

## NOTICE OF MEETING

A Regular Meeting of the Leelanau County Planning Commission (LCPC) will be held at **5:30 pm Tuesday, APRIL 27, 2021** in the Leelanau County Government Center and by zoom.

**A live streaming of this meeting will be available for viewing via the following link –**  
[https://www.youtube.com/channel/UCNQTglgcTedF2qB8floC1GQ?view\\_as=subscriber](https://www.youtube.com/channel/UCNQTglgcTedF2qB8floC1GQ?view_as=subscriber)

If you would like to provide comment during the meeting, please watch the livestreamed video, and call in during one of the two public comment portions on the agenda, to **231-256-8109**. There will be no queue, and calls will be taken in the order they are received. Emailed comments are also welcome prior to the meeting, and can be addressed to:  
[planning@leelanau.gov](mailto:planning@leelanau.gov)

**Due to COVID-19, this session will be held virtually via Zoom, AND in the Commissioners Meeting Room, Leelanau County Government Center, Suttons Bay, Michigan.**

*(Please silence any unnecessary cellular/electronic devices)*

### **DRAFT AGENDA**

#### **CALL TO ORDER & PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

#### **CONSIDERATION OF AGENDA**

#### **CONFLICT OF INTEREST** *(refer to Section 3.7 of the Bylaws)*

#### **PUBLIC COMMENT** (Call 231-256-8109)

#### **STAFF COMMENTS**

Capital Improvement Program (CIP) Update

#### **CONSIDERATION OF MARCH 23, 2021 MEETING MINUTES** *pgs 2-7*

#### **NEW BUSINESS**

- A. PC03-21-08 Leelanau Township - Signs *pgs 8-24*
- B. Discussion – Training topics for Fall Session / Referral to Education Committee *pg 25*

#### **REPORTS**

1. Education Committee – *no meeting*
2. Housing Action Committee – *April meeting cancelled*
3. Parks & Recreation Committee
4. Report from LCPC members of attendance at township/village meetings, or Other Meetings/Trainings

#### **COMMUNICATIONS**

Webinar: Housing Ready Program – April 29 *pgs 26-27*

#### **PUBLIC COMMENTS** (Call 231-256-8109)

#### **STAFF COMMENTS**

#### **COMMISSIONER & CHAIRPERSON COMMENTS**

#### **ADJOURN**

#### **LCPC Members**

Steve Yoder, Chairman  
Casey Noonan, Vice-Chairman  
Melvin Black, Chair Pro-Tem  
Dan Hubbell  
Melinda Lautner  
Gail Carlson  
Robert Miller  
Tom Nixon  
Kim Todd  
Nathan Griswold  
Amy Trumbull

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS HELD ON TUESDAY, MARCH 23, 2021, AT THE LEELANAU COUNTY GOVERNMENT CENTER.**

Proceedings of the meeting were recorded and are not the official record of the meeting. The formally approved written copy of the minutes will be the official record of the meeting.

Meeting was called to order at 5:32 p.m. by Chairman Yoder who led the Pledge of Allegiance. The Meeting was held at the Leelanau County Government Center, 8527 E. Government Center Dr., Suttons Bay, MI and via ZOOM.

**ROLL CALL**

**Members Present:** R. Miller (Cleveland Twp.), T. Nixon (Suttons Bay Twp.), M. Lautner (via ZOOM) (Solon Twp.), K. Todd (Leelanau Twp.), N. Griswold (Elmwood Twp.), A. Trumbull (Bingham Twp.), D. Hubbell (Centerville Twp.)

**Members Present:** S. Yoder, M. Black  
(At Government Center)

**Members Absent:** G. Carlson, C. Noonan

**Staff Present:** T. Galla, Director, G. Myer, Senior Planner  
(At Government Center)

**Public Present:** None  
(At Government Center)

**Public Present:** None  
(via ZOOM)

**CONSIDERATION OF AGENDA**

*Motion by Black, seconded by Nixon, to accept the agenda as presented. Motion carried 8-0.*

**CONFLICT OF INTEREST – None.**

**(Hubbell present on ZOOM 5:34)**

**PUBLIC COMMENT**

**The phone number for public comment was announced.**

No comments received.

**STAFF COMMENTS**

Galla updated members on the CIP, saying for the first time ever, no new projects have been proposed from any departments. It will still require some minor updating on charts and dates.

Galla continued, stating the following is from the County Administrator regarding the Open Meetings Act and meeting requirements.

Last spring, laws were changed to allow for electronic meetings and those expired 12/31/2020. They were modified again for 2 dates: through 3/31/2021, and 12/31/2021. Until March 31, we have the ability to do meetings remotely and members can participate in person or remotely with no reasons stated. Due to the changes, we can now allow 25 people at our meetings. That is a total of 25 people so if the 26<sup>th</sup> person comes in, we have to have a provision in place where they can watch it in the downstairs meeting room. As of 3/31, the majority of members have to be physically present in the room. The only exceptions for people to participate remotely will be if you are in the military and stationed remotely, you have health concerns or issues, or you are a care provider for someone with health concerns. Majority of members have to be in the room and those participating electronically have to meet one of those 3 criteria. Galla said members would need to notify her a week in advance of how they will be attending a meeting. Galla continued, saying that unless you meet one of those 3 criteria, you no longer can participate remotely, so next month members will have to state one of those reasons if they plan to participate remotely, and they can do that through the end of this year. Starting next year, they will go back to the old rules under the Open Meetings Act, unless something changes. Also, as of March 31, we do not have to broadcast our meetings because we have the ability to have people here. Legal counsel advised us to do a hybrid with both so people can watch remotely. Galla continued, saying those participating remotely after March 31<sup>st</sup> who do not meet one of the three criteria, cannot vote. They can participate in discussions, but they can't vote as a member. Starting April 1<sup>st</sup>, you will need to be present for the meeting, or stating why you are not present according to one of the three reasons allowed. Galla asked members to provide updated cell phone numbers to staff, in case there are not enough members present and a meeting needs to be cancelled. She stressed the importance of letting staff know a week ahead of next month's meeting, how they will be participating, because a majority of members will need to be present.

Griswold asked how they would know if other members have been vaccinated. Galla stated HIPAA Laws prevent us from asking, however, everyone must fill out a form/questionnaire to attend a meeting. Employees fill one out daily, it contains a few questions regarding COVID exposure and symptoms, and it is used for tracking purposes. Griswold commented that the chairs didn't look like they were six feet apart. Galla said we do have plexiglass between us and when we are up and moving around, we have a mask on.

Galla further updated members on Turner Booth and the rezoning request they reviewed back in November, on the old mill property in Glen Arbor Township. The request for the parcel to the south was to rezone it Recreational and the northern parcel at that time was assumed to be zoned Recreational. There have been questions on the zoning on the northern piece and tracking that history. Galla has had requests for old staff reports, which she reviewed again yesterday and found where the Mill property was proposed to be rezoned to Residential II back in 2007 along with a group of other parcels referred to as "The Woodstone Development". Our records indicate this is what was being proposed back then and this is the information provided to us by the township. It is up to the township to then determine what happens after the County Planning Commissions review. Did they actually rezone the parcels? Galla continued, saying a group of people are trying to put the southern piece up for a referendum vote. The township will need to check their records for clarification on the 2007 rezoning. Galla mentioned that township zoning maps used to be on the county website, but they were removed because the townships were not updating the county on changes, so the maps were outdated. Galla concluded by saying that any calls we receive on zoning are always referred back to the townships as they administer their own zoning and they have to make the determination.

## CONSIDERATION OF JANUARY 26, 2021 MEETING MINUTES

*Motion by Nixon, seconded by Todd, to accept the minutes as presented. Motion carried 9-0.*

### NEW BUSINESS

#### **PC02-21-01 Bingham Township - Text Amendments.**

Galla reviewed the staff report stating this request was received on March 10, and the township is proposing several amendments to Articles 2 thru 7. A public hearing was held on January 7<sup>th</sup> and the meeting minutes don't state the public hearing was opened. Proper procedure is to open the public hearing, take public comment, and then close the public hearing before any action is taken. This may have been done properly, but the minutes don't reflect that, so the township may want to review that so it is recorded properly. Galla continued, saying the January 7 meeting minutes state a motion was made to postpone the public hearing to the February 4, 2021 Planning Commission meeting. At the February 4 township planning commission meeting, the public hearing was continued. The township planning commission passed a motion to postpone the proposed zoning ordinance amendments to the March 2021 meeting. At the March 4 township planning commission meeting, the public hearing was continued. There were no public comments provided. The minutes do not show the 'closing' of the public hearing. A motion was passed to recommend sending the proposed zoning ordinance amendments to the Leelanau County Planning Commission for review, and then to the Bingham Township Board if Leelanau County Planning does not have any substantive changes with the amendments. Galla concluded by saying the township has been working on these amendments for some time, and most of them could be termed as "housekeeping" items. Staff did not find any major issues or concerns with the proposed amendments. It was noted in the staff report that the township may want to review the Public Hearing process to make sure it was properly followed with the "continuation" of the Public Hearing and proper notices.

Hubbell questioned if the areas where they amended the acreage for horses and livestock were zoned Recreational Farm. Lautner asked if it was Residential. Hubbell stated that if it's Agricultural, arbitrarily deciding on farm size could cause problems with the Right to Farm Act. Galla stated the zoning administrator emailed her today on this, and she told him to follow up with Michigan Department of Agricultural and Rural Development (MDARD) and check the Generally Accepted Agricultural Management Practices (GAAMPs.) Lautner questioned if they could limit that in Residential and stated that it should be followed up on with regard to both livestock and farm market.

Todd stated Section 3.6.2, the mobile home revision, talks about multiple residences and should actually be renamed 3.6.2 General Residential Standards. It is at the current time named "Standards for Residential Developments." This would make it much clearer. Todd continued, saying Section 5.4 only deals with horses, not livestock and it appears to her that they are deleting all requirements for acreage per animal. Nixon agreed. Todd said to have no limitations on this seems like it could cause problems. This section only pertains to horses for personal enjoyment or a business of horses. It doesn't have anything to do with farming. Section 4 under "uses by right" is farming which includes livestock already. One of the sections being deleted, Section 4.4.C, Keeping horses for profit or as a business (i.e., Boarding Stable) and the other one is keeping horses provided it is not for profit or as a business. What would prevent someone from having ten horses on the two-acre minimum lot?

Lautner stated that some of the language was taken out and put back in again. Black pointed out that Section 4.4.B mentions two acres for 2 horses and one additional acre for each additional horse. Yoder

said they eliminated a lot of things, but in essence, they did add some language in other sections which was shown in the staff report.

Todd said it is her understanding, that they have taken away any rules regarding keeping horses as pets. She sees hoarding issues, possibly they need to consult with a veterinarian or animal control. Lautner stated we do not get into all of those issues; we comment on zoning.

Steve Patmore, Bingham Township Zoning Administrator, called in and stated that the township decided that if it's not a farm, to eliminate parcel size requirement for horses or livestock. They felt it was either covered in the Right to Farm Act, for profit, or covered under animal welfare or county ordinances. The township felt it was not their responsibility to monitor how many horses or animals people have and the line between the Right to Farm Act and township requirements is a grey area. Patmore continued, saying this doesn't allow them to be kept in the Residential District, this only applies to the Agricultural District and Rural Residential, which is a buffer district between the Agricultural District and the Residential District.

Griswold said striking tasting room with no amended language seems like it would cause issues at the township and he wonders what the reason is for striking this. Patmore said tasting rooms and farm market, were "uses by right," and the Planning Commission decided to make them a "special land use." He is not sure if they can make a farm market a "special land use" if it meets the GAAMP and he will be checking with GAAMP. Griswold said it seems it is a big jump opening the township up to a lawsuit. Patmore said he is not sure they can do it with a farm market. Most people would like to get a public notice if a tasting room is going in next to them. Getting public input on that is a good idea he thinks.

Black said he thinks most townships define animals as "large" and "small" they typically don't specifically say horses. There are veterinarians who treat large animals and those who treat small animals. Patmore said there was a lot of discussion at the township on horses and livestock.

***Motion by Nixon, seconded by Lautner, to forward staff report, minutes and all comments to Bingham Township Planning Commission. Motion carried 9-0.***

## **2020 Annual Report**

Galla said the Planning Act requires the annual report to be prepared and distributed. Galla reviewed the report for members and stated that due to COVID, training was different and we received fewer requests from the townships for amendments or rezonings as they were having fewer meetings.

Nixon questioned why the word "plan" was in bold lettering. He also suggested changing "ZBA Training" to either "ZBA Workshop" or "ZBA Session" and add "s" to the word "time."

***Motion by Todd, seconded by Black, to accept the 2020 Annual Report and forward it to the County Commissioners. Motion carried 9-0.***

## **REPORTS**

### Education Committee

Nothing to report.

### Housing Action Committee

Lautner reported that they touched on goals and housing readiness. Griswold said he also attended the meeting and encouraged the board to look at incentive-based zoning.

### Parks & Recreation Committee

Lautner said they discussed cleaning the fish ponds at Veronica Valley, removing invasive species, culvert work, and cleaning the walking and disc golf trails. There was also a discussion to allow an event at the park, like a concert. It will come back to them in April because it was unclear what exactly would go on.

### **Report from LCPC members of attendance at township/village meetings, or other meeting/trainings**

Nixon attended a workshop offered through the MSU Extension Office on conduct and behavior while serving on Public Boards and Commissions, and another workshop on the Freedom of Information and the Open Meetings Act. He suggested these topics for the Education Committee because they were very informative.

Todd mentioned a graduate student at the University of Michigan, who is investigating a way of doing a trail that connects the Leelanau Trail and the Heritage Trail.

Griswold mentioned training he attended regarding when to recuse yourself and procedural zoning.

Yoder mentioned Solon Township has a referendum on the ballot in May, regarding the rezoning on M-72 that they reviewed last year.

### Training Updates

Todd mentioned a transportation seminar she attended and her take-away was the importance of a communities non-motorized transportation. This is one of the biggest factors in rising property values and it's the thing that people want in our community. Also, the use of Covid relief money may be a lot broader than thought. As communities, we should be looking at presenting projects that may qualify in order to tap into some of this money. Todd concluded by saying she attended a Master Planning class and a Planning and Zoning Essentials class through the Michigan Association of Planning which were both very good.

Yoder said he attended a Managing Risk Session - making sound planning and zoning decisions, which he found very knowledgeable. It gave pros and cons of the decisions you make in your community and how to avoid lawsuits.

Miller said he also attended the Planning and Zoning Essentials session.

### **COMMUNICATIONS**

Planning News (mailed to members)

**PUBLIC COMMENT**

**The phone number for public comment was announced.**

No public comments received.

**STAFF COMMENTS**

Galla reminded everyone of the first Household Hazardous Waste & Electronics & Shredding Collection being held on May 22<sup>nd</sup> at the Governmental Center.

**COMMISSIONER & CHAIRPERSON COMMENTS**

Black mentioned the Planning & Zoning News mailed to members, and the short-term rental (STR) article it contained. He doesn't like the trend of doing away with them because this is a destination county.

Lautner said Happy Easter!

Griswold asked if this body makes resolutions in support of different measures. He doesn't believe STR's are a good thing for this county and he would like to see a resolution in support of incentive-based zoning. Yoder stated their job is more to make recommendations and review. Galla said it might be a better idea for the Planning Commission to hold a training session on this type of zoning to educate townships.

Yoder thanked staff for all their work.

**ADJOURN**

*Meeting adjourned at 6:47 p.m.*

# TEXT AMENDMENT REVIEW

## PC03-21-08 Leelanau Township

### Text Amendments – Article 22, Signs

**Reviewing Entity:** Leelanau County Planning Commission  
**Date of Review:** April 27, 2021

#### **SECTION 1: GENERAL INFORMATION**

**Date Request Received:** March 23, 2021 for text, April 22, 2021 for the Memo and township planning commission minutes.

**Last Day of Review Period:** 30-day review period under the Michigan Zoning Enabling Act.

**Requested Action:** Review and comment on proposed amendment to the proposed addition of new Sign regulations for the Leelanau Township Zoning Ordinance.

**Applicant:** Leelanau Township Planning Commission

#### **SECTION 2: PROPOSAL**

See Appendix for a copy of the proposed text amendment.

#### **SECTION 3: OTHER PLANNING INPUT**

**Township Plan:** The Leelanau Township Master Plan does not specifically address this amendment.

**Leelanau General Plan:** The Leelanau General Plan (2020) does not specifically address this amendment.

#### **Township Planning Commission:**

A public hearing was held on January 23, 2020, and then continued on February 13, 2020, (staff could not obtain copies of the minutes from these prior meetings, prior to this report being completed), and then continued on March 12, 2020. (Minutes attached) Following the public hearing, the township planning commission passed the following motion.

*Motion by Johnson to approve the Sign Standards Zoning Amendment with the minor changes made tonight and forward to the Leelanau County Planning Commission for review and comments. The County Planning Commission comments will be discussed by this Commission at a future meeting before the amendment is forwarded to the Township Board.*

*Seconded by Mulvahill.*

*Discussion: None*

*Motion carried by voice vote.*

#### **SECTION 4: ANALYSIS**

##### Compatibility

A. Is the proposed text compatible with other language in the zoning ordinance? Yes

B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)? See staff comments.

C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance? No

Issues of Greater Than Local Concern

A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.  
No

Comparison with Local Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the community's plan? Please list.  
No

Comparison with County Plans or Ordinances

A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list.  
No

Current Zoning District:

For Current text, Link to the Township Sign Ordinance at: <https://www.leelanau.cc/leelanautwp.asp>

**SECTION 5: HISTORY**

**The following section summarizes the ruling by the Supreme Court regarding signage (*Reed v. Town of Gilbert, June 18, 2015*), the formation of the Leelanau County Sign Advisory Group (SAG) and development of a model Draft Sign Ordinance.**

The United States Supreme Court passed a ruling on June 18, 2015 which has affected every signage ordinance in the Townships and Villages in Leelanau County. The essence of that is that no signs can be regulated according to their content. Other criteria such as size, location, number, set-backs, illumination, color, etc. can be used as criteria in ordinances.

Kurt Schindler, (retired) MSUE Senior Educator, Land Use provided a presentation on signs during the 2016 Spring Planning Session hosted by the County Planning Commission. Schindler outlined details including the type of amendments necessary to address the legality of our Townships' and Villages' sign ordinances (in the context of the Supreme Court ruling). In his presentation, Schindler noted that all of the townships and villages in Leelanau County had ordinance language that was out of compliance in 2016 with the Supreme Court ruling. Schindler also noted that if you have to 'read' a sign to determine what kind of sign it is, then you are not treating the sign as 'content neutral'. Example: you read a sign and determine it is a real estate sign. Instead, the sign should be considered a 'temporary sign' with no reference to what the content is on the sign.

Following the Annual Session, a subcommittee was formally approved by the County Planning Commission to propose a Draft Sign Ordinance which the individual Townships and Villages could consider for adoption. The *Sign Advisory Group* (SAG) was comprised of County Planning Commission Members, Township Planners and Zoning Administrators, an attorney and a realtor. It was recommended that Local Townships and Villages use the Draft Signage Ordinance for consideration. It was also recommended that proposed ordinances be reviewed by legal counsel with experience in the new regulations related to signage. The Draft Sign Language created by the Sign Advisory Group (SAG) was sent to every township and village in Leelanau County in September of 2016, for their consideration in amending their ordinances. Several municipalities in Leelanau County have since amended their zoning ordinances with regard to Signs.

**SECTION 6: STAFF COMMENTS**

Leelanau Township is proposing adding Sign regulations to its township zoning ordinance, and rescinding the Sign Ordinance 91-1 (Amended through June 15, 1996). Ordinance 91-1 is known as a 'police power ordinance or just called 'an ordinance'. Zoning and police power ordinances are not the same. A zoning ordinance must be based on a master plan. Police power ordinances do not have such a requirement. A police power ordinance does not regulate the 'use of land', it regulates an 'activity'. A zoning ordinance regulates 'use of land' and it might also

regulate an ‘activity’. There is a difference in the process to adopt a police power ordinance vs a zoning ordinance.<sup>1</sup>

It is noted by Leelanau Township that they have been discussing sign standards for a while now due to the fact that the current sign ordinance is not “content neutral” and the township planning commission felt the new standards should be incorporated into the zoning ordinance rather than a township police power ordinance. The proposed amendment will **Add Article 22 – Signs** to the Leelanau Township Zoning Ordinance and rescind existing Leelanau Township Sign Ordinance 91-01.

(**Staff Note:** Leelanau County repealed the Leelanau County Zoning Ordinance in 2020 and worked with its attorney on the process. The process to repeal the ordinance had to follow the same process to adopt it. To complete this step, an **Ordinance to Repeal the County Zoning Ordinance** was prepared, adopted and published. If Leelanau Township wishes to rescind/repeal its Sign Ordinance 91-01, they should verify the process to complete this step.)

The proposed Leelanau Township Sign regulations are quite similar to the regulations proposed by the Sign Advisory Group (SAG) in 2016. The township has added regulations on Illumination of signs, and Non-conforming Signs.

Section 22.5(B) reads “Maximum size of **eight (12)** square feet with a maximum height of four (4) feet.” Is the maximum size eight (8) or twelve (12) square feet?

The township is commended for proposing changes to their sign regulations in order to be in compliance with content neutral regulations. Prior to adopting Sign Regulations as part of the township zoning ordinance, township officials may wish to sign up for the ‘Michigan Sign Regulation Guidebook Training’ to be held on May 12. This session is being presented by Michigan State University Extension. Recent court decisions further reduce local zoning authority (potentially) to limit on and off premise signs, commercial and non-commercial speech. And, the advancement of digital sign technology presents new challenges. The website for information and registration is: <https://events.anr.msu.edu/signs> It may be beneficial for township officials to participate in this training, prior to taking any final action on Sign regulations.

With regard to Public Hearings, it is important to make sure proper procedure is followed. Staff did not have the minutes from the January or February township planning commission minutes prior this staff report being completed. It is staff’s understanding that a Public Hearing can be recessed if the time and place is announced during the initial meeting. If the January Public Hearing was recessed to February and then to March, this step would need to occur at each subsequent Public Hearing. If not, the required notices may be required again for the next hearing. Also, Public Hearings should be noted in the minutes as ‘Opened, Closed’ and then action/motion is recorded. The minutes from the March meeting show the Public Hearing opened and a motion passed, but does not show the Public Hearing being closed. The motion should occur after the Public Hearing is closed.

If there are any questions regarding proper procedure being followed, the township may wish to check with their legal counsel on this issue, prior to the Township Board taking final action.

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<sup>1</sup> Michigan State University, **Zoning and police power ordinances are not the same**, Kurt H. Schindler, June 19, 2014.

## **Appendix - Transmittals from Leelanau Township**

## Trudy Galla

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**From:** Steve Patmore <zoningadmin@suttonsbaytwp.com>  
**Sent:** Thursday, April 22, 2021 8:37 AM  
**To:** Trudy Galla; Gail Myer  
**Subject:** Leelanau Township  
**Attachments:** 2021-04-27 Memo and Minutes to County Planning.pdf

Attached is a memo and the Public Hearing Minutes.

Sorry for the delay.

I would like to attend the meeting via Zoom, and I think that it would be helpful if I was allowed to give a brief introduction before the PC members ask their questions.

Steve

# LEELANAU TOWNSHIP PLANNING COMMISSION

## **Zoning Amendment to add Article 22 – Signs to the Leelanau Township Zoning Ordinance and Rescind Existing Leelanau Township Sign Ordinance 91-01**

**April 2021**

### **Background:**

The Leelanau Township Planning Commission (LTPC) started discussing sign standards a few years ago due to the following considerations:

- The existing township sign ordinance (91-01) is not “content neutral” as required by United States Supreme Court Decisions.
- The Planning Commission felt that the current sign standards needed upgrading.
- The Planning Commission felt that the new standards should be incorporated into the zoning ordinance rather than a township police power ordinance.

The Leelanau Township Planning Commission did the following research:

- Looked at the Leelanau County Model Sign Ordinance prepared by the sign committee.
- Looked at recent sign standards adopted by Bingham Township and Elmwood Township.
- A planning commission member toured the township and created a log of existing signs in the township and sizes. This chart was extremely helpful to the PC.
- The township zoning administrator has been monitoring the size and number of political signs erected during recent campaign seasons.
- The PC worked to incorporate Dark-Sky standards into the new language.

The PC felt that Leelanau Township does not currently have a sign problem, including political signs, and worked to make existing businesses, farms, and political organizations conforming to the new language.

They also felt that larger parcels should be allowed to have some additional signage.

It should be noted that these standards would not apply to the incorporated Village of Northport, who have their own sign standards.

### **Amendment Process:**

After a couple years of discussion and research, the Planning Commission held a Public Hearing on January 23, 2020. The Hearing was continued on March 12, 2020.

On March 12, 2020 the Sign Standards were approved for submittal to the Leelanau County Planning Commission for review.

Since there was very little public input on the sign standards, the LTPC is very interested in the Leelanau County Planning Commission and Staff comments on these standards.

The LTPC wants to review your comments, have more discussion, and possibly have another Public Hearing especially considering the elapsed time. The request was not forwarded to you during the COVID-19 Pandemic, then we got busy with other projects. I apologize for the delay.

Prepared by:

Steve Patmore  
Zoning Administrator  
Leelanau Township

**MINUTES**  
**LEELANAU TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING**  
Thursday, March 12, 2020  
Leelanau Township Hall  
119 E. Nagonaba St., Northport, MI 49670  
7:00 p.m.

**1. PLANNING COMMISSION CALL TO ORDER, ROLL CALL, NOTATION OF**

**QUORUM:** The meeting was called to order by Chair Kalchik at 7:00 p.m.

Members Present: Kalchik, Johnson, Leighton, Rebori, Mulvahill

Absent: Sampson, Mitchell

**Quorum Established**

Staff: Zoning Administrator Patmore (ZA)

Public: 0

**2. APPROVAL OF AGENDA:** Chair Kalchik asked if there were any additions or changes to the draft Agenda. There being no additions or changes, the Agenda was approved as presented by consensus.

**3. DECLARATION OF CONFLICT(S) OF INTEREST:** None stated.

**4. PUBLIC COMMENT:** None

**5. DISCUSSION/ACTION ITEMS:**

**A. Continuation of Public Hearing and Consideration – Sign Standards Amendment to the Zoning Ordinance**

Chair Kalchik re-opened the Public Hearing from February 13, 2020 on the proposed sign standards amendment to the zoning ordinance, and asked Zoning Administrator Patmore to review the minor changes made last month.

Discussion by the PC:

- Page 3 – correct spelling of trespass. Insert the word “direct”.
- Add the word “feet” to the height columns in all the Tables.
- Make the format of the Tables consistent.
- Discussed illumination, and non-conforming signs.

*Motion by Johnson to approve the Sign Standards Zoning Amendment with the minor changes made tonight and forward to the Leelanau County Planning Commission for review and comments. The County Planning Commission comments will be discussed by this Commission at a future meeting before the amendment is forwarded to the Township Board.*

*Seconded by Mulvahill.*

*Discussion: None*

*Motion carried by voice vote.*

**B. Planning Budget for 2020-21 Fiscal Year**

The Commission reviewed the draft 2020-21 Township Board Planning Budget as required in the By-Laws.

Comments:

- The Commission may need a Recording Secretary.
- We will need a Master Plan Consultant to update the Master Plan in the next Budget.

Consensus by the Commission to forward these comments to the Township Board.

**6. APPROVAL OF MINUTES:**

**A. February 13, 2020 Regular Meeting:**

Chair Kalchik asked if there were any additions or corrections to the Draft Minutes. There were no additions or corrections.

*Motion by Rebori to approve the February 13, 2020 Leelanau Township Planning Commission Meeting Minutes as presented.*

*Seconded by Leighton*

*Discussion: None*

*Motion carried by voice vote.*

**B. January 23, 2020 Regular Meeting:**

Chair Kalchik asked if there were any additions or corrections to the Draft Minutes. The following correction was offered:

- On page 1 under Public Comment; correct the punctuation at the end of the comment to be a period.

*Motion by Rebori to approve the January 23, 2020 Leelanau Township Planning Commission Meeting Minutes as presented.*

*Seconded by Mulvahill*

*Discussion: None*

*Motion carried by voice vote.*

**7. REPORTS:**

**A. Township Board – G. Leighton:**

- The Board had a Special Meeting on February 25<sup>th</sup>.
- The Board discussed the Short Term Rental Ordinance – was tabled.
- The Board discussed alternatives for the Christmas Cove Erosion issue. They chose option D minus the upper parking lot.

**B. Zoning Administrator – S. Patmore:** Zoning Administrator Patmore discussed the following:

- Land Use Permits are picking up, comparable to last year.
- Timber Shores has mentioned that they would be submitting an application.
- Many questions on zoning, land divisions, & concerns. Most want a written opinion.
- Working with Board on short term rentals ordinance.

- Land Division on Kilcherman Rd.
- Questions on modifying an old PUD.

**C. Housing Needs/Support for Aging Population: No report**

**D. Coastal Resiliency Project:**

- The report is on-line. May be useful for Master Plan Update.

**9. PUBLIC COMMENT:**

None.

**10. COMMISSIONER COMMENTS:**

- Solar / wind energy
- List of appointment / terms

**11. FUTURE AGENDA ITEMS:** Solar /Wind, by-laws, Leelanau Community Foundation.

**12. ADJOURNMENT:** There being no further business to come before the commission, Chair Kalchik adjourned the meeting at 8:20 p.m.

**Draft Meeting Minutes prepared by Steve Patmore, Zoning Administrator**

**Minutes approved as-corrected on September 10, 2020**

**David Johnson, Planning Commission Secretary**

## **ARTICLE 22**

### **SIGNS**

#### **SECTION 22.1 PURPOSE**

“The purpose of this ordinance Article is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting maximum latitude for creative and effective identification and communication. Regulations promote traffic and pedestrian safety, preserve the scenic integrity of the natural environment, and protect the aesthetic quality and character of the Township. In conformance with United States Supreme Court decisions, it is not the intent or purpose of this Article to regulate the message or content displayed on signs. Signs may be erected or maintained in the Township of Leelanau only as permitted by this Article and subject to all restrictions contained herein.

The objectives (*goals that the regulations are meant to accomplish*) of this Article are:

1. To promote a quality manner of display which enhances the aesthetic character of the township, minimizes the impact on the landscape, is protective of scenic areas, viewsheds and the dark night sky;
2. To keep signs within a reasonable scale with respect to the buildings they identify or to which they relate;
3. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
4. To reduce visual distractions and obstructions to the public while traveling along, entering or leaving streets and roads;
5. To prevent the placement of signs in a manner that will conceal or obscure signs of adjacent businesses;
6. To prevent off-premise signs from conflicting with business, residential and public land uses; and
7. To prevent the proliferation of temporary signs which might promote visual blight.
8. Regulate signs based upon factors other than message or content of the sign.

## **SECTION 22.2 DEFINITIONS**

**SIGN**: Any device, structure, fixture, banner, placard or other object used for the display of any message.

**SIGN AREA**: See Section 22.6 A

**REGULATED SIGN**: Any Sign that is not exempted by Section 22.3.

**TEMPORARY SIGN**: Any regulated sign that is located on a parcel for a period of less than 60 days continuously, and less than a total of 120 days in a calendar year.

**PERMANENT SIGN**: Any regulated sign that is located on a parcel for more than 60 days continuously, and more than a total of 120 days in a calendar year.

**MURAL**: An artistic image or design that does not contain a written text or convey a commercial message.

**PORTABLE SIGN**: a sign placed on the ground which is portable and not anchored or secured.

**WALL SIGN**: a sign mounted on or otherwise displayed on the surface of a wall.

**UNALTERED GRADE**: grade or topography existing prior to any excavation, clearing, grading, or filling.

**FLAG**: An item made of non-rigid material having a distinctive size, color and design used as a symbol or emblem.

**GROUPED PERMANENT SIGNS**: A group of more than two Permanent Signs on the same Parcel installed within a 200' radius of each other in the Commercial or Industrial Zoning District.

**CHANGEABLE COPY SIGN**: A sign or portion thereof on which the copy or symbols change automatically through either electrical or electronic means. These include message center signs, digital displays, and Tri-Vision Boards.

**CORRELATED COLOR TEMPERATURE (CCT)**: A unit of measure for light color, measured in degrees, based on the Kelvin temperature scale (K). Color temperatures over 3500 K are called cool, or daylight colors, while lower color temperatures (2700-3000) are considered warm colors.

**ILLUMINATED SIGN**: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign, or externally illuminated by a light source aimed at its surface.

**FULLY SHIELDED**: An outdoor fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane passing below the fixture.

**GLARE**: Lighting entering the eye directly from luminaries or indirectly from reflective surfaces that causes visual discomfort or a disability loss in visual performance or visibility.

**LIGHT TRESPASS**: Any direct light falling beyond the legal boundaries of the property it is intended to illuminate.

**SKYGLOW**: Brightening of the nighttime sky caused by light directed or reflected upwards or sideways.

### **SECTION 22.3 SIGNS EXEMPT FROM REGULATION**

- A. Signs required by, erected by or at the direction of a government, governmental agency, or public utility.
- B. Not visible to motorists or pedestrians on any road, water body, public lands, or adjacent parcel(s).
- C. Signs less than 1.25 square feet in size.
- D. Murals.
- E. Flags
- F. Signage painted on or integral to vending machines, fuel dispensing pumps or working fuel storage tanks.

### **SECTION 22.4 PROHIBITED SIGNS**

The following are prohibited:

- A. Regulated Signs placed or painted on trees, natural features, utility poles and light poles.
- B. For the safety of the general public, no spinners, strings of pennants, sail flags, inflatable signs or objects may be used.
- C. Changeable copy signs, as defined herein.

**SECTION 22.5 SIGNAGE ALLOWED PER ZONING DISTRICT**

The total number of signs allowed per parcel, maximum height, sign area, and illumination is determined by the zoning district in which the parcel is located.

The following tables contain these requirements for each zoning district:

**TABLE 22.5.A**

**Agricultural and Residential Conservation District Sign Standards**

<b><u>Agricultural and Res. Conservation Districts</u></b>	<b>Permit Required</b>	<b>Illumination</b>	<b>Maximum Height (feet)</b>	<b>Maximum Sign Area Per Sign (square feet)</b>	<b>Max. Total Sign Area Per Parcel (square feet)</b>
<b>Temporary Sign</b>	No	Not allowed	5	32	100
<b>Permanent Sign</b>	Yes	Allowed see Section 22.7	8	24	75 (see note 1)
<b>Portable Sign</b>	No	Not allowed	4	12	Total of 2
<b>Wall Sign</b>	Yes	Allowed see Section 22.7	Below eave line	24 (See note 2)	75 (See note 2)

- (1) For Parcels with more than 500' of public road frontage, the maximum allowable total sign area per parcel is multiplied by 1.5.
- (2) Wall signs that are set-back a minimum of 200' from the Front Property Line may be increased to a maximum size of 48 square feet.

**TABLE 22.5.B**

**Residential District Sign Standards (R-1, R-2, R-3, R-4)**

<b><u>Residential Zoning Districts</u></b>	<b>Permit Required</b>	<b>Illumination</b>	<b>Maximum Height (feet)</b>	<b>Maximum Sign Area Per Sign (square feet)</b>	<b>Maximum Total Sign Area per parcel (square feet)</b>
<b>Temporary Sign</b>	No	Not Allowed	5	24	50
<b>Permanent Sign</b>	No	Not Allowed	6	12	12
<b>Wall Sign</b>	No	Not Allowed	Below eave line	12	12

**TABLE 22.5.C**  
**Commercial and Industrial District Standards**

<b>Commercial and Industrial Districts</b>	<b>Permit Required</b>	<b>Illumination</b>	<b>Maximum Height (feet)</b>	<b>Maximum Sign Area Per Sign (square feet)</b>	<b>Maximum Total Sign Area Per Parcel (square feet)</b>
<b>Temporary Sign</b>	No	Not Allowed	5	32	100
<b>Permanent Signs (see note 2 for Grouped Signs)</b>	Yes	Allowed see Section 22.7	8	24	48 (see note 1)
<b>Portable Sign</b>	No	Not Allowed	4	12	maximum 1 sign
<b>Wall Sign</b>	Yes	Allowed see Section 22.7	Below eave line	Per wall - 24 sft or 10% of wall area, whichever is least.	Maximum 2

**(Note 1) For Parcels in the Commercial or Industrial Zoning District with more than 500’ of public road frontage, the maximum allowable total sign area per parcel is multiplied by 1.5.**

**(Note 2) Grouped Permanent Signs in the Commercial or Industrial Zoning District shall be considered a Special Land Use subject to Planning Commission Review.**

**SECTION 22.5 PORTABLE SIGN REGULATIONS**

Portable signs are allowed in the Agricultural, Commercial, & Industrial Districts, subject to the limits specified for each district. Such signs are not to be counted in the maximum allowable sign area on the parcel. Portable signs must comply with the following standards:

- A. One portable sign may be displayed per business.
- B. Maximum size of eight (12) square feet with a maximum height of four (4) feet.
- C. Can only be displayed during hours of operation.
- D. Cannot be permanently affixed to the property.
- E. May not be illuminated.
- F. Shall not obstruct vehicular or pedestrian traffic.

## **SECTION 22.6 REGULATIONS THAT APPLY TO ALL SIGNS**

A. The Sign Area shall be calculated based upon the following:

1. Structural elements necessary for the support of the signs shall not be included in the square footage computation so long as they are separate from the sign face by a reveal or a change in materials.
2. Square footage calculation shall include such elements as decorative borders, top caps, and drop signs.
3. For a sign painted or applied to a building, wall or window shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters, symbols and designs.
4. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back-to-back or placed no greater than a 60-degree angle from each other.

B. All signs shall be installed only with the prior approval of the property owner. All signage on a parcel will be counted towards the total allowable signage regardless of who placed the sign.

C. Any sign installed in a dedicated road right-of-way or public road easement must have the permission of the appropriate road agency. It is the responsibility of the property owner and sign installer to meet any and all applicable standards of the road agency.

D. All signs and sign structures shall be maintained in good, safe, structural condition and repair. All signs and display surfaces shall be neat in appearance and neatly painted or posted, and not ripped, tattered or faded. Premises immediately surrounding fixed signs shall be kept clean and free of rubbish, weeds and debris.

E. Once the purpose of the sign has ended, the sign and supports shall be removed.

F. Height of any sign shall be measured from the un-altered grade as defined herein.

## **SECTION 22.7 ILLUMINATION OF SIGNS**

Illuminated signs, where allowed by this Article, shall not create glare or unduly illuminate the surrounding areas or the night sky. Limiting light emission is encouraged. The following provisions shall apply to signs that are permitted elsewhere in this Article.

A. For the safety of the general public, no unshielded light, lights directed upward or horizontally at sign faces, flashing lights, scrolling or moving electronic lights, searchlights, or other distractive devices shall be used in conjunction with any sign or business.

B. Sign illumination shall not create glare, visual clutter, light trespass on adjacent properties, contribute to sky glow, distract motorists, or otherwise create a traffic hazard.

- C. If allowed in the district, signs can be illuminated by one of three manners:
  - (1) External Illumination: A fully shielded light shining downward onto the sign following an imaginary horizontal plane passing below the fixture.
  - (2) Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Only sign text areas and logos may be illuminated and shall remain static. Non-text portions of the sign shall be made of completely opaque material.
  - (3) Halo Illumination- also known as back-lit illumination: A sign using a 3-dimensional message, logo, etc. which is lit in such a way as to produce a halo effect around sign text. The light source shall only allow indirect illumination to emanate from the sign.
- D. The source of any sign light shall not be visible to vehicles or pedestrians on any road, alley, water body, public land, adjacent parcels, or in the air above the illumination.
- E. The correlated color temperature (CCT) of lamps shall not exceed 3000 Kelvin.
- F. The luminous/illuminated surface area of an individual sign shall not exceed 24 square feet.
- G. The luminance (brightness) levels for operation between sunset and sunrise shall not exceed 20 nits (20 candelas/square meter) as measured under conditions of a full white display.
- H. Underground wiring shall be required for all illuminated signs that are not attached to a building.
- I. Illuminated signs shall be turned off at the close of business hours. Signs may be turned on 30 minutes before the opening of the business.

## **SECTION 22.8 NON-CONFORMING SIGNS**

- A. Subject to the other restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Article may be continued, repaired, re-painted and maintained as is necessary to keep in a sound condition.
- B. The nonconformity of a sign and/or its structure may not be increased. Illumination may not be added to a nonconforming sign.
- C. A nonconforming sign and/or its structure may not be moved except to bring the sign into greater conformity with this chapter.
- D. If a nonconforming sign is destroyed to the extent it is impractical to be restored using a majority of its existing major components, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land.
- E. If the color, name, message, or support structure of a nonconforming sign is changed, then the sign must meet the requirements of this Article.

## Fall Training Session - Hot topics?

(Below are some suggestions from Mary Reilly of Michigan State University Extension. Mary is a presenter for numerous training topics.)

- Signs (see this event and new Michigan Sign Guidebook): <https://events.anr.msu.edu/signs/>  
The federal courts have been making some pretty groundbreaking decisions at the appeals court level—that further reduces local zoning authority (potentially) to limit on and off premise signs, commercial and non-commercial speech.
- The “doing” of missing middle housing. Housing North has done so much work in this area, and Emmet County has a housing partner. After the planning is done, the need is realized, the leadership of the community is on board (all of these are significant!), then what? What does the zoning look like in terms of where and how to implement policy around accommodating more housing options. These could be incremental steps or large steps, whatever works for your community. A component of this is regulating STRs so those additional options can accommodate long term residents as well. The exclusivity angle of residential housing is also interesting—*Color or Law*, etc.
- Solar! About 25% of Michigan communities have ordinances that regulate solar. More solar is coming from individuals, consumers, local co-ops, Consumers, and DTE. Is your plan/ordinance ready? MSU and U of M are working on a sample solar zoning ordinance and it will be ready by July.
- Farm Market GAAMP (Right to Farm)—fairly significant changes to the 2021 Farm Market GAAMP are somewhat difficult to navigate for those working in zoning... additional explanation may be necessary on those new gray areas.
- [Crime Prevention Through Environmental Design \(CPTED\)](#)—this is an older field of planning, but little explored or discussed. We have an expert within our Land Use team (Harmony Gmazel) that has put together a great program and helped communities work through a CPTED planning process.
- Parliamentary procedure/motions/effective meetings/bylaws—this is sort of a perennial area of interest (general board functioning).

# A HOUSING NORTH WEBINAR **HOUSING READY PROGRAM:**



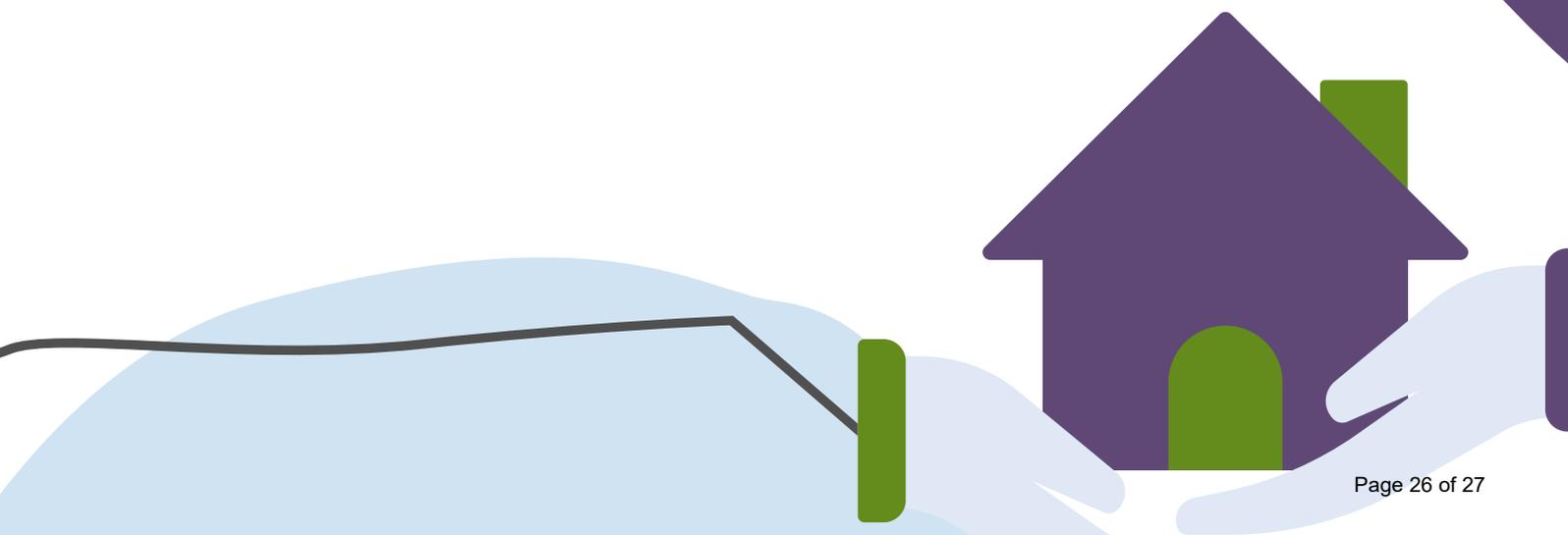
Building Capacity for  
Community Development

**When:** April 29th, 01:00 PM (EST)

**Topic:** Housing Ready Program  
Presentation

**[To register, click here](#)**

After registering, you will  
receive a confirmation email  
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joining the webinar.



## A HOUSING NORTH WEBINAR

# HOUSING READY PROGRAM

Building Capacity for Community Development



Housing is a clear and urgent economic development need in our region. Despite a proven and rising demand for new housing units, it continues to prove ever more complex and expensive to build the housing that employers and residents need. Developers identify local community development “capacity” as an important need for housing development in rural areas. In today’s highly competitive and complex development landscape, it’s critical for communities to be able to offer support in navigating the development process, convening partners, and facilitating the use of local, state, and federal incentives and development tools. Yet, it is difficult for small cities and rural areas to provide full-time staff that can focus on housing solutions.

One solution provides collaboratively funded, support staff to help achieve local and county housing goals. This model has been implemented in Northwest Michigan. Housing North is offering opportunities to expand the concept of shared capacity and partnerships to housing and community development, through the “Housing Ready” program. Through the Housing Ready program, Housing North and our partners can recruit, hire, and manage a shared local staff person to identify key housing opportunities, initiate and coordinate neighborhood-scale development, leverage local resources, and spur new housing investment. Currently, we have one full-time position in Charlevoix County.

Join Housing North for a Webinar on April 29th from 1-2 p.m. to learn more about how your county can bring a Housing Ready Program staff person to your community.

Speakers include Steve Schnell, Housing Ready Program Director for Charlevoix County and hosted by Yarrow Brown, Housing North. To sign up, [click here](#).

