

MEMO

TO: Northfield Township Planning Commission
FROM: Patrick Sloan, AICP, Senior Principal Planner
Erin Schlutow, Associate Planner
SUBJECT: Proposed Zoning Ordinance Amendments – Public Hearing Sign Posting Requirements
DATE: April 28, 2017

At the Township's request, we have compiled the following proposed text change in order to remove special land use as requiring the posting of public hearing signage and to include conditional use permit (which is the same as a special use permit) as being exempt from sign posting requirements. Our understanding is that a proposed amendment was recommended for approval by the Planning Commission on February 5, 2014 but was not acted upon by the Board of Trustees. At this time, we recommend that the Planning Commission recommend the amendment for the Board's consideration.

The proposed amendment is presented below. Subject to any changes you wish to make, the next step would be for the Planning Commission to schedule a public hearing.

The proposed amendment is as follows. Items to be added are underlined and items to be deleted are in ~~strikethrough~~.

Amend Article XXXIII Public Notice, Sub-section 36-1034(5) – Posting of Signage to remove “special land use” as an action that requires posting of signage, and add “conditional use permit” to items exempt from sign posting requirements.

- (5) *Posting of signage.* To ensure that residents are made aware of certain public hearings that relate to land use, the posting of signage shall be required for rezoning, (map amendment), ~~special land use~~, and planned unit development. A variance, administrative appeal, ordinance interpretation, ~~and/or~~ zoning text amendment, and/or conditional use permit are exempt from these sign posting requirements.
- a. For any proposed zoning change or land use requiring the posting of a sign, property proposed for the zoning change or land use shall place a sign with a minimum area of four feet by four feet along the frontage of the property, which abuts a street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
 - b. If the property proposed for the zoning change or land use does not abut a street, the sign shall be placed on any contiguous land owned by the applicant or owner of such parcel, which does abut a street.
 - c. If no such contiguous property abutting a street is owned by the applicant or owner of the property proposed for zoning change or land use the signs shall be placed in such locations on the property that the zoning administrator deems will best inform the public of the proposed zoning change or land use. If the zoning administrator determines that there is no location where a sign could be placed that would be visible to the public, the zoning administrator may waive the requirement of posting.

- d.** Each sign shall be erected at least 15 days before the planning commission's public hearing on the petition for the subject zoning change or land use.
- e.** Each sign shall be removed from the property no later than three business days following the public hearing or the adjourned or continued date thereof, whichever is later.
- f.** Each sign shall have lettering easily readable from the abutting street. Each sign shall contain the words "Public Hearing" and shall state the purpose of the public hearing, give the street address or tax code parcel numbers, acreage and diagram of the property proposed for the subject zoning change or land use, state the current zoning of the property, state the purpose of the request and the date, time, and place of the public hearing.
- g.** Signs erected under this section 36-836(b) are exempt from other provisions of this chapter regulating signs.
- h.** Failure to comply with any provision of this section 36-836(b) shall not constitute grounds for invalidating or setting aside ~~the granting of action on~~ an application for conditional use, but shall require adjourning and rescheduling the public hearing.

MEMO

TO: Northfield Township Planning Commission
FROM: Patrick Sloan, AICP, Senior Principal Planner
Erin Schlutow, Associate Planner
SUBJECT: Proposed Zoning Ordinance Amendments – Little Free Libraries as Accessory Structures
DATE: April 28, 2017

At the Township's request, we have compiled the following proposed text change to permit the establishment of Free Little Library Book Stands/Boxes as Accessory Structures, allowed in all zoning districts and subject to the proposed regulations below. Little Free Library (<https://littlefreelibrary.org>) is a global use where someone constructs a small stand at the front of their property and puts books in it for anyone to borrow. A map of all of the registered Little Free Libraries in the world are on its website.

Currently, a Little Free Library is an accessory structure that would be subject to minimum front yard setbacks, which defeats the purpose of having the stand at the front of the property along the right-of-way or sidewalk. Therefore, we recommend including provisions specific to a Little Free Library where they can be placed at the front of a lot with certain restrictions.

The proposed amendments are presented below. Subject to any changes you wish to make, the appropriate action would be for the Commission to schedule a public hearing.

The proposed amendment is as follows. Items to be added are underlined and items to be deleted are in ~~strikethrough~~.

Amend Article IV Schedule of District Regulations, Sub-section 36-98(d) – Accessory Uses and Buildings to add Little Free Library Book Stand/Box as a permitted accessory structure by adding the following new sub-section (d)(10).

- (d) *Accessory uses and buildings.* Where a lot is devoted to a permitted principal use or a permitted conditional use, accessory uses are permitted as listed in the applicable zoning district. Accessory uses and buildings shall be subject to the following regulations:
- (1) Where the accessory building is attached to the principal building, it shall be subject to all regulations of the district in which located.
 - (2) In any SR-1, SR-2, or MR district, accessory uses and buildings not attached to the principal building shall not:
 - a. Be located in front of the rear line of the principal building or, in the case of a corner lot, in the required side yard;
 - b. Be located less than five feet from an interior side or rear property line;
 - c. Exceed 15 feet in height.
 - (3) In any LR, SR-1, SR-2, or MR district, not more than 35 percent of the minimum required rear yard may be occupied by accessory structures.
 - (4) In any AR or LR district, accessory structures may not be located in any required setback.

- (5) In any business or industrial district, any accessory use or building not attached to the principal building shall comply with all area, placement, and height regulations of the district in which located.
- (6) In any business or industrial district, except the AR agricultural district where buildings may be constructed for agricultural purposes, the ground floor area of an accessory building shall not exceed the ground floor area of the principal building.
- (7) In any zoning district, a detached accessory building shall be located at least ten feet from any other principal or accessory building.
- (8) No accessory building shall be used prior to the principal building or use, except as a construction facility for the principal building. An accessory building attached to the principal building of a lot shall be made a structural part thereof and shall comply with the provisions of this chapter.
- (9) Accessory structures that are intended to be made a structural part of an existing or proposed principal building shall meet the following requirements:
 - a. Continuous foundations shall be required for habitable and occupiable space.
 - b. Porches with roofs structurally attached to the principal building shall have continuous footings.
- (10) A Little Free Library Book Stand is a permitted accessory use in any zoning district, provided all such Little Free Book Stands meet the following requirements:**
 - a. **Location.** The Little Free Library Book Stand structure may be placed anywhere on a lot, except as follows:
 1. The Little Free Library Book Stand structure shall not be located within or overhang the public street right-of-way or any other easement.
 2. The Little Free Library Book Stand structure must meet the clear vision standards of Section 36-98(h).
 - b. **Maximum Number.** Not more than one (1) Little Free Library Book Stand is permitted for each lot.
 - c. **Obstruction Prohibited.** The Little Free Library Book Stand structure shall not obstruct vehicular, bicycle, or pedestrian traffic, either physically, or by a person utilizing the Little Free Library. It shall also not obstruct barrier free access.
 - d. **Design.** The Little Free Library Book Stand structure shall be constructed with similar materials and colors as the principal structure, if applicable.
 - e. **Enclosure Requirements and Maximum Dimensions.** The Little Free Library Book Stand Box enclosure shall be mounted on a post that shall be secured in the ground. The Box enclosure of the Little Free Library Book Stand shall not exceed 24 inches in width, 24 inches in height, and 16 inches in depth. The Box enclosure must have a door that will fasten close to prevent rain, snow, or animals from getting into the enclosure.
 - f. **Maximum Height.** The maximum height of the Little Free Library Book Stand structure, measured from the finished grade to the top of the Box enclosure, is 5 feet.
 - g. **Identification Signage.** The Little Free Library Book Stand Box enclosure may have non-commercial sign content anywhere on the structure enclosure.
 - h. **Land Use Permit Required.** Applications and plans for a Little Free Library Book Stand must be reviewed for Land Use approval by the Township prior to construction.

MEMO

TO: Northfield Township Planning Commission
FROM: Patrick Sloan, AICP, Senior Principal Planner
Erin Schlutow, Associate Planner
SUBJECT: Proposed Land Division Ordinance Amendments – Application Fees
DATE: April 28, 2017

At the Township's request, we have compiled the following proposed changes to the Land Division Ordinance pertaining to the application fees for a land division approval. The Land Division Ordinance currently lists the fees for a land division application. However, application fees are typically set by the Township Board of Trustees when it adopts a fee schedule and are generally not included in an Ordinance. For example, the Zoning Ordinance does not include fees for site plan applications, rezoning applications, conditional use applications, etc.

The proposed amendment revision is presented below. Subject to any changes you wish to make, the next step would be for the Planning Commission to schedule a public hearing.

The proposed amendment is as follows. Items to be added are underlined and items to be deleted are in ~~strikethrough~~.

Amend Chapter 14 Land Divisions and Subdivisions, Article II – Land Divisions, Section 14.22 – Application for Land Division Approval to remove the application fees from the text.

- (a) An applicant shall file all of the following with the township assessor or other official designated by the township, for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:
- (1) A completed application on such written form as the township will provide, including any exhibits described therein.
 - (2) Proof of fee ownership of the land proposed to be divided. If applicant is not the fee owner, the written consent of the fee owner shall be included.
 - (3) A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
 - (4) Proof that all standards of the Act and this article have been met.
 - (5) If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
 - (6) A nonrefundable application fee of \$70.00 for the first division, plus \$10.00 for each division, up to a maximum charge of \$250.00, shall be paid at the time of submittal of the application to cover the costs of review of the application and administration of this article and the Act.
- (b) A proposed division shall not be considered filed with the township, nor shall the time period stated in section 14-23(c) commence, until a complete application has been filed.

MEMO

TO: Northfield Township Planning Commission
FROM: Patrick Sloan, AICP, Senior Principal Planner
SUBJECT: Proposed Zoning Ordinance Amendments – Open and Unroofed Terraces, Patios, and Porches
DATE: June 1, 2017

At the May 3, 2017 Planning Commission meeting we discussed proposed changes to the type of structures that are exempt from area, placement, and height regulations in Sub-section 36-98(g)(1) of the Zoning Ordinance. Currently, open or unroofed terraces, patios, and porches are exempt from such regulations. However, the Zoning Ordinance requires structures *attached* to the home to also meet the minimum setbacks of the home. Additionally, terraces, patios, and porches that are *detached* from a home can have massing that should be subject to setback requirements. After discussing these issues at the May 3rd Planning Commission meeting, we recommend removing “open and unroofed terraces, patios, porches” and “awnings” from the list of exempted structures regardless of whether they are attached or detached from the principal building. With these recommended changes, Sub-section 36-98(g)(1) would read as follows:

(g) *Exemptions from area, placement, and height regulations.*

- (1)** The following structures may be located anywhere on any lot: ~~open and unroofed terraces, patios, porches and steps; awnings;~~ flag poles; hydrants; laundry drying equipment; trellises; recreation equipment; outdoor cooking equipment; at-grade sidewalks and private driveways; trees, plants, shrubs, and hedges; fences complying with standards within section 36-715; mailboxes; and light poles. Anything constructed, erected, placed, or planted, or allowed to grow, shall conform to the provisions of section 36-98(h).

June 1, 2017

Planning Commission
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189

Subject: Proposed Update to Zoning Ordinance – Sign Regulations

Dear Planning Commissioners:

As a follow-up to our discussion from the March 28, 2017 Township Board Joint Session with the Planning Commission, and to our letter on this topic from March 31, 2017, we would like to provide you with more information regarding upcoming amendments to the Sign Regulations article of the Zoning Ordinance to make the regulations more content-neutral and user-friendly.

Background of Recent Legal Requirements

On June 18, 2015, the United States Supreme Court decided the case of *Reed v. Gilbert* and held the Town of Gilbert's sign ordinance unconstitutional because it violated the First Amendment. Additional details on this case are included in our letter from March 31, 2017. As a result, all communities in the United States must now review their sign ordinances to determine which regulations might be in conflict with the Court's ruling and how to legally amend any portions of the ordinance as necessary to comply.

The Court maintained that communities can still enact reasonable sign regulations in a content-neutral way. Three of the nine justices included a list of sign aspects that could be regulated in a content-neutral way:

- Size of signs.
- Locations in which signs may be placed.
- Distinguishing between freestanding signs and those attached to buildings.
- Lighted and unlighted signs.
- Distinguishing between signs with fixed messages and messages that change.
- Distinguishing between signs on private and public property.
- Distinguishing between signs on commercial and residential property.
- Distinguishing between on-premises and off-premises signs.
- Total number of signs allowed per mile of roadway.
- Time restrictions on signs advertising a one-time event.

The following includes recommendations for updating the sign regulations of the Zoning Ordinance based on the above findings. We recommend that the Planning Commission consider these recommendations and to add any items that should be addressed in the sign regulations update.

Purpose

The purpose statement should be more robust to clearly state the intent of the sign regulations. Also, the purpose statement is an ideal place within the ordinance to pronounce "the right to free speech as guaranteed in the First Amendment of the United States Constitution shall be protected" by the ordinance. In this regard, signs are intended as a medium of free speech, communication, and ideas.

Definitions

Definitions may be included with the other definitions or in the sign ordinance chapter. Currently, the sign definitions are listed at the beginning of the Zoning Ordinance with all of the other definitions. We recommend creating additional definitions to clarify the meaning of different sign types. Some of these may include projecting signs, banner signs, and window signs. Some of the existing definitions have content-based provisions that should be removed and refined. Finally, adding graphics to the definitions can clarify the meaning of the sign types or define certain aspects or dimensions of signs.

General Sign Regulations

The General Provisions section as currently written is largely content neutral. Regulations applicable to all signs of a given type in all zoning districts should be located in this section. Regulations that are dependent on the zoning district should be located later in the ordinance. The Township may want to consider adding general provisions for sign illumination, maintenance for keeping signs in good repair, or other similar standards.

Communities should include additional review standards for appeals from the sign regulations. While applicants must meet the general variance standards to obtain a variance from the Zoning Board of Appeals, there are additional standards unique to signs that should also be included.

Signs Permitted in All Zoning Districts

All regulations in this section currently have content-based elements. Regulations that are content-neutral can be reused as part of the exempt signs section or other parts of the ordinance.

Signs Permitted in Recreation-Conservation and Agricultural Districts, Signs Permitted in Residential Districts, and Signs Permitted in Business and Industrial Districts

The regulations in these sections include content-based elements. Regulations that are content-neutral can be reused in other parts of the ordinance, or as part of a reorganization of each section that clearly creates regulations for permitted signs by district by sign type, not by content.

Billboards

There are no major content issues with the current Zoning Ordinance language.

Signs for Automobile Service Stations

These are speaker-based regulations that also include content-based regulations. Therefore, this should be regulated by district and structure type (i.e., uses in a non-residential district that have a lawful canopy may have signage on that canopy).

Electronic Message Signs

There are no major content issues with the current Zoning Ordinance language.

Exemptions

Minimizing exemptions from the sign ordinance is generally recommended, and there are relatively few in the Zoning Ordinance. Some recommended changes include the following:

- Content-based parts of these provisions should be removed. This includes the temporary signs for specific organizations or events, temporary real estate signs, political campaign signs, and

national, state, municipal, and university flags. These could be separated into temporary commercial sign and temporary non-commercial signs.

- Any provisions that reference content should clarify why these provisions are in the interest of the safety or welfare of the general public. For example, signs directing traffic movement are for the protection of public safety.
- Other signs may be added to this section, such as address numbers or nameplates, where the signs have a compelling government interest requiring their exemption.

Prohibited Signs

There are no major content issues with the current Zoning Ordinance language.

Illumination

The regulations refer to allowing the use of lights or decorations related to religious and patriotic festivities. These are event-based regulations that may need to be removed to allow lights and decorations all the time or only a certain number of days in a calendar year. Several communities have allowed lights as decorations, and some have specifically defined these lights as not being signs. This section, along with the definitions, may need to be clarified to distinguish a decoration from other types of illumination (i.e. window outline tubing), and to ensure general illumination standards such as light intensity and flashing apply to decorations as well as signs.

Computation of Surface Area

There are no major content issues with the current Zoning Ordinance language. Adding graphics could help readers understand the language in this section, especially for finding the area of signs with odd shapes.

Removal

The regulation states that a sign shall be removed by the owner or lessees of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. This could be considered content-based, though signs of this nature are often referred to as “abandoned signs.” The language could be changed to state that a sign cannot be the primary use on the property, or that a sign may not be located on a parcel without a building, or something similar, and it could potentially be moved to a different part of the ordinance.

Nonconforming Signs

There are no major content issues with the current Zoning Ordinance language.

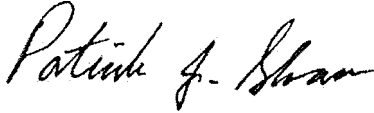
Responsibilities for Signs – Registry

There are generally no major content issues with the current Zoning Ordinance language, besides a specific reference to the “advertiser” of the sign. This portion of the ordinance could be changed without changing its general structure.

We look forward to discussing the sign regulations article with you at an upcoming Planning Commission meeting. Please let us know if you have any questions.

Respectfully submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP
Senior Principal Planner



Stephen Hannon
Assistant Planner

cc: Marlene Chockley, Township Supervisor
Kathleen Manley, Township Clerk

**NORTHFIELD TOWNSHIP
PLANNING COMMISSION
Minutes of Regular Meeting
May 3, 2017**

1. CALL TO ORDER

The meeting was called to order by Chair Roman at 7:00 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

**3. ROLL CALL
AND DETERMINATION OF QUORUM**

Roll call:	
Janet Chick	Absent with notice
Brad Cousino	Absent with notice
Sam Iaquinto	Present
Cecilia Infante	Present
Larry Roman	Present
Amy Steffens	Present
John Zarzecki	Present

Also present:
Assessing & Building Assistant Mary Bird
Planning Consultant Patrick Sloan, McKenna Associates
Recording Secretary Lisa Lemble
Members of the Community

4. ADOPTION OF AGENDA

- ▶ **Motion:** Iaquinto moved, Roman supported, that the agenda be adopted as presented.
Motion carried 5—0 on a voice vote.

5. FIRST CALL TO THE PUBLIC

Tom Bobiney, 9488 Main Street, introduced himself as a new resident.

6. CLARIFICATIONS FROM THE COMMISSION

None.

7. CORRESPONDENCE

None.

8. PUBLIC HEARINGS

None.

9. REPORTS

9A. Board of Trustees
Zarzecki read Chick's report of the May 25th meeting, which noted the Board had met with the Washtenaw County Road Commission, hired a Controller, approved the Whitmore Lake weed control SAD, and made plans for interviewing Township Manager candidates.

9B. ZBA
No report.

9C. Staff Report
No report.

9D. Planning Consultant
No report.

9E. Parks and Recreation
Iaquinto reported that plots are available in the Community Garden.

10. UNFINISHED BUSINESS

10A. Further Discussion of McKenna Master Plan Tasks and Costs.

Commissioners discussed the proposal from McKenna as reviewed at the April 14th meeting. It was agreed that:

- It is important to do the general update and at least one public participation opportunity should be offered.
- McKenna should coordinate work on a non-motorized plan with the DDA (which is paying McKenna to conduct four public outreach sessions for the downtown strategic plan) and the Parks and Recreation committee (which calls for such a plan in its master plan).
- The open space preservation plan should be coordinated with the recently-appointed committee.

In answer to questions, Sloan said work could be done on the sign ordinance at the same time as the Master Plan work, and it could be completed more quickly than the Master Plan work.

- ▶ **Motion:** Roman moved, Iaquinto supported, to recommend to the Board of Trustees the proposal by McKenna regarding the Master Plan review in the amount of \$24,000 which includes \$19,000 for general updates, \$4,500 for a non-motorized plan, and \$1,000 for a workshop.
Motion carried 5—0 on a roll call vote.

10B. Discussion of Proposed Zoning Ordinance Amendments.

The Commission discussed April 28th McKenna memos regarding zoning ordinance amendments to consider.

Public Hearing Sign Posting Requirements. This would eliminate the requirement for sign postings for special and conditional use permit requests.

- ▶ **Motion:** Roman moved, Iaquinto supported, that the Planning Commission recommend the amendment regarding public hearing sign posting requirements for the Board of Trustees

consideration.

Motion carried 5—0 on a roll call vote.

Whitmore Lake/Horseshoe Lake Overlay District.

This would incorporate zoning maps for the text amendments adopted in 2016. Commissioners briefly discussed how the boundaries were arrived at.

- ▶ **Motion:** Roman moved, Iaquinto supported, that the Planning Commission schedule a public hearing on the proposed Whitmore Lake/Horseshoe Lake Overlay District zoning map amendment.
Motion carried 5—0 on a roll call vote.

11. NEW BUSINESS

11A. Discussion of Proposed Zoning Ordinance Amendments.

The Commission discussed April 28th McKenna memos regarding zoning ordinance amendments to consider.

Open and Unroofed Terraces, Patios, and Porches.

How to treat these types of structures—both attached and unattached to structures—in the zoning ordinance has been identified as needing clarification. Commissioners noted that the zoning ordinance also does not include definitions of many elements, including decks, and building codes need to be taken into consideration.

The Commission asked Sloan to prepare proposed language for presentation at the next meeting based on comments made, including (a) that structures should not be allowed within required setbacks and (b) all stormwater drainage must be handled on-site.

Application Fees. Sloan explained that this would remove language that specifies fee amounts since these should be included in the overall fee schedule adopted by the Township Board.

- ▶ **Motion:** Roman moved, Iaquinto supported, that the Planning Commission schedule a public hearing on the proposed zoning ordinance amendment regarding application fees.
Motion carried 5—0 on a roll call vote.

Little Free Libraries. Sloan explained that these front yard book stands are in wide use throughout the world, and the proposal would allow them within front yard setbacks where they can be accessible to the public.

- ▶ **Motion:** Roman moved, Iaquinto supported, that the Planning Commission schedule a public hearing on the proposed text amendment to the zoning ordinance regarding little free libraries as accessory structures.
Motion carried 5—0 on a roll call vote.

12. MINUTES

- ▶ **Motion:** Iaquinto moved, Roman supported, that the minutes of the April 19 2017, regular meeting be approved as presented, and to dispense with the reading.
Motion carried 5—0 on a voice vote.

13. SECOND CALL TO THE PUBLIC

Tom Bobiney suggested that visuals be displayed using a projector or TV during meetings to aid the public in understanding discussions. Commissioners agreed it would be worthwhile to provide this.

14. COMMENTS FROM THE COMMISSIONERS

None.

15. ANNOUNCEMENT OF NEXT MEETING

May 17, 2017, at 7:00 P.M. at the Public Safety Building was announced as the next regular Commission meeting time and location.

16. ADJOURNMENT

- ▶ **Motion:** Iaquinto moved, Roman supported, that the meeting be adjourned.
Motion carried 5—0 on a voice vote.

The meeting was adjourned at 8:12 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;

Wording added is underlined.

Adopted on _____, 2017.

Larry Roman, Chair

John Zarzecki, Secretary

Official minutes of all meetings are available on the Township's website at <http://www.twp-northfield.org/government/>

Draft