

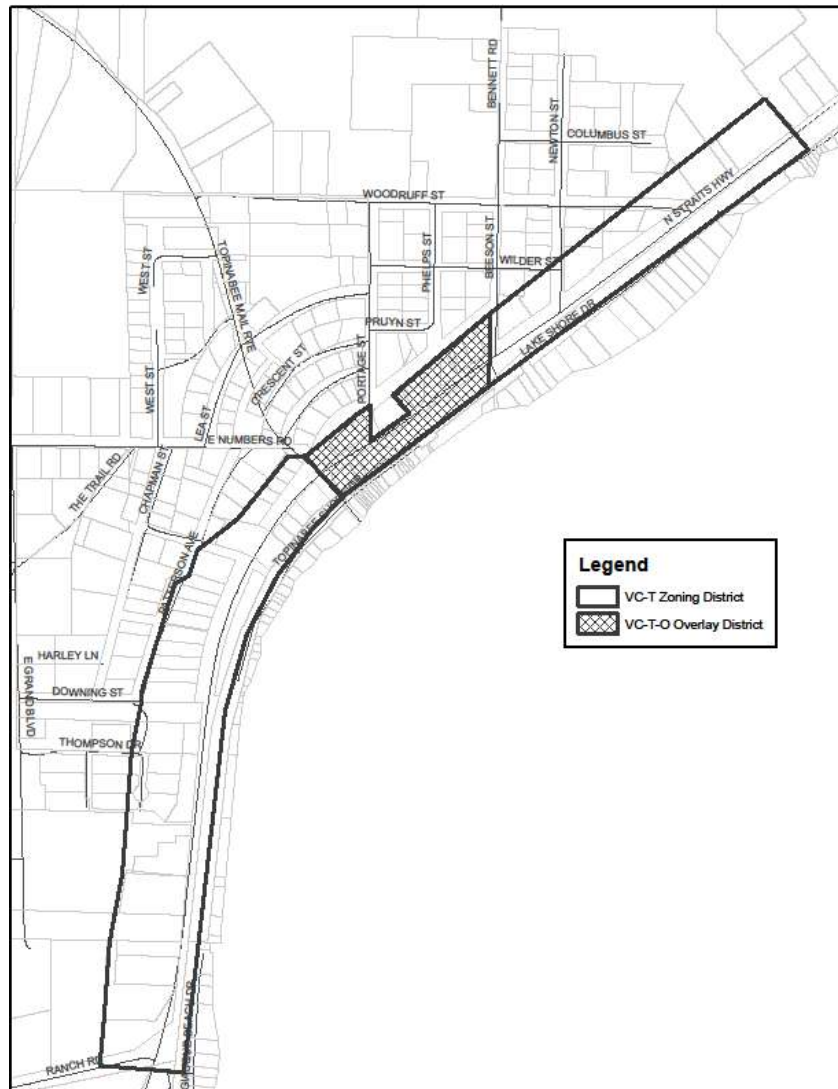
CHEBOYGAN COUNTY
Zoning Ordinance Amendment # __

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 TO ADD NEW ZONING DISTRICTS, VILLAGE CENTER TOPINABEE (VC-T) AND VILLAGE CENTER TOPINABEE OVERLAY (VC-T-O).

THE COUNTY OF CHEBOYGAN, STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Section 3.9.1

The zoning map incorporated into the Cheboygan County Zoning Ordinance No. 200 by Section 3.9.1 is hereby amended to rezone the following portions of real property from Lake and Stream Protection (P-LS) and Residential Development (D-RS) to Village Center Topinabee (VC-T) and to Village Center Topinabee Overlay (VC-T-O).



Section 2. Amendment of Section 10.1.3.

Section 10.1.3. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

10.1.3. The requirements of the Lake and Stream Protection District do not apply in the Commercial Development (D-CM), Light Industrial Development (D-LI), General Industrial Development (D-GI), Natural Rivers Protection (P-NR), Village Center Indian River (VC-IR), Village Center Indian River (VC-IR-O) and Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) zoning districts. See ARTICLE 6, 7, 8 and 11 for separate requirements in those districts.

Section 3. Addition of Article 13C

The Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Article 13C, which shall read in its entirety as follows:

ARTICLE 13C – VC-T VILLAGE CENTER TOPINABEE DISTRICT

13C.1. PURPOSE

This District is intended to provide for a concentration of residential, social, local commercial and public uses in a small community setting, while lessening the effects of sprawl. Reuse of existing structures shall be encouraged, with development review procedures implemented to provide for multi-family structures, pedestrian amenities, and small-scale commercial uses as well as recreational, shopping, and employment opportunities.

13C.2. PERMITTED USES

- 13C.2.1. Arcades, bowling alleys, pool or billiard parlors and clubs.
- 13C.2.2. Artisan workshop which may include an artisan residence
- 13C.2.3. Bakeries
- 13C.2.4. Bars and taverns
- 13C.2.5. Detached single family dwellings
- 13C.2.6. Farm product stands, farmers markets
- 13C.2.7. Grocery and party stores
- 13C.2.8. Home occupations subject to Section 17.21
- 13C.2.9. Hotels and Motels
- 13C.2.10. Multi-family housing
- 13C.2.11. Offices
- 13C.2.12. Restaurants
- 13C.2.13. Retail sales establishments, General
- 13C.2.14. Retail sales establishments, Household
- 13C.2.15. Retail sales establishments, Specialty
- 13C.2.16. Two family dwellings

13C.3 USES REQUIRING SPECIAL LAND USE PERMIT

- 13C.3.1. Assisted Living Facility/Convalescent Home
- 13C.3.2. Automobile repair and washing establishments

- 13C.3.3. Bed and Breakfasts
- 13C.3.4. Day Care Centers
- 13C.3.5. Dry cleaning and laundry establishments
- 13C.3.6. Educational, municipal, and religious institutions, private club
- 13C.3.7. Gasoline service stations and garages
- 13C.3.8. Outdoor recreation activities
- 13C.3.9. Veterinary hospitals

13C.4. SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER TOPINABEE

13C.4.1. The Planning Commission may waive all or a portion of the off-street parking requirements normally assigned to uses according to Article 17.6 if the Planning Commission finds that sufficient parking would exist through shared and/or on street parking.

13C.4.2. Any outside storage shall be clearly an accessory use to the principal permitted use.

13C.4.3. Vehicles parked on a site shall not be used principally for storage or advertising.

13C.4.4. No use shall have a building footprint of more than 20,000 square feet.

13C.4.5. For all uses in this district, including food service, any outdoor seating shall meet the following requirements:

- a. The outdoor seating shall not be located on a public sidewalk or public right-of-way, unless the government body with jurisdiction over the public sidewalk or public right-of-way consents in writing to such outdoor seating.
- b. Any outdoor seating shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit application.
- c. Any outdoor seating shall be located so that the seating itself or the access to and from that seating does not impede the safe and efficient movement of pedestrians along a public sidewalk or public right-of-way and does not impede the safe ingress and egress for pedestrians to any building.

13C.4.6. The area for the outdoor display of merchandise in connection with a non-residential use shall be reviewed and approved by the Planning Commission following the same procedures as an original site plan or special use permit.

Section 4. Addition of Article 13D

The Cheboygan County Zoning Ordinance No. 200 is hereby amended to add a new Article 13D, which shall read in its entirety as follows:

ARTICLE 13D – VC-T –O VILLAGE CENTER TOPINABEE OVERLAY

13D.1. PURPOSE

This is an overlay district in the Village Center Topinabee Overlay zoning district and is intended to promote a densely developed, pedestrian-oriented retail shopping atmosphere for the resident and visitor. Office uses and retail service establishments are intended to be of secondary importance compared to pedestrian-oriented retail and restaurant uses.

13D.2. PERMITTED USES

- 13D.2.1. Bars and taverns.
- 13D.2.2. Farmers markets which meet the Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices for Farm Markets.
- 13D.2.3. Home occupations according to Section 17.21.
- 13D.2.4. Real Estate Offices (see Section 13D.4.2.b.)
- 13D.2.5. Restaurants
- 13D.2.6. Retail sales establishments, General
- 13D.2.7. Retail sales establishments, Household
- 13D.2.8. Retail sales establishments, Specialty
- 13D.2.9. Single family dwellings according to Section 13D.4.1.

13D.3. USES REQUIRING SPECIAL LAND USE PERMIT

- 13D.3.1. Arcades, bowling alleys, pool or billiard parlors and clubs.
- 13D.3.2. Artisan workshop which may include an artisan residence
- 13D.3.3. Bed and Breakfasts
- 13D.3.4. Grocery and party stores.
- 13D.3.5. Municipal uses
- 13D.3.6. Offices, according to Section 13D.4.2.
- 13D.3.7. Two Family and Multi-Family Housing, according to Section 13D.4.1.a.

13D.4. SUPPLEMENTAL REQUIREMENT FOR VILLAGE CENTER TOPINABEE OVERLAY.

Except as modified below, all development within the overlay district shall be in accord with the existing development standards for the underlying zoning district as specified in this Ordinance.

13D.4.1. There shall be no parking requirements for those uses which are permitted by right or by special use permit in the VC-T-O zoning district except residential uses, which must comply with the following:

- a. Two (2) off-street parking spaces shall be required for each dwelling unit.
- b. The required parking space(s) shall be provided on site or on leased land within 300 feet of the property.
- c. The required parking spaces shall be maintained as long as each dwelling unit is occupied.

13D.4.2. For Office uses the following requirements shall apply;

- a. Except as provided in subsection b, Office uses and uses accessory to the office use shall not be located in a building within thirty (30) feet of any public right-of-way, unless such office or retail service establishment use and its accessory use(s) are located above the ground floor of that building. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to an office or retail service establishment use and accessory use(s) may be located in a building within thirty feet of any public right-of-way.

- b. Real estate offices may be located in a building within thirty feet of any public right-of-way.

13D.4.3. For residential uses, the following requirements shall apply:

- a. No single family uses shall be permitted unless within a lot of record which also includes at least one commercial use.
- b. All single family, two family, and multi-family residential uses and uses accessory to the residential use shall not be located in a building within thirty (30) feet of any public right-of-way, unless such dwelling and its accessory uses are located above the ground floor of that building. Provided, however, an entryway no more than six (6) feet in width providing ingress and egress to a dwelling and its accessory uses may be located in a building within thirty (30) feet of any public right-of-way.

Section 5. Amendment of Section 17.1.

Section 17.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to add the following row in its proper alphabetical location:

		Min. Floor Area	Min. Bldg. Width	Min. Lot Size		Minimum Yard Setbacks (feet)			Maximum Height of Structures
Zoning District		Sq.ft.	Feet	Area (Sq.ft)	Width (ft.)	Front	Sides	Rear	Feet
VC-T	Village Center Topinabee	720	16	NA	50	0	0	10	35
VC-T-O	Village Center Topinabee Overlay	500	16	NA	25	0	0	0	35

Section 6. Amendment of Section 17. 1.1.

Section 17.1.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

17.1.1 Developments within the Village Center Indian River (VC-IR), Village Center Indian River Overlay (VC-IR-O), Village Center Topinabee (VC-T) and Village Center Topinabee Overlay (VC-T-O) zoning districts shall have a maximum lot coverage of eighty (80) percent.

Section 7. Amendment of Section 17.4.1.

Section 17.4.1. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

17.4.1. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property. Provided however, that loading and unloading facilities shall not be required in the VC-IR, VC-IR-O, VC- T or VC-T-O zoning districts.

Section 8. 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 9. 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: _____
Linda Socha

Its: Chairperson

By: _____
Mary Ellen Tryban

Its: Clerk