



Planning Commission
Charter Township of Chocolay

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on January 4, 2010.

The meeting was cancelled.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, FEBRUARY 1, 2010**

I. MEETING CALLED TO ORDER AT 7:30PM/ ROLL CALL

Present: Chairman Al Denton, Dr. Ken Tabor, Kendell Milton, Andy Sikkema, Andy Smith, Estelle De Vooght and Vice Chair Steve Kinnunen

Excused:

Staff Present: Jennifer B. Thum, (Planning Director/Zoning Administrator)

II. APPROVAL OF NOVEMBER 2, 2009 MINUTES

Dr. Ken Tabor moved, Andy Sikkema, Seconded, to approve the November 2, 2009 Planning Commission meeting minutes as written.

III. ADDITIONAL ITEMS/APPROVAL OF AGENDA

Chairperson Al Denton stated that there will be two additional items under, VIII New Business, Update on Zoning Issues and MDOT Pedestrian Bridge to the agenda. Steve Kinnunen, moved to add to VIII New Business, F. Update on Zoning Issues and VIII. G. MDOT Pedestrian Bridge to the agenda for discussion, Seconded by Al Denton to approve the agenda for February 1, 2010.

IV. PUBLIC HEARINGS

A. Proposed Zoning Amendment 34-10-01, Section 17.2 of the Township Zoning Ordinance.

No comments from the public.

Ms. Thum stated that changes had to be made to the current Ordinance, since the Planning Director and Zoning Administrator are one position. In the event that the Zoning Administrator is absent for more than five (5) days, the Township Board could appoint someone or the Township Assessor could fill in. It's up to the Planning Commission to decide what wording should be placed in the Ordinance.

V. PUBLIC COMMENT

No public comment was given.

VI. PRESENTATION

No presentations scheduled

VII. OLD BUSINESS

A. Junk Car Ordinance

Ms. Thum reported that over the last couple of months she has been working with the Township Attorney to make sure the language works for both the Township staff and residents. The Planning Commission reviewed the proposed Vehicle Storage and Parking Ordinance and did not have any changes to it as of yet. Andy Sikkema and Steve Kinnunen stressed that we should not do anything further until the Police Department had submitted their suggestions. They would like for the Police Department to review and then they will look it over one final time, before sending it the County and then the Township Board.

Steve Kinnunen, Motioned to table this item until the Police Department can review it Ken Tabor, Seconded to table this item until the Police Department can review it.

VIII. NEW BUSINESS

A. Proposed Section 17.2 of the Township Zoning Ordinance

Ms. Thum went over the background of the Township Zoning Ordinance and that it states that the Township Zoning Administrator shall be appointed by the Township Board. The current Zoning Ordinance in Section 17.2 provides for the Planning Director to be allowed to issue Zoning Compliance Permits in the event that the Zoning Administrator is absent for a period of five (5) consecutive business days due to illnesses, vacation, etc.

Ms. Thum stated that at the beginning of this year she took over the responsibilities of Zoning Administrator and, therefore, that section in the Ordinance will need to be changed. Ms. Thum stated that either the language could read the Township Board could appoint someone or, the language could just state that Township Assessor would be able to assume the duties of the Zoning Administrator when she would be absent for those five (5) days.

Ms. Thum went over the procedure and the next step to adopting this amendment change.

Al Denton, Motioned, Ken Tabor, Supported to approve the language stating that in the event that the Zoning Administrator is absent from work for a period of more than five (5) consecutive days due to illness, vacation, or for any other reason, the authority to issue a Zoning Compliance Permit in accordance shall devolve upon the Township Assessor and the duties shall remain with the Township Assessor for the duration of such vacancy or absence.

B. TOP PRIORITIES FOR 2010

Ms. Thum stated that this is the same thing that they did last year. The Planning Commission needs to choose a couple of items that they can focus on for 2010.

Ms. Thum stated some of her thoughts for 2010 were:

- Park at Township Marina
- MDOT Enhancement Grant
- Township Comprehensive Plan Update
- Recreational Plan Update

The Commissioners discussed a couple of other items and felt that updating the Township Sign Ordinance should be on the list and doing something with the Bowler property as well.

Steve Kinnuen stated that the Sign Ordinance revision should be the top priority for right now and that it needs to get on the next Planning Commission Agenda.

Al Denton inquired about the Bowler property and if we could donate it to NMU.

Ms. Thum explained that she believed that, according to the agreement, the Township has to retain it, but the site is supposed to be something that the Township kids can utilize.

Ms. Thum stated that she did contact a Biology Professor at NMU (also a Chocolaty Township resident) and was stated that she would pass on the information to the Biology Department Head. As of the meeting, Ms. Thum has not heard from the Department Head.

The List of the Planning Commission Top Priorities are as follows and in no particular order:

1. Township Recreational Plan update
2. Township Comprehensive Plan update
3. Review all the Township properties.
4. Sign Ordinance
5. MDOT Enhancement Grant
6. Brower Property
7. Intersection at US 41/ M-28 (landscaping)

C. COMPREHENSIVE PLAN UPDATE

Ms. Thum went over the proposed work plan and stated that there could be some possible changes. She will work on a couple of dates for community work sessions for our next meeting. She asked for a couple of individuals on the Planning Commission that might be interested in serving on the Sub-Committee.

Estelle DeVooght stated that she would be interested, and so did Andy Sikkema. Ms. Thum stated that the Township Board will probably suggest Dr. Ken Tabor, but she is not sure. Ms. Thum stated that she does have commitments from a couple of the residents who would sit on the Sub-Committee.

The Planning Commission approved the Township Comprehensive Work Plan Update.

D. NOISE ORDINANCE

Ms. Thum explained that she received a phone call from Dr. Scott Emerson stating that he had concerns about the “jake brakes” use in our Township. Al Denton explained what “jake brakes” were and went over how the only community in Marquette County that regulated them was the City of Negaunee. Andy Sikkema explained that the State of Michigan can not regulate their use on any State owned road which would be US 41 and M-28. The Township could look at doing something for Cherry Creek Road. Andy Smith stated that he advises his guys not to use them. The other Commissions agreed that revising the noise ordinance to not allow “jake brakes” was not necessary at this time.

D. POSSIBLE ZONING AMENDMENTS

Ms. Thum explained that she was speaking with a local realtor concerning the old Bell Hospital in Harvey. Under the new Township Ordinance, medical centers are not listed as a Conditional Use for the R-2 (Harvey) District. Ms. Thum also thought the Planning Commission could review adding a couple of additional items to that list. The Commissioners asked about the number of amendments. Ms. Thum stated that we might have some more down the road. She is going to try and go over the Ordinance page by page and compare it to the old one to see what else was left out.

Steve Kinnunen, Motioned, Ken Tabor, Seconded, to hold a public hearing next month to update Section IV, Zoning District Regulations, Permitted and Conditional Uses to see if additional language is needed.

D. UPDATE ON ALL OUTSTANDING ISSUES

Ms. Thum explained that she was asked to discuss with the Planning Commission and the Zoning Board of Appeals several issues in the Township that were raised by both Trustee Maki and the Township Board. Ms. Thum went down the list and the Planning Commission responded to each one.

D. MDOT PEDESTRIAN TUNNEL

Ms. Thum explained that she was contacted by Al Anderson from MDOT concerning a possible change to the tunnel design. A spokesperson from UP Concrete and Pipe went over the possible changes to the tunnel. Andy Sikkema also made comments about the proposed changes. He was concerned with the sidewalk and it would not be narrower due to the change in the headwall. Ms. Thum also stated that was her concern as well.

Andy Sikkema, Motioned, Al Denton, Seconded to let staff work with Al Anderson from MDOT concerning the tunnel and there would be no need for this project to go back to the Townships.

IX. PUBLIC COMMENT

No public comment provided

X. COMMISSIONER'S COMMENT

Steve Kinnuen mentioned that we really do need to do something about the signs. The other Commissioners felt that we should look at technology and how it's going to affect our sign ordinance.

Al Denton mentioned that he would be retiring from the Planning Commission in April due to personal reasons.

XI DIRECTOR'S REPORT

Ms. Thum talked about the County notice of working on the Zoning Chapter of the Marquette County Comprehensive Plan.

More discussion about the Brower property.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Marquette Township Planning Commission Minutes, December 14, 2009 and December 16, 2009.
- B. City of Marquette Planning Commission Minutes, December 15, 2009
- C. Planning and Zoning News, January 2010

XI. ADJOURNMENT

Albert Denton, Chairperson

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, MARCH, 1, 2010**

I. Meeting Called to Order at 7:30pm/Roll Call

Present: Chairman Al Denton, Andy Sikkema, Kendell Milton, Estelle De Vooght

Absent – Excused, Dr. Ken Tabor, Steve Kinnunen
Unexcused: Andy Smith

Staff Present: Jennifer B. Thum, Planner/Zoning Administrator

I. Approval of February 1, 2010 Minutes

Estelle De Vooght moved, Andy Sikkema, Seconded, to approve the February 1, 2010 Planning Commission meeting minutes. Andy Sikkema stated that on pages 4 and 5 Brower property was spelled incorrectly. Staff will make the corrections.

I. Additional items/approval of Agenda

Kendell Milton moved, Andy Sikkema, Seconded to approve the March 1, 2010 Planning Commission Agenda as presented.

I. Public Hearings

A. Proposed Zoning Amendment 34-10-02, Section IV. Zoning Districts

Jennifer Thum, Planner/Zoning Administrator explained what the proposed zoning amendment was for. The background to the proposed Zoning Amendment was that under the old Zoning District, R-3, nursing homes and medical clinics were a conditional use. When the Township updated our Zoning Ordinance in 2008, those uses were omitted from the Conditional Use section. The Township needs to explore adding those uses back in and might want to explore Veterinary Clinics and General Office as potential Conditional Uses as well.

No Public Comment was made.

A. Proposed Sign Ordinance

Jennifer Thum, Planner/Zoning Administrator explained that after past discussion about the current Sign Ordinance, Section 18 in the Township Zoning Ordinance, staff and the PC decided that it should be updated. Staff worked on a new Sign Ordinance, one that includes definitions, and permit, violation and appeal process. Ms. Thum went over that this Ordinance update will take a while, as she wants to discuss it with various groups in Chocolay Township.

No Public Comment

Public Hearing was closed for both items.

I. Public Comment

No Public Comment

I. Presentations

None were scheduled

VII. Old Business

None

I. New Business

A. Proposed Zoning Amendment #34-10-02, Section IV of the Township Zoning Ordinance.

REASON FOR PROPOSED AMENDMENT

This proposed zoning amendment is being recommended because the language concerning nursing homes and clinics was intended, but inadvertently left out of the new Zoning Ordinance.

IV. Zoning District Regulations

BACKGROUND

Add to Zoning District, High Density Residential District (R-2) (Harvey), as a Conditional Use Permit the following;

- #8 Nursing Homes
- #9 Clinics, medical and veterinary
- #10 General offices

Estelle De Vooght questioned if a Veterinary Clinic would be compatible with a Residential District.

Kendell Milton questioned if the dogs would be too noisy or if they would be kenneled outside.

Sikkema was wondering if we needed to explore definitions for a veterinary clinic and go from there.

Al Denton was thinking that nursing homes require a large building and decent amount of parking.

The Planning Commission directed staff to look into definitions for veterinary clinics and general office and then to bring those to next month's meeting. Ms. Thum also stated that she will have maps printed out so the Commissioners could see what areas in Harvey are specifically zoned as Commercial.

Andy Sikkema, moved, Seconded by Al Denton to hold another public hearing next month and to discuss possible definitions for veterinary clinics and general office.

A. Proposed Sign Ordinance

The Commissioners and staff went through the proposed Sign Ordinance page-by-page and staff had the proposed Ordinances on the screen.

Page 1:

The intent looked good.

Page 2:

The Commissioners wanted to change the time that abandoned conforming and non-conforming signs were permitted to stay up. Al Denton suggested that abandoned conforming signs be given 90 days and signs be given 30 days. Mr. Denton also suggested that staff work on some language that allowed people to get a waiver if they needed more time for either conforming or non-conforming.

Page 3:

The Commissioners were wondering if we should add language about the number of times the electronic signs could change if we do end up allowing them. Also, to explore language about TV's and video monitors in windows, which constitute as signage.

Page 4:

Andy Sikkema had a question on what "internally illuminated" meant. Staff will explore the current definition and see if it needs to be adjusted.

Page 5:

The Commissioners brought up the wording for Wall Sign and thought that it might be confusing with the last paragraph on page 6. Staff will work on the wording to make sure it's clearer to the public.

Page 6:

The Commissioners made a note of the letter and numbering conflict under Section 18.5. Staff will change this. The Commissioners also noted that under Abandonment, the number of days needs to be changed to 30.

Page 7:

Al Denton, noted that under height of signs, the sign should not exceed the length of the building.

Page 8:

Kendell Milton and Estelle DeVooght asked about regulations for residential neighborhoods. Wanted to make sure that you could still have signage, but wanted to make sure the lighting was soft. Ms. Thum stated that she would work on some language that would allow for the address number to be lighted and the possibility of a home occupation sign being lighted.

The Commissioners also questions video signs. Andy Sikkema will check with MDOT to see what regulations they have on billboards. Ms. Thum stated that regulating billboards might be something to look into as well.

Andy Sikkema made a comment concerning signs in the right-of-way. There should be a sentence included in Section 18.5 #6 to state that signs could be permitted, as long as they get a permit from the road jurisdiction.

Page 9:

Ms. Thum stated that she would have to change the number of days under abandoned sign.

Al Denton made the suggestion that Section 18.4 # 5, Permanent Window Signs, include specific language that states "That the window sign may not occupy not more than 25% of an individual window"

Page 10:

No Comment

Page 11:

The Commissioners pointed out that under Section 18.5 #3, there should be some mention of MCRC/MDOT jurisdiction.

Page 12:

No Comment

Page 13:

Ms. Thum stated that she was not sure if they needed Section 18.6 #3, as it's already stated in Section 18.5. She will double check with our attorney.

Page 14:

No Comment

Page 15:

No Comment

XI. Public Comment

No Comment

X. Commissioners Comment

Ms. DeVooght and Mr. Denton inquired about the definition for natural grade and that Marquette Township is having a problem with their definition. Ms. Thum stated she will check into the Marquette Township issue.

Mr. Sikkema wanted to make sure the Township moves forward on the alternative energy ordinance, as windmills and solar energy are becoming quite popular.

XI. Directors Report

Ms. Thum informed the Planning Commission about the upcoming website changes.

XII. Informational Items and Correspondence

A. City of Marquette Planning Commission Minutes, February 2, 2010

B. Planning and Zoning News, February 2010

XIII. Adjournment

Albert Denton, Chairperson

CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
MONDAY, APRIL 5, 2010

I. Meeting Called to Order at 7:30 P.M. /Roll Call

Present: Chairman Al Denton, Kendell Milton, Estelle De Vooght, Andy Sikkema
Absent excused: Steve Kinnunen;
Un-excused: Andy Smith
Staff Present: Tina Fuller, Interim Zoning Administrator

II. Approval of March 1, 2010 Minutes

Estelle De Vooght moved, Andy Sikkema, Seconded to approve the March 1, 2010 Planning Commission meeting minutes.

AYES 5⁴ NAYS 0 MOTION CARRIED
2-22-12 SBT

III. Additional items/approval of Agenda

Ken Tabor moved, Andy Sikkema, Seconded to approve the April 5, 2010 Planning Commission Agenda as presented.

AYES 5⁴ NAYS 0 MOTION CARRIED
2-22-12 SBT

IV. Public Hearings

A. Proposed Zoning Amendment 34-10-02

IV. Zoning District Regulations

Add to Zoning District, High Density Residential District (R-2) (Harvey), as a Conditional Use Permit- General Office, Nursing Homes, and Medical/ Veterinary Clinics.

V. Public Comment

Paul Wolfson- from Select Realty commented on proposed Zoning Amendment 34-10-02. They have a pending sale of the property. This use was also previously allowed under Conditional Use.

Greg Perttula- CFO at Bell hospital commented regarding the process of rezoning and that they would like to get the medical and the clinic conditional use for the property and provide the Township with tax revenues.

VI. Presentations

None were scheduled

VII. Old Business

a. Comprehensive Plan update.

Ms. Fuller stated the Township was officially awarded a Coastal Management Grant to assist the Township with updating the Townships Comprehensive Plan. The first step would be to form a subcommittee meet to review our current Township Comprehensive Plan to see what chapters needed to be modified and topics to consider adding. De Vooght questioned why we needed to update the Comprehensive plan when we just paid \$40,000. Denton stated, the board should take a look at it every couple of years, Not to rewrite it: just to see if it needs updating. Have Superior Watershed Partnership take a look. Get somebody at CABA and NMU to form a full committee.

b. Zoning Amendment 34-10-03 Section IV. of Zoning Ordinance.

Denton, which one do we suggest to the board. We don't have anything from Township attorney. We have sample definitions of general office and veterinary clinics. **General**

Office: The office of a recognized profession maintained for the conduct of that profession, such as doctor, lawyer, real estate, and architect/engineering firm; or A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises

Veterinary Clinics: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use; or a place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation.

**CHARTER TOWNSHIP OF CHOCOLAY
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MONDAY, APRIL 5, 2010**

Andy Sikkema moved, *Ken Tabor*, Seconded to hold a public hearing next month for proposed zoning amendment #34-10-03, which will propose to add the following definition for **General Office**: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises and **Veterinary Clinics**: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation to the Township Zoning Ordinance.

AYES ⁵⁴ NAYS 0 MOTION CARRIED

VIII. New Business

a. Fire Hall locations.

Chief Gary Johnson is in the process of writing RFP design requirements for a new fire hall. Not in a position to build within next few years and will not be able to get a grant until the project is "shovel ready". They are currently looking at sites and have concerns about space. They are considering a 15, 000 square foot building. The current fire hall will have to stay until new building is finished. To look at in future, this new hall will need to be around 30 to 40 years if not longer. The Township is looking at municipal water and will need a Water Department; The Police Department continues to grow. In your packet information from County Planner Eric Anderson, he put every address on map and how many driving miles to those areas. There were two good locations- one next to Meister's and the other next to Silver Creek School. Denton asked if there was a big advantage to having fire hall at those locations and is in favor of the fire department staying at the current locations.

A. Good access to US 41 and M-28, near population, churches, schools etc...

B. The department needs to get plans in place.

Kendell Milton moved, *Andy Sikkema*, Seconded to table further discussion until the next meeting.

AYES ⁵⁴ NAYS 0 MOTION CARRIED

b. Alternative Energy Discussions

Last year the Planning Commission established a subcommittee to explore an Alternate Energy Ordinance. There are some communities that discuss alternative energy in their Comprehensive Plan and create an overlay district the becomes part of the Zoning Ordinance. It would be good to get a professional involvement so our measurements are accurate. Should we do something jointly with the City of Marquette or Sands Township?

Ken Tabor moved, *Estelle De Vooght*, seconded to have the subcommittee for Alternative Energy start up again. Also to include a chapter in our Comprehensive Plan Dealing with Alternative Energy. The Planning Commission will then explore if they want to create an overlay district or just include language part of the existing zoning ordinance under Section IV. General Provisions

AYES ⁵⁴ NAYS 0 MOTION CARRIED

c. Park Analysis

- *Green Bay Street River Access-*
- *Green Garden Road River Access -*

Denton- Township supervisor said send letter to people within 300 feet. Thinks maybe the DNR needs to complete a trail because a lot of people go fishing there. There's room for parking spots there and a sign at each location that says it's Township property would be nice. It's open to the public and you can take your grandchildren down there and fish if you want. Lets maintain these areas for fishing access. The banks and road areas at both locations need to be repaired to prevent further erosion. *See attached recommendations-*

d. Township Sign Ordinance

We need a motion to hold a public hearing in the next month to review the proposed Sign Ordinance.

Ken Tabor moved, *Estelle De Vooght* seconded, to hold a public hearing to discuss the proposed sign ordinance at the May 3, 2010 Planning Commission. *Kendell Milton* is appointed to serve on the Sign Ordinance subcommittee.

AYES ⁵⁴ NAYS 0 MOTION CARRIED

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IX. Public Comment

Jill Bradford discussed fire department cars and what happens with junk cars on the training site. Ms. Bradford also talked about alternate energy GEO thermal and which system recommendation may be better and the environmental impact of an open system.

X. Commissioners Comment

Mr. Denton announced his retirement - this is his last meeting.

XI Director's Report

Tina Fuller will be sitting in for Jennifer Thum until she returns from maternity leave.

XII. Informational Items and Correspondence

Letters

XIII. Adjournment - Al Denton moved, Ken Tabor Seconded to adjourn the meeting at 8:45 P.M.



Albert Denton, Chairperson

CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
Monday, May 3, 2010

I. Meeting Called to Order at 7:30 P.M. / Roll Call

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor, Kendell Milton and Andy Smith.

Absent excused: Andy Sikkema

Absent resigned: Steve Kinnunen

II. Approval of April 5, 2010 Minutes

Ken Tabor, move *Kendell Milton*, Second to approve the April 5, 2010 Planning Commission meeting minutes.

AYES 5 NAYS 0 MOTION CARRIED

III. Additional Items/ Approval of Agenda

Ken Tabor, move *Kendell Milton*, Second to approve the May 3, 2010 Planning Commission agenda as presented.

AYES 5 NAYS 0 MOTION CARRIED

IV. Public Hearings

A. Proposed Zoning Amendment 34-10-02, Add conditional uses to:

Section 4. Zoning Districts Regulations:

4.2 High Density Residential District (R-2) (Harvey)

(C) Conditional Uses

8. General Office

9. Nursing Homes

10. Medical/ Veterinary Clinics.

B. Proposed Zoning Amendment 34-10-03, Add the following definitions to:

Section 2. Definitions:

General Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises

Veterinary Clinics: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation.

C. Proposed Sign Ordinance- to review a draft ordinance to repeal Section 18. Signs and Fences; of the Chocolay Township Zoning Ordinance to clarify, and provide new substantive regulations concerning the placement of signs within and throughout the Township.

D. Proposed Zoning Amendment 34-10-04, Add conditional uses to:

Section 4. Zoning Districts Regulations:

4.7 Agriculture/ Forestry District (AF)

(C) Conditional Uses

11. Churches and Schools

E. Conditional Use Permit #84: The applicant Mr. Robert Pascoe has Petitioned to propose that his business UP Custom Cabinetry be allowed to operate out of his garage at 825 Willow Rd, in the R1 District

F. Conditional Use Permit #85: The applicant Chocolay Township Zoning

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES
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I. Meeting Called to Order at 7:30 P.M. / Roll Call

Present: Chairman Albert Denton, Estelle DeVooght, Ken Tabor, Kendell Milton and Andy Smith.

Absent excused: Andy Sikkema

Absent resigned: Steve Kinnunen

II. Approval of April 5, 2010 Minutes

Ken Tabor, move *Kendell Milton*, Second to approve the April 5, 2010 Planning Commission meeting minutes.

AYES 5 NAYS 0 MOTION CARRIED

III. Additional Items/ Approval of Agenda

Ken Tabor, move *Kendell Milton*, Second to approve the May 3, 2010 Planning Commission agenda as presented.

AYES 5 NAYS 0 MOTION CARRIED

IV. Public Hearings

A. Proposed Zoning Amendment 34-10-02, Add conditional uses to: **Section 4. Zoning Districts Regulations:**

4.2 High Density Residential District (R-2) (Harvey)

(C) Conditional Uses

8. General Office

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Veterinary Clinics: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation.

C. Proposed Sign Ordinance- to review a draft ordinance to repeal Section 18. Signs and Fences; of the Chocolay Township Zoning Ordinance to clarify, and provide new substantive regulations concerning the placement of signs within and throughout the Township.

D. Proposed Zoning Amendment 34-10-04, Add conditional uses to:

Section 4. Zoning Districts Regulations:

4.7 Agriculture/ Forestry District (AF)

(C) Conditional Uses

11. Churches and Schools

E. Conditional Use Permit #84: The applicant Mr. Robert Pascoe has Petitioned to propose that his business UP Custom Cabinetry be allowed to operate out of his garage at 825 Willow Rd, in the R1 District

F. Conditional Use Permit #85: The applicant Chocolay Township Zoning Administrator has petitioned to permit an existing band shell as an accessory structure to an existing sculpture park located at 2800 M-28 E, in the AF District

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G. Conditional Use Permit #86: The applicant Heritage Baptist Church has petitioned to allow for building of a church at property located at 8405 US 41 S, in the AF District.

V. Public Comment

Public meeting item (E)

Larry Urban 820 Willow Rd- Lives across the street and is in favor of the request for Home Occupation.

Colleen Pascoe 831 Willow Rd- Not in favor of the request for Home Occupation.

Neil Hayward 831 Willow Rd- Not in favor of the request for Home Occupation.

Public meeting item (F)

Robert Pascoe 825 Willow Rd- Commented the sculpture park was an asset to the Community

Daniel Lakenen 110 Timberlane- At the meeting to represent Tom Lakenen who could not attend. Stated- Tom would probably be OK with minimal restrictions for use of the Band shell.

Lisa Lakenen 108 Timberlane- At the meeting to represent Tom Lakenen who could not attend.

Patricia Lakenen 112 Timberlane- At the meeting to represent Tom Lakenen who could not attend. Commented on the past bad history between Township and Tom.

VI. Presentations

A. None scheduled

VII. Old Business

A. Zoning Amendment 34-10-02, Section 4, of the Township Zoning Ordinance

Ken Tabor, move Estelle DeVooght, Second to Approve Proposed Zoning Amendment #34-10-02 which would add the following conditional uses under Section 4. Zoning Districts Regulations: 4.2 High Density Residential District (R-2) (Harvey) (C) Conditional Uses: 8. General Office, 9. Nursing Homes 10. Medical/ Veterinary Clinics, and to recommend approval by the Chocolay Township Board.

AYES 5 NAYS 0 MOTION CARRIED

A. Zoning Amendment 34-10-03, Section 2, of the Township Zoning Ordinance

*Ken Tabor, move Andy Smith, Second to Approve Proposed Zoning Amendment #34-10-03 which would Add the following definitions to: Section 2. Definitions: **General Office**: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises. **Veterinary Clinics**: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provision for temporary boarding of animals for treatment, observation, or recuperation, and to recommend approval by the Chocolay Township Board.*

AYES 5 NAYS 0 MOTION CARRIED

A. Proposed Sign Ordinance- to review a draft ordinance to repeal Section 18. Signs and Fences; of the Chocolay Township Zoning Ordinance to clarify, and provide new substantive regulations concerning the placement of signs within and throughout the Township.

**CHARTER TOWNSHIP OF CHOCOLAY
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Monday, May 3, 2010

Estelle DeVooght, move *Ken Tabor*, Second to *Table* the draft ordinance until it has been reviewed by the Township Attorney.

AYES 5 NAYS 0 MOTION CARRIED

- A. *Proposed Alternative Energy Ordinance*- to review a draft ordinance to provide new substantive regulations concerning the use of alternative energy sources within and throughout the Township

Kendell Milton, move *Estelle DeVooght*, Second to *Table* the draft ordinance until it has been reviewed by the Township Attorney.

AYES 5 NAYS 0 MOTION CARRIED

- A. *Fire Hall Locations*-

Fire Chief Gary Johnson- Informed the planning commission on additional locations located behind *Wahlstrom's Restaurant* and the *AT&T building* as possible locations to locate the Fire Hall and provide a training area.

- A. *Planning Commission Vacancies*-

Albert Denton move, *Estelle DeVooght* second, to recommend to the Township Supervisor that he re-appoint *Andy Smith* to the Planning Commission.

AYES 5 NAYS 0 MOTION CARRIED

Albert Denton move, *Estelle DeVooght* second to recommend to the Township Supervisor that he consider appointing Applicant *Eric Meister* to fill the first vacancy on the Planning Commission.

AYES 5 NAYS 0 MOTION CARRIED

Estelle DeVooght move, *Albert Denton* second to recommend to the Township Supervisor that he consider appointing Applicant *Jamie Tomczyk* to fill the second vacancy on the Planning Commission.

AYES 4 NAYS 1 (*Andy Smith*) MOTION CARRIED

- A. *Annual Election of Officers*-

Albert Denton move, *Estelle DeVooght* second, to appoint *Kendell Milton* as Chairperson.

AYES 5 NAYS 0 MOTION CARRIED

Albert Denton move, *Estelle DeVooght* second, to appoint *Andy Smith* as Vice Chairperson.

AYES 5 NAYS 0 MOTION CARRIED

Albert Denton move, *Ken Tabor* second, to appoint *Estelle DeVooght* as Secretary.

AYES 5 NAYS 0 MOTION CARRIED

Albert Denton move, *Estelle DeVooght* second to table the appointment of a Vice Secretary until member vacancies have been filled.

AYES 5 NAYS 0 MOTION CARRIED

VIII. New Business

- A. *Zoning Amendment 34-10-04*, Section 4, of the Township Zoning Ordinance

Albert Denton , move *Ken Tabor*, Second to *Approve* Proposed Zoning Amendment #34-10-04 which would add the following conditional uses under Section 4. Zoning Districts Regulations: 4.7 Agriculture/ Forestry District (AF) (C) *Conditional Uses*. 11. Churches and Schools, and to recommend approval by the Chocolay Township Board.

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES**

Monday, May 3, 2010

AYES 5 NAYS 0 MOTION CARRIED

B. Conditional Use Permit #84: Pascoe, 825 Willow Rd

Albert Denton , move *Estelle DeVooght*, Second to *Approve* Conditional Use Permit #84 with the Planning Commission's recommended restrictions and conditions.

1. Zoning Administrator is to conduct periodic inspections of the property to confirm the outdoor wood burning boiler is operated within the standards of Section 6: 6.5 of the Chocolay Township Zoning Ordinance.
2. The Applicant must provide at their expense yearly water testing between the months of May and June and submit the results to the Zoning Administrator.
3. Home Occupation Permit #84 will expire within 3 years from this date of approval.

AYES 5 NAYS 0 MOTION CARRIED

B. Conditional Use Permit #85: Lakenenland, 2800 M-28 E

Albert Denton , move *Andy Smith*, Second to *Approve* Conditional Use Permit #85 with the Planning Commission's recommended restrictions and conditions.

1. Conditions for use regulated under Township Ordinance #45

AYES 5 NAYS 0 MOTION CARRIED

D. Conditional Use Permit #86: Heritage Baptist, 8405 US 41 S

Estelle DeVooght , move *Ken Tabor*, Second to *Table* Conditional Use Permit #84 until the June 7, meeting.

AYES 5 NAYS 0 MOTION CARRIED

E. Application for Amendments to the Zoning Ordinance:

Ken Tabor move, *Albert Denton* second to *Table* the proposed list of amendments to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) submitted by the petitioner Mr. Mark Maki. The petitioner will need to resubmit the proposed amendments before May 6, for staff review for information and language acceptable for publication and a public hearing to be held by the Planning Commission on June 7.

AYES 5 NAYS 0 MOTION CARRIED

IX. Public Comment

Dick Arnold 312 W Branch Rd- Considers the Township Sign to be more of a hazard than most other signs in the area.

X. Commissioner's Comment

Ken Tabor , move Kendell Milton, Second for the Chocolay Township Board to support a "Resolution of Appreciation" for Albert Denton.

AYES 5 NAYS 0 MOTION CARRIED

XI. Director's Report

Tina Fuller commented on the cleanup of property located on Timberlane Rd and the future sale of the Salvage Yard on Big Creek Rd

XII. Informational Items and Correspondences

- Detroit News: Article concerning digital billboards
- Planning for Urban Agriculture

**CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION MEETING MINUTES**

Monday, May 3, 2010

- Planning and Zoning News

XIII. Adjournment

Ken Tabor , move *Kendell Milton*, Second to adjourn the meeting at 9:00 PM.

Kendell Milton, Chairperson

Charter Township of Chocolay Planning Commission Agenda Monday, June 7, 2010

I. Meeting Called to Order at 7:30 P.M. / Roll Call

Present: Vice Chair Andy Smith, Secretary Estelle DeVooght, Ken Tabor, Andy Sikkema, and Eric Meister.

Absent Resigned: Jamie Tomczyk

Absent Unexcused: Chairman Kendell Milton

II. Approval of May 3, 2010 Minutes

Ken Tabor, move *Estelle DeVooght*, Second to approve the May 3, 2010 Planning Commission meeting minutes.

AYES 5 NAYS 0 MOTION CARRIED

III. Additional Agenda Items/ Approval of Agenda

Ken Tabor, move *Andy Sikkema*, Second to approve the June 7, 2010 Planning Commission meeting agenda.

AYES 5 NAYS 0 MOTION CARRIED

IV. Public Hearings

Draft Amendment #34-10-05

Section 4: 4.1 Single Family Residential District (R1)

(C) Conditional Uses

4. Swimming pools (delete)

Draft Amendment #34-10-06

Section 4: 4.2 High Density Residential District (R2), (Harvey)

(C) Conditional Uses

6. Swimming pools (delete)

Draft Amendment #34-10-07

Section 4: 4.5 Commercial District (C)

(B) Permitted Principal Uses

12. Storage Units (delete)

(C) Conditional Uses

7. Contractors yards and shops (delete)

8. Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses. (delete)

Draft Amendment #34-10-08

Section 4: 4.7 Agriculture/ Forestry District (AF)

(C) Conditional Uses

10. Contractor yards and shops (delete)

Draft Amendment #34-10-09

Section 6: 6.1 Height and Placement Regulations

(A)	District	Front	Side	Rear	Height
	C	30 (change to 40)	5	20	30

District	Minimum Lot Size	Minimum Lot Width
R-2	10,500 sq. ft.	50 (change to 100)

Draft Amendment #34-10-10

Section 6: 6.7 Road Frontage Requirements

Replace current ordinance language as amended April 21, 2008 with ordinance language previously used and adopted May 9, 1977, Sec 402 Frontage Requirements. * see attached pages *

Draft Amendment #34-10-11

Section 10: 10.1 Uses Permitted, Minimum Size and Fees

2. All zoning districts are eligible for consideration for rezoning to a Planned Unit Development District **(revise to: Zoning districts R-1, R-2, MFR, Commercial and Industrial are eligible for consideration for rezoning to a Planned Unit Development District)**

Draft Amendment #34-10-12

Section 16: 16.3 Fees

Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee, except that such fee shall not be required where the Township **(insert: Board)** or any official body thereof is the moving party. The Township Board, by resolution, shall set all fees. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate.

V. Public Comment

Draft Amendment #34-10-07

Lee Blondeau - Contractors yards should be allowed in the Commercial districts. There is a need to have them and it is a commercial use.

Tom Mahaney - Sees no need not to allow storage units and contractors yard in a commercial district.

Draft Amendment #34-10-07

Lee Blondeau – There may need to be a reason to waive certain fees for individuals in special circumstances

Wayne Dees – Does not think the intent of the proposed text wording from Mr. Maki was not to allow any fees to be waived by the Township Board.

Wayne Dees – Wanted to thank Andy Smith for his support to have him be a member of the planning commission. Wanted to inform the board he has filed a complaint with the Michigan Administrative Agency for discrimination.

VI. PRESENTATIONS

Adam C. Wert- Introduction- Mr. Wert is in the process of purchasing the salvage yard from Tom Waselesky with the intention of reducing the size of the yard, clearing and improving the location of the current salvage operation.

VII. OLD BUSINESS

A. Site plan review for proposed location of Heritage Baptist Church.

B. Conditional Use Permit #86: Heritage Baptist, 8405 US 41 S

Ken Tabor, move Eric Meister, Second that after review of Conditional Use request #86, the STAFF/FILE REVIEW – SITE DATA AND ANALYSIS, Section 9 of the Zoning Ordinance, and subsequently finding compliance with the standards for approval of the request found in Section 16 of the Zoning Ordinance, the Planning Commission approves Conditional Use request #86 with the following conditions:

1. Approval of Conditional Use request #86 is contingent on the Chocolay Township Board's acceptance of proposed Text Amendment #34-10-04. No construction or site preparation may begin until after the acceptance has been made.
2. It is understood if the Chocolay Township Board Denies Text Amendment #34-10-04, the approval of Conditional Use Request #86 and subsequent Building Compliance Applications are VOID.
3. The applicant shall obtain any necessary permits from the County, State or Federal Agencies.
4. If a sprinkler system is installed a standpipe for the Chocolay Township Fire Department to connect to must be provided.

A copy of the building floor plan will be given to the Chocolay Township Fire Department and Officers will be given access for a walk-through of the building

AYES 5 NAYS 0 MOTION CARRIED

C. Alternative Energy Ordinance

Motion to table item until the next meeting by *Andy Sikkema*, Second by *Ken Tabor*

AYES 5 NAYS 0 MOTION CARRIED

D. Sign Ordinance

Motion to table item until the next meeting by *Andy Sikkema*, Second by *Ken Tabor*

AYES 5 NAYS 0 MOTION CARRIED

VIII. NEW BUSINESS

A. Proposed Text Amendments to the Zoning Ordinance 34-10-05 to 43-10-12:

Trustee Mark Maki, has made application to have the Planning Commission review the following proposed text amendments to the Chocolate Township Zoning Ordinance.

Mr. Maki was not present for the meeting to review the seven (7) draft text amendment proposals he has made. He had not offered written comment or background reasoning for making the suggested amendments for the Planning Commission to review.

Comment was made by Vice Chair Andy Smith that no complaints have been made by the general public or an actual error in the text had been noted by the Planning Commission or Township Staff. The amendments probably should not have been presented for consideration.

Draft Amendment 34-10-05

Section 4: 4.1 Single Family Residential District (R1)
(C) Conditional Uses

4. Swimming pools (delete)

Andy Smith , move *Estelle DeVooght*, Second to *Deny* Proposed **Text Amendment 34-10-05**, to remove “swimming pools” as a conditional use in Section 4: 4.1 Single Family Residential District (R1) and to recommend acceptance by the Chocolate Township Board.

AYES 3 NAYS 2 MOTION CARRIED

Draft Amendment 34-10-06

Section 4: 4.2 High Density Residential District (R2), (Harvey)
(C) Conditional Uses

6. Swimming pools (delete)

Ken Tabor, move Andy Sikkema, Second to table all proposed text amendments to remove "swimming pools" as a conditional use in the residential zoning districts and to have Township staff draft a text amendment to add to Section 6 General Provisions for the regulation of private swimming pools.

AYES 5 NAYS 0 MOTION CARRIED

Draft Amendment 34-10-07

Section 4: 4.5 Commercial District (C)

(B) Permitted Principal Uses

12. Storage Units (delete)

(C) Conditional Uses

7. Contractors yards and shops (delete)

8. Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses (delete)

NO ACTION TAKEN

Draft Amendment 34-10-08

Section 4: 4.7 Agriculture/ Forestry District (AF)

(C) Conditional Uses

10. Contractor yards and shops (delete)

NO ACTION TAKEN

Draft Amendment 34-10-09

Section 6: 6.1 Height and Placement Regulations

(A) District	Front	Side	Rear	Height
C	30 (change to 40)	5	20	30

District	Minimum Lot Size	Minimum Lot Width
R-2	10,500 sq. ft.	50 (change to 100)

NO ACTION TAKEN

Draft Amendment 34-10-10

Section 6: 6.7 Road Frontage Requirements

Replace current ordinance language as amended April 21, 2008 with ordinance language previously used and adopted May 9, 1977, Sec 402 Frontage Requirements.

NO ACTION TAKEN

Draft Amendment 34-10-11

Section 10: 10.1 Uses Permitted, Minimum Size and Fees

2. *All zoning districts are eligible for consideration for rezoning to a Planned Unit Development District (**revise to: Zoning districts R-1, R-2, MFR, Commercial and Industrial are eligible for consideration for rezoning to a Planned Unit Development District**)*

*Andy Smith, move Andy Sikkema, Second to Table Proposed **Text Amendment 34-10-11** and to have Township staff review the section and make suggestions for clearer language for the regulation of Planned Unit Developments.*

AYES 5 NAYS 0 MOTION CARRIED

Draft Amendment 34-10-12

Section 16: 16.3 Fees

*Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee, except that such fee shall not be required where the Township (**insert: Board**) or any official body thereof is the moving party. The Township Board, by resolution, shall set all fees. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate. (**Add: The Township Board shall not waive any fees for individual requests.**)*

*Andy Sikkema, move Andy Smith, Second to Deny Proposed **Text Amendment 34-10-12** adding wording to Section 16: 16.3 Fees; Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee, except that such fee shall not be required where the Township **Board(was approved to be added to the language)** or any official body thereof is the moving party. The Township Board, by resolution, shall set all fees. The Township Board, by resolution, may change these fees, from time to time, as they determine appropriate. **The Township Board shall not waive any fees for individual requests.***

AYES 5 NAYS 0 MOTION CARRIED

B. Memo to propose a text Amendment in (AF) District

Staff has asked the Planning Commission to consider adding the following text amendments in the (AF) District and hold a public hearing at their July 12, 2010, meeting.

The Planning Commission may want to consider a minimum acreage for agricultural uses. The (AF) District currently has 523 parcels with less than 20 acres which are now allowed by zoning to be used to for agriculture purposes as defined in the Zoning Ordinance.

The State has also expanded the definition of Agriculture Property and the types of animals and businesses considered agriculture. The Township is becoming home to a variety of nontraditional "farm" animals such as Llama, Alpaca, and Buffalo... Etc. The Assessing office has been receiving requests for information from property owners wanting to raise poultry in our residential areas and smaller lots in the (AF)

Proposed Text Amendment 34-10-13

Section 4: 4.7 Agriculture / Forestry District (AF)

(B) Permitted Uses:

2. Agriculture livestock on lots of 20 acres or more

6. Poultry on lots of 5 acres or more

Ken Tabor move, *Andy Smith* second to hold a public hearing to hold a discussion and review the proposed text amendments to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) to propose a minimum acreage to raise livestock and poultry in Section 4.7 Agriculture / Forestry District (AF)

C. Memo to propose a text amendment to add to definition of Agriculture.

Proposed Text Amendment 34-10-14

Section 2: Definitions

Agriculture: Farming in all its branches, including cultivating soil. Growing and harvesting any agricultural, horticultural, or floricultural commodity and Dairying. Raising livestock, bees, fish, fur-bearing animals, or poultry, including operating a game bird hunting preserve licensed under part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712, and also including farming operations that harvest cervidae on site where not less than 60% of the cervidae were born as part of the farming operation. As used in this paragraph, "livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. (Livestock does not include dogs and cats). Raising, breeding, training, leasing, or boarding horses. Turf and tree farming. Performing any practices on a farm incident to, or in conjunction with, farming operations. Agricultural uses include use in a federal acreage set-aside program or a federal conservation reserve program.

A commercial storage, processing, distribution, marketing, or shipping operations and management and harvesting of a wood lot are not part of agricultural operations.

Ken Tabor move, *Andy Smith* second to hold a public hearing to hold a discussion and review the proposed text amendments to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) to propose changes and additions to the agriculture definition under Section 2: Definitions.

D. Memo to add Wireless Communication Facilities as a conditional use under Section 4.7.

Staff asked the Planning Commission to consider adding the following text amendment to the (AF) District and hold a public hearing at their July 12, 2010, meeting.

Section 13 of the Zoning Ordinance defines conditions and requirements for accommodating Wireless Communication Facilities. Subsection (B) defines standards and conditions for the facilities to be located in the (AF) district. When referring back to Section 4.7 Agriculture/ Forestry District, the facilities mentioned in Section 13 (B) are not listed as a permitted or conditional use.

The Planning Commission is asked to consider adding Wireless Communication Facilities as a Conditional Use in Section 4.7 Agriculture/ Forestry District.

Proposed Text Amendment 34-10-15

Section 4: 4.7 Agriculture / Forestry District (AF)

(C) Conditional Uses:

14. Wireless Communication Facilities

Ken Tabor move, *Andy Sikkema* second to hold a public hearing to review the proposed text amendments to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) on July 12.

E. Memo to add a subsection regulating private swimming pools to Section 6. General Provisions

Currently swimming pools are listed as conditional uses in the residential districts. It has been suggested in Mr. Maki's proposed text amendment to remove the regulation of pools from the zoning ordinance.

About 3,000 people, many of the children, in the United States drown each year and many more suffer serious, irreversible injury in near-drowning incidents. Brain damage can accrue after 4 minutes of being submerged; an estimated 20 percent of victims will suffer severe, permanent neurological disability. One of the most tragic aspects of these injuries and deaths is that they are preventable. Layers of protection are recommended to help prevent pool related death and injuries. This includes, constant supervision of young children, placing barriers such as fences with self-closing, self-latching gates around the pool to prevent access.

Chocolay Township's Zoning Ordinance, Section 18.13 Fences, also does not address the issues and enforcement of required fencing, specific to safety for private swimming pools. There are no review standards in the zoning ordinance or site plan review in order to make determinations and conditions to have swimming pools.

Staff asks the Planning Commission to consider adding the following text amendment to Section 6 General provisions and adding a subsection to

regulate private swimming pools in any zoning district and hold a public hearing at their July 12, 2010, meeting.

Proposed Text Amendment 34-10-16 Section 6: 6.14 Swimming Pools

A swimming pool is any outdoor enclosure located at a private residence designed, intended, or used for the containment of water over twenty-four (24) inches deep, whether construction is below ground level or above ground level. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas used for swimming, wading, or other recreational use by owner or tenant of the property upon which the pool is constructed, or by their family or invited guests without payment or fee.

A. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until an approved Chocolay Township zoning compliance application and a Marquette County building permit have been obtained.

B. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.

C. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must not be less than (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

D. All swimming pool installations shall comply with the building codes in force in Marquette County and all standard codes referred to therein.

Ken Tabor move, *Estelle DeVooght* second to hold a public hearing to review the proposed text amendments to regulate private swimming pools to the Chocolay Township Zoning Ordinance (as amended April 21, 2008) on July 12, 2010.

IX. PUBLIC COMMENT

NO COMMENT

X. COMMISSIONER'S COMMENT

Ken Tabor, move Andy Sikkema, second for the Chocolay Township Board to support a "Resolution of Appreciation" for Steve Kinnunen.

XI. DIRECTOR'S REPORT

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- Marquette City Planning Commission Minutes (April 6)
- Marquette City Planning Commission Minutes (April 27)
- Marquette County Planning Commission Correspondence
- Department of Labor and Economic Growth Correspondence
- Planning Commission Member Listing
- Board, Committees and Commission Listing
- Planning and Zoning News

XIII. ADJOURNMENT

Andy Smith, move Ken Tabor, second to adjourn the meeting at 9:30 PM.

Kendall Milton
Chairperson

Charter Township of Chocolay

Planning Commission Agenda

Monday, July 12, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Present: Chairperson: Kendell Milton, Vice Chairperson: Andy Smith, Estelle Devooght, Andy Sikkema, Dr. Ken Tabor and Eric Meister.

II. Approval of June 7, 2010 Minutes

Ms. Thum stated that she has a correction to the minutes. Under public comment, Wayne Dees statement should have read, "Wayne Dees stated that he filed a complaint with the Michigan Administrative Agency for discrimination."

Sikkema requested that Zoning Amendment #34-10-12 be corrected in that the Planning Commission denied adding the language, "The Township Board shall not waive any fees for individual request." They approved inserting the word Board after Township on the third sentence in Section 16.3.

Tabor moved and Sikkema seconded to approve the June 7, 2010 minutes.

AYES 6 NAYS 6 MOTION CARRIED

III. Additional Agenda Items / Approval of Agenda

Sikkema moved and Tabor seconded to approve the agenda as is.

Mr. Maki 270 Karen Road requested that the Board table all proposed zoning amendments until staff has had a chance to review them and write a report.

IV. Public Hearings

A. Proposed Zoning Amendment #34-10-13

Ms. Thum stated that this proposed amendment has to do with regulating livestock on 20 acres and this includes horses, cattle, rabbits and other livestock animals. The other part of this amendment was to only permit chicken(s) on 2 acres or more and to limit the number of chickens to 4 and no roosters would be permitted. Ms. Thum stated that she is not in favor of the 20 acres minimum for livestock. There are several municipalities that permit one horse per acre or set a minimum of 5 acres.

The Planning Commission Discussed.

Mr. Meister stated that he spoke with the MSU Extension office and they stated that typically see one horse for every one or two acres.

Mr. Milton stated that he would have to agree that the 20 acres does sound like to much.

Mr. Sikkema stated that zoning is there to regulate the use, so is a neighborhood that is zoned AF impacted by animals? A person would have to expect that if you are moving to an AF District that you would expect to see livestock. The chickens on lots of 2 acres or more, a person may not expect to see chickens on their neighbor's

property if the property was zoned Residential. What is the property owner's expectation in the AF District and the R-1 District?

Dick Arnold, 312 W. Branch Rd stated that his surrounding neighborhood is now zoned AF and that has created problems from contractor's yard to raising animals on small 5 acres. He believes that we are planning for the minority and not the majority.

Mr. Maki 370 Karen Road wanted to know who requested to have amendments #34-10-13 through #34-10-16.

B. Proposed Zoning Amendment #34-10-14

Ms. Thum stated that this proposed amendment was to amend the current definition of agriculture. Ms. Thum read the proposed ordinance.

The commissioners stated that rabbits should not be classified as livestock. Ms. Thum agreed with that statement stating that rabbits have a low impact on the neighborhoods. Staff will work on a new definition for next month's meeting.

C. Proposed Zoning Amendment #34-10-15

Ms. Thum stated that this proposed zoning amendment was to add wireless communication towers to the Agriculture/Forest District. Ms. Thum stated that they have not had any request for towers in the AF District.

D. Proposed Zoning Amendment #34-10-16

Ms. Thum stated that this proposed zoning amendment was to regulate swimming pools under Section 6.14 General Regulations. Ms. Thum stated that this was to address proposed amendments #34-10-05 and #34-10-06 which requested that swimming pools be removed as Conditional Uses from Section 4.1 and 4.2.

Lee Blondeau 1002 N. Tracie LN stated that the type of pool should be considered as a person should not have to spend more on a permit than the actual pool. The Planning Commission should look at categorizing the pools if a fee is going to be required.

Mr. Smith discussed whether to regulate pools and if we removed pools as a Conditional Use in the residential districts, how would they be regulated.

Mr. Sikkema asked about Building Codes and if they regulate pools.

Ms. Thum stated that information was provided in the packets and building codes do regulate pools.

Mr. Sikkema stated that we could remove pools as a Conditional Use and leave the enforcement to the County building codes department. If a resident was going to build a pool and starts at the County, they will contact the Township and/or let the resident know that they have to fill out a zoning compliance permit prior to working with the County.

V. Public Comment

Mr. Maki, 370 Karen Road wanted to reserve comments for proposed zoning amendments #34-10-12 through #34-10-15 as he was the petitioner of those ordinances.

Lee Blondeau, 1002 N. Tracie Lane wanted to know where the proposed zoning amendments were posted and why we don't use the larger advertisements anymore. Also, he wanted to know why several of these zoning amendments are back on the agenda when they were discussed at last month's meeting.

Ms. Thum explained that due to "no action" being taken, the commissioners have to approve or deny the proposed amendment.

Mr. Maki explained that he was not informed of last month's meeting that is why he did not attend.

VI. Presentations

Mr. Al Feldhauser from the Marquette County Planning Department gave a presentation on the Comprehensive Corridor and Access Management Plan involving the US-41 / M28 corridor. Mr. Feldhauser explained what Access Management is and discussed the original plan that was developed by Mark Wyckoff of Planning and Zoning Center of Lansing. He stated that the County is working with MDOT and CUPPAD to update the plan and asked that the commissioners review the attached sheet of recommended improvements to our corridor and to make comments on them. Mr. Feldhauser stated that our Township does have an access management plan, and asked how it has been working for the Township.

VII.

A. Proposed Zoning Amendment #34-10-05

Ms. Thum read the amendments and the Commissioners discussed whether to remove it from the Conditional Use in the Residential Districts and if they should include language to regulate them or not. There was further discussion on how the Marquette County Building Codes Department regulates them.

Smith, moved, Tabor, seconded to **approve** proposed text amendment #34-0-05, to remove "swimming pools" as a Conditional Use in Section 4: 4.1 Single Family Residential District (R1) and to recommend acceptance by the Chocolay Township Board.

AYES: 5 Nays 0 Motion Carried

B. Proposed Zoning Amendment #34-10-06

Ms. Thum read the amendment and the Commissioners had further discussion about swimming pools in residential districts.

Meister, moved, Tabor, seconded to **approve** proposed text amendment #34-10-16, to remove "swimming pools" as a Conditional Use in Section 4: 4.2 High Density Residential District (R2), (Harvey) and to recommend acceptance by the Chocolay Township Board.

AYES: 5 Nays 0 Motion Carried

C. Proposed Zoning Amendment #34-10-07

Ms. Thum explained that these are back because at the last Planning Commission meeting there was no action taken by the Commission. The Commissioners have to approve or deny them to move forward in the process.

Ms. Thum read proposed zoning amendment #34-10-07 and stated that we did have discussion on contractor's yards at several meetings. During the update in 2008, storage units were added as a permitted use in one of the drafts of the Zoning Ordinance, the commissions did see the change.

Mr. Maki, 370 Karen Road questioned the Commissioners on how storage units and contractors yards appeared in the Ordinance when there was no discussion on them.

Mr. Blondeau, 1002 N. Tracie Lane, stated that he attended several meetings where contractors yards were discussed and he was even placed on the agenda.

Mr. Tabor stated that he remembered discussing contractor's yards during the Zoning Ordinance update and at several meetings.

The Commissioners discussed that Contractor Yards are a Conditional Use Permit, so the Commission can set conditions on any proposed yard that they approve and look at each potential yard on an individual basis.

Smith, moved, Milton, seconded to **deny** proposed text amendment #34-10-07, to remove "storage units" as a permitted use; and to also remove "contractors yards and shops" and "other uses deemed by the Planning Commission to be of the same general character as those permitted and Conditional Uses" as Conditional Uses in Section 4: 4.5 Commercial District (C) and to recommend acceptance by the Chocolay Township Board.

The reasons for the denial were:

- A. Allowing both storage units and contractors yards in the commercial district is a good solution, since the Township does not have that many industrial areas.
- B. Contractors yards are a Conditional Use, and therefore the public can have input on any potential contractor yards.

AYES: 5 NAYS: 0 Motion passed

D. Proposed Zoning Amendment #34-10-08

Ms. Thum explained that this proposed zoning amendment was to remove contractor's yards from the Agriculture / Forestry District. Ms. Thum explained that contractor yards were discussed when the Township updated the zoning ordinance back in 2008.

Mr. Maki 370 Karen Road stated that Contractors yards don't belong in the Agriculture / Forestry District.

Mr. Smith discussed logging families in the area that do have land and store their equipment at the home and they don't bother anybody. The families have been storing the equipment there for years and no one has complained about them.

Mrs. DeVooght stated that we discussed contractor's yard in detail when we were updating the ordinance.

Mr. Maki 370 Karen Road continued to discuss contractor's yards and that the township did not discuss them when they were updating the ordinance and that they just got placed in the new ordinance.

Smith, moved DeVooght, seconded, to **deny** proposed text amendment #34-10-08; to remove "contractors yards and shops" as Conditional Uses in Section 4: 4.7 Agricultural District (AF) and to recommend acceptance by the Chocolay Township Board.

AYES: 6 NAYS: 1 (Sikkema) Motion Carried

E. Proposed Zoning Amendment #34-10-09

Ms. Thum explained that this proposed amendment was to increase the front setback in the Commercial District to 40ft and increase the minimum lot width to 100ft in the R-2 District (Harvey). Ms. Thum stated that she did not have an issue with increasing the front setback in the Commercial District to 40ft. However, the minimum lot width in the R-2 District was decreased down to 50ft during the Zoning Ordinance update, due our current Comprehensive Plan suggestion page. The reason behind the suggestion was that, majority of the lot widths in Harvey are 50ft and under. The change now makes those lots conforming to our township Zoning Ordinance setback regulations.

Tabor, moved, DeVooght seconded, to **deny** proposed text amendment #34-10-09; to change frontage requirements for District (C) from 30 to 40 ft and change minimum lot width requirements to District (R-2) from 50 to 100 in Section 6:6/1 height and Placement Regulations and to recommend acceptance by the Chocolay Township board.

Reasons for denial:

- A. The lots are now conforming with the Township Zoning Ordinance Setback Regulations
- B. The Township Comprehensive Plan recommended reducing the setback to 50ft.

AYES: 6 NAYS: 0 Motion Carried

E. Proposed Zoning Amendment #34-10-10

Ms. Thum stated that this amendment was before them to replace the current Road Frontage requirements with the previous zoning ordinance language. Ms. Thum has not had a chance to discuss this with the Fire Department.

Mr. Maki discussed the problems we have with Willow Road. He also stated that the Comprehensive Plan called for the elimination of private roads and after pressure from the public the commission decided to allow 4 dwelling units to one driveway.

Mr. Smith asked if we could table this item so we can look over the information.

Ms. Thum agreed, she too need more time to go over everything. In fact would like to table the rest of the proposed zoning amendments, to allow her more time to go over them.

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

VIII. NEW BUSINESS

A. Township Parks

Ms. Thum stated that she would like to table this until next month so we can discuss this with DPW Foreman Mr. Brad Johnson can attend the meeting.

Sikkema moved, Tabor Seconded to table this item until next month's planning Commission meeting.

B. Proposed Zoning Amendment #34-10-13

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

C. Proposed Zoning Amendment #34-10-14

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

D. Proposed Zoning Amendment #34-10-15

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

E. Proposed Zoning Amendment #34-10-16

Smith, moved, Tabor Seconded to table proposed zoning amendments, #34-10-10 through #34-10-16 until the following planning commission meeting.

AYES: 6 NAYS: 0 Motion Carried

F. Recommendation – Planning Commission appointment

Due to Jaime Tomczyk resigning from the Planning Commission we now have an open seat and the Township has received applications from Tom Mahaney, Bob Lajuenesse, Wayne Dees and Jon Kangas. Ms. Thum asked for the Planning Commission thoughts on each of the applicants or who they thought would be a good fit on the commission.

Mr. Smith stated that Mr. Bob Lajuenesse has been a Chocoday Township resident his whole life and operates a business in our Township. He would be a good fit.

Mr. Ken Tabor stated that he believes all of the candidates would be a good fit to the Planning Commission.

Mr. Meister and Mr. Milton stated that they thought Tom Mahaney would make an excellent choice as well, because he is a local business owner.

Mr. Maki stated that the Commissioners cannot make a recommendation to the Supervisor, it's his job to make a recommendation and they should not be doing his homework.

Mr. Dees, 512 Wooddale stated that the act states that the Supervisor is suppose to make the recommendation to the Township Board.

Ms. Thum stated that she would like the Commissioners input, as they will be working with that individual. The Supervisor will still make the recommendation we are just trying to get a feel for who the current Planning Commission feels would be the best fit.

IX. Public Comment

Mr. Dees 512 Wooddale stated that his Chocolay Township Blog will be up soon.

Mr. Maki questioned the Lakenenland Conditional Use permit and the application.

X. Commissioners Comment

None

XI. Directors' Report

None

XII. Information

Planning Commission minutes from the City of Marquette and Marquette Township were included in your packets.

XIII. Adjournment

Kendall Milton
Chairperson

Charter Township of Chocolay

Planning Commission Minutes

Monday, August 2, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton, Dr. Ken Tabor, Andy Smith, and Eric Meister

Members Absent: Estelle DeVooght, Tom Mahaney

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of June 7, 2010 Minutes

Mr. Sikkema had a question on the discussion regarding what constitutes a livestock animal and the discussion concerning rabbits should be considered pets or livestock. Would they follow livestock rules or pet regulations? Ms. Thum stated that was where Ms. DeVough was referring that rabbits should not be considered livestock because people can have rabbits as pets or raise them for meat.

Mr. Sikkema moved Dr. Tabor second to approve the June 7, 2010 minutes

Ayes: 5 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Mr. Sikkema moved Dr. Tabor seconded to approve the agenda as written

Ayes: 5 Nays: 0 Motion Carried

IV. Public Hearings

A. None

V. Public Comment

a. None

VI. PRESENTATIONS

A. None

VII. OLD BUSINESS

A. Township Parks and playground equipment

Ms. Thum explained that last year the Planning Commission looked at improving our Township's parks and that included adding new equipment at the Township marina. The Commission thought that the marina would be a good spot due to the number of families in the vicinity. However, upon further discussion with staff and commission members we feel that is not a suitable location anymore.

What we would like to do this year is replace the slide at Silver Creek and we are looking in the \$1900.00 range. The Township would like to eventually replace all of our park equipment as it's outdated and not ADA compliant. The Township would like to add a set of swings at the Marina.

Mr. Brad Johnson DPW Foreman stated that Lions Field might be upgraded, and what he would like to see where the hockey ring is to pave that and install the walls and let the kids use that for roller hockey and it can still be flooded during the winter.

Mr. Sikkema asked what would be the Township's number one priority, swings at marina and slide at Silver Creek. He also asked what park gets used the most right now?

Mr. Johnson stated that Beaver Grove does, but that the equipment is in good shape right now.

Mr. Meister asked about the current Bell Building and if the Township does purchase that for a Fire Hall, is there enough room on that site for playground equipment?

Ms. Thum stated that there is enough room and that is actually something they talked about. That would take care of the concern with water and parking. Ms. Thum also stated that we could add more money into the capital improvements.

Mr. Milton asked if \$1000 would be enough to put into the capital improvements each year.

The Planning Commission discussed the swings and slide and determined that, at this point they would like to hold off on installing swings at the Township Marina. They felt that the Fire Hall would be a better location as it's in the middle of walking distance from majority of the families.

Mr. Meister moved and Mr. Sikkema seconded to add \$1000 to the recreation and grant capital improvements account and to install a slide at Silver Creek Recreation Area.

Ayes: 5 Nays: 0 Motion Carried

B. Township Sign Ordinance

Ms. Thum explained that the Planning Commission held a public hearing back in March of 2010 and held meetings to discuss the proposed sign ordinance in May and June of 2010. Ms. Thum also explained why the Township is looking into adopting a new sign ordinance. Staff has not gotten much feedback from residents or PC members. Ms. Thum also explained that the Planning Commission can decide if they want the ordinance to continue being a part of the overall zoning ordinance or be a separate one, which might allow the Township to be able to specify an amortization period.

The current ordinance does talk about non-conforming signs and amortization period, staff asked if this was acceptable to the commission? Ms. Thum also asked if 30ft is adequate enough for the maximum height of signs.

Mr. Sikkema asked where video signs would be covered. Ms. Thum stated that it could technically be considered a "Flashing Sign" or "Flashing, Animated or Moving Signs". Mr. Sikkema explained that they are becoming popular down state, and Ms. Thum explained that we could add language to permit them or prohibit them, but we should discuss them.

Mr. Sikkema stated that the 30ft was more than adequate for the height size. Mr. Meister stated that all the businesses on US 41 are in violation of the proposed current sign ordinance as the business are permitted only two signs. He does not feel that the banners are a distraction; it's just a way for people to get information. He feels there should be some room for temporary signs.

Mr. Smith does not feel that the current Holiday Sign is a problem and he likes the signs. He does not feel that electronic message signs are a problem.

The Commission discussed video signs and electronic signs and if we should regulate the signs, then we could look at the timing of the video based signs.

Ms. Thum stated that she will work on the new language and then hold an additional public hearing so the businesses could view the new ordinance.

Mr. Smith asked her to look at the businesses and determine who would be in

compliance and whom would not be in compliance with the proposed ordinance.

Mr. Meister moved and Mr. Smith supported to table the Chocolay Township Sign Ordinance.

Ayes: 5 Nays: 0 Motion Carried

C. Proposed Zoning Amendment 34-10-10

Ms. Thum explained that she would like to table this item, until she is able to speak to the Township Fire Department about the current private road standards and the old language.

Mr. Sikkema moved, Mr. Tabor, Seconded to table proposed Text Amendment #34-10-10 to replace current ordinance language as amended April 21, 2008 with ordinance language previously used and adopted May 9, 2977, Sec 402 Frontage Requirements in Section 6: 6.7 Road Frontage Requirements until our September 12, 2010 meeting.

Ayes: 5 Nays: 0 Motion carried

Mr. Smith had a question concerning the \$500.00 performance bond and the .25 per foot will be required, he wanted to know if we should have a dollar amount instead of the .25 per foot.

Mr. Tabor asked him how would he do it though.

Ms. Thum explained that they were new language to try and ensure that the private road was built correctly.

The commissioners explained that \$500.00 is not going to cover much, and it's for after the road is constructed. The bond should be there to ensure that if the road was not built to County Road Standards then the Township can pay for the road to be built to County Road standards. Before the road would be accepted that the owner should guarantee that the road is built to County Road standards.

Mr. Sikkema asked why we are asking them to build it to County Road Standards, when they are not going to take over any new roads.

Mr. Tabor explained that they have to the easements.

D. Proposed Zoning Amendment 34-10-11

Ms. Thum explained that the amendment was to remove PUD's as a permitted use in the AF District. Staff has been working on new language for the PUD's as there were several issues with the current language. Ms. Thum talked about the Vista Hills development and the open space issues that arose from the PUD Development. Mr. Sikkema asked if Ms. Thum can go through what staff is proposing and what the current language is.

Ms. Thum read through the proposed language for the PUD Ordinance. She explained that the intent of the PUD needs to be changed and it has to be clear that any proposed PUD's have to follow the underlying zoning district regulations. There is also language concerning open space requirements and how it will be maintained. There is also new language about deadlines and conditions.

Mr. Sikkema talked about what the sub-committee is looking at adding 5 acre parcels back into Township.

There was more discussion on the acreage requirement and the proposed language.

Mr. Tabor moved, Mr. Sikkema Seconded to table proposed text Amendment #34-10-11 until next planning commission meeting to allow staff and the commission more time to work on the language.

Ayes: 5 Nays: 0 Motion Carried

E. Proposed Zoning Amendment 34-10-13

Mr. Milton thought that we should be doing proposed zoning amendment #34-10-13 and #34-10-14 at the same time as they are both dealing with Agricultural, or define Agricultural first before looking at the 20 acres or more for livestock.

Mr. Milton read the proposed definition of Agriculture. Mr. Milton wanted to know about the current agriculture on the parcels on less than 20 acres, they can still farm and/or have their livestock as they would be there before the language went into place. Ms. Thum stated that would be corrected. The Commissioners questioned why there should be a minimum lot size for livestock. Ms. Thum explained that there were phone calls from residents asking why what the minimum lot requirement was for horses and chickens, and that is why the Township looked into setting up a requirement.

Mr. Sikkema stated that he did not see any problems with the definition, and asked what staff's concerns were.

Mr. Sikkema moved and Mr. Tabor Seconded to Deny Zoning Amendment #34-10-13.
Reasons for denial:

1. If you are in an area that is Zoned AF then you should be able to have animals regardless of your acreage.
2. If you are in the AF District then you should have the acreage needed for the animals.

Ayes: 5 Nays: 0 Motion Carried

F. Proposed Zoning Amendment 34-10-14

Mr. Sikkema moved, and Mr. Tabor seconded to approve Zoning Amendment #34-10-14, amending the current definition of agricultural to now read, " *Farming in all its branches, including cultivating soil. Growing and harvesting any agricultural, horticultural, or floricultural commodity and Dairying. Raising livestock, bees, fish, fur-bearing animals, or poultry, including operating a game bird hunting preserve licensed under part 417 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.41701 to 324.41712, and also including farming operations that harvest cervidae on site where not less than 60% of the cervidae were born as part of the farming operation. As used in this paragraph, "livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats. Raising, breeding, training, leasing, or boarding horses. Turf and tree farming. Performing any practices on a farm incident to, or in conjunction with, farming operations. Agricultural uses includes use in a federal acreage set-aside program or a federal conservation reserve program.*

and recommended approval by the Chocolay Township Board.

Ayes: 5 Nays: 0 Motion Carried

G. Proposed Zoning Amendment 34-10-15

Ms. Thum explained that this amendment was to permit Wireless Towers in the AF District. Currently the ordinance does allow for them in the Wireless Section of the Ordinance, they are just not listed as a Conditional Use in Section 4.7 in the General Regulations of the Zoning Districts.

Mr. Tabor moved, Mr. Smith seconded to approve proposed text amendment #34-10-15 to add wireless communication facilities to Section 4 4.7 Agricultural / Forestry District (AF) (C) Conditional Uses: 14. Wireless Communication Facilities to the Chocolay Township Zoning Ordinance and to recommend acceptance by the Chocolay Township Board.

Ayes: 5 Nays: 0 Motion Carried

H. Proposed Zoning Amendment 34-10-16

Ms. Thum explained that this was to regulate swimming pools and this was discussed at last month's meeting.

Mr. Sikkema moved and Mr. Meister seconded to deny the proposed text amendment #34-10-16.

Ayes: 5 Nays: 0 Motion Carried

VIII. NEW BUSINESS

A. Township Fire Hall

Township Manger Mr. Lawry asked that the Planning Commission consider an alternative site for the Township Fire Hall. The Township did hire an architecture firm to draw up design plans for a new fire hall. Basically, the township needs to have a shovel ready plan for any government grants that they may be able to attain.

In order to have plans done, we need to identify the site that the fire hall could potentially be built on. The current bell buildings is a possibly for the new fire hall and would not require that much alternation. Also the fire department needs to be able to work at their current fire hall location. The bell building would provide enough space for the fire hall and was identified as a possible site by the Fire Department. Mr. Lawry explained that there is an offer on the building, but there are enough conditions on it that Bell is looking at other offers. Mr. Lawry wanted to know if the Bell building rezoning to municipal properties would be the same vision that the Comprehensive Plan had in mind.

Mr. Milton asked if he is looking for permission or recommendation from the Planning Commission to use the Bell Building in the feasibility study. Mr. Lawry stated that is corrected and they would have to change the scope of work with Integrated Design to do the feasibility study.

Mr. Gary Johnson discussed the location of the new fire hall on the existing site, the building would have to be next to the existing fire hall which would cause problems with snow storage, current pavilion and parking.

The commissioners asked where the stalls for the trucks would go, there was further discussion of the Bell building and the current fire hall.

Mr. Sikkema asked about the nearby residents and if they have been informed. He also asked what other permitted uses are under municipal properties in the Zoning Ordinance. Ms. Thum stated what the permitted used were and conditional uses. Ms. Thum stated that the Fire Department could also seek a Conditional Rezoning.

Mr. Meister thought that the site made sense in that there is a light that fire trucks can utilize to get out on the highway. Also, that no matter where the fire hall goes it will have an impact on the neighborhood.

Mr. Johnson stated that the current siren will not go with the proposed hall. Mr. Sikkema did not have a problem with the location, he just wanted to ensure that the residents knew that the site was being considered for the fire hall.

Mr. Meister and Mr. Tabor felt that they could do the study without contacting the residents.

Mr. Tabor asked if the Board really needs a recommendation from the Planning Commission.

Mr. Larwy stated that the board should have an idea if the Planning Commission feels that its part of the comprehensive plan and the zoning impact that it would have on the neighborhood district.

Mr. Sikkema felt that he would have a hard time knowing that until he was able to hear from the residents.

Mr. Tabor moved and Mr. Meister supported recommend to the Chocolay Township Board to authorize the feasibility study on the current Bell Medical building to be conducted by Integrated Design for an alternative site for the proposed fire hall.

Ayes: 5 Nays: 0 Motion Carried

B. Comprehensive Corridor Access Plan

Mr. Milton stated that this is a follow up from Mr. Al Feldhouser from Marquette County presentation on our access management plan and issues along the corridor. Mr. Milton stated that in the packets was some homework. Ms. Thum stated that the Commission were to go through the list and see what items could be removed or amended.

1. Felt that the existing #1 could be edited to state something about constructing a bike path from the City of Marquette on the west side along the rock cut to connect with the existing bicycle path on the west side.
2. The commissioners felt that #2- #7 appeared adequate.
3. Felt that #8 could be reworded to just talk about the intersection radius at Corning Street.
4. #10 was a bit strange, Silver Creek Drive actually serves the Township Hall and there is a driveway on US 41 that serves the Police and Fire Dept? The Township has talked with the neighboring property owner on Silver Creek Road about purchasing land from them to move our driveway and that have said no on several occasions. This could probably be removed. The road commission did place a do not block sign in front of our driveway and this has helped with people stacking right in front of our property.
5. #10 through #14 seems alright
6. #15 we do have a service drive from the gateway shopping to holiday. It could talk about a serve driveway from Holiday to Snyder's.
7. #16, we felt this could be removed, it most likely will never happen
8. #17 can be removed, we did do this one.

C. Comprehensive Plan update work plan

Ms. Thum gave an update on the status of the Sub-Committee and that they are working on an Agricultural / Forestry #2 where the acreage requirement would go down to 5 acres instead of the 20. This would make more of the lots conforming and the resident would still be able to keep their agricultural status. The Committee tried to keep the 5 acre lots closer to the highway. The committee is also working on scheduling the visioning session.

IX. PUBLIC COMMENT

A township resident wanted to know if any agency was going to mow the weeds along the Green Bay bridge. The weeds have overgrown the bridge and are now in the road. Mr. Sikkema stated that the County Road Commission does not mow anymore and MDOT is only mowing once this year and will probably not mow next year. Mr. Lawry stated that the Township might be able to mow the weeds.

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

None

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A City of Marquette Planning Commission Minutes, June 15, 2010

XII. ADJOURNMENT

Milton moved and Mr. Sikkema seconded to adjourn the meeting at 9:30pm

Kendall Milton
Chairperson

Charter Township of Chocolay

Planning Commission Minutes

Monday, September 13, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton (Chairperson), Dr. Ken Tabor, Andy Smith (Vice chairperson), and Tom Mahanney

Members Absent: Estelle DeVooght, and Eric Meister (excused)

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of August 16, 2010 Minutes

Milton moved, Smith seconded to approve the minutes as written

III. Additional Agenda Items / Approval of Agenda

Mr. Milton moved Mr. Sikkema seconded to approve the agenda as written

Ayes: 5 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

A. None

V. PUBLIC COMMENT

- a. Mr. Art Geisha representing Northern Michigan University, discusses the proposed signage for the NMU Golf Course, they wanted to make that it would be in compliance of the new sign ordinance and to get the opinion of the Planning Commission.
- b. Mark Maki 370 Karen Road, wants to discuss the August 2, 2010 meeting.
Page 2: Where it talks about the Township Marina he wanted to know why staff felt that the marina was not a suitable location for recreation equipment. He wanted an explanation as to why the PC changed their mind.
Page 3, discussion on the Holiday, about Mr. Smith statement that he feels that sign looks nice, Mr. Maki was not sure if that is accurate. Mr. Maki also stated that the sign is in violation, and therefore Mr. Smith must feel that it's ok to violate the ordinance. Mr. Smith commented on Mr. Maki's comment concerning the Holiday Gas station sign.
Page 5 and why the Planning Commission denied 34-10-15, and the minutes don't reflect clearly what the amendment is.

VI. PRESENTATIONS

Mr. Andy Sikkema abstained from this discussion

- A. Dr. Emerson and Mr. Brad Corey asked to be on the Planning Commission agenda to discuss two-way snowmobile traffic along the US 41 Business Corridor in Chocolay Township. Dr. Emerson talked the meeting that took place last year, with representatives from the Township, MDOT, DNRE and Representative Lindberg to discuss the possibility of two-way traffic along the Business Corridor. At that time the group discussed the safety aspect and the lack of right-of-way in certain areas along US 41 that could prevent the trail from becoming two-way traffic. At this point, Dr. Emerson would like to see the Township take the initiative to start the required process in order for the snowmobile trail to be two-

way, and to work with the DNRE and local snowmobile associations. Mr. what month's motorized traffic is permitted states and it's only one-way. Also, to see about installing wayfinding signs that would direct the snowmobilers to the businesses. Dr. Emerson also talked about the need for the two-way traffic due to safety concerns along the existing trail that utilize the old railroad grade in our Township and having them use the Green Bay Bridge to get to the businesses in Harvey.

- B. Mr. Brad Corey echoed what Dr. Emerson stated and he stated that he lives adjacent to the trail and he would like to see the Planning Commission address the issue of RR grade by Lakewood Lane that is the designated snowmobile trail, but during the summer and fall months. The problem that they have during those months is with motorcycles and 4-wheelers most of this happens during the weekends when you cannot get a hold of the police. The trail has been improved, but as a result there has been an increase in the number of motorcycles and 4-wheelers. He is not sure what to do on the weekends, as he stated that the police are not available on weekend. He would like to see modified turn styles along the trail that permit walkers and not motorcycles and 4-wheelers they have been installed in other areas. (see attached document concerning the weekends)

In closing, Dr. Emerson is looking for the Township to figure out a way to have two-way traffic along the US 41 Business Corridor for this snowmobile season.

Tom Mahanney stated that he hopes that the new crushed limestone will be maintained as it's a great asset to the township.

VII. OLD BUSINESS

a. Township Proposed Sign Ordinance

Mr. James Thams, representing NMU, started the conversation that NMU is looking at the installing a new sign at the golf course and they have provided a rendering to the township for the Planning Commission to look at. The Commissioners did not have any comments concerning the sign at this time. NMU does have permission from MDOT for the sign to be located in the right-of-way. Staff discussed the two sections in the ordinance where it references golf course signs.

The commissioners decided to start at the beginning of the proposed sign ordinance, and go from there.

Chairperson Milton read out load the Applicability section of the proposed ordinance and the Intent of the ordinance.

18.1 Applicability

No issues

18.2 Intent

Mr. Sikkema commented on letter A, it should read, "recognize the proliferation of signs CAN be unduly distracting to motorist and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusing, reduced desired uniform traffic flow and creates potential for accidents.

18.3 Definitions

The commissioners added the following definitions;

Animated Sign – any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

The commissioners deleted the following definitions

~~**BOX, CAPSULE OR PANEL SIGN – An internally illuminated sign enclosed within a cabinet or cover encompassing the sign.**~~

~~FLASHING SIGN—Any lighted or electric sign which gives out light or varying intensities of light in sudden intermittent bursts. Non-Commercial, electronic message signs, such as time, temperature, date, open/close and 24hrs are not considered flashing for the purpose of this Ordinance. (DO YOU WANT THIS?)~~

Mr. Smith wanted to know what signs would be conforming to the current ordinance and what signs would not be. Staff is going to measure the signs at Citgo for next meeting to see if they are in compliance with the current ordinance. Staff stated that Wahlstroms, Jacks IGA, and Habitat for Humanity would be in violation of the proposed sign ordinance if the ordinance was to get approval.

Dr. Tabor stated that Mr. Meister had some good points concerning banners and temporary signs and that we should permit them and that he did not want the proposed sign ordinance to be too restrictive to the business owners. There was more discussion on the Holiday Gas Station sign. Mr. Milton stated that we could set up a Conditional Use for the electric message signs. Staff was directed to write language about intensity of the lights for the message signs and look at how often the message can change for next meeting.

Mr. Sikkema stated that we need to continue to work on the definitions and then look at each section, but we have to know the definitions to know what the ordinance is regulating.

Mr. Smith just wants to know what would be conforming and non-conforming and that someone has to enforce the ordinance and where are the people going to go, the ordinance has to be practical.

The commissioners edited the following definitions;

FLAG – An official governmental, or **corporate** emblem displayed on fabric or other material mounted to a pole.

~~FLASHING, ANIMATED or MOVING SIGNS (Flashing)—A sign that internally emits or reflects light from an artificial source, or the sun—a sign which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity; a sign that has any visible motion caused by either artificial or natural source.~~

INTERNALLY-ILLUMINATED SIGN – A sign that is lighted by a source inside the sign face, behind the sign face, or otherwise back-lighting the sign face or message. Only letters, numerals, and logos may be of translucent material to allow internal lighting to reveal the message of the sign. (Figure 4)

PORTABLE SIGN – Any sign which is not permanently affixed to a building, structure or the ground including, but not limited to, sandwich board signs, A-frame signs, inverted “T” signs and signs attached to a motor vehicle, **trailers** or carried by a person. This does not include temporary, real estate, construction, and similar signs defined herein.

SIGN – Any words, numerals, figures, devices, artwork, graphics, or trademarks, **excluding sculptures**, used to convey a message, or attract attention to an individual firm, profession, business, product or message and is visible to the general public.

REAL ESTATE/MARKETING SIGN – **A temporary sign placed advertising a property for sale, rent or lease.**

WALL SIGN – **A sign erected or fastened to the wall of a building having the exposed face of the sign; not extending more than 12 inches beyond**

the surface of the portion of the building wall on which it is erected or fastened. (Figure 9)

18.4 Illustrations

No issues

18.5 General Provisions

The Commissioners deleted the following provision(s)

~~3. D. Change of Message~~

~~No change of message shall be permitted (except on a changeable message sign) without bringing the sign into full conformance with this Ordinance.~~

The Commissioners edited the following provision(s)

4. Height of Signs

No free standing sign shall exceed a height of thirty (30) feet

A monument sign shall not exceed a total height of fifteen or ten (research what other signs are permitted to be in other areas) (15) feet including the sign pedestal. Sign height shall be measured to the top of the sign, from the adjacent grade. A freestanding sign/ ground sign on a man-made base, including a graded mound, or that is located in a depression below the adjacent grade, shall be measured from the grade of the nearest pavement to the highest point of the sign.

The commissioners discussed the difference between a ground, monument sign and free standing sign. They felt that there was confusion with the definitions, as a result they should be cleaned up to reflect each type of sign. Mr. Sikkema asked if the Shiras Hills sign is a monument or ground sign. Mr. Smith talked about his sign and that it is considered a monument sign. This can be a bit confusing to our business owners and this section of the ordinance needs to be clear. The proposed ordinance does have a free standing sign and ground sign grouped together.

There was some concerned about having 30ft sign near the residential areas; staff should look at some language to restrict the height of signs that are nearby residential districts. One example is the Varvil Center.

7. Illumination of any Sign

A. Residential Districts – Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property. Indirect lighting shall be pointed downward to prevent direct light rays from being visible of neighboring properties.

B. Commercial and Industrial – Indirectly, or internally illuminated signs are permitted providing such sign is shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

C. No sign shall have blinking, flashing of fluttering lights or other illumination devices which have a changing light intensity, brightness or color, or which are so constructed and operating as to create an appearance of writing or printing, except that movement showing date, time and temperature exclusively shall be permitted. ALL illumination shall be steady and stationary in source and intensity. Beacon lights or search lights shall not be permitted as a sign for advertising purposes. (Edit out and revise language.)

Staff will work on adding language about intensity, frequency, size, applicant to provide illumination sheet for lights to determine the intensity of the sign.

No animated signs (see definition) are permitted in any district.

8. Signs in or over a Right-of-Way

~~No sign other than traffic control or directional signs erected by a unit of government shall be allowed on any right of way.~~ (Finish revising) The placement of any sign that projects more than thirty (30) inches from the building and overhangs a public right-of-way shall be prohibited unless approved by the governmental unit having jurisdiction over that right-of-way and upon satisfaction of all requirements in this Ordinance and the Chocoday Township Zoning Ordinance. If applicant receives permission from the correct road jurisdiction to permit a sign in the Right-of-way the applicant can then apply for a sign permit through Chocoday Township. Permits by road jurisdiction do not supersede the rules of this ordinance.

The commissioners discussed if the current signs are going to be grandfathered in or how that would work? Staff stated that our attorney stated that no, because this ordinance is a regulatory ordinance so the signs would not be grandfathered in, but staff is not sure. The Commissioners' asked Ms. Thum to get this clarified for next month's meeting.

9. Signs Constituting a Traffic Hazard

No sign shall be located on any street or street corner signs which would obscure the vision of drivers using said streets, or conflict with traffic control signs or signals in any location. No sign shall obstruct the vision of drivers at any driveway, parking lot or other route providing access to any land use. (At the recommendation from the Township Police or road jurisdiction, work on language) Staff will consult with the Township Police and the appropriate road jurisdiction.

The commissioners discussed in detail how this would be enforced and who would determine what sign would constitute a hazard. There were several examples given where a sign could be considered a hazard. Staff was directed to work on this language for next month's meeting.

10. Abandoned Sign

Abandoned Signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, they shall be removed within ninety 90 days. Where the sign is conforming, but abandoned they shall be removed after one year. Any abandoned conforming sign or abandoned non-conforming sign or sign structure may be removed by Chocoday Township as the expense of the property owner.

Dr. Tabor, moved and Mr. Sikkema, seconded to table the Township Sign Ordinance until our October 4, 2010 meeting.

Ayes: 5 Nays 0 Motion Carried

b. Proposed Zoning Amendment 34-10-10 - Roads

Dr. Tabor, moved Mr. Milton, Second to postpone Proposed **Text Amendment 34-10-10** to replace current ordinance language as amended April 21, 2008 *see attached pages* with ordinance language previously used and adopted May 9, 1977, Sec 402 Frontage Requirements. *see attached pages* in Section 6: 6.7 Road Frontage Requirements.

Ayes: 5 Nays 0 Motion Carried

c. Proposed Zoning Amendment 34-10-11 – PUD’S

Dr. Tabor move Mr. Milton, Second to POSTPONE Proposed **Text Amendment 34-10-11** to allow staff and the commission more time to work on the language.

Ayes: 5 Nays 0 Motion Carried

d. Proposed Amendment to Ordinance #55 Vehicle Parking and Storage

Dr. Tabor, move Mr. Smith, Second to POSTPONE proposed **ordinance #55 Vehicle Parking and Storage** to allow staff and the commission more time to work on the language.

Ayes: 5 Nays 0 Motion Carried

VIII. NEW BUSINESS

A. Lakenenland Sign

Ms. Thum explained that at last month’s Township Board meeting, Trustee Maki made the motion to hold a public hearing to have the large Lakenenland sign discussed and determine if the sign needs to have a conditional use permit due to sign being larger than what is permitted. Staff stated that she believes the sign is larger than 60 square feet which is the maximum that the sign can be, but is hoping to get out there before the next meeting in order to measure the sign.

Staff will have to get permission to be the applicant for the Conditional Use Permit, and to hold the public hearing for the Lakenenland Sign.

There was further discussion the existing Conditional Use Permit for the bandshell and how the township got to that point and approval of the Conditional Use Permit. Staff was directed to determine the size of the Lakenenland sign and to determine if the sign is in violation of the Township Zoning Ordinance.

Dr. Tabor moved and Mr. Milton second to table this item until next meeting.

B. Comprehensive Plan update work plan

Ms. Thum discussed the upcoming Township vision session and hopes that everyone will be able to make the meeting. Ms. Thum explained the set up of the meeting and there will be “experts” at each of the tables leading the discussion on land use, natural features, transportation and aging service. Ms. Thum then talked about the next steps that will be taken by the sub-committee.

IX. PUBLIC COMMENT

Wayne Dees, 512 Woodvale – not sure either if the current signs are grandfather in. Mr. Dees talked about the Holiday Sign

Mark Maki, 370 Karen Road – will provide his written questions to staff so he can get a written response. He stated that Chocoley Township is a nice area and Harvey is looking nice and the business deserves credit, but he does not want to see changes to the sign ordinance that would detract from how it looks now.

X. COMMISSIONER’S COMMENT

Mr. Mahanney had a question concerning the Access Management plan and Ace Hardware. Mr. Sikkema stated that nothing has been official, the Township approached MDOT about some traffic concerns and the number of driveways along US 41 was an issue. There has been talk about closing one of the Ace hardware drives, but the Township has to get support from the owners to do this. The Commissioners discussed the driveway closure and the service driveway that would connect the Marquette Veterinary Office to Ace Hardware.

XI. DIRECTOR'S REPORT

A. Property Maintenance Code

Ms. Thum stated that in the current plan it states that the Township should explore the possibility of passing a property maintenance code and wanted to get input from the commissioners.

B. Noxious Weeds Requirements

Ms. Thum stated that in the current plan it states that the Township should explore the possibility of passing a property maintenance code and wanted to get input from the commissioners.

Mr. Milton stated that should keep the weeds down for traffic control and the site triangle would come into play here. Dr. Tabor could see it in the village area and in some subdivisions, but not in the AF Districts. Mr. Sikkema stated that there should be residential covenants in some of the subdivision that regulate the weeds. Also, should residents be required to mow their entire 10 acres?

The Commissioners stated that at this point they don't believe there is a need for either of these items.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

A Planning and Zoning News, August 2010

B. Letter to MDOT Corridor Group from Township Manager Steve Lawry

XII. ADJOURNMENT

Dr. Tabor made the motion to adjourn the meeting at 9:45pm.

Charter Township of Chocolay
Planning Commission Minutes
Monday, October 4, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton (Chairperson), Dr. Ken Tabor, Andy Smith (Vice chairperson), Eric Meister, Estelle DeVooght and Tom Mahanney

Members Absent: None

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of September 13, 2010 Minutes

Dr. Tabor moved, Mr. Sikkema seconded to approve the minutes as written

III. Additional Agenda Items / Approval of Agenda

Mr. Sikkema moved Dr. Tabor seconded to approve the agenda as written

Ayes: 5 Nays: 0 Motion Carried

IV. PUBLIC HEARINGS

A. None

V. PUBLIC COMMENT

A. Mr. Steve Zarkowski had general comments regarding the current Bell Hospital building. Mr. Zarkowski stated that he is consider purchasing the old Bell building on Corning Street, to turn into a multiple family building that would cater to the disabled and aging residents of our Township. He has talked to staff concerning his thoughts for the building. He just wanted to see if the Planning Commission thought it sounded like a good use for the building.

VI. PRESENTATIONS

A. None

VII. OLD BUSINESS

A. Township Proposed Sign Ordinance (from where we left off after last meeting)
The Planning Commission and staff discussed the sign ordinance in detail and had discussion regarding banners and electronic message signs. The consensus was to permit electronic message signs and staff was directed to work on language conceding the brightness of the signs. The Commission felt that the Township should permit banners with a total maximum of sixty (60) square feet and a permit would only be required after 30 days.

4. Height of Signs

No free standing sign shall exceed a height of thirty (30) feet

A monument sign shall not exceed a **total height of fifteen or ten (research what other signs are permitted to be in other areas) (15) feet** including the sign pedestal. Sign height shall be measured to the top of the sign, from the adjacent grade. A freestanding sign/ ground sign on a man-made base, including a graded mound, or that is located in a depression below the adjacent grade, shall be measured from the grade of the nearest pavement to the highest point of the sign.

The commissioners discussed the difference between a ground, monument sign and free standing sign. They felt that there was confusion with the definitions, as a result they should be cleaned up to reflect each type of sign. Mr. Sikkema asked if the Shiras Hills sign is a monument or ground sign. Mr. Smith talked about his sign and that it is considered a monument sign. This can be a bit confusing to our business owners and this section of the ordinance needs to be clear. The proposed ordinance does have a free standing sign and ground sign grouped together.

There was some concerned about having 30ft sign near the residential areas; staff should look at some language to restrict the height of signs that are nearby residential districts. One example is the Varvil Center.

5. Sign Construction and Assembly

All free-standing signs shall have a sign face that is an integrally framed structure and shall not have multiple, attached separate sign units on the face of the sign supports. The entire sign shall be made of materials that maintain this integral character, rather than an assemblage of different signs types and materials. Changeable-message signs shall be an integral part of the face of any free-standing sign. In addition, such message signs shall have uniform dark background with light-colored lettering and satisfy all other conditions of this Ordinance. (Northern Meats, Bayou Bar)

6. Sign Maintenance

All signs and all components thereof, including supports, braces, anchors, etc. shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this ordinance. Any sign which is determined by the Zoning Administrator to be insecure, in danger of falling, endangering the public safety or otherwise deemed nonconforming because it does not conform to all standards and regulations of the adopted ordinance or amended ordinance, shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance. The Zoning Administrator will contact the Marquette Building Department to determine if a sign is in face unsafe and violates and building or electrical codes.

Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

7. Illumination of any Sign

A. No animated signs are permitted in any district.

B. Residential Districts – Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property. Any existing indirect lighting shall be pointed downward to prevent direct light rays from being visible of neighboring properties.

C. Commercial and Industrial – Indirectly, or internally illuminated signs are permitted providing such sign is shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

Where illumination of signs is permitted, the following standards shall apply.

1. Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.

2. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of diffused exposed neon.

3. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.

~~4. Signs shall not be illuminated after 10:00 p.m. or close of business, whichever is later.~~

5. Each sign shall be designed so that illumination does not exceed 100 luxes (10 foot-candles) measured at a distance of 10 feet from the sign.

6. All electronic changing image signs shall be equipped with an automatic dimming feature that accounts for ambient light levels.

VII. Electronic Variable Message Signs: Any sign type may be an electronic variable message sign subject to the following regulations:

1. Surface Area: The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.

2. Length of Cycle. The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every ~~six (6) seconds~~ (INSERT 20 SECONDS). Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.

~~3. Color. All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.~~

4. Brightness Adjustment: An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.

Staff asked to re-word for next meeting.

~~5. Maintenance: Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.~~

E. ~~Service Station LED Signs~~

~~Permanent ground mounted sign for use only by fuel service stations for the purpose of advertising fuel costs are allowed.~~

~~1. No such sign shall exceed thirty-two (32) square feet with a maximum height of six (6) feet. The LED numerals may not exceed twelve (12) inches in height. Signs may double sided.~~

~~2. All ground mounted signs shall be located a minimum of five (5) feet behind the street right-of-way. At intersections, no sign shall be in the sight triangle as defined by this ordinance. See example of required sight triangles on Page 10.3.~~

~~3. Color. All lighted LED numerals shall only be green or red in color. LED background screen may only be black.~~

~~4. Illumination. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Such signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver~~

8. Signs in or over a Right-of-Way

If applicant receives permission from the correct road jurisdiction to permit a sign in the Right-of-way the applicant then must submit the drawings and sign application to the Planning Commission for their approval. Permits by road jurisdiction do not supersede the rules of this ordinance.

9. Signs Constituting a Traffic Hazard

A sign constituting a hazard to safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage, abandonment or inability to meet lateral and/or vertical loads as determined by the Township Police, appropriate road jurisdiction and/or Marquette County Building Codes Department.

No person shall install or maintain or cause to be installed or maintained any sign which simulates or imitates in size, color, lettering, or design any traffic sign or signal, or any other words, phrases, symbols and/or characters, in such a manner as to interfere with, mislead or confuse traffic.

10. Abandoned Sign

Abandoned Signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, they shall be removed within ninety 90 days. Where the sign is conforming, but abandoned they shall be removed after one year. Any abandoned conforming sign or abandoned non-conforming sign or sign structure may be removed by Chocolay Township as the expense of the property owner.

11. Setback

~~All signs shall be setback a minimum of five (5) feet from the right-of-way (ROW) of a public or private street.~~ All signs should have a setback of 30ft from the side lot line. All signs that will be located in the right-of-way must have written permission from the appropriate road jurisdiction. At intersections, no sign shall be in the sight triangle as defined by the local road jurisdiction.

No monument sign shall be located within 200ft of any other monument sign unless the Zoning Administrator determines that practical difficulties exist for locating the sign.

12. Signs constituting Planning Commission Review

- A. Any sign that is proposed to be taller than 20ft and borders a residential zoning district(s) on at least two sides.
- B. The placement of any sign that projects more than thirty (30) inches from the building and/or is located or overhangs a public right-of-way.

18.4 Signs Permitted in all Districts

The following signs are permitted in all districts; subject to the restrictions herein contained and shall not require permits for erection.

1. Governmental Signs.

Governmental signs of a branch of local, state or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule or regulation.

2. Flags or Emblems

Flags or emblems of governmental, civic, philanthropic, educational, or religious organizations, provided that the height of any flagpole shall not exceed thirty (30) feet.

3. Commemorative Signs

Commemorative signs such as cornerstones, historical markers, memorial plaques or tablets, and the like. (Figure ____)

4. Warning Signs

Warning signs such as “No Trespassing,” “No Hunting,” “danger,” and “Beware of Dog,” not **exceeding six (6)-square feet in area.**

5. Permanent Window Signs

A business shall be permitted interior signs (including neon as long as it’s not moving, flashing, blinking) and that occupy not more than twenty-five (25%) of the individual window area.

6. Church Bulletin Signs

One (1) Church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-four (24) square feet in area and a height of sign (6) feet, and is set back a minimum of ten (10) feet from the property line.

7. Political Sign

Political signs which are intended to advertise a public election, issues to be balloted upon in that election, promote individuals and/or parties participating in the election are exempt providing that no sign shall have an area exceeding four square feet in area. Sign areas may be increased to thirty two square feet provided the sign is so located that no portion of the sign area is located on the public right of way or lands of which are being used for public right of way and further provided that all political signs be removed within ten days after the election, and provided that all signs authorized are authorized only 90 days prior to any election. (34-08-02)

8. Residential/Address Sign

Signs having an area of not more than ~~two (2) square feet~~, **sixteen (16) square feet** the message of which is limited to conveying street number, the name of the premises, the name of the owner of the premise, and the name of the occupant of the premises.

18.5 Prohibited Signs

1. Banners

Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk signs or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 18.8 Temporary Signs.

2. Moving Sign

No sign shall have any visible moving parts, visible mechanical movement or any other apparent visible movement achieved by electrical, electronic, or kinetic means, intermittent electrical pulsations or wind currents.

3. Signs Constituting a Traffic Hazard

Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or constructed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection. The Township will work with the local road jurisdictions and Township Police to determine if the sign is constitution a traffic hazard.

4. Signs Constituting a Public Nuisance

Signs which contain statement, words or pictures of an obscene, pornographic or immoral character. Signs which emit auditable sound, odor, visible matter. The

Township will work with the local road jurisdictions and Township Police to determine if the sign is constitution a traffic hazard.

Signs in or on a vehicle when the vehicle is placed in a location not normally expected for such vehicles, and the location has the apparent primary purpose of attracting attention or providing advertising in addition to that permitted for legal signs on the site.

5. Exterior Signs Prohibited

- A. Roof Signs: A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof, a sign that is above the deck line of the mansard roof.
- B. Portable signs: A sign not permanently affixed, anchored, or secured to the ground or to a structure, including trailer signs, tripods, menu and sandwich-board signs.
- C. Tacking, pasting, painting, or otherwise affixing of signs or posters visible from a public way except “no trespassing”, “no hunting”, or beware of animal, warning of danger signs and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, posts, fences, or other natural features is prohibited.

Mr. Milton, moved, Mr. Meister, seconded to table the proposed Chocolay township sign ordinance until the next Planning Commission meeting.

B. Lakenenland Sign

Mrs. Thum explained that her and Ms. Fuller went to Lakenenland and measured the sign from the road using a scale. Staff has determined that the sign measured 26ft long and thee height is 2.5 ft tall with a total of 65 square feet. The Township zoning ordinance sets the maximum size for ground sign at 60 square feet, but there is an enlargement factor. The sign is setback approximately 75 feet and therefore can be increased by 10%, which would be an additional 6ft. Staff stated that the bird is separate piece and is considered art not a sign.

C. Comprehensive Plan update work plan

Mrs. Thum discussed the Township vision session.

VIII. NEW BUSINESS

A. None

IX. PUBLIC COMMENT

A. None

X. COMMISSIONER’S COMMENT

A. None

XI. DIRECTOR’S REPORT

Mrs. Thum discussed various violations around the Township.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A Information from Central Dispatch
- B. Marquette Township Planning Commission minutes, September 8, 2010
- C. Questions from Township Vision Session

XII. ADJOURNMENT

Dr. Tabor made the motion to adjourn the meeting at 9:45pm.

Charter Township of Chocolay

Planning Commission Minutes

Monday, November 1, 2010

I. Meeting called to Order at 7:30 P.M. / Roll Call

Members present: Andy Sikkema, Kendal Milton (Chairperson), Dr. Ken Tabor, Andy Smith (Vice chairperson), Eric Meister, Estelle DeVooght and Tom Mahanney

Members Absent: None

Staff present: Jennifer B. Thum, Township Planner/Zoning Administrator

II. Approval of October 4, 2010 Minutes

Staff noted that the second page was missing, but the only item on that page pertained to the changes that were made under the Township Sign Ordinance.

Mr. Milton moved, Mr. Sikkema seconded to approve the minutes as written

Ayes: 7 Nays: 0 Motion Carried

III. Additional Agenda Items / Approval of Agenda

Dr. Tabor, moved Mr. Sikkema, seconded to approve the agenda as written

IV. PUBLIC HEARINGS

A. None

V. PUBLIC COMMENT

Mr. Gary Niemela, 111 Lara Lei Trail wanted to talk about the current height restrictions. Mr. Niemela read a letter addressed to the Planning Commission, which discussed the height change last year when the PC increase the detached accessory height from 15' to 16' 6". Though what has happened due to some language error was that the height was measured from the top of the detached garage, instead at the midpoint. The increase was done, but staff denied an application because the height definition states that it's measured to the top. Also Mr. Niemela discussed that the definition is measured from the grade prior to any ground breaking. He would like detached accessory structures to be measured from the average height with a maximum being 16' 6".

VI. PRESENTATIONS

A. none

VII. NEW BUSINESS

Height regulations and definitions

Mr. Milton stated that it was the intent of the Planning Commission, last year to state the same thing as the Building Codes and that the average height is the midpoint of the regular gable roof and the intent was not to be different from that. With regards to natural grade, that might be to restrictive, the intent was not to allow drainage to go on to neighbors property. The grade should be at the property line and not the setback line. That would be intent of our deliberation.

Estelle DeVooght, we have been trying to figure out a definition of grade, someone has to tell what a grade is and what we can use in our Ordinance.

Mr. Niemela, stated that here is natural grade which has elevation changes and a finished grade.

There are few instances where you can start with a natural grade. In most cases, you have to bring in fill to make sure you have a flat starting point. The final grade is one that has been altered and different than the existing grade. Estelle wanted to see if the language can state final.

Mrs. Thum asked if we can use a cut and fill cross section to help determine if the height of the overall structure does or does not affect the drainage onto the neighboring lot. This could be something we could add as a requirement to obtain a zoning compliance permit. Ms. Thum stated that maybe then we could remove the height definition and then require a cut and fill cross section.

There was further discussion on drainage and who regulates it and if local staff level can look at drainage and determine if there will be problem. Mrs. Stated that we could do that by reviewing cross sections and working with the drain commissioner. There was discussion on a detached garage, with an energy truss are they allowed with a 16' 6" measured from the midpoint would work under the ordinance.

Mr. Sikkema asked when you put a height restriction on structures, what are you trying to accomplish. With zoning you are trying to make sure that whatever is built does not adversely affect neighboring properties and that is why we have setbacks. For example, if someone has a sloping lot, you would not want that person to put 6ft fill on that, raise their lot higher than the neighboring lots. Another question that we have to ask, does a higher building which blocks a river from their neighbor, does that detract for the neighboring home value? We need to find a compromise for our residents.

Mr. Mahaney, asked if we should change the grade from average to finish

Ms. Thum stated that she was not sure about finished grade and like the discussion that Andy Sikkema had started. We should look at incorporation language with regards to the natural grade around the buildings. Should we require cross-sections?

Andy Sikkema – we need to have some control of grade if we remove the statement about natural grade and measuring the height before breaking ground, the intent might be to have that statement in place for site plan review. If we take out the section about measuring the height from grade prior to breaking of ground then we need to have some form of controlling the height for those permits that do not require a site plan review. You don't want to take away a control item.

Mr. Milton, if you are impacting an area that is near the property line, that is the control feature, if you are attempting to put your drainage on to your neighbor property, the setbacks help to control that.

There was further discussion on site plan review in relationship to grade and height.

Mr. Sikkema, we need to amend the height definition and if we take out the natural grade then there needs to be some way to control the grade and how tall a structure can be on that lot. If you use average grade, you are trying to get things level, but if some is a lot that slopes off considerably to another lot, that 6ft of fill that could impact the drainage and image of that persons lawn. If we take that out, that you can change the grade of a lot, so do we use a number that would then kick in site plan review. Or, if you are not going to start construction at the natural grade then you have to go through site plan review. I don't like but it's a fair way to get a permit and to ensure that the neighbors are protected.

Andy Smith, as long as we keep the average word in the definition.

Eric Meister, the grade and definition has to be in relationship to the house/lot.

Ms. Thum gave some examples where the height or filling of a lot has affected a neighboring lot.

There was further discussion on height and that it would impact few individuals, but we need to try and protect everyone. How we should try and require site plan review that might be the only option to try and protect our residents. Any changes for ___ ft would require a site plan review, we need to figure out what number we should use.

Mr. Milton, if they are adding fill in the setback that should kick in site plan review, the interior of the property, one should be able to do what they want, but the setback limits could affect the neighboring property and that should kick in the site plan.

Mr. Smith commented that this is the right direction, if it is setback if you are in that 15ft with grade adjustments to accommodate your building then you should have to go through site plan review. If you are not then you won't affect your neighboring property, so this should work.

Mr. Sikkema, any changes to grade within the setback limits would require site plan review?

Mr. Smith, so the 16' 6' comes from the natural grade then you build in the setback then you will affect your neighboring lots. Any grade changes within the necessary setback would require site plan review.

Mr. Sikkema, any grade changes within setback in any district, and any adjustments of grade over 2ft would require site plan review. If your structure requires any grade changes within the setback, then you would have to go through site plan review, so we are adding another condition to get approval. That takes care of that portion, now we have to look at the definition of height and the changes that go with accessory buildings, that state average height. There is no definition of average height, then you have to go look at the definition of height. What we need to do is define average height and leave the definition of height alone. We need to come up with the term average height and in the section where it talks about accessory structures, it states height, not building height.

Mr. Milton, the building code measures from the finished grade to half the distance from the eaves to the peak. Then its difference from mansard roof, but that is from the finished grade as well.

Do you define average height, and its difference from height? We have to be careful changing the definition that you are not changing height or another portion of the ordinance.

The commissioners read the building height and figure they could change average height to building height, so that no detached accessory structure will exceed 16'6" in **building** height as determined by the Zoning Administrator.

Mr. Milton made a motion and Mr. Sikkema seconded that the Planning Commission be the applicant for proposed text amendment #34-10-18, to amend Section 6.7 General Provision, Footnote #6 and Section II, Definitions of height.

Ayes: 6 Nays: 1 (DeVooght)

VIII. OLD BUSINESS

Township Proposed Sign Ordinance

4. Height of Signs

No sign shall exceed a height of thirty (30) feet. (See #11 if proposed sign will be taller than 20ft)

A monument sign shall not exceed a total height of twelve (12) feet including the sign pedestal. Sign height shall be measured to the top of the sign, from the adjacent grade. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

All wall mounted signs shall be mounted such that no part of the sign is higher than the height of the façade of the building upon which it is mounted.

(Figure 7)

5. Sign Construction and Assembly

All free-standing signs shall have a sign face that is an integrally framed structure and shall not have multiple, attached separate sign units on the face of the sign supports. The entire sign shall be made of materials that maintain this integral character, rather than an assemblage of different signs types and materials. Changeable-message signs shall be an integral part of the face of any free-standing sign. ~~4~~

addition, such message signs shall have uniform dark background with light-colored lettering and satisfy all other conditions of this Ordinance.

6. Sign Maintenance

All signs and all components thereof, including supports, braces, anchors, etc. shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this ordinance. Any sign which is determined by the Zoning Administrator to be insecure, in danger of falling, endangering the public safety or otherwise deemed nonconforming because it does not conform to all standards and regulations of the adopted ordinance or amended ordinance, shall be removed within fifteen (15) days removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance. The Zoning Administrator will contact the Marquette Building Department to determine if a sign is in face unsafe and violates and building or electrical codes. Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

7. Illumination of any Sign

- A. No animated signs are permitted in any district.
- B. Residential Districts – ~~Only indirectly (externally) illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property. Any existing indirect lighting shall be pointed downward to prevent direct light rays from being visible of neighboring properties.~~
No home occupation sign shall be illuminated.
- C. Commercial and Industrial – Indirectly,(externally) or internally illuminated signs are permitted providing such sign is shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.

Where illumination of signs is permitted, the following standards shall apply.

- 1. ~~Lighting for signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.~~
The direct light rays shall not glare or shine outside the sign face.
- 2. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of diffused exposed neon.
- 3. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any public right-of-way or adjoining property.
- 4. ~~Signs shall not be illuminated after 10:00 p.m. or close of business, whichever is later.~~
- 5. ~~Each sign shall be designed so that illumination does not exceed 100 luxes (10 foot candles) measured at a distance of 10 feet from the sign.~~
- 6. ~~All electronic changing image signs shall be equipped with an automatic dimming feature that accounts for ambient light levels.~~

- D. Electronic Variable Message Signs: Any sign may be an electronic variable message sign subject to the following regulations:

1. Surface Area: The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.

~~If mounted on a building or if free standing, the maximum area is 16 square feet. If part of a pole sign, the electronic message center may only constitute 20% of the overall sign area.~~

2. Length of Cycle. The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every twenty (20) seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.

~~3. Color. All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.~~

~~4. Brightness Adjustment: An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.~~

All electronic signs must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions.

All electronic signs may not be set above 60 percent of the brightness capability of the sign. DETERMINE THE AMOUNT OF NITS FOR THE BRIGHTNESS. CONTACT SIGN FOR MAXIMUM NIIS.

~~All electronic signs within 200 feet of a residence must be switched off between 11 p.m. and 7 a.m.~~

~~E. Service Station LED Signs~~

~~Permanent ground mounted sign for use only by fuel service stations for the purpose of advertising fuel costs are allowed.~~

~~1. No such sign shall exceed thirty-two (32) square feet with a maximum height of six (6) feet. The LED numerals may not exceed twelve (12) inches in height. Signs may double sided.~~

~~2. All ground mounted signs shall be located a minimum of five (5) feet behind the street right of way. At intersections, no sign shall be in the sight triangle as defined by this ordinance. See example of required sight triangles on Page 10.3.~~

~~3. Color. All lighted LED numerals shall only be green or red in color. LED background screen may only be black.~~

~~4. Illumination. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Such signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver~~

8. Signs in or over a Right-of-Way

~~If applicant receives permission from the correct road jurisdiction to permit a sign in the Right of way the applicant then they must submit the drawings and sign application to the Planning Commission for their approval. Permits by road jurisdiction do not supersede the rules of this ordinance. (REWORD)~~

9. Signs Constituting a Traffic Hazard

A sign constituting a hazard to safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage, abandonment or inability to meet lateral and/or vertical loads as determined by the Township Police, appropriate road jurisdiction and/or Marquette County Building Codes Department.

No person shall install or maintain or cause to be installed or maintained any sign which simulates or imitates in size, color, lettering, or design any traffic sign or signal, or any other words, phrases, symbols and/or characters, in such a manner as to interfere with, mislead or confuse traffic.

10. Abandoned Sign

Abandoned Signs shall be removed in accordance with their status as to conformity. Where such signs are non-conforming in size, or height, or other features, they shall be removed within ninety 90 days. Where the sign is conforming, but abandoned they shall be removed after one year. Any abandoned conforming sign or abandoned non-conforming sign or sign structure may be removed by Chocolay Township as the expense of the property owner.

11. Setback

All signs shall be setback a minimum of five (5) feet from the right-of-way (ROW) of a public or private street. At intersections, no sign shall be in the sight triangle as defined by the local road jurisdiction. **(ADD ZERO SETBACK FROM THE RIGHT OF WAY)**

No monument sign shall be located within 200ft of any other monument sign unless the Zoning Administrator determines that practical difficulties exist for locating the sign.

12. ~~Signs constituting Planning Commission Review~~

~~A. Any sign that is proposed to be taller than 20ft and borders a residential zoning district(s) on at least two sides.~~

~~B. The placement of any sign that projects more than thirty (30) inches from the building and overhangs a public right-of-way.~~

~~C. All electronic message signs shall be required to come before the commission to determine the impact of the proposed sign.~~

18.4 Signs Permitted in all Districts

The following signs are permitted in all districts; subject to the restrictions herein contained and shall not require permits for erection.

1. Governmental Signs.

Governmental signs of a branch of local, state or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule or regulation.

~~**2. Flags or Emblems**~~

~~Flags or emblems of governmental, civic, philanthropic, educational, or religious organizations, provided that the height of any flagpole shall not exceed thirty (30) feet.~~

3. Commemorative Signs

Commemorative signs such as cornerstones, historical markers, memorial plaques or tablets, and the like.

4. Warning Signs

Warning signs such as "No Trespassing," "No Hunting," "danger," and "Beware of Dog," not **exceeding six (6)-square feet in area.**

5. Permanent Window Signs

A business shall be permitted interior signs (including neon as long as it's not moving, flashing, blinking) and that occupy not more than twenty-five (25%) of the individual window area. **If we increase to 50%.**

6. Church Bulletin Signs

One (1) Church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-four (24) square feet in area and a height of sign (6) feet, and is set back a minimum of ten (10) feet from the property line.

7. Political Sign

Political signs which are intended to advertise a public election, issues to be balloted upon in that election, promote individuals and/or parties participating in the election are exempt providing that no sign shall have an area exceeding four square feet in area. Sign areas may be increased to thirty two square feet provided the sign is so located that no portion of the sign area is located on the public right of way or lands of which are being used for public right of way and further provided that all political signs be removed within ten days after the election, and provided that all signs authorized are authorized only 90 days prior to any election. (34-08-02)

8. Residential/Address Sign

Signs having an area of not more than sixteen (16) square feet, the message of which is limited to conveying street number, the name of the premises, the name of the owner of the premise, and the name of the occupant of the premises.

~~9. Agricultural operations including pick your own produce and pick your own plants and trees grown on the premises may install a maximum of six (6) off premises signs for the purpose of directing to the location of the agricultural operation. The signs shall not exceed 6 square feet per exposed face, or 12 square feet in total area. The maximum sign height shall not exceed three (3) feet. Nothing in this subsection authorizes the placement of any sign on private property without the consent of the property owner.~~

10. Signs not legible from the road are permitted. As the sign is not attended for the.

18.5 Prohibited Signs

1. Banners

Banners, pennants, search lights, twirling signs, sandwich board signs, sidewalk signs or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 18.8 Temporary Signs.

2. Moving Sign

No sign shall have any visible moving parts, visible mechanical movement or any other apparent visible movement achieved by electrical, electronic, or kinetic means, intermittent electrical pulsations or wind currents.

3. Signs Constituting a Traffic Hazard

Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or constructed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection. The Township will work with the local road jurisdictions and Township Police to determine if the sign is constitution a traffic hazard.

4. Signs Constituting a Public Nuisance

Signs which contain statement, words or pictures of an obscene, pornographic or immoral character. Signs which emit auditable sound, odor, visible matter. The Township will work with the local road jurisdictions and Township Police to determine if the sign is constitution a traffic hazard.

Signs in or on a vehicle when the vehicle is placed in a location not normally expected for such vehicles, and the location has the apparent primary purpose of attracting attention or providing advertising in addition to that permitted for legal signs on the site.

5. Exterior Signs Prohibited

A. Roof Signs: A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof, a sign that is above the deck line of the mansard roof.

B. Portable signs: A sign not permanently affixed, anchored, or secured to the ground or to a structure, including trailer signs, tripods, menu and sandwich-board signs.

C. Tacking, pasting, painting, or otherwise affixing of signs or posters visible from a public way except “no trespassing”, “no hunting”, or beware of animal, warning of danger signs and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, posts, fences, or other natural features is prohibited.

18.6 Signs permitted in the Agricultural Forestry (AF) and Municipal Properties (MP)

Agricultural-Forestry

One (1) sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twelve (12) square feet in area. Up to two additional signs not exceeding twelve (12) square feet in area each may be placed on land owned by, or under the control of, the operator of a roadside stand, or a farm offering customer harvesting of crops, during the period said stand or operation is open for business. Said signs shall be located within a one and one half (1.5) mile radius of the farm advertised and be placed behind the right-of-way line.

Add language pertaining to farms. Setback/right of way.

Signs permitted in the AF District in conjunction with conditional uses shall not exceed 60 sq ft and shall be subject to the height and setback requirement in Section 6.1 of the Township Zoning Ordinance.

Recreational Signs

One sign identifying each recreation park up to a maximum of two (2) per structure for a recreational facility, having an area not exceeding thirty (30) square feet and a height not exceeding eight (8) feet is permitted.

Snowmobile business tourist directional signs shall be located at designated turnoffs and on the right-of-way of the D.N.R. snowmobile trail, signs shall be 12 inches x 12 inches or smaller, shall be limited to the “Standard International Symbols for food, gas, and lodging,” one sign post per approved location. No business names allowed on any signs. (Signs shall not be in violation of any State ordinances, pamphlets, guides or directives).

Municipal Property

One sign or changeably copy sign identifying each municipal owner facility, having an area not exceeding thirty (30) square feet in area and a height not exceeding eight feet is permitted. Municipally-owned signs shall not be placed in any sight visibility triangle and shall be located at least fifteen (15) feet from any privately-owner parcel of land.

18.7. Signs permitted in the R-1, R-2, WFR and MFR Districts

One sign identifying each subdivision or mobile home park per vehicle entrance, having an area not exceeding twenty (20) square feet and a height not exceeding eight (8) feet is permitted. During development of a subdivision or other property for a period not exceeding two years, one sign, naming the subdivision or other property, developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding fifty (50) square feet, and height not exceeding 12 feet, is permitted in the subdivision, together with signs having an area not exceeding six square feet each and a height not exceeding six feet, directing the public to or identifying models.

On premise signs for golf courses are limited to one sign per course with a total area not exceeding 60 square feet provided that the sign is setback 5 feet from the front line and setback 30 feet from a side lot line.

18.8 Signs permitted in C and I Districts

1. Signs permitted on lots not located in a Shopping Center

~~A.-Area — Total area of a sign is not to exceed six square feet for each ten feet or fraction of frontage.~~

- B. No monument sign shall exceed sixty (60) square feet in area.
- C. No pole sign shall exceed 70 square feet in area.
- D. Total signage permitted for each building shall be determined as one (1) square foot of sign area for each one (1) linear foot of lot frontage provided that the maximum permitted area for any sign shall be 100 square feet.
- ~~E. NUMBER—Each developed lot shall be permitted one monument sign. Each developed lot that is located at the intersection of two (2) collector or arterial streets as classified in the Township’s Comprehensive Plan, may have one additional monument sign, provided that only one (1) identification sign shall be permitted on any single street. Each developed lot shall be permitted one wall sign.~~
- F. Menu/Price Boards – In addition to the signs permitted in paragraphs a. and b. above, drive-thru businesses with automobile pick up windows may have two (2) menu/price boards and each shall not exceed twenty-four (24) square feet in area.
- G. Ingress/Egress Signs: On premise signs of non-advertising, non-identification nature designed exclusively to control access or use, to warn or to direct traffic or pedestrians. Only one (1) entrance/exit directional sign is permitted per legal driveway, and it may not exceed four (4) square feet in area.

2. Signs permitted in a Shopping Center

Signage Guidelines

Shopping center identification signs should be compatible with the design theme of the development. They may identify multiple tenants, but larger shopping centers with more than 5 tenants should avoid listing individual tenants, other than the project anchors, to avoid sign clutter. The sign structure should contain elements of the design theme of the buildings in the center.

- A. One ground mounted/multi-tenant monuments shall be allowed for commercial and mixed-use developments only. (Shopping centers, office complexes, etc.) Individual tenant ground mounted signs are not permitted under this set of criteria. Each store or industry may have one wall sign with a maximum of two and one –half (2 – 1/2) square feet of sign area for each lineal foot of building frontage up to a maximum of one hundred (100) square feet.
- B. Overall monument (armatures, monument bases, brick or stone structural elements, etc.) including maximum allowed sign area should not exceed 100 sq. ft.
- C. Additional monuments on secondary road entrances should be smaller in scale than the primary sign and are limited to 32 square feet. Such signs must be on the same lot as the shopping/business center.
- D. Each tenant of shopping center shall be guaranteed at least 10 square feet of wall signage.
- E. Landscaping must be planted and maintained around the base of any free-standing identification sign.
- F. Menu/Price Boards – In addition to the signs permitted in paragraphs a. and b. above, drive-thru businesses with automobile pick up windows may have two (2) menu/price boards and each shall not exceed twenty-four (24) square feet in area.
- ~~4. A time and temperature sign shall be permitted provided that ownership identification or advertising copy does not exceed ten percent (10) of the total sign area and further provided that the total area of the sign does not exceed twenty four (24) square feet. Such signs shall follow the provision in Section 18.5, (2)~~

18.9 Temporary Signs

Un-illuminated on-site temporary exterior signs may be erected in accordance with the regulations of this section.

- 1. In single-family and multi-family districts one (1) sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed thirty-two (32) square feet in area. Each sign shall be removed within one (1) years after the initial rental or sale of eighty (80) percent of all lots or dwelling units within said development.

2. One (1) identification sign shall be permitted for all building contractors, one (1) for all professional design firms and one (1) for all lending institutions on sites under construction, each sign shall not exceed six (6) square feet in area, with not more than a total of three (3) such signs permitted on one (1) site. If all building contractors, professional design firms and lending institutions combine together in one (1) identification sign such sign shall not exceed thirty two (32) square feet in area with not more than one (1) sign permitted on site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of construction, construction shed or construction trailers ~~and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.~~

3. Real Estate Directional Signs

Real estate signs advertising the sale, rental, or lease of property in residential districts are permitted provided:

A. The sign is located on the lot or in front of the unit for sale.

B. One (1) sign is permitted.

C. Sign shall not exceed six (6) square feet in area.

D. Sign shall be placed at least ten (10) feet from the edge of the road right-of-way or easement.

E. Signs shall be removed within seven (7) days after the property has been sold, rented or leased.

4. Banners are permitted without, a permit shall be required if such banner will be posted for more than thirty (30) days. If such banner is proposed to be up a longer a temporary sign permit will be required. Such signs shall not obstruct pedestrian or vehicular view. Gas filled figures are not permitted.

~~A. Banners may be no larger than 40 square feet in area, and located on a building with all four corners securely attached.~~

B. Not exceed twenty (20) percent of the wall area to which the sign is attached. **Increase that to be the same as wall sign area.**

C. Not to be attached to or between telephone poles, fences, fence posts, utility posts, public or private light posts, trees, vehicles, or any other apparatus other than a building wall.

D. Be maintained in a neat, attractive and safe condition.

E. Work on language for sandwich board signs – right –of way. Include working about lot frontage, each business is limited to ____ how many permitted for each lot.

5. In residential districts, temporary direction signs, not exceeding three (3) square feet in area and three (3) feet in height, shall be permitted on approach routes to a private garage or rummage sale, for a period not to exceed seventy-two hours. Said signs shall contain address, dates of the sale and shall be removed within 16 hours of the end of the sale.

IX. PUBLIC COMMENT

None

X. COMMISSIONER'S COMMENT

None

XI. DIRECTOR'S REPORT

Mrs. Thum read a letter from a concerned citizen discussing the holiday gas station and the fatal accident. The resident stated that the gas station signs and lights really make it difficult for people whom are turning into Holiday hard to see the driveways. Mrs. Thum stated that staff mentioned that there was the possibility that the curbs could be painted white, to help drivers see the driveways.

Estelle DeVooght, there are so many light there, it's hard to see the driveways.

Andy Smith, stated that he had a conversation with the manager from Holiday about wanting to install lights at the edge of the curb and painting of their curbs. In the winter when they have the orange stakes in its easy to see, in the summer at night it's hard to see the driveway.

XII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A Planning and Zoning News, September 2010
- B. City of Marquette Planning Commission Minutes, September 7, 2010 and September 21, 2010



Planning Commission
Charter Township of Chocolay

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on December 6, 2010.

The meeting was cancelled.