

**BURT TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
January 14, 2019**

The Burt Township Planning Commission was called to order by Chair Jay Jontz on January 14, 2019 at 6:38 pm at the Burt Township Hall, Cheboygan, Michigan to accept comments on the proposed amendment to the Burt Township Zoning Ordinance Article II and VI, pertaining to Cargo Containers.

Members Present: Jay Jontz, Matt Landon, Gene Hodulik, Allen Kozlowski
Guests: Jim Larson, John Iacoangeli, Harold Koviak

Chair Jay Jontz opened the Public Hearing and asked for any comments on the proposed amendment to the ordinance.

Signs:

An Ordinance to amend the Burt Township Zoning Ordinance Article II, VI, and VII pertaining to Signs.
The Township of Burt Ordains:

Section 1. Article II: Rules of Construction and Definitions of the Burt Township Zoning Ordinance is hereby amended to replace the following definitions:

Adult Motel: A hotel, motel or similar commercial establishment that:

1. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas;
2. offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Sign, Off Premise: Any sign relating to a use and / or activity not conducted on the premises on which the sign is located.

Sign, On Premise: An advertising sign relating to a use and / or activity conducted on the premises on which it is located.

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Sign, Portable: A sign that is designed to be transported, including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;

- Converted A- or T- frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right of-way, except when the vehicle is being used in normal day-to-day operations of that business; and
- Hot-air or gas-filled balloons or umbrellas used to display content.

Sign surface: That portion of a sign excluding its base, foundation and erection supports on which content is displayed.

Section 2. Article VI Section 6.14 - Signs and Billboards of the Burt Township Zoning Ordinance is hereby amended in its entirety as follows:

1. Purpose. The sign and billboard standards contained in this ordinance are declared necessary to protect the general health, peace, safety and welfare of the citizens of Burt Township and are based on the following objectives.
 - a. To avoid excessive visual clutter in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
 - b. To place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
 - c. To protect the character of Burt Township.
2. General Standards.
 - a. Signs shall not be located in the road rights-of way unless they are approved by the Cheboygan County Road Commission, MDOT, or another governmental agency.
 - b. Signs are exempt from setback for the given zoning district.
 - c. Sign Area and Height Calculations: The size of a sign or sign surface shall be computed as including the entire area within a simple geometric form or combination of such forms comprising all the display area of the sign, and shall be calculated by multiplying the longest width by the greatest height. Two sides of a sign structure are not added together to calculate sign area provided the sides have a 180-degree, back-to-back relationship. In the case of a broken sign (a sign with separate components individually mounted to a wall), the total surface area shall be measured by multiplying the horizontal distance between the outer edges of the two furthestmost components of the sign by the maximum vertical height of any components in the sign.
 - d. The maximum overall height of all free-standing signs as specified in this ordinance shall be measured from the average existing grade at the base of the sign to the top of the sign and shall include roof like covers and supporting structures.
 - e. The size, height, and location of all signs and billboards erected in the Township, regardless if they require a permit or not, shall conform with the following standards:

Sign Type	Max Surface Area (sq. ft)	Max Height (ft)	Districts permitted
Signs not requiring a permit	8 ¹	n/a	All
Temporary sign	8 ²	n/a	All
Free Standing sign ³	32	20	C-1, I

Wall mounted sign ⁴	32	n/a	C-1, I
Public access sign	16 ⁵	n/a	CR
Shared access drive	32 ⁶	n/a	WR, R-1, RR, MR
Tree mounted sign	2	n/a	All
Billboard	200	30	I, C-1 ⁷

1. Historical markers sanctioned by a recognized national, state or local historic organization may be 16 sq. ft.
2. Shall not exceed a combined total of 8 square feet on lots of 100 feet of width or less. For each additional 100 feet of width, one (1) additional sign may be added up to a maximum of four (4) signs.
3. Permitted one (1) free standing sign per business
4. Permitted one (1) wall mounted sign per business
5. The number, location and size of any additional interpretative, information or donor acknowledgement signs shall require Planning Commission approval.
6. Or two (2) square feet per residence or residential property within the development, whichever is greater.
7. Must be located adjacent to Interstate 75 (I-75)

Section 6.14.1 – Signs Not Requiring a Sign Permit:

The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:

1. One (1) sign per use
2. One temporary sign is allowed per 100 feet of lot width but in no instance shall it exceed four (4) signs even if the lot width exceeds 400 feet. Temporary signs shall be made of wire, metal, wood, or other support structure capable of being put in the ground and removed by a single individual with relative ease.
3. Signs erected or approved by a governmental agency when necessary to give proper directions or to otherwise safeguard the public.
4. Signs needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
5. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
6. Illuminated signs shall not be of the flashing, string and/or tubular lights, or intermittent type unless approved by the Planning Commission.
7. One (1) freestanding sign per roadway frontage shall be permitted on a site that is actively marketed for sale or lease. These signs are allowed on vacant properties.

Section 6.14.2 – Signs Requiring a Permit

No sign, except those signs specifically identified in Section 6.14.1, shall be erected or altered until approved by the Planning Commission and an authorization permit issued by the Zoning Administrator.

Section 6.14.3 - Signs prohibited.

The following signs are prohibited in Burt Township.

1. Obscene Material. Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
2. Any sign which is insecurely fixed, unclean, in need of repair, or initiates official traffic control devices.

Section 6.14.4 – Billboards

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Billboard regulations address the location, size, height and related characteristics of such signs.

Billboards may be established only in the Commercial and Industrial zoning district located adjacent to Interstate 75 (I-75) provided that they meet the following conditions:

1. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Burt Township where the particular street or highway extends beyond such boundaries. Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection below.
2. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
3. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
4. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located. (A community could also limit it to the setback of a principal structure in the zoning district.)
5. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
6. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

7. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continues readability of message.
8. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106) that boarder interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance.
9. No person, firm or corporation shall erect a billboard within Burt Township without first obtaining a permit from the Burt Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Burt Township Zoning Administrator confirming continued compliance with this ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the Burt Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Burt Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

Section 3. Article VI Section 6.23.3 Medical Marihuana (E) of the Burt Township Zoning Ordinance is hereby amended to delete this section in its entirety as follows:

~~E. A dwelling at which a primary caregiver of medical marihuana is functioning as a home occupation shall have no sign related to the use as a primary caregiver, including but not limited to any symbol portraying or representing a marihuana plant or portion thereof, may be visible from outside the dwelling.~~

Section 4. Article VII: Supplemental Site Development Standards 7.01.19 Sexually Oriented Business Part (G) of the Burt Township Zoning Ordinance is hereby amended as follows:

G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance.

Public Comments – None

Jontz asked for any comments on the following proposed amendment.

Stop Work Order:

An Ordinance to amend the Burt Township Zoning Ordinance Article IX Administration and Enforcement pertaining to Stop Work Order. The Township of Burt Ordains:

Section 1. Article IX Section 9.07.4 of the Burt Township Zoning Ordinance is hereby amended in its entirety as follows:

Section 9.07.4 – Stop Work Order

If construction or land uses are being undertaken contrary to a zoning permit, the zoning enabling act, or this ordinance, the zoning administrator or deputy of the zoning administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal or civil or prosecution for failure to obey the order.

At such time that the condition(s) of the ordinance violation have been met, the zoning administrator or deputy of the zoning administrator or any other official authorized by the Township Board, will have authority to lift the stop work order. Written notice of the lifted stop work order shall be provided to the offender by the zoning administrator or authorized individual.

Public Comments:

Larson said it is not necessary to add the information on lifting the stop work order but Jontz said it is necessary in to add it in.

Public Comments closed at 6:49.

Public Hearing adjourned at 6:50 pm.

Respectfully submitted,

Donna McDougall, Clerk/Recording Secretary