H. Mr. Turisk asked if the proposed 60 square foot maximum standard for digital signs is too much. Many Planning Commission members agreed that it is too large. Mr. Kavanaugh stated that 32 square feet is easy to regulate and is larger than most of the signs that have been reviewed. Mr. Delana stated that the document refers to electronic signs, but Planning Commission members are also referencing digital signs. Mr. Delana asked what is considered a digital sign or electronic sign. Mr. Freese stated that electronic signs have a programmable digital display. Mr. Delana stated that the language should reflect a programmable digital display. Discussion was held. Mr. Turisk stated that he will make the changes to the proposed amendment and have it ready for Planning Commission review at the October 7, 2020 meeting.

Ms. Johnson asked if the Planning Commission would like to talk about which districts electronic signs are allowed in because currently they are allowed in many of the districts that it is now proposed that electronic signs are will no longer be allowed. Mr. Freese stated that electronic signs are made to get people's attention for advertising purposes, and therefore the place for

them is the Commercial Development Zoning District. Ms. Johnson stated that she doesn't disagree, although freestanding signs and wall signs are allowed by permit in the Residential Development Zoning District it would mean that an electronic sign would be allowed. Ms. Johnson asked if we do not want them in the General Industrial Zoning District or Light Industrial Zoning District, which they are currently allowed. Ms. Johnson asked if we want to allow electronic signs in any of the Village Center Zoning Districts. Mr. Freese stated that the need is not there for that type of advertising in the General Industrial Zoning District or Light Industrial Zoning District. Ms. Merk stated that she is working through a sign permit application currently in the General Industrial Zoning District. Ms. Merk stated that the applicant is requesting to put a digital sign as part of their gas station sign. Mr. Turisk stated that the General Industrial Zoning District or Light Industrial Zoning District tend to extend outward from the Commercial Development Zoning District. Mr. Turisk stated that we want to be cognizant of allowing digital signage in the rural areas. Mr. Borowicz asked what is the zoning for the Industrial Park on M-68. Mr. Freese stated it is zoned Light Industrial. Mr. Borowicz stated that there are businesses there that certainly would justify an electronic sign or digital sign. Mr. Delana and Mr. Freese agreed that a gas station would want to have an electronic sign. Mr. Freese stated that a gas station could be allowed as an exception to the rule. Mr. Turisk stated that a number of ordinances do make exceptions for that use for digital signs as part of a fueling station. Mr. Freese stated that we should make an exception for digital signs as part of a fueling station. Mr. Borowicz stated that there is a big difference between an electronic sign that posts the prices at a gas station from something that has a message that changes every three seconds for an advertising message. Discussion was held.

#### **STAFF REPORT**

Mr. Turisk distributed and reviewed information regarding possible future trainings and workshops. Mr. Turisk asked the Planning Commission members to circle the trainings/workshops that they are interested in and return to Mr. Turisk as soon as possible. Discussion was held.

#### **PLANNING COMMISSION COMMENTS**

Ms. Johnson stated that because of some major life changing events she will be tendering her resignation effective the end of October in order for the Board of Commissioners to provide a replacement. Ms. Johnson stated if a replacement can be found sooner she will step down. Mr. Turisk expressed best wishes to Ms. Johnson in the future. Ms. Lyon stated that Ms. Johnson has been a benefit to the Planning Commission and helped them to think about things in different ways. Mr. Kavanaugh and Mr. Borowicz stated that they enjoyed discussing different views. Mr. Freese thanked Ms. Johnson for her perspective. Discussion was held.

#### **PUBLIC COMMENTS**

Mr. Warfield stated that he would like to express on behalf of the entire Cheboygan County Board of Commissioners that we are sorry to hear that Ms. Johnson is resigning and we wish her the best and thank her for her service.

#### **ADJOURN**

**Motion** by Mr. Kavanaugh, to adjourn. Motion carried. Meeting was adjourned at 8:47pm.



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Charles Freese  
Planning Commission Secretary