

**A REGULAR MEETING OF THE LEELANAU COUNTY PLANNING COMMISSION WAS
HELD ON TUESDAY, APRIL 27, 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.)
(via ZOOM) K. Todd (Leelanau Twp.), N. Griswold (Elmwood Twp.),
C. Noonan (Empire Twp.)

Members Present: S. Yoder, G. Carlson, M. Black, M. Lautner, A. Trumbull
(At Government Center)

Members Absent: D. Hubbell
(prior notice)

Staff Present: G. Myer, Senior Planner
(At Government Center)

Public Present: None
(At Government Center)

Public Present: S. Patmore (Leelanau Twp.)
(via ZOOM)

Yoder updated members on the most recent guidelines sent out by the Michigan Department of Health and Human Services (MDHHS) requiring that all individuals present at board meetings wear a face mask throughout the entire meeting. This does not exclude elected officials, but since they are elected, they may do as they wish. Yoder respectfully requested that all members present wear a mask throughout the entire meeting if possible.

CONSIDERATION OF AGENDA

Motion by Lautner, seconded by Noonan, to accept the agenda as presented. Motion carried 10-0.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT

The phone number for public comment was announced.

No comments received.

STAFF COMMENTS

Myer mentioned the CIP and stated that since there were no new items to add this year, some minor updating was needed and it would be ready for review next month.

CONSIDERATION OF MARCH 23, 2021 MEETING MINUTES

Griswold requested changes be made to his comments on page 6, under “Commissioner & Chairperson Comments.” He would like his comments to read as follows:

“He believes STR’s are a good thing for this county and that they can provide a much-needed income stream into our community. He would like to see a resolution in support of incentive-based and creative zoning. Griswold offered to assist with setting up this training.”

Motion by Trumbull, seconded by Black, to accept the minutes as amended. Motion carried 10-0.

NEW BUSINESS

PC03-21-08 Leelanau Township - Signs.

S. Patmore stated they currently have a stand-alone Sign Ordinance which doesn’t meet the content neutral requirements and has not been updated since 1991. Leelanau Township has been working on this amendment for at least two years, and they want to make it a part of their Zoning Ordinance instead of a Police Power Ordinance. Patmore said they started by looking at the Leelanau County model sign ordinance, and Bingham and Elmwood Townships standards. A member of the Leelanau Township Planning Commission toured the township, making a list of all of the business signs and the sizes, which was used in their decision-making process. They have also been monitoring the size and number of political signs. Dark sky standards were incorporated into the new language. Patmore continued, saying the Planning Commission didn’t feel that the township had a current sign problem, they just wanted to upgrade in order to meet the Supreme Court decision and make things workable for the community. Patmore pointed out that these sign standards do not apply to the Village of Northport.

Patmore continued, saying they had a Public Hearing in January of 2020, which continued into February and March because commissioners kept thinking of things. They had very little public comment, and the commissioners feel that the County Planning Commission would be a good set of eyes to review this. Patmore said the township realizes that this needs a little more work, and they would like to get more public input. He mentioned the upcoming sign training and stated they would attend that. Patmore concluded by saying they will probably have another public hearing on this.

Myer reviewed the staff report, saying the request to review the text was received on March 23, 2021 and the request to review the memo and township planning commission minutes was received on April 22, 2021. Following a Public Hearing on January 23, 2020, which was continued on February 13, 2020 and continued on March 12, 2020, the township planning commission passed a motion to forward the amendment to the County Planning Commission for its review and comments.

Myer continued, saying 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 91-01 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.

Myer continued, saying the proposed amendment will Add Article 22 – Signs to the Leelanau Township Zoning Ordinance and rescind existing Leelanau Township Sign Ordinance 91-01. The process to repeal the ordinance had to follow the same process to adopt it. If Leelanau Township wishes to rescind/repeal its Sign Ordinance 91-01, they should verify the process to complete this step. Myer said 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.

Myer pointed out the following typo: 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?

Myer continued, saying 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. 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. It may be beneficial for township officials to participate in this training, prior to taking any final action on Sign regulations.

Myer said 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. Myer concluded by saying 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.

Lautner asked for clarification regarding the error pointed out in the staff report in Section 22.5(B). Patmore stated he would have to check into that.

Miller said the definition of a mural says it does not contain written text or convey a commercial message. What if you have a picture of sleeping bears and it said “Sleeping Bear”, is that a sign or a mural? Patmore said it depends on if “sleeping bear” is a business. This is geared more towards quotes on a barn. They didn't want them to be construed as a sign. Patmore continued, saying that if “Sleeping Bear” is the business that is there, then yes, that would be conveying a message. If “Sleeping Bear” is unrelated to the property then it would be considered a mural. Miller stated, then what you consider a written sentence, is prohibited as a mural is defined. Patmore said their intent is not to regulate art.

Miller continued, asking if a flag has words on it, is it a sign? Patmore said no, the planning commission spent a lot of time on flags. They don't have a problem with them, so they are exempt.

Miller stated that a bedsheet hung up could be called a flag and say whatever on it and it could be considered a commercial sign. Patmore said that if you have to read the flag to figure out what kind of sign it is, then it's not content neutral. The planning commission made the decision that they didn't even want to try and regulate flags. Miller said that it is open for abuse in his opinion. Patmore agreed, someday someone will abuse that, but they didn't want to regulate flags.

Miller continued, saying 22.5.A Table says it's measured from the ground. If the bottom of a sign is two foot above grade, then a six-foot sign is maximum? Patmore stated a note was added which reads "The height of a sign is measure from the un-altered grade." Miller said, then if the grass is two foot high, you need to have the sign two foot above grade in order for people to see it. This would mean an eight-foot-high permitted sign would only be a visible six-foot sign. Patmore said the measurement is from grade, not grass. They are assuming that if a person wants their sign to be seen, they would be responsible for mowing the grass.

Nixon stated that the language was pretty clear and that he was impressed by the person running around the township taking note of all of the signs. He also pointed out on the first page of the proposed amendment, there are quotation marks at the beginning of the paragraph that are not needed and on page two, "Changeable Copy Sign" is in italics and shouldn't be.

Todd commended the township for incorporating dark sky provisions.

Griswold said more and more, flags are being used for political purposes and he knows political signs are temporary. A flag, if exempt, could be a political sign flown year-round. Patmore stated they had a lot of discussion on freedom of speech and flags.

Yoder said the draft was very well done and he concurs with staff regarding the public hearing process.

Motion by Lautner, seconded by Black, to forward staff report, minutes and all comments to Leelanau Township Planning Commission. Motion carried 10-0.

Training Topics for fall session/Referral to Education Committee

Yoder said they would like to do a fall training session for local townships and municipalities. Some possible topics were included in the agenda packet and he would like everyone's top two choices.

Black – short term rentals and solar.

Lautner – farm markets, Generally Accepted Agricultural and Management Practices (GAAMPs), how to fit value added businesses into your community and crime prevention through environmental design. Then at some point, marijuana – the after affects, two years in.

Carlson – middle housing and solar.

Miller – GAAMPs, solar and alternative energy.

Nixon – noise ordinances, and GAAMPs.

Todd – solar and GAAMPs.

Griswold – short term rentals or alternative housing options, creative zoning and alternative energy.

Trumbull – middle housing and solar.

Noonan – signs and GAAMPs.

Yoder – middle housing, solar and alternative energy.

Yoder concluded by saying the top two choices for the Education Committee to look into are GAAMPs and solar.

REPORTS

Education Committee

Nothing to report.

Housing Action Committee

Nothing to report.

Parks & Recreation Committee

Noonan said they are working on trail clean up at Myles Kimmerly Park. They have been experiencing larger than expected numbers there. They have also been approached by Glen Lake School about leasing a new field at the park. Veronica Valley kids fishing day is coming up on June 27th.

Reports from LCPC members of attendance at township/village meetings, or other meetings/trainings.

Trumbull mentioned she is currently taking the Citizens Planner course online and is learning a lot.

COMMUNICATIONS

Webinar: Housing Ready Program (information included in packet)

PUBLIC COMMENT

The phone number for public comment was announced.

No public comments received.

STAFF COMMENTS – None.

COMMISSIONER & CHAIRPERSON COMMENTS

Black stated he has driven all over the county and he commends what he sees, If he needs to find something, the signage is there. It is very hard to find anything in Florida.

Yoder thanked staff and wished everyone a good spring!

ADJOURN

Meeting adjourned at 6:24 p.m.