

**Melrose Township Planning Commission Minutes**  
**Melrose Township Hall**  
**Regular Meeting of August 28, 2017**

**I. CALL TO ORDER / ROLL CALL**

**A. Call to Order:** Chair Bart Wangeman called the meeting to order at 5:37 PM.

**B. Members present:** Bart Wangeman, Phyllis Cotanche, Sue Barr, and Bob Bourassa.

**C. Members absent:** Bob Marquardt (excused).

**D. Staff present:**

Zoning Administrator Randy Frykberg and Recording Secretary Tom Mackie.

**E. Citizens Present:** Connie Schach

**II. APPROVAL OF AGENDA**

The Tentative Agenda was approved by consensus.

**III. APPROVAL OF MINUTES**

Bob Bourassa motioned, Phyllis Cotanche seconded, to approve the July 24, 2017 regular meeting minutes, as presented. All ayes, motion carried.

**IV. PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS**

**A. Article VII - Signs**

Bart opened the public hearing at 5:45 and noted the purpose is to gather public input as we consider various zoning ordinance amendments. Randy introduced the first proposed amendment as a complete replacement of Article VII on Sign Regulations. He noted a recent Federal Supreme Court ruling declaring regulations based on a sign's message to be illegal. Randy worked with others to develop content-neutral sign regulations that were then discussed at our July 24<sup>th</sup> meeting. After incorporating changes agreed to at the July 24<sup>th</sup> meeting, a Public Hearing was scheduled and documentation was published and included in this meeting's Planning Commission Packets.

Bart stated he has measured several existing signs in the village, noting their height, width, and square area. Some would be in compliance with the new size regulations while some were too large. He suggested this visualization could help determine if proposed size regulations are appropriate. Randy noted the maximum size of a free-standing sign is 32 square feet in the B-1 district, but only 16 in Village Commercial.

Bart expressed concern a wall-mounted sign in a commercial district can be as much as 10% of the mounting wall. He questioned if a sign on a large structure could be too big. After discussion, and recognizing the lack of space for a large structure in the village, all members agreed this is not a concern.

Connie Schach asked if a painted mural, such as is common in Boyne City, would be considered a sign. Randy responded this would be a sign and would be subject to the 10% limitation.

We then discussed the 32 square foot (in the B-1 district), 16 square foot (in Village Commercial), and 10 foot height limitations for free-standing signs. Initially a concern was expressed that a 10 foot high sign in Village Commercial was too high. Following discussion, however, all members agreed this is acceptable.

Randy noted the new language provides for a review by the Planning Commission for an appeal of a denial by the Zoning Administrator or a unique request, such as a large commercial building with multiple occupants seeking a larger sign.

In review of Table 7.1 we agreed to replace “shall not exceed an area of 32 sq. ft)” with “are subject to additional regulations.)” in the note for free-standing signs in commercial districts. The reference to 32 square feet is already provided in this section and the note’s purpose is primarily to reference additional requirements at the end of this table.

Additionally, we agreed to remove the next to last line from Table 7.1 allowing one additional 24 sq foot sign in the Ag district.

Bart asked if the 30 foot maximum height allowed for flag poles in section 7.7 is too high. Following discussion all members agreed 30 feet is appropriate.

Bart then asked for any additional public or Planning Commissioner comment. With none offered:

**Bob Bourassa motioned to recommend the Township Board adopt the proposed zoning ordinance amendment to Article 7 (Sign Regulations) as modified in tonight’s meeting and public hearing, so as to comply with recent federal court rulings. 2<sup>nd</sup> offered by Sue Barr. All ayes, motion carried.**

## **B. Section 13.1 – Structures Under 100 Square Feet**

Randy noted the third paragraph of section 13.1 of the Zoning Ordinance exempts accessory buildings less than 100 square feet from Zoning Ordinance requirements. Our goal is to only exempt these structures from the need to obtain a zoning permit. A proposed change described on page 1 of his memo to the Planning Commission would revise this paragraph to read “Further exempted from the need to acquire a zoning permit are detached residential accessory buildings and structures having one hundred (100) square feet of floor area or less.”

Bart asked for public comment and Connie Schach asked for clarification of the type of structures included. Randy responded this would include any residential accessory structure of 100 square feet or less, including sheds, pump houses and generator storage.

Bart expressed concern an exemption from a zoning permit could be understood as permission to construct anything. After discussion we agreed to replace the word “acquire” with “pay for” so that a no-cost zoning permit would still be required.

Bart Wangeman motioned to recommend the Township Board replace paragraph 3 of section 13.1 with “Further exempted from the need to pay for a zoning permit are detached residential accessory buildings and structures having one hundred (100) square feet of floor area or less.” 2<sup>nd</sup> offered by Bob Bourassa. All ayes, motion carried.

**C. Zoning Ordinance Amendments – Other**

Randy noted a need for several “housekeeping” update in section 11, 12, and 13 related to references to the C-1 and C-2 districts (which have been replaced with B-1), ZBA meeting dates and times, the number of development plan copies required to be submitted, the list of agency reviews, and state law changes to notification requirements for public hearings. These changes are delineated on page 2 of Randy’s memo the Planning Commission and attached to these minutes.

Bart read each of the proposed amendments and asked for comment. With none offered Bart closed the Public Hearing at 7:30 PM and:

Sue Barr motioned to recommend the Township Board approve the “Housekeeping changes” as detailed on page 2 of randy’s August 10<sup>th</sup> memo to the Planning Commission, with the exception that distribution of development plans to the Department of Natural Resources not be eliminated. 2<sup>nd</sup> offered by Phyllis Cotanche. All ayes, motion carried.

**V. UNFINISHED BUSINESS**

**A. Ag District Minimum Lot Size Discussion** – Tabled to our next meeting

**VI. NEW BUSINESS** - None

**VII. OTHER COMMUNICATIONS / REPORTS** - Randy noted a previously distributed flyer on permitting / regulating medical marijuana facilities and suggested we take no action at present, given the current discrepancies in state and federal law.

**VIII. PLANNING COMMISSIONER COMMENTS** - None offered

**IX. CITIZEN COMMENTS** - None.

**X. NEXT REGULAR MEETING** –Monday, **September 25th**, 2017 at **5:30 PM**.

**XI. ADJOURNMENT** - The meeting was adjourned at 7:40 PM.

Prepared by:

Planning Commission Approval by:

\_\_\_\_\_  
Tom Mackie, Recording Secretary

\_\_\_\_\_  
Sue Barr, Secretary

Copies: Melrose Township Board, Planning Commission Members, Township web site

# MEMORANDUM

Agenda Items IV and V

**TO:** Melrose Township Planning Commissioners

**FROM:** Randy Frykberg, Ph.D.

**DATE:** August 10, 2017

**SUBJECT:** Sign Ordinance Public Hearing & Discussion, Structures under 100 sq. ft., and other small issues

Because of the recent State Supreme Court ruling that sign ordinances that regulated based on sign message were illegal, we have prepared and discussed a revised sign section of the Zoning Ordinance. The Public Hearing and Commission discussion will be on the 28<sup>th</sup>, culminating with a recommendation to either adopt or not to adopt the suggested new language or the suggested new language with modifications (Agenda Items IV-4 and V-A).

## Consider clarification of parts of Section 10, 11, 12, 13 & 14

Consideration to change Section 13.1 third paragraph "further exempted from the requirements of this ordinance are accessory building and structures having one hundred (100) square feet of floor area or less" should be considered. This should probably read "further exempted from the need to ~~require~~ **pay for** a zoning permit are detached residential accessory buildings and structures having one hundred (100) square feet of floor area or less" (Agenda Item V-B).

For well over a year, we have discussed the difficulties of either 10 acre minimum lot size (AG) and  $\frac{1}{2}$  acre (R-1) or  $\frac{1}{3}$  acre (R-2) as required by our Zoning Ordinance. We worked on a Transitional District, but as discussed last month, the concept fell apart as we worked out the details. Any warm feelings about a requirement, in certain conditions (to be worked out), of less than 10 acres (Agenda Item V-C)?

*Approved*

Consider changing Section 13.4 paragraph D to specify districts as described in the Ordinance. C-1 and C-2 should be replaced by B-1 Commercial (Agenda Item V-D).

Consider Changing Section XII Zoning Board of Appeals Section 12.2 Rules of Procedure, part B (presently states ZBA will meet on the first Monday of the month at 7 PM. Probably should strike this sentence.) ZBA meets when the members are available, The Zoning Administrator/Planner is available and the applicant is also available.

Consider changes to Article XI Development Plan Review as follows:

1. Section 11.1 A 2 - Submit 12 (rather than 10) copies of the Development Plan, depending on final decision for Review Agencies. A copy needs to go to each Review Agency, each Planning commissioner and two for the Township (Agenda Item V-D)
2. Section 11.3 - Agency Review. The present Zoning Ordinance requires all development plan reviews to also go to the following:
  - a. Charlevoix County Soil and Water Conservation District (they have asked that we NOT send them the plan for comments, probably should read "Soil Erosion Officer for Charlevoix County").
  - b. District Health Department Number Three (Probably should read "NW Michigan Community Health Agency").
  - c. ~~Department of Natural Resources (presently included, but have never answered this submittal and unclear where to send. If DNR reviews, it is separate).~~ **Do not eliminate**

Other changes needed, due to State law change, includes the notice requirements for a public hearing (notice to be sent to individuals and published a minimum of 15 days prior to the meeting)

1. (such as 10.1 B) 3) for Special Use Permits
2. Article XIII Section 13.3 C 4 (indicates 8 days prior)
3. Article X Special Use Permits Section 10.1, 3 and 4 (indicates 5 and 15 days prior)
4. Article XII Section 12.3 Appeals C (indicates 7 days prior)

**Please come prepared to make other suggestions.**

August 28 memo/PC/8-9-17