EMMET COUNTY PLANNING COMMISSION SPECIAL MEETING
THURSDAY MARCH 14, 2019
7:30 PM
EMMET COUNTY BUILDING
COMMISSIONER’S ROOM
200 DIVISION ST
PETOSKEY, MI 49770

AGENDA

I Call to Order and Attendance

II Minutes of January 10, 2019 (February meeting canceled)

III Cases

CASES FROM PREVIOUS MEETINGS

1. **PPUDF 18-02** Crooked Lake Yacht Club, Planned Unit Development Amendment, 3704 Oden Rd, Section 18, Littlefield Township

NEW CASES

2. **PSUP 18-013** William Murphy, SPECIAL USE PERMIT, Accessory Building Exception, 2091 Hency Rd, Section 30, Springvale Township

3. **PSPR 18-016** David Firman, SITE PLAN REVIEW - Amendment, 3529 Howard Rd, Section 20, Bear Creek Township (TOWNSHIP REQUESTED POSTPONEMENT)

4. **PSUP 19-002** John Plichta, FINAL PLANNED UNIT DEVELOPMENT and SITE PLAN REVIEW, 8450 Channel Rd, Section 21, Springvale Township

IV Public Comments

V Other Business

1. Enforcement Report
2. Wineries – draft text amendment proposal
3. Emmet County Resilient Master Plan 2020 – Vision Statement from current Recreation Plan and Master Plan; Draft Chapter 1
4. By-Laws – review
5. Planning Review Process – see comments from survey and BOC meeting minutes
6. City of Petoskey – Notice of Intent to Plan
7. Signs and Billboards – draft text amendment
8. Outdoor Lighting – draft text amendment
9. Consent Judgment – draft text amendment
10. Recreational Vehicles – text discussion/enforcement discussion
11. HB 4046
12. Little Traverse Township Zoning Coordinating Committee – Signs and Billboards
13. Joint PC/BOC meeting - discussion

VI Adjournment
Call to Order and Attendance
Chairman Eby called the meeting to order at 7:30 p.m. All members were present. There is one open seat.

Election of Officers: The current slate of officers includes Chair: Eby, Vice-Chair: Urman, Secretary: Scott. Maclnnis made a motion to nominate Eby as Chairman, Urman as Vice-Chairman, and Scott as Secretary. The motion was supported by Alexander and passed unanimously by voice vote of the members.

Minutes of December 6, 2018
Alexander made a motion, seconded by Maclnnis, to approve the minutes of the December 6, 2018 meeting as presented. The motion passed unanimously by voice vote of the members.

Doernenburg welcomed the newest member Jim Kargol who fills the vacant Board of Commissioner seat vacated by Scheel. There remains one vacancy to fill which was Neal’s seat. This seat, according to the Planning Enabling Act should be a member of the school board or administrative employee of a school district within the County. A press release will be worked on to send out to the school districts.

Cases
1. Case PPUDF18-02 Crooked Lake Yacht Club, Planned Unit Development-Amendment, 3704 Oden Rd, Section 18, Littlefield Township

Legal Notice: A request by Crooked Lake Yacht Club for an Amendment to a Final Planned Unit Development and Site Plan Review for a proposed parking lot and boat slips at 3704 Oden Road in Section 18 of Littlefield Township. The property is zoned R-2 General Residential with a Planned Unit Development-1 Overlay (PUD-1) which is part of the Windjammer PUD and is tax parcel 24-07-17-18-451-018. The request is to allow a parking lot for additional boat slips and the review is per Article 17 of the Zoning Ordinance.

Packet Items: No new information

Applicant requested postponement. Eby stated that the case would normally be sunsetted at this point but in this case, all involved parties seem to be aware of the postponement request. Doernenburg stated that they are working on an agreement between the PUD owners. This case is planned to be heard at the next Planning Commission meeting. There was no one was present for this case and there was no public comment or discussion.
Salar presented this case. The property is located on the end of Channel Road. The aerial of the property was shown as well as the zoning map. The parcel is over 51 acres and is zoned both SR and FF-2. The rezone request is for the FF-2 section of the parcel. The current plot plan was shown. The current request is for a winery and tasting room. This is preliminary review only and would go to the Emmet County Board of Commissioners next for their review. The surrounding area is mainly residential. There have been calls and letters of concern and opposition from the neighbors regarding the tasting room. The Master Plan and Future Land Use Map shows this area as low-density residential. Springvale Township’s original review did not include the tasting room. They recommended approval. Their second review was after the tasting room was added to the request and they recommended approval of that request on the conditions that the tasting room only be open July through October with limited hours on Saturday. A summary of all of the neighbors’ comments was shown and these have been distributed. Salar explained that if this is approved here and at the Board of Commissioner’s level a more detailed review of the plans would be required at the Planning Commission level in the future. Photos of the site were shown.

John Plichta, applicant, stated that he attended both meetings at the township level. There were many neighbors at both meetings which was great because it allowed him to develop the PUD and get input and concerns of the community. Their primary concerns were the increase in traffic and alcohol use. From a business standpoint, Plichta stated, you want to be open as much as possible. Most tasting rooms are open at least 36 hours/week and make up 98% of the business. He is only proposing 4 hours/week; 2-6pm on Saturdays between June and October. As for the alcohol, they would be giving out four one-ounce tastes for a total of four ounces. A glass of wine is six ounces. He stated that they won’t be serving any more than this as they want to sell it. The boat launch average usage is 5-20 cars per day. For the tasting room, Plichta stated he expects seven cars per Saturday to buy wine. That would be no increase whatsoever between a low or busy weekend. There is already the ability for people to come off of the lake with alcohol and they will have had more than 10 ounces. He stated that he is not adding to this situation. His use will blend in. Plichta noted that with the parcel size, he does have the option to build 4-40 houses but he doesn’t want to do this. He’d like to be able to retire and enjoy the area. They propose three events per year plus a picking event. All would be by invitation only and would be from 6-9pm in the summer. All hours of operation would be in broad daylight. Plichta stated that they are growing organic and are being certified as such. There is no one else up here doing organic wines. It is 3-4 times more labor intensive than growing grapes. He wants to be able to sell the wine to cover some of the costs and make a little money off of his hobby. He wants to be able to create a business model for smaller farming. Plichta stated that 2 acres of intense farming is a lot of work. He’s trying to add value to the farming. The grapes he grows allow him to just break even or sometimes have a small deficit. The winery would allow him to add value to the farming. Small scale farming operations have the opportunity to be viable.

Jim Kargol stated that he would like to recuse himself from this case based on conflict of interest. Eby allowed and Kargol left the room.
Alexander asked how many homes are on the road. Doernenburg stated that one of the letters mentioned 80.

Eby opened the floor to public comment.

Jeff Upton stated that he has lived on Channel Road for 41 years. He commends Plichta on what he is doing but has a problem believing that he is going through all of this process and trouble for the limited use time frame. He thinks it will be more intensive in the future. He wants to know his plan 10 years down the road.

Cathy Brey stated that she has lived on Channel Road for two years. When they bought their home they checked into the area and knew there was a boat launch. This is a residential neighborhood and she never thought there would be a business down there. She is concerned about safety regarding the alcohol. Many people walk, jog, ride bikes, etc. on Channel Road. A business in a residential area will bring more traffic. If houses were built there at least it would be residential. She meets many people when walking and it is a safe neighborhood.

Pat Keubler stated that their longevity on Channel road is over 58 years. It is a wonderful neighborhood with wonderful neighbors. She is concerned about safety and that the PUD will be changed in the future which would change the neighborhood. She also mentioned that many of the neighbors are not here this time of year and thinks the request should be postponed until the spring.

Ray McMullen stated that he is concerned with the PUD. Under regular zoning regulations, there would be rules and parameters. Under the PUD there would be few rules. If Plichta sells, we don't know what the next person would do. The neighborhood does not want a Pond Hill Farm situation. McMullen stated that he has looked through the Planning Commission minutes and is concerned about how many PUDs are amended. There was almost one per month in the past year and none were denied. What parameters are there to stop a request for approval or alteration? What keeps a person or group with a lot of money from taking the County to court over a denial?

Plichta stated that he is thinking of retiring in a couple of years and this would augment his income. It is a hobby that he enjoys. The PUD would include not building anymore buildings and would only have the three events. He was ok with the PUD route as it helped limit the activity and address the needs of the neighborhood. He doesn't have big plans. He just wants to retire and have his hobby pay for itself. He stated that we all bought knowing that the boat launch existed and the hours during the boat launch is in operation. If you know that on July 4th people are coming off of the lake for fireworks just before dark and may have had alcohol, you choose not to take a walk then. If it is a concern for the four hours on a Saturday that he'd be in operation as well, so be it. The property was a farm and a business. The Laughbaum family hayed and had tractors and horses; it was already a business. The County is currently working on verbiage and ordinances for wineries. If it gets in as proposed, whether it's us or someone else, a winery could be opened and nothing could be done. Plichta stated that he doesn't want to wait until spring or for two years until the ordinance is amended. He is not ambitiously trying to create a winery that is going on the map. It is very, very hard to grow grapes organically and they can only grow so many of them. He will already be limited by the PUD. Yes, the PUD can be modified but so can the Zoning Ordinance. We can't tell people not to sell their houses in order to protect neighborhood views. We can only look so far into the future and this is the most viable way to approach this.
Jim Scott stated that the request was heard at two of Springvale township Planning Committee meetings. They heard the concerns of the residents of Channel Road. At the first meeting there was no tasting room requested and there was little opposition. Adding the tasting room has increased the concern. Scott stated that it will increase traffic but there is no way to know by how many cars. If we could control the number of cars it would be great but he stated that he doesn’t know a way to do so. One of the Township Board members lives right across the road from this parcel and he voted for it. Scott stated that what Plichta is proposing is a strong effort to do this project in a neighborly fashion. It is hard to sit here and say he shouldn’t be able to use his land and get a meager profit out of it.

Alexander stated that he asked before whether they were only going to use the grapes that they grow. Most wineries bring in grapes from the outside. Plichta stated that there are only two sources of organic grape juice; Spain and Italy. Even California doesn’t have wholesale grapes or juice to ship. He stated that a 5-gallon bucket of juice is $250. He is not trying to go up against the big wineries. He is trying to fit into the organic niche. This is targeted toward a specific group of people. Alexander stated that he doesn’t doubt that he will do what he says he is going to do but someone else could come in later and say it is not economically viable for them to be open one day/week for four hours. He is not trying to step on his hobby but there are 80 residences on a one-way road. It is not a fair statement to say that there are already drunk boaters or that he can put in multiple houses. Scott stated that this is not a one-way road but is a dead-end road. Alexander stated that he had misspoke.

Drier stated that there were stipulations in the review from the Health Department. Would we need to add these stipulations? Doernenburg explained that they would be asked for a thorough review at the next step if approved. They would need to evaluate and make a recommendation. This would be required for the final PUD submittal.

Urman stated that he is thinking about the 80 residences. Bear Creek Township is working on their Master Plan and we are dealing with wineries and such. There was a lady at the last meeting from Leelanau County that stated that roads, safety, and noise have all been concerns and issues for them. He stated that he knows that Plichta runs a top-notch operation but it is a dead-end road and is still a big concern. He read through the PUD standards that this board needs to review. He asked Scott how many people were at their township meetings. Scott stated probably 15-20 people at both meetings. He added that everything that we’ve discussed during the ordinance review so far is that FF districts are where wineries belong. Are we just kicking this down the road? If we don’t approve and then come up with regulations to the ordinance, it won’t be as constrained as this PUD would be. We won’t be in the same bargaining position as we may have with a PUD. We may be creating a monster rather than containing one.

Drier stated that many people have left for the season. She asked if Scott felt that there would have been more at the meeting had it been earlier. Scott stated that they don’t get a lot of public at the township meetings. Whenever there is a neighborhood issue people show up. There would likely have been some more present but he is not sure how many more.

MacInnis stated that he is usually persuaded by the township. He is trying to sort through the desire of the property owner to bring in revenue which is laudable but this is something new and the neighbors all have a desire to bring in revenue in some way and he doesn’t find this particularly persuasive. He stated that he is not sure how this meshes with the process of what we’ve looked at for the past two years. Doernenburg stated that when we started looking at the “party barns” it included wineries in the text amendment. Because we had an immediate request to deal with, we took wineries out and are reviewing them separately. Doernenburg stated that currently in this zoning district the PUD is the only mechanism that would allow for a winery. MacInnis stated that this would make a change that helps one person with revenue and increases neighborhood traffic. He has an issue with this.
Alexander stated that maybe we are kicking the can but maybe this opens Pandora’s box for the future. Scott stated that as PUDs go, this is likely the most limited we’ve ever seen. Alexander stated that he doesn’t think it will end here.

Laughbaum stated that he doesn’t think that there will be any more traffic to a winery than if he grew U-Pick strawberries. This is a low-key operation. Doernenburg stated that if that was the case it would fall under right-to-farm and he could do so without any involvement by us. There would be no further zoning regulations except for setbacks.

Urman read the standards of review for a rezoning from the Zoning Ordinance, Section 27.11.1 Rezoning Standards.

Scott made a motion to approve PREZN18-01, John R Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD – Preliminary Development Plans dated Received Oct 29, 2018 because the standards for the PUD and a Rezoning have been met. Winery and tasting room will be the only additional use, tasting room is limited to Saturdays in July, August, September, and October from 2-6pm, there will be no more than four events per year with a maximum of 25 attendees, invitation only, and there will be no additional buildings, and because the township recommended approval. The motion was supported by Laughbaum. The motion failed on the following roll-call vote: Yes: Eby, Scott, Laughbaum. No: Drier, Urman, Alexander, MacInnis. Abstain: Kargol (one open seat).

Alexander made a motion to deny PREZN18-01, John R Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD – Preliminary Development Plans dated Received Oct 29, 2018 because the standards for the PUD and a Rezoning uses are not consistent with the Emmet County Master Plan, proposed uses are not compatible with current surrounding uses. This motion was supported by MacInnis and passed on the following roll-call vote: Yes: Drier, Urman, Alexander, MacInnis. No: Eby, Scott, Laughbaum. Abstain: Kargol (one open seat).

Doernenburg explained that this recommendation will still go to the Board of Commissioners for their review.

Kargol returned to the meeting.

3. PSPR18-014 Mike Pattullo of Shoreline Architecture for 4 Leavys LLC, Site Plan Review Amendment, Retail and Parking, 1922 Harbor-Petoskey Rd, Section 27, Bear Creek Township

Legal Notice: A request by Mike Pattullo of Shoreline Architecture for 4 Leavys LLC for a site plan review amendment at 1922 Harbor-Petoskey Rd, Section 27, Bear Creek Township. The property is zoned B-2 General Business and is tax parcel 24-01-16-27-042. The proposal is to review for multi-tenant retail use within the existing building and to expand the parking lot. The review is per Articles 11 and 19, 20, and 22 of the Zoning Ordinance.

Packet Items: revised zoning evaluation, 12-21-18 revised site plan, landscape plan, BCPC minutes

Doernenburg explained that this case was heard last month. The request is for the building that currently houses B May Bags on the northeasterly corner of M-119 (Harbor-Petoskey Road) and Hiawatha Trail. The parcel is zoned B-2. The proposal is to remodel the side of this building to create eight additional retail spaces and also a parking area on the northeast corner of the property. The current site plan was shown as was the originally proposed site plan. Following last month’s township
and Planning Commission meetings, the site plan was amended to incorporate the requested changes. One of the accesses onto M-119 has been eliminated, there is only one access onto Hiawatha Trail, the parking has been amended and reduced to meet ordinance standards, outdoor display areas are marked and potted plants have been added to separate the pedestrian areas from the vehicle space, screening from the new parking lot is shown on the new landscape plan. All changes are consistent with what was requested. The site plan, floor plan, and elevations were shown. Retail is an allowed use in this zoning district. The adjacent uses are both residential and commercial. Screening has been added between the commercial use and the residential use. Photos of the site were shown.

There was some discussion of where deliveries would be made and they will be delivered to the back of the building or in some cases right to the retail space. The applicant has changed everything that was requested and the township has recommended approval.

Mike Pattullo, applicant, stated that they went through the township and Planning Commission requests and tried to address them all on the revised plans. He stated that the intent of the parking area is strictly for spaces that the owners already lease to a local dealership and to a line crew. This area allows them to retain these spaces but also separate them from the retail parking areas.

Laughbaum asked if there would be lighting in the parking lots. Pattullo stated that they are removing the existing dealership lighting and will be installing proper lights. This will be a separate application to Sign & Lighting.

Maclnnis made a motion to approve Case #PSPR18-014, Mike Pattullo of Shoreline Architecture for 4 Leavys LLC for Site Plan Review – amendment for multi-tenant retail use, on property located at 1922 Harbor Petoskey Road, Section 16, Bear Creek Township, tax parcel 24-01-16-27-400-042, as shown on the site plan dated Received Dec 21, 2018 because the standards of Articles 11,19,20 and 22 have been met and the township has recommended approval and on condition that any exterior lighting be reviewed by the Sign and Lighting Committee and a performance guarantee in the amount of $2500 be submitted prior to issuance of a zoning permit. The motion was supported by Urman and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, Maclnnis. No: None. (one vacant seat)

4. PSPR18-015 Walt & Tracy Schiemann for Prime Diesel, SITE PLAN REVIEW-AMENDMENT, 2472 N US 31 Hwy, Section 25, Bear Creek Township

Legal Notice: A request by Walt & Tracy Schiemann for Prime Diesel for a Site Plan Review amendment at 2472 N US 31 Hwy, Section 25, Bear Creek Township. The property is zoned I-1 Light Industrial and is tax parcel 24-01-16-25-101-008. The proposal is to move an existing building and construct a new 64'x100' building for vehicle service. The review is per Articles 14, 20, and 22 of the Zoning Ordinance.

Packet Items: Request & location map, application, impact statement, site plan review checklist, site plan approved 4/5/18, zoning eval, floor plan, 12/6/18 site plan

This parcel is located north of Fochtman Industrial Drive on US-31. It is zoned I-1 and the surrounding zoning is FF, B-1, B-2, and I-1. The site plan was revised in April 2018 when they were approved to expand their vehicle service business and add onto the back of the existing business. When they went to construct, their contractor suggested eliminating the addition and build a separate building due to grade differences on the property. Photos and the approved site plan were shown. There was an existing storage building which was originally planned to be demolished, but it has been moved to a location previously approved for storage containers. This change was approved administratively with the caveat that if the site plan changed again review by the Planning Commission would be required. The current request is to construct a new 64'x100' building for vehicle service behind the existing office building. The use, setbacks, and parking, which will be beside and behind the existing building, all meet ordinance standards. A fence will be installed to screen vehicles from public view and for
security. The township recommended approval.

The applicants were present for questions. There was no public comment on this case.

Drier stated that she went to the site and it seemed that there were a lot of trees on one side but sparse on the other side. Does the neighboring business desire to have more trees? Doernenburg stated that the ordinance does not require screening between business uses. Urman stated that the applicants agreed to plant trees on the front side by the fence. There was a discussion at the township about keeping the trees to the greatest extent possible at the fence and the highway.

Walt Schiemann stated that the tree line to the north is an easement for Hoffman's.

Doernenburg noted that the lighting is not currently in compliance but will need to be corrected.

Urman made a motion to approve Case # PSPR 18-015, Walt & Tracy Schiemann for Prime Diesel, Site Plan Review amendment for vehicle services at 2472 N US 31 Hwy., located in Section 25 of Bear Creek Township, tax parcel 24-01-16-25-101-008 as shown on the site plan dated Received Dec 6 2018 based on the facts presented in this case: the use is a permitted use in the I-1 zoning district, the site plan meets the standards of the Zoning Ordinance, outdoor storage will all be screened, and no outdoor lighting or signs are permitted unless reviewed as required by the Zoning Ordinance, wall mounted lighting must all be full cut-off, and down directed; and because Bear Creek Planning Commission and Board recommended approval. The motion was supported by Scott and passed on the following roll-call vote: Yes: Eby, Drier, Scott, Laughbaum, Urman, Kargol, Alexander, Maclinns. No: None. (one vacant seat)

V Public Comments:

Dennis Hoshield. Littlefield Township, stated that he had intended to apply to this board. He stated that there is a big issue in the County with a lack of affordable housing. Sarah Lucas from Networks Northwest made a presentation to the City at the Council meeting on March 17th and it hit all of the issues that he has seen. He asked if this presentation or similar has been made to the County or to this board. Doernenburg stated that there hasn’t been a local presentation but a number of Commissioners attended the housing summit in Traverse City which has been held for the last three years. There is a regional housing partnership which has hired Sarah Lucas as a supervisor and a local housing partnership working on the issue. Hoshield stated that this is a multi-faceted issue and he would like to try to work with in the current zoning and building codes to work towards being able to do more affordable housing. He is attempting to re-light a fire under the issue.

Drier stated that something that she was looking into in regards to budgets was the Sign & Lighting Committee. She asked the board if the caseload that they have is something that we could take back as a board so that it is one less expense off of the P&Z budget. Eby asked if the savings would cover an expert for advice if needed. Doernenburg stated that possibly one of the current members could assist with reviewing plans as an expert or the Planning Commission could review. This would be one less meeting to pay for and preparing for. She stated that she understands and can review full cutoff lighting and foot-candles, but if she had questions or was unsure, she could have plans reviewed by an expert or the Planning Commission. There is some money in the budget for professional/contractual expenses. Eby stated that if we have the expert resource he wouldn’t have an issue. Laughbaum stated that we don’t plan buildings; why wouldn’t the applicant prepare a plan and submit it. Doernenburg explained that they do, it goes to the Sign & Lighting Committee now. If this change is made, Doernenburg explained that the ordinance will need to be changed to allow for administrative review of lit signs and exterior lighting. If fixtures are full cutoff and meet lighting levels, they likely could be approved administratively with any questions going to the Planning Commission.
Scott asked if there is a reason that it shouldn't be part of a site plan review. Doernenburg stated that this is a good question for an applicant; they may not have this level of detail when the site plan is submitted. Mike Pattullo from Shoreline Architecture stated that he would think that an applicant may not want to go too far down a path for something that is still changing. It is more efficient to do the lighting once.

The board felt that ordinance changes to allow for signs and lighting to be reviewed administratively was proper. This will be worked on for a future meeting.

VI Other Business:

1. Enforcement Report- Distributed with some discussion.

VI Adjournment

There being no other business Eby called the meeting adjourned at 8:58 p.m.

__________________________  ________________________  
James Scott, Secretary                  Date
**PPUDF 18-02**
Crooked Lake Yacht Club  
3704 Oden Rd  
Littlefield Township  
- Applicant’s summary of proposal (mistakenly omitted from original packet).  
- Fire Chief review.  
- Cover letter and suggested change to management agreement from one owner (marina) within the PUD.  
- Full packet previously provided.  
- Township previously recommended approval with conditions.

**PSUP18-013**
William Murphy  
2091 Hency Rd  
Springvale Township  
- Revised site plan provided.  
- Two sets of township minutes provided.  
- Township recommended approval with a revised site plan.

**PSPR18-016**
David Firman  
Site Plan Review – amendment  
3529 Howard Rd  
Bear Creek Township  
- Complete Packet.  
- Township requested postponement. Site Plan provided to the township was not legible.

**PSUP19-002**
John Plichta  
Final PUD and Site Plan Review  
8450 Channel Rd  
Springvale Township  
- Complete packet.  
- Township recommended approval (minutes enclosed).

**Other Business:**

**Enforcement Report**  
- Enclosed.

**Wineries**  
- Draft provided previously.  
- Review by MSUE included. See suggestions in right margin [KE1-9] and at the end of the document.  
- Draft and comments/suggestions for discussion.

**Emmet County Resilient Master Plan 2020**  
- Draft Chapter 1 included for review/discussion.

**By-laws**  
- Draft provided in previous packet – for discussion.

**Planning Review Process**  
- Comments made during BOC and survey provided previously.  
- New comments received.  
- For discussion.

**City of Petoskey**  
- Notice of Intent to plan received.  
- Creating Master Plan update – work together.

**Signs and Billboards**  
- Draft text amendment.  
- Reviewed by Civil Counsel – no comments.

**Outdoor Lighting**  
- Draft text amendment.  
- Reviewed by Civil Counsel – no comments.

**Consent Judgment**  
- Draft text amendment.  
- Reviewed by Civil Counsel – no comments.

**Recreational Vehicles**  
- Communication received – for discussion.

**House Bill 4046**  
- Short Term Rental proposed legislation – for discussion.

**Little Traverse Township**  
- Zoning Coordinating Committee  
- Proposed Sign Ordinance text amendment.  
- Recommended by Township PC to Township Board.  
- Comments only.
CLYC Amended PUD Application Describe Request:

The CLYC was formed in 1948 to encourage sailing and other water activities on Crooked Lake. The CLYC has a diverse membership with modest dues. Presently over 40% of all members – and well over 50% of active members -- are full time residents of Emmet County.

The separate Crooked Lake Sailors was formed in 2010 as a 501(c)(3) tax exempt sailing school. Its classes for adults and kids are open to everyone in the area. During the summer season over 80% of the Club’s facilities and time is devoted to the Sailing School. The Sailing School requires significant subsidies to keep tuitions low (about half the tuition at Little Traverse Sailing School in Harbor Springs).

The Crooked Lake Yacht Club purchased the Lagoon Parcel from Boathouse Village LLC (documents and easements recorded in June, 2018) to accommodate the expected expanded sailing school activities.

This request to Amend the PUD involves replacing the 6 need-not-be-built/over-the-water condominiums, each with 2 garage parking spaces and 2 boat slips, with 23 parking spaces. The 12 boat slips would remain.

The owner, CLYC, will be responsible for constructing the improvements and managing their property. The other owners in the PUD will remain responsible for improving and managing their parcels. Every effort will be made to coordinate our improvements with the adjacent parcels.

A Community Systems Agreement is in place to manage the water, sewer, bubbling, dredging escrow and other facilities and operations common to the overall project.

Recorded Easements allow Boathouse Village LLC to use the existing east curb cut on to US 31 and the CLYC to use the existing west curb cut on to US 31.
January 20, 2019

To: Emmet County Planning Commission,

I’m sorry I could not attend this meeting because of a planned trip I couldn’t postpone. I was available for the last two meeting where this issue was on the agenda and canceled. Dec. 6th 2018 and Jan. 3 2019.

I have several issues I would like explored.

What exactly is being asked to be amended? The original PUD has 16 parking spaces that have been designated for the floating dock renters. Are these being amended?

I count 21 additional parking spaces. Is this correct.

Is the parking for the slip owners/renters only?

Who can park these spaces?

Can public park these spaces?

Can other property owners within the PUD park in these spaces?

Can the parking be used or rented to the CLYC? (They are not a part of the PUD.)

How would the parking be managed?

What kind of signage would be needed?

Are the proposed docks/slips going to be income generators?

Are the proposed docks/slips going to be condo docks?

Is there really enough parking, if the CLYC is allowed use this, for their parking needs? Tammy has photo’s that show that parking would be over loaded.

What expansions of programs and activities do the CLYC and Sail Club have?

How would the parking be managed so that the slip/dock renters/owners have adequate parking?
I would like to explain how amending the PUD in the way being requested would impact the Marina. The PUD that was approved in 2003 allowed for parking at the east end of the property, 16 spaces for the 32 approved docks. The ownership of all of this property was not in question as it shows on the print to be common parking and driveway. I was sold a portion of the parking property for purposes of purchase of the floating dock. Banks prefer a piece of property rather than an easement. It was never the intention of the developer-seller to change the use of the property as it had been designated in the 2003 PUD agreement. The reason I was not sold to the highway was to make sure there would be no problems for the 6 east condos to have a parking option for possible guest. If the PUD is changed know I don’t know where I stand as far as expenses for parking on the property.

The other issue is the dockage. In the consolidating Master Deed, it states that the Marina shall have the rights to operate and maintain commercial docks and moorings. I am under the understanding that CLYC intends to rent their docks, which in my mind make it a commercial operation. I also understand that this is a property issue and not a Zoning issue. I believe that it would be prudent for the Planning Commission to deny the application until these matters have been taken care of. The matter of the commercial dock and mooring issue has been agreed upon and recorded on the property adjacent to the west of the CLYC property. CLYC property number 07-17-18-451-018 adjacent property Boathouse Village 07-17-18-451-017.

I have attached my own update to the Clarification Agreement that I would be more incline to sign if it is enforceable.

I appreciate your time and effort in this matter for your service to the community over the years.

Kurt Hoffman K&P Services
Clarification of 2002/2003 Windjammer Marina PUD

A three-party Windjammer Marina PUD Agreement was signed by the Owner/Developer, Crooked Lake Properties LLC, on June 29, 2003, by Emmet County on July 7, 2003, and Littlefield Township on August 8, 2003. This Agreement incorporated the Approved Site Plan dated October 3, 2002 and covered and treated Tax Parcel numbers 24-07-17-18-451-004 and 451-005 as one Zoning parcel.

The Owner/Developer recorded a Master Deed on July 15, 2003 that established the Windjammer Cove Condominium Project under the Michigan Condominium Act. This Master Deed also established the Windjammer Cove Condominium Owner's Association, Inc., a Michigan non-profit corporation, to administer, operate, manage and maintain this Condominium Project.

However, after considerable infrastructure costs and building 6 of the planned 24 condominium units, slow sales, higher than anticipated construction costs, and a downturn in the economy forced the Owner/Developer to cease any further development. And on June 10, 2011 a Successor Developer recorded a Consolidating Master Deed that reduced the Windjammer Cove Condominium Project to the 6 completed units.

At the same time a Community System and Easement Agreement created the Windjammer Cove Community System Board, Inc., a Michigan non-profit corporation, to operate and maintain various utility and other systems that are or may be used by the reduced Windjammer Cove Condominium Project, the Marina, and the undeveloped parcel, and provide for an equitable allocation of the costs to operate and maintain these systems.

Since over time there has been a parcel split and several changes in ownership, the County and Township have requested a clarification of the ownership, operation, control, and management (including future construction) of the parcels within the 2002/2003 Windjammer Marina Planned Unit Development.

1. Ownership

- Windjammer Cove Condominium consists of the 6 built residential units (former units #1-6) and associated common areas included in Tax Parcel number 07-17-18-455-002. Address: 3602 Cincinnati Avenue, Alanson, MI 49706
• The Marina parcels (former units 25 A & B) include Tax Parcel numbers 07-17-18-451-014 & 451-016 are owned by K&P Services, Inc. Address: 7806 M-68, Alanson, MI 49706.

• The Marina building Parcel, Tax Parcel number 07-17-18-451-012, address: 3520 Oden Rd, Alanson MI 49706, is owned by K&P Services, Inc. Address: 7806 M-68, Alanson, MI 49706

Note that while all three of the Marina parcels were sold via a land contract on January 4, 2018, K&P Services trains title in and control over these parcels.

• A new Lagoon Parcel (former units #19-24) with Tax Parcel number 07-17-18-451-018 is owned by the Crooked Lake Yacht Club, Inc., a Michigan non-profit corporation. Address: P.O. Box 195, Oden, MI 49764.

• The remaining undeveloped parcel (former units #7-18) Tax Parcel number 07-17-18-451-017 is owned by Boathouse Village LLC. Address: 203 Bridge St, Charlevoix, MI 49720

2. Operation, Management & Maintenance of Certain Infrastructure Systems

As noted, the Windjammer Cove Community System Board, Inc. operates and maintains various utility and other systems and services that presently do serve or may in the future serve the 4 parcels, and provide for an equitable allocation of the costs to operate and maintain these systems. Presently this Board is administered by a three member board, consisting of one representative each from K&P Services, Inc., Boathouse Village, LLC, and the Windjammer Cove Condominium Owner’s Association, Inc. A yet to be named individual representing the Crooked Lake Yacht Club, Inc., will also become a board member. Address: 3602 Cincinnati Avenue, Alanson, MI 49706

3. Operation, Control & Management (including future construction, if any)

• The Windjammer Cove Condominium is operated, controlled and managed by the Windjammer Cove Condominium Owners Association, Inc..

• The other parcels are operated, controlled and managed by their respective owners, i.e.:
Because of the shared use of parking between Marina (K&P) property and the CLYC property a joint development plan will be submitted.

The Marina Parcels and the Marina building Parcel is operated, controlled and managed by K&P Services Inc.

The Lagoon Parcel by the Crooked Lake Yacht Club, Inc.

And the Remaining Undeveloped Parcel by Boathouse Village LLC.

With the exception of any commercial dock or mooring activity which will be under the management of the Marina (current DBA Windjammermarina).

Commercial definition: Dock rented to persons not owning property. For the CLYC this would mean any dock/slip occupied by a boat not owned by CLYC would be subject to Marina Management.

An Amendment will be sought for any construction that significantly varies from the PUD Agreement and Approved Site Plan, and to the extent possible the owners will coordinate any new construction.

This clarification is signed by the owners:

Windjammer Cove Condominium Owner’s Association, by

______________________________ Date: _________

K&P Services, Inc. by:

______________________________ Date: _________

Boathouse Village, LLC, by:

______________________________ Date: _________

Crooked Lake Yacht Club, Inc. by:
To Tammy Doernenburg

I have reviewed the Crooked Lake Yacht Club Proposal. A dry Hydrant to be located at the south east end of the project in one of the two locations that have been discussed. If you have any questions please feel free to contact me at 548-5646 Ext. 204 Fire Hall or my cell 231-881-5378.

Art Drayton
Fire Chief
Alanson-Littlefield Fire Dept.
Springvale Township Planning Committee  
Regular Meeting Minutes – February 25, 2019 **


I. Call to order: Chairman Scott brought the meeting to order at 7:30.

II. Minutes: Shorter motioned to approve the minutes of January 28, 2019, Royalty supported and were approved unanimously.

III. Public Comment & Visitors: There was no Public Comment. The meeting was attended by sixteen people that signed the Visitor sheet plus several other.

IV. Reports: Scott reported that the February meeting of the Emmet County Planning Commission was canceled.

V. Old Business: Case # PSUP18-013; A request by William Murphy for a Special Use Permit for an Exception to the Accessory Building Standards at 2091 Hency Rd., Section 30, Springvale Township. Mr. Murphy was present and informed the committee that the drawing we were given was not correct. He (Mr. Murphy) said that the small Accessory building shown on the Site Plan on the Lake side of the Building in question did not exist. After discussion about the possibility of the building being attached to the garage, Royalty made a motion to recommend approval. Shorter supported. The motion was approved on a two to one vote. Mr. Murphy was advised that he should have the site plan corrected prior to the County Planning Commission meeting. There was no comment from the people in attendance.

VI. New Business: Case #PZBA19-002; A request by Patrice Carlson for Johnson Trust Company for setback variances and expansion of a non-conforming use at 6251 Graham Rd., Section 19, Springvale Township. Patrice Carlson with DWS Builders was present representing the property owners. Ms. Carlson stated that the property had been under current ownership since 1974 and that the accessory building in question was present at the time of purchase. She also indicated that a new foundation was installed under the accessory building in 2001. There were indications that all the requested alterations were not shown on the site plan. Moving of a power pole and rerouting service to an adjacent property. An addition to the footprint for a stairway to an upper level. New windows and siding of the entire structure. After discussion back and forth between the applicant and the committee and with applicants agreement Royalty made a motion to recommend postponement so that the applicant could submit a more accurate representation of the request. Shorted supported that motion it was approved three to zero. The committee recommended that the addition to the footprint be removed from the application.

Case #PSUP19-002; A request by John Plichta for a Final Planned Unit Development and Site Plan Review for 8450 Channel Rd., Section 21, Springvale Township. The request is to finalize the PUD and to allow the winery with tasting room. John and Nancy Plichta were present to
represent there interests. The meeting was stopped for approximately 5 minutes to allow the audience members an opportunity to review the site plan drawings. There were no question raised regarding the site plan. The meeting was opened for public comment. There were four comments in opposition; two suggesting that the PUD was not a good vehicle for this use and that it may constitute a spot zoning. Other comments suggested that the tasting room gave the project a commercial aspect that was undesirable for a residential area. The chair noted that this property had a history of farm use and that farming is generally considered a commercial use. There were six comments in favor/support of the project. The project was a good use of the property and a plus for the community as a whole. The Plichta's would do a good job as stewards of the land and protect the neighborhood. Shorter made a motion to recommend approval of PSUS19-002, John R Plichta for a Final Planned Unit Development and Site Plan Review on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcel 24-14-17-400-006 as shown on the Proposed Site Plan dated Received Feb 12, 2019 based on the facts presented in this case and because the standards for the PUD and Site Plan Review have been met. Approval is on condition that a PUD Agreement be signed and subject to the Preliminary PUD conditions. Royalty supported the motion, it passed three to zero.

VII. Public Comment: There was no Public Comment.

VIII. Adjournment: 8:40 pm.

________________________________________ Authorized Signature

** SPC minutes are “not approved” until accepted at a subsequent SPC meeting, and/or signed by the Chairman, Acting Chairman or Secretary
Springvale Township Planning Committee
Regular Meeting Minutes – January 28 2019 **


I. Call to order: Chairman Scott brought the meeting to order at 7:35.

II. Minutes: Royalty motioned to approve the minutes of December 17, 2018 as amended, Shorter supported and were approved unanimously.

III. Public Comment & Visitors: There was no Public Comment. The meeting was attended by Bill Winslow and Doug Basel.

IV. Reports: Scott reported at the January meeting of the Emmet County Planning Commission, the Planning Commission made a recommendation to the County Board of Commissioners to deny Case PREZN18-01A John Plichta for a Planned Unit Development. On January 24th the County Board of Commissioners Approved Case PREZN18-01A.

V. Old Business: None

VI. New Business: Case #PBZA18-023; A request by Bill and Alisa Winslow for front and side yard setback variances to apply to an existing residential accessory building located at 5973 Graham Rd., Springvale Township. After a short discussion Royalty made a motion to approve Case PZBA18-023, Bill and Alisa Winslow for a front yard setback variance of 27 feet and a side yard setback of up to 3 feet for a residential accessory building at 5973 Graham Rd. Section 19, Springvale Township, tax parcel number 24-14-17-19-301-013 as shown on the site plan and elevation plans dated Received Dec 21, 2018, based on the facts presented in this case, the proposal meets the standards of Section 23.01 A), B), and C), and further to approve the requested setback variances because the standards of Section 25.04.3 have been met. Shorter supported and was approved unanimously.

Case #PSUP18-013; A request by William Murphy for a Special Use Permit for an Exception to the Accessory Building standards at 2091 Hency Rd., Section 30, Springvale Township. Doug Basel was present representing Mr. Murphy. Questions were asked by the Committee about the site that Mr. Basel was unable to answer. Shorter made a motion to recommend that the case be postponed until the next regular Planning Commission meeting Case #PSUP18-013, William Murphy for a Special Use Permit for exception to the accessory building standards to allow an additional accessory building on property located at 2091 Hency Road, Section 30, Springvale Township, tax parcel 24-14-17-30-200-003, as shown on the site plan dated Received January 4, 2019 for the following reason; To allow the applicant to be present to answer questions for the Committee. Royalty supported and was approved unanimously.

VII. Public Comment: None
VIII, Adjournment: 8:20 pm.

_________________________ Authorized Signature

** SPC minutes are "not approved" until accepted at a subsequent SPC meeting, and/or signed by the Chairman, Acting Chairman or Secretary
REQUEST

PSPR18-016
A request by David Firman for a Site Plan Review - amendment to allow for outdoor storage accessory to the contractor's use on property located at 3529 Howard Road in Section 20 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-19-20-300-012. The request is per Sections 801-8 and 26.47 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: ozcr@emmetcountv.org

DATE RECEIVED
$100.00

DATE PAID
Dec 19, 2018

FEE

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant’s Name

Applicant’s Address

Applicant’s Email Address

Owner’s Name: Dave H. Firman
Phone: 231-347-7499

Owner’s Address: 213 Clinton St, Petoskey, MI 49770

Owner’s Email Address: dave@firmanirrigation.com

JOB SITE LOCATION:
Township: Bear Creek
Tax Parcel #: 24-01-19-20-00-0.14
Address: 3529 Howard Road

ZONING REQUEST:
Planning Commission: Special Use Permit
Site Plan Review
Planned Unit Development
Zoning Map Change
Zoning Text Change

REQUIRED USE INFORMATION
Ground floor area main building: 2400 sq. ft.
Floor Area accessory building: 900 sq. ft.
Lot/Parcel Size: 38.0 Acres
Site/Plot Plan required*

Date Submitted

Site Inventory
Fire Dept Approval
Wetlands Permit
Road Commission
MDOT Approval

Date Submitted

Elevation Drawing
Engineered Drainage Plan
Soil Erosion Permit
Health Dept. Approval
Sewer Taps

Other:
As owner/and or applicant representing the owner, I do authorize Emmet County (staff, appointed board, and/ or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant
Printed Name of Applicant
Date

*Required Signature of Property Owner
Printed Name of Property Owner
Date

*Please attach a site/plot plan to show: property dimensions; front, rear, and side yard setbacks; streets, roads, and all buildings on the lot. Review Section 2405 of the Zoning Ordinance for Site Plan requirements.

Date Submitted

Antonette

Date

12-14-18

12-19-18
IMPACT STATEMENT FOR SITE PLAN REVIEW

APPLICANT'S NAME: Firman Irrigation  CASE# PSPR 18-016

PHONE NUMBER: 231-347-7499  DATE: 12-18-18

PROJECT TITLE: Amended Shop - Wood Storage

PROPERTY TAX ID: #24-01-19-300-014  TOWNSHIP: Bear Creek

DIRECTIONS TO APPLICANT
BELOW ARE THE REQUIREMENTS TO CONFORM TO SECTION 20.04, IMPACT STATEMENT, OF THE EMMET COUNTY ZONING ORDINANCE #15.1. THESE ITEMS MUST BE ADDRESSED AND SUBMITTED WITH THE SITE PLAN AT LEAST 24 DAYS PRIOR TO THE PLANNING COMMISSION MEETING IN ORDER TO BE PLACED ON THE FOLLOWING MONTH'S AGENDA. (REGULAR MEETING DATE IS THE FIRST THURSDAY OF THE MONTH.) ITEMS LISTED ARE MINIMUM REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE SUBMITTED TO DESCRIBE THE PROJECT IMPACT.

1. PROJECT DESCRIPTION
Give a description of the proposed development including: Site area, number of proposed lots and/or units, population density, other pertinent population data, vehicle traffic, and related.

we are amending the site plan to indicate a revolving wood storage area. This is in order to better meet the needs of people who use firewood as a heating source in our area.
2. EXPECTED DEMANDS ON COMMUNITY SERVICES
Explain what the impact will be on the following community services and describe how services will be provided (if applicable):

a. Sanitary Services
b. Domestic Water
c. Traffic Volumes
d. Schools
e. Fire Protection

3. ENVIRONMENTAL IMPACTS
Include statements relative to the impact of the proposed development on (if applicable):

a. Soil Erosion
b. Storm Drainage
c. Shoreline Protection
d. Wildlife
e. Air Pollution
f. Water Pollution
g. Noise
# SITE PLAN REVIEW CHECKLIST

**Subject Property Address:** 3529 Howard Road, Petoskey  
**Subdivision and Lot Number (If Applicable):**  
**Tax Parcel Number:** 24-01-19-20-300-014  
**Township:** Boy Creek  
**Proposed Use of Property:**  
**Proposed Number of Employees:** 30

## CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Appropriate scale</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways).</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Property line dimensions</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Basic Zoning Information

<table>
<thead>
<tr>
<th>Zoning setback lines -Building (including the eave) Setbacks: Front</th>
<th>Side</th>
<th>Side</th>
<th>Rear/Water</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>X</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Distance between buildings (nearest point to nearest point)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of new buildings and general floor plan Dimensions of bldg (s) = _______ x _______ Total sq.ft. = _______</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed building elevations (to scale) Max. Height = _______</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>All existing structures (labeled) within 100 feet of perimeter property lines</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Multiple housing units -Number of units = _______ composition (efficiency, one bedroom, two, three)</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding zoning (properties immediate to subject site)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Lot coverage of proposed buildings = _______</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Natural Features</td>
<td>yes</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Boundaries of existing natural features (trees, lakes, ponds, streams, rock out-croppings, severe topography, wetlands, woodlands, etc.)</td>
<td></td>
</tr>
<tr>
<td>Has a wetland permit been applied for?</td>
<td></td>
</tr>
<tr>
<td>Existing topography</td>
<td></td>
</tr>
<tr>
<td>Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
</tr>
<tr>
<td>Site Inventory provided?</td>
<td></td>
</tr>
<tr>
<td>Are there scenic view considerations?</td>
<td></td>
</tr>
<tr>
<td>Drainage / Parking/ Roads</td>
<td></td>
</tr>
<tr>
<td>Access drives, internal roads (note public or private) service roads. Width of Right-of-Way =</td>
<td></td>
</tr>
<tr>
<td>Loading/unloading, service areas</td>
<td></td>
</tr>
<tr>
<td>Sidewalks, paths, and trails (internal and public within road right-of-ways).</td>
<td></td>
</tr>
<tr>
<td>Acceleration/deceleration lanes</td>
<td></td>
</tr>
<tr>
<td>Road agency approval?</td>
<td></td>
</tr>
<tr>
<td>Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td></td>
</tr>
<tr>
<td>Parking spaces required, parking spaces actual Handicap parking location and number</td>
<td></td>
</tr>
<tr>
<td>Required landscaping in parking areas</td>
<td></td>
</tr>
<tr>
<td>Snow storage/snow management plan</td>
<td></td>
</tr>
<tr>
<td>Dumpster location, screening indication</td>
<td></td>
</tr>
<tr>
<td>Existing easements (utility, access) within site limits</td>
<td></td>
</tr>
<tr>
<td>Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
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<tr>
<td>Site grading and drainage plan (on-site elevations for pavements, drives, roads, parking lots, curbs, sidewalks and finished grades at building facades) Attach a sealed Engineered Drainage Plan.</td>
<td></td>
</tr>
<tr>
<td>Proposed retention/detention sedimentation ponds</td>
<td></td>
</tr>
<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
</tr>
<tr>
<td>Location of sign(s)*</td>
<td></td>
</tr>
<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td></td>
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<tr>
<td>Impact Statement attached?</td>
<td></td>
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<tr>
<td>Fire Department approval?</td>
<td></td>
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<tr>
<td>Fire hydrants and fire vehicle access</td>
<td></td>
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<tr>
<td>Road Agency approval?</td>
<td></td>
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<tr>
<td>Health agency approval?</td>
<td></td>
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<tr>
<td>Army Corps of Engineers approval?</td>
<td></td>
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<tr>
<td>Michigan Department of Environmental Quality approval?</td>
<td></td>
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</tbody>
</table>

*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

ADDITIONAL COMMENTS:

Applicants Signature

Date 12-18-18
February 22, 2019

TO: BEAR CREEK PLANING COMMISSION

FROM: CHIEF ALFRED L. WELSHEIMER

SUBJECT: SITE PLAN REVIEW

I HAVE REVIEWED THE PLAN ISSUE DATED: 12/18/18

FOR: Firman Irrigation

LOCATION: 3529 Howard Rd.

After reviewing the plans issue dated December 18, 2018 we are requiring:

1. See attached IFC 2015 section’s 2806, 2807, and 2808.

International Fire Code (IFC) was adopted by Bear Creek Township in 2017
areas of timber and lumber production mills and for plywood and veneer mills that contain product dryers.

Exception: Where dryers or other sources of ignition are protected by a supervised automatic sprinkler system complying with Section 903.

2804.3 Portable fire extinguishers or standpipes and hose. Portable fire extinguishers or standpipes and hose supplied from an approved water system shall be provided within a 50-foot (15 240 mm) distance of travel from any machine producing shavings or sawdust. Portable fire extinguishers shall be provided in accordance with Section 906 for extra-hazardous areas.

2804.4 Automatic sprinkler systems. Automatic sprinkler systems shall be installed in accordance with Section 903.3.1.1.

SECTION 2805
PLYWOOD, VENEER AND COMPOSITE BOARD MILLS

2805.1 General. Plant operations of plywood, veneer and composite board mills shall comply with Sections 2805.2 and 2805.3.

2805.2 Dryer protection. Dryers shall be protected throughout by an approved, automatic deluge water-spray suppression system complying with Chapter 9. Deluge heads shall be inspected quarterly for pitch buildup. Deluge heads shall be flushed during regular maintenance for functional operation. Manual activation valves shall be located within 75 feet (22 860 mm) of the drying equipment.

2805.3 Thermal oil-heating systems. Facilities that use heat transfer fluids to provide process equipment heat transfer by piping, indirect heating systems shall comply with this code and NFPA 664.

SECTION 2806
LOG STORAGE AREAS

2806.1 General. Log storage areas shall comply with Sections 2806.2 through 2806.3.

2806.2 Cold decks. Cold decks shall not exceed 500 feet (152.4 m) in length, 300 feet (91 440 mm) in width and 20 feet (6096 mm) in height. Cold decks shall be separated from adjacent cold decks or other exposures by not less than 100 feet (30 480 mm).

Exception: The size of cold decks shall be determined by the fire code official where the decks are protected by special fire protection including, but not limited to, additional fire flow, portable turrets and deluge sets, and hydrant hose houses equipped with approved fire-fighting equipment capable of reaching the entire storage area in accordance with Chapter 9.

2806.3 Pile stability. Log and pole piles shall be stabilized by approved means.

SECTION 2807
STORAGE OF WOOD CHIPS AND HOGGED MATERIAL ASSOCIATED WITH TIMBER AND LUMBER PRODUCTION FACILITIES

2807.1 General. The storage of wood chips and hogged materials associated with timber and lumber production facilities shall comply with Sections 2807.2 through 2807.5.

2807.2 Size of piles. Piles shall not exceed 60 feet (18 288 mm) in height, 300 feet (91 440 mm) in width and 500 feet (152 m) in length. Piles shall be separated from adjacent piles or other exposures by approved fire apparatus access roads.

Exception: The fire code official is authorized to allow the pile size to be increased where additional fire protection is provided in accordance with Chapter 9. The increase shall be based on the capabilities of the system installed.

2807.3 Pile fire protection. Automatic sprinkler protection system shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible or enclosed conveyor systems shall be equipped with an approved automatic sprinkler system.

2807.4 Material-handling equipment. Approved material-handling equipment shall be readily available for moving wood chips and hogged material.

2807.5 Emergency plan. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires. The plan shall be submitted to the fire code official for review and approval.

SECTION 2808
STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED MATERIAL, FINES, COMPOST, SOLID BIOMASS FEEDSTOCK AND RAW PRODUCT ASSOCIATED WITH YARD WASTE, AGRO-INDUSTRIAL AND RECYCLING FACILITIES

2808.1 General. The storage and processing of wood chips, hogged materials, fines, compost, solid biomass feedstock and raw product produced from yard waste, debris and agro-industrial facilities shall comply with Sections 2808.2 through 2808.10.

2808.2 Storage site. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned before transferring wood products to the site.

2808.3 Size of piles. Piles shall not exceed 25 feet (7620 mm) in height, 150 feet (45 720 mm) in width and 250 feet (76 200 mm) in length.

Exception: The fire code official is authorized to allow the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be
based upon sound fire prevention and protection principles.

2. Factors that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.

3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.

4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.

5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code. The increase of the pile size shall be based upon the capabilities of the installed fire protection systems and features.

2808.4 Pile separation. Piles shall be separated from adjacent piles by approved fire apparatus access roads.

2808.5 Combustible waste. The storage, accumulation and handling of combustible materials and control of vegetation shall comply with Chapter 3.

2808.6 Static pile protection. Static piles shall be monitored by an approved means to measure temperatures within the static piles. Internal pile temperatures shall be monitored and recorded weekly. Such records shall be maintained. An operational plan indicating procedures and schedules for the inspection, monitoring and restricting of excessive internal temperatures in static piles shall be submitted to the fire code official for review and approval.

2808.7 Pile fire protection. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be equipped with an approved automatic sprinkler system.

2808.8 Fire extinguishers. Portable fire extinguishers complying with Section 906 and with a minimum rating of 4-A:60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.

2808.9 Material-handling equipment. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

2808.10 Emergency plan. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the fire code official for review and approval.

SECTION 2809
EXTERIOR STORAGE
OF FINISHED LUMBER AND
SOLID BIOFUEL PRODUCTS

2809.1 General. Exterior storage of finished lumber and solid biofuel products shall comply with Sections 2809.1 through 2809.5.

2809.2 Size of piles. Exterior storage shall be arranged to form stable piles with a maximum height of 20 feet (6096 mm). Piles shall not exceed 150,000 cubic feet (4248 m³) in volume.

2809.3 Fire apparatus access roads. Fire apparatus access roads in accordance with Section 503 shall be located so that a maximum grid system unit of 50 feet by 150 feet (15 240 mm by 45 720 mm) is established.

2809.4 Security. Permanent storage areas shall be surrounded with an approved fence. Fences shall be not less than 6 feet (1829 mm) in height.

Exceptions:

1. Lumber piles inside of buildings and production mills for lumber, plywood and veneer.
2. Solid biofuel piles inside of buildings and agro-industrial processing facilities for solid biomass feedstock.

2809.5 Fire protection. An approved hydrant and hose system or portable fire-extinguishing equipment suitable for the fire hazard involved shall be provided for open storage yards. Hydrant and hose systems shall be installed in accordance with NFPA 24. Portable fire extinguishers complying with Section 906 shall be located so that the distance of travel from the nearest unit does not exceed 75 feet (22 860 mm).
4. **Case #23-13**

**James Shirilla, SPECIAL USE PERMIT-Exception to accessory building size standards, 7449 Channel Rd., Section 29, Springvale Township**

**Legal Notice:** A request by James M. Shirilla for a Special Use Permit for an exception to the size standards of an accessory building on residential property at 7449 Channel Road, Section 29, Springvale Township. The property is tax parcel 24-14-17-29-200-005 and is zoned SR-2 Scenic Resource. The request is to allow a 1,300 sq. ft. accessory building per Section 2201-6 of the Zoning Ordinance.

Request & location map, tax parcel map, application, Springvale Twp minutes, 7/2/13 site plans, impact statement, zoning evaluation 9/19/13, photos, aerial plans

Doernenburg showed the location of this parcel on Crooked Lake. The parcel is zoned SR-2, approximately 1.5 acres, with 344' in lot width at the road and 120' at the lake. The elevation of the building was shown. Proposed is a 1,300sf building which includes a lean to. 1,000sf is allowed in this zone. The building meets the setbacks and is mostly screened. Photos were shown. The use is for a work area, loft room, and workshop. Springvale Township has recommended approval and a support letter has been received from Haggard's Plumbing & Heating.

James Shirilla stated that the accessory building exists and he just wants to put an addition onto it. He was unaware that the lean to would figure into the total square footage of the building. Doernenburg noted that the building won't look any different than it does now from the road. Scott stated that it is completely screened from Channel Road.

There was no public comment on this case.

Scott made a motion to approve Case #23-13, James Shirillia for a Special Use Permit for an Accessory Building size exception on property located at 7449 Channel Road, Section 29 of Springvale Township on tax parcel 24-14-17-29-200-005, as shown on the site plan dated 7/2/13 because the applicant has shown that no good purpose would be served by strict compliance with the Ordinance standards, the building is mostly screened from public view, and on condition that the use is to be for personal use, and because the township has recommended approval. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Laughbaum, Desy, Plasencia, Alexander. No: None. Absent: Wonnacott.

5. **Case #24-13**

**David Firman, SPECIAL USE PERMIT-Contractor's Use, between 3505 & 3569 Howard Rd., Section 20, Bear Creek Township**

**Legal Notice:** A request by David Firman for a Special Use Permit for a contractor's use on vacant property located between 3505 and 3569 Howard Road in Section 20 of Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-01-19-20-300-012. The request is per Section 801-8 of the Zoning Ordinance.

Packet items: Request & location map, tax parcel map, application, impact statement, zoning evaluation 9/18/13, 9/6/13 site plan

Passed out at meeting: Bear Creek Township minutes

Doernenburg presented this case. The subject parcel is 13.24 acres zoned FF-1. It is currently vacant. The proposal includes a 2,400sf storage building for a tree service and irrigation business. The site plan has been changed to provide more detail than the original, as requested by the township. The new site plan was shown. Parking has been designated both for larger vehicles behind the building and in front of the building for cars. There is an existing berm. More trees are proposed along the south property line and eventually they would like to have an orchard on the property. There is an area designated for a potential future residence. The request is for a contractor's use which is a special use in this district subject to special conditions. There is no outdoor storage proposed but if it exists it
would be behind the storage building and properly screened. The owner doesn't live on the property which is one of the requirements but the Planning Commission can waive that requirement if they wish. The lot is not 600' wide which is also another requirement that can be waived. It is, however, 600' deep. The parcel is over the required 10 acres. The dumpster was relocated behind the building to provide screening. The Road Commission has approved the drive and stated that if there will not be public coming onto the property, a commercial drive is not required. Doernenburg showed the aerial and noted that the property has been used as a personal motocross track. There was a neighbor at the Bear Creek meeting who supported the proposal. The township has recommended approval based on the changes shown on the 9/27/13 site plan. Photos of the site were shown.

David Firman was present. His father, Dennis noted that he owns the property to the north and the connecting drive is between their properties for their use. Plasencia asked if they also own the property to the south. They do not but purchased the subject property from that person. Eby noted that with the father's property the 600' lot width is met.

Desy made a motion to approve Case #24-13, David Firman, Special Use Permit for a contractor's use on property located east of Howard Road, Section 20, Bear Creek Township, tax parcel 24-01-19-20-300-012 based on the site plan 9/27/2013 for the following reasons: the site is over 10 acres meeting the lot depth requirements, the use is screened from public view, with the modifications allowed that the owner does not live on the property and the property is less than 600 feet wide and because the township has recommended approval. The motion was supported by Notestine and passed on the following roll-call vote: Yes: Eby, Neal, Notestine, Scott, Laughbaum, Desy, Plasencia, Alexander. No: None. Absent: Wonnacott.

6. Case #12B-09 Emmet County Planning Commission, TEXT AMENDMENT-Wind Energy Systems

Legal Notice: Attached

Packet items: WES amendment wording
Passed out at meeting: Recommendations from Bear Creek, Carp Lake, Cross Village, Littlefield, Readmond, Springvale

Doernenburg noted that this is the first public hearing on this proposed change to the Wind Energy section of the zoning ordinance. The history of the Wind Energy section was reviewed in detail with a PowerPoint presentation. There were many documents reviewed during the process of forming our current ordinance and any of these documents are available through the office. After going through the history of the ordinance, Doernenburg stated that we could go through each of the seven main items individually if the board desired. She noted that any other suggestions of the Planning Commission could also be reviewed. There has been official response from seven of twelve townships under County Zoning jurisdiction. Township recommendations to approve as presented include: Littlefield, Readmond, Cross Village, Springvale, and Carp Lake. Townships that have deferred to Emmet County with no recommendation include Bear Creek and Center, Wawatam, Bliss, McKinley, Maple River, and Friendship townships have not offered recommendations. A map of Emmet County showing the zoning districts was on the wall. Doernenburg pointed out the areas that would be high amenity zones which would include FF-2 zoned properties. The allowed decibel level would be 35dB(A) or ambient plus five, daytime, or ambient plus 0 at night. Plasencia asked why we are distinguishing between FF-1 and FF-2. Doernenburg stated that in past discussions we had discussed using FF-2 in the high amenity zones; those areas that are rural with lower density and generally more quiet. FF-1 could be added if desired; everything is on the table for discussion. A table showing the different zoning districts and their corresponding maximum noise level allowance for wind energy systems under 60' that can be approved administratively was shown. Doernenburg noted that the FR zoning district should either be moved to the 35dB level on this table or eliminated all together as it is
Tammy,

The driveway was permitted as an access driveway. The Road Commission is ok with the proposed use. The only issue would arise if the drive was used for retail business with the general public.

Thank you,

Brent Shank, P.E.
Operations Engineer
Emmet County Road Commission
ecceng@emmetcrc.com
(231) 347-8142

Tammy Doernenburg
Director, Emmet County Planning & Zoning
3434 Harbor-Petoskey Rd, Suite E
Harbor Springs, MI 49740
231-439-8998 (direct line)
231-439-8933 (fax)
231-348-1735 (main office line)
ZONING EVALUATION FORM
Office of Planning and Zoning
Emmet County, MI

DATE: 2/22/2019
CASE #: PSPR18-016

APPLICANT: David Firman

PROPERTY: 3529 Howard Rd

TOWNSHIP: Bear Creek Township

REQUEST: Special Use Permit – Contractor’s Use

FACTS:
- The property is zoned FF-1 Farm and Forest.
- The property is 34.64 acres on the east side of Howard Road (increased from 13 in 2013).
- A Special Use Permit was approved in 2013 for this property for a contractor’s use. See approval motion from 10/3/13. A 2,400 sq. ft. office/storage building has been constructed on the site as approved.
- The approved use is a tree service and irrigation business.
- Request to allow outdoor storage of logs as shown on the proposed site plan. Outdoor storage was not part of the original approval.
- Screening proposed to be provided with American Larch, aka Tamarak. These trees lose their needles annually.

ZONING ORDINANCE STANDARDS:
Section 801-8

In FF-1 and FF-2 Districts, specified contractors uses may be permitted subject to the following standards including Planning Commission review:

a) Permitted Uses: The uses permitted pursuant to this section may include one or more of the following:

1) Storage buildings for recreation vehicles, travel trailers, boats, water craft and similar items, but not sales and/or servicing, or commercial warehousing.

2) Buildings to store equipment and materials associated with the following specific trades: landscapers, excavators, nurserymen, building contractors, plumbers, electricians, carpenters, pipe fitters, heating-cooling-refrigeration tradesmen, telephone and communication system installers, provided such individuals are fully licensed to operate in the State of Michigan if a license is required.

b) Outside Storage: All primary storage/use activity shall be in enclosed buildings. Any outside storage that may be permitted shall be in areas effectively screened from public view.
Storage was to be located inside the building located behind existing trees 340 feet from the road right-of-way and approximately 40 feet from the north side property line. Outdoor storage has expanded into other locations on the site. Trees proposed for screening would seem to be inadequate for that purpose. Suggest conifers that do not lose their needles.

c) **Owner Occupancy:** Buildings and uses permitted herein shall only be approved on properties occupied by the owner and be the primary place of the owners residence. 

   *Owner does not reside on the property. This provision was waived during the initial review [as allowed by the paragraph following standard f].*

d) **Site Size:** The minimum property size shall be ten (10) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth. 

   *Property is over 10 acres. The lot is 300' wide at Howard Rd but expands to over 1,000' wide at the east property line. This provision was waived during the initial review [as allowed by the paragraph following standard f]. *Site has been increased in size by 20+ acres since the original approval.*

e) **Building Limitations:** The ground floor area of proposed buildings associated with the uses permitted herein shall not exceed an area of 2,400 sq. ft. One additional 2,400 sq. ft. building may be permitted on sites of 20 acres or more, by description, provided the two buildings are separated by at least forty (40) feet. One building up to 3,400 sq. ft. may be permitted if the applicant stipulates not to construct two (2) buildings for contractor uses. 

   *No new buildings are proposed.*

f) **Signs:** Accessory identification signs associated with the uses permitted pursuant to this section shall not exceed an area of eight (8) sq. ft., and shall comply in all other respects with the sign section of this Ordinance. 

   *No signs are proposed at this time.*

   - Modifications to the standards listed in items b) thru f) above may be approved by the Planning Commission, provided that the intent of Article VIII is retained and the surrounding properties are protected from nuisances. 

   *Modifications were approved when the original SUP was reviewed.*

**NARRATIVE**

The proposal is to allow for screened outdoor storage. The use is not changing from the original SUP review approved in 2013. No outdoor storage was proposed in the original review/proposal. Trees proposed to be used for screening do not seem to provide adequate screening year round – could be used as a filler, but doesn’t seem to satisfy screening requirements.

**Draft Motions:**

Motion to **postpone** Case #SPR18-016, David Firman, Site Plan Review amendment to allow outdoor storage as an accessory use to the approved contractor’s use on property located at 3529 Howard Road, Section 20, Bear Creek Township, tax parcel 24-01-19-20-300-014 for the following reasons:

Motion to **approve** Case #SPR18-016, David Firman, Site Plan Review amendment to allow outdoor storage as an accessory use to the approved contractor’s use on property located at 3529
Howard Road, Section 20, Bear Creek Township, tax parcel 24-01-19-20-300-014 based on the site plan dated Rec Feb 6 2019 because the outdoor storage use is setback over 300 feet from public view and meets the standards of the Zoning Ordinance with the condition that the trees along the west property line screening the revolving wood storage be conifer trees which do not lose their needles and that there be two staggered rows of those trees a minimum of 4 feet in height (conditions or reasons may be added).

Motion to **deny** Case #SPR18-016, David Firman, Site Plan Review amendment to allow outdoor storage as an accessory use to the approved contractor’s use on property located at 3529 Howard Road, Section 20, Bear Creek Township, tax parcel 24-01-19-20-300-014 based on the site plan dated Rec Feb 6 2019 for the following reasons:
REQUEST

PSUP19-002

A request by John Plichta for a Final Planned Unit Development and Site Plan Review for 8450 Channel Rd, Section 21, Springvale Township. The property is zoned Planned Unit Development (PUD) and is tax parcel 24-14-17-21-400-006. The request is to finalize the PUD and to allow the winery with tasting room. Review is per Articles 17 and 20 of the Zoning Ordinance.

LOCATION
APPLICATION FOR ZONING ACTION
EMMET COUNTY OFFICE OF PLANNING, ZONING,
AND CONSTRUCTION RESOURCES
3434 HARBOR-PETOSKEY RD, SUITE E, HARBOR SPRINGS, MI 49740
PHONE: (231) 348-1735 FAX: (231) 439-8933 EMAIL: pzc@emmetcountymi.org

FEB 8 2019
DATE RECEIVED
$200.

DATE PAID

PLEASE MAKE CHECKS PAYABLE TO: EMMET COUNTY

Applicant's Name: John R. Plichta
Phone: 231-347-6503
Applicant's Address: 8450 LChannel Rd, Petoskey, MI 49770
Applicant's Email Address: Jconstruction_3@hotmail.com

Owner's Name: John & Nancy Plichta
Phone: 231-347-6518
Owner's Address: 8450 LChannel Rd, Petoskey, MI 49770
Owner's Email Address: Jconstruction_3@hotmail.com

JOB SITE LOCATION:
Township: Springdale Tax Parcel #: 24-N-17-21-400-003
Address: 8450 LChannel Rd, Petoskey, MI 49770

ZONING REQUEST:
Planning Commission: □
Special Use Permit: □
Site Plan Review: □
Zoning Text Change: □
Zoning Map Change: □

Describe Request: [PUD - final + Site Plan Review]

REQUIRED USE INFORMATION
Ground floor area main building: 1400 Sq. Ft.
Floor Area accessory building: 583/2136 Sq. Ft.
Lot/Parcel Size: 4.5 Acres / sq. Ft.

Site/Plot Plan required:
2 full sized & 14 reduced sized (max 11"x17")
site plans required for Planning Commission cases.

Date Submitted

Elevation Drawing
Engineered Drainage Plan
Soil Erosion Permit
Health Dept. Approval/
Sewer Taps
Other:

Date Submitted
Site Inventory
Fire Dept Approval
Wetlands Permit
Road Commission/
MDOT Approval

As owner/and or applicant representing the owner, I do authorize Emmet County (staff, appointed board, and/or commissioners, or committee members) to enter upon the subject property for purposes of making inspections related to the project or request identified in this application. If authorized, such inspections or site-walks shall be conducted at reasonable hours and times.

I certify that all the above information is accurate to my fullest knowledge:

Signature of Applicant
Printed Name of Applicant

I certify that all the above information is accurate to my fullest knowledge:

Signature of Property Owner
Printed Name of Property Owner

*Required
Impact Statement for Site Plan Review

Applicant Name: John R Plichta
Case # PREZN-18-01
Phone Number: 231-347-6503
Date: 1/29/19
Project Title: PUD for Winery/Tasting Room
Property Tax ID: 24-17-21-400-003
Township: Springvale

1. PROJECT DESCRIPTION
A Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, Tax parcels 24-14-17-21-400-006. The PUD rezone is for 1 parcel approximately 51.45 acres. The approximate first third of the parcel fronting Channel Road is zoned SR, Scenic Resource, and the approximate back two thirds of the parcel is zoned FF-2, Farm Forest. Parcels to the north across Channel Road are zoned SR. The adjoining parcels to the east and west are zoned similarly with SR and FF-2. The adjoining parcel to the south is zoned FF-2.

The proposal is to rezone the FF-2 property to PUD to add winery and tasting room to the list of uses permitted in the FF-2. Winery is a use allowed in B-1, B-2, B-3, PT, I-1, I-2 as permitted by right.

The surrounding uses are residential; the Emmet County Master Plan and Future Land Use Map show this area as low density residential.

Public access to the tasting room would be limited; open 2-6pm on Saturdays in July, August, September, and October. Private events would also be held in the tasting room - approximately four annually with a cap of 25 attendees by invitation only.

2. Expected Demands on Community Services:
   a. Sanitary Services - minimal
   b. Domestic Water - minimal
   c. Traffic volumes - approximately 7 cars per week during the months of July, August, September and October. In addition, there would be approximately ten cars per private event.
   d. Schools - N/A
   e. Fire Protection -

3. Environmental Impacts
   a. Soil Erosion - N/A
   b. Storm Drainage - The drainage plan is to be waived; utilize all natural drainage
   c. Shoreline Protection - N/A
   d. Wildlife - Minimal Impact
   e. Air Pollution - N/A
   f. Water Pollution - N/A
   g. Noise - N/A
MEMO

To: Bob Stark, Fire Chief
From: Tammy Doemenburg, Director, Emmet County Planning and Zoning
Date: 2/8/2019
Re: Preliminary Fire Department Review of a new use at 8450 Channel Rd

Enclosed is an Application Packet for John Plichta for review of a winery and tasting room at 8450 Channel Rd in Springvale Township. It is customary for our Planning Commission to request fire department review of Planning Commission cases and we are asking that you review and offer any comments related to fire safety. We appreciate any input you have. Thank you for your time in this matter.

Springvale Township Fire Department, Bob Stark – Fire Chief

Reviewers name: Bob Stark  Bob Stark  Date: 2-14-19

Upon preliminary review, our agency finds that we would recommend (please circle one):

Approval  Approval with Conditions  Denial

Comments: AFTER review of this application by the officers of Springvale Township Fire Dept., held on 1-31-19, it was determined that the fire dept. has no further conditions or concerns to address.

Alternately, if you have no comment or no fire department review is necessary, you may indicate that here: REVIEW NOT NECESSARY: 

EMMET COUNTY OFFICE OF PLANNING, ZONING and CONSTRUCTION RESOURCES
3434 Harbor-Petoskey Rd, Suite E, Harbor Springs, MI 49740
Phone: 231-348-1735
Food establishments are required to have water supply and wastewater systems that are adequate for their intended use and approved by the appropriate regulatory authority. Therefore, you are required to obtain the review(s) specified. The review must be obtained from the following local health department (LHD) Health Department of Northwest Michigan (Harbor Springs). The LHD may charge a review fee. You are responsible for making any necessary improvements, including obtaining required permits. Please e-mail the completed form to krystyniaki@michigan.gov, inspector, MDARD North Region.

**SECTION 1. for MDARD use:**

<table>
<thead>
<tr>
<th>Establishment Name and License Number: Farmhouse Vineyards</th>
<th>Owner's Name: John Plichta</th>
<th>Phone No. 231-838-8450</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment Address: 8450 Channel Rd</td>
<td>City: Petoskey</td>
<td>Zip: MI 49770</td>
</tr>
</tbody>
</table>

**Review Requested:**
- [x] On-site water supply system
- [ ] On-site wastewater system

**Establishment Type:**
- [x] Retail Grocery
- [ ] Dairy Farm
- [ ] Processor
- [ ] Food Service
- [ ] Other

**Activity:**
- [x] New establishment
- [ ] New owner
- [ ] Expansion of operations/other (describe)

**SECTION 2, for LHD use:**

**Initial Review:**

<table>
<thead>
<tr>
<th>Water supply system review based on:</th>
<th>Wastewater system review based on:</th>
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<tbody>
<tr>
<td>[ ] records review</td>
<td>[x] on-site review</td>
</tr>
<tr>
<td>[ ] records review</td>
<td>[ ] on-site review</td>
</tr>
<tr>
<td>[ ] both</td>
<td>[x] both</td>
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</tbody>
</table>

**Recommendation (A, B, or C):** Is water supply system (construction, maintenance, and operation) satisfactory for proposed use? **Yes**

The following corrections must be made to raise the recommendation to an acceptable level (A, B). Water supply system corrections needed:

**LHD classification:**
- [x] Type II
- [ ] Type III

**Water Sample**

<table>
<thead>
<tr>
<th>Bacteriological results acceptable</th>
<th>Sample Dates: 6-14-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>[x] Yes</td>
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</tr>
<tr>
<td>[ ] No</td>
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</table>

**Reasons:** Single family home with minimal use for other.

Describe any known water quality problems and actions taken to resolve:

NA

**Recommendation (A, B, or C):** Is wastewater system (construction, maintenance, and operation) satisfactory for proposed use? **Yes**

The following corrections must be made to bring the system(s) into compliance. Wastewater supply system corrections needed:

**Wastewater system evaluation summary:** Reviewed permit design, walked system, bored into system stone.

**Agency:** Health Dept. Northwest Mich.  **Agency Representative:** Daniel Regoche  **Date:** 6-21-18

**Follow-up Review:**

<table>
<thead>
<tr>
<th>Water supply system review based on:</th>
<th>Wastewater system review based on:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] records review</td>
<td>[ ] on-site review</td>
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<td>[ ] records review</td>
<td>[ ] on-site review</td>
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</tbody>
</table>

**Recommendation (A, B, or C):** Is water supply system (construction, maintenance, and operation) satisfactory for proposed use?

**LHD classification:**
- [ ] Type II
- [ ] Type III

**Recommendation (A, B, or C):** Is wastewater system (construction, maintenance, and operation) satisfactory for proposed use?

The following permits were obtained and/or corrections made:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Agency Representative</th>
<th>Date</th>
</tr>
</thead>
</table>

The following documents are attached:

* Per discussion with applicaitc, no process waste will be disposed of within septic system. Warewashing and cleaning waste will be only additional.
To: Zoning Dept./Zoning
From: Dan Be, at Health Dept.

DE Plantjko winery, limited

Feb. 1, 2019

I had evaluated this site for the MDA last June. The existing septic system should be more than adequate to support the proposal for a limited operation.

Please contact me if you have any questions.

Dan Bezner
HDNM
347 4638
ANTRIM OFFICE
PO BOX 246
BELLAIRE, MI 49615
231-533-8670

CHARLEVOIX OFFICE
220 WEST GARFIELD
CHARLEVOIX, MI 49720
231-547-6521

EMMET OFFICE
2233 MITCHELL PARK
PETOSKEY, MI 49770
231-347-6014

OTTSEGO OFFICE
95 LIVINGSTON
CAYLOR, MI 49735
517-772-1794

TAX ID#: 24-14-17-21-400-001

OWNER'S NAME: PLICHTA, JOHN
OWNER'S ADDRESS: 1617 EAST MITCHELL
CITY, STATE, ZIP: PETOSKEY, MI 49770

LOCATION ADDRESS: 8450 CHANNEL ROAD
COUNTY: EMMET
TOWNSHIP/CITY: S-SPRINGVALE
SECTION: 21
LOT #: 3, 4, 7, & 8

SITE PLAN:

ELEVATED SYSTEM REQUIRED

See Engineered plan by Blumke & Sons Excavating

SPECIAL CONDITIONS (*):

-- ISOLATE THE WELL A MINIMUM OF 50' FEET FROM ANY POTENTIAL SOURCE OF CONTAMINATION, INCLUDING THE SEPTIC SYSTEM AND FUEL TANKS.
-- OWNER MUST OBTAIN A SAFE BACTERIOLOGICAL WATER SAMPLE PRIOR TO USE. SAMPLE BOTTLES AVAILABLE AT HEALTH DEPARTMENT OFFICES.
-- WELL DRILLER IS REQUIRED TO SUBMIT A WELL RECORD TO THE OWNER AND THE HEALTH DEPARTMENT WITHIN 60 DAYS OF WELL COMPLETION.
-- THIS OFFICE RECOMMENDS THE INSTALLATION OF AN EFFLUENT FILTER TO BE PLACED IN THE OUTPUT BAFFLE OF THIS SEPTIC TANK.

1. REMOVE TOPSOIL.
2. PROVIDE 18 INCHES CLEAN FILL SAND ABOVE ORIGINAL GRADE.
3. PROVIDE 5 FOOT BUFFER AND 1 ON 4 BERM.
4. PROVIDE 500 GALLON DOME TANK WITH ALARM.
5. SEED AND MULCH BERM.
6. SEE ENGINEER PLANS BY JOHN PLICHTA DATED 6/1/00.

DATE ISSUED: 10/18/00

SANITARIAN: KEN GREENHUE

Date Issued: 10/18/00

EH-15: 06/00
2/8/2019

Springvale Township
8198 E. Mitchell Road
Petoskey, MI 49770

To whom it may concern,

A permit request was received on February 6, 2019 from John Plichta for a Commercial Driveway located at 8450 Channel Road in Springvale Township. The current driveway is located on a portion of gravel road. The driveway will need to be widened to 30 feet and the existing culvert will need to be extended to meet the Emmet County Road Commission’s standards. Because of the location of the driveway being on a gravel road, we will not require concrete curbing and HMA paving to be installed until that section of Channel Road is upgraded. At that time, the property owner will be required to comply with ECRC Standards for a Commercial Driveway.

Sincerely,

James Godzik
Permit/CADD Technician
### SITE PLAN REVIEW CHECKLIST

**Case #: PREZ18-01**

**Date Received:** [Blank]

<table>
<thead>
<tr>
<th>Subject Property Address</th>
<th>8450 Channel Rd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision and Lot Number (If Applicable)</td>
<td></td>
</tr>
<tr>
<td>Tax Parcel Number:</td>
<td>24-14-17-21-400-003</td>
</tr>
<tr>
<td>Township</td>
<td>Spring Valley</td>
</tr>
<tr>
<td>Proposed Use of Property</td>
<td>FF-2/Winery</td>
</tr>
<tr>
<td>Proposed Number of Employees</td>
<td></td>
</tr>
</tbody>
</table>

#### CHECKLIST

<table>
<thead>
<tr>
<th>Basic Map Information</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Proposed site location map (indicate sufficient area reference to locate site) May use plat map, Google map or other map to identify parcel.</td>
<td>☑️</td>
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<tr>
<td>2 Appropriate scale</td>
<td></td>
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<tr>
<td>3 Date, North Arrow, Street Names (existing and proposed right-of-ways)</td>
<td></td>
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<tr>
<td>4 Name, Address and Phone Number of person preparing plan</td>
<td>☑️</td>
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<td></td>
<td></td>
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<tr>
<td>5 Property line dimensions</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

#### Basic Zoning Information

<table>
<thead>
<tr>
<th>6 Zoning setback lines - Building (including the eave) Setbacks:</th>
<th>Front: 40</th>
<th>Side: 50</th>
<th>Side: 50</th>
<th>Rear/Water: 40</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Distance between buildings (nearest point to nearest point)</td>
<td>☑️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Location of new buildings and general floor plan Dimensions of bldg(s) = ___ x ___ Total sq.ft. = ___</td>
<td>☑️</td>
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<td></td>
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<tr>
<td>9 Proposed building elevations (to scale) Max. Height = ___</td>
<td></td>
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<tr>
<td>10 All existing structures (labeled) within 100 feet of perimeter property lines</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>11 Multiple housing units - Number of units = ____, composition (efficiency, one bedroom, two, three)</td>
<td></td>
<td>☑️</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Surrounding zoning (properties immediate to subject site)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>13 Lot coverage of proposed buildings = 1%</td>
<td>☑️</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural Features</td>
<td>yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>-----</td>
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<tr>
<td>14 Boundaries of existing natural features (trees, lakes, ponds, streams, rock</td>
<td>yes</td>
<td></td>
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<tr>
<td>out-croppings, severe topography, wetlands, woodlands, etc.).</td>
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<tr>
<td>15 Has a wetland permit been applied for?</td>
<td></td>
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<tr>
<td>16 Existing topography</td>
<td></td>
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<tr>
<td>17 Soil analysis Is it in a Critical Dune Area?</td>
<td></td>
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<tr>
<td>18 Site Inventory provided?</td>
<td></td>
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<td></td>
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<tr>
<td>19 Are there scenic view considerations?</td>
<td></td>
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<tr>
<td><strong>Drainage / Parking/ Roads</strong></td>
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<tr>
<td>20 Access drives, internal roads (note public or private) service roads. Width</td>
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<tr>
<td>of Right-of-Way =</td>
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<tr>
<td>21 Loading/unloading, service areas</td>
<td></td>
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<tr>
<td>22 Sidewalks, paths, and trails (internal and public within road right-of-ways)</td>
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<tr>
<td>23 Acceleration/deceleration lanes</td>
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<tr>
<td>24 Road agency approval?</td>
<td></td>
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<tr>
<td>25 Parking areas (dimensioned typical parking space, maneuvering lanes)</td>
<td></td>
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<tr>
<td>26 Parking spaces required, parking spaces actual, Handicap parking location and</td>
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<tr>
<td>number</td>
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<tr>
<td>27 Required landscaping in parking areas</td>
<td></td>
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<tr>
<td>28 Snow storage/snow management plan</td>
<td></td>
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<tr>
<td>29 Dumpster location, screening indication</td>
<td></td>
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<tr>
<td>30 Existing easements (utility, access) within site limits</td>
<td></td>
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<tr>
<td>31 Location of Water/well, Sewer/septic, and stormwater</td>
<td></td>
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<tr>
<td>32 Site grading and drainage plan (on-site elevations for pavements, drives,</td>
<td></td>
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<td></td>
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<tr>
<td>roads, parking lots, curbs, sidewalks and finished grades at building facades)</td>
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<tr>
<td>Attach a sealed Engineered Drainage Plan.</td>
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<tr>
<td>33 Proposed retention/detention sedimentation ponds</td>
<td></td>
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<td></td>
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<tr>
<td>Other Site Requirements</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Proposed landscaping (required greenbelts, plant materials/size and type, fences, retaining walls, earthberms, etc.)</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Location of outdoor lights, pole heights, bollards, building attached, luminary shielding techniques*</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Location of sign(s)*</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site amenities (play area, pools, beaches, tennis courts, etc.)</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>Impact Statement attached?</td>
<td>✓</td>
<td></td>
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<tr>
<td>Fire Department approval?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>Fire hydrants and fire vehicle access.</td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>Road Agency approval?</td>
<td>✓</td>
<td></td>
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<tr>
<td>Health agency approval?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
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<tr>
<td>Army Corps of Engineers approval?</td>
<td>✓</td>
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<td></td>
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<tr>
<td>Michigan Department of Environmental Quality approval?</td>
<td></td>
<td>✓</td>
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</tbody>
</table>

*Signs and lights will need to be approved by the Emmet County Sign and Lighting Committee.

ADDITIONAL COMMENTS:

Applicant's Signature

Date 2/6/19
Date: January 31, 2019

To: Office of Emmet County Clerk
200 Division St.
Petoskey, MI 49770

RE: Case#PREZN18-01 Parcel#24-14-17-21-400-006 rezoning the portion of property at 8450 Channel Rd. Section 21, Springvale Township

To Whom it May Concern,

Upon reviewing the above Notice, I would like to express my view with the above case’s requests. Haggard’s Plumbing & Heating is not at all opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and county to do all we can to improve and promote growth in any way possible.

Sincerely,

JOHN HAGGARD
The intent of the zoning ordinance is to “protect and conserve the character and social and economic stability” of the community. My objection to this “Plichta PUD” is that it introduces a commercial element into a residential area. This neither conserves nor protects community stability, but rather treads on the prohibition of spot zoning: it allows an entirely unprecedented use – one that is not even solidified in the master plan or zoning ordinances of the county.

The community here needs to be seen with a wide angle lens. One side of this dead end street is farm forest, the other is residential scenic resource with 80 homes on two miles of road. Whether you call that dense or sparse residential occupancy is purely subjective, but it is disingenuous to believe that what happens on the farm forest side of the street has no impact on the scenic resource side. They are two sides of the same coin.

Here we have a good neighbor who first wants to grow some grapes and sell some wine to defray expenses of his hobby. Later he says he wants to earn some money for his retirement. These are very different goals and require different levels of land use/business activity. With all appropriate thanks to Mr. Plichta for his self-imposed limitations in this PUD, I would be happy for him to grow as may grapes as he wants; to bottle and sell as much wine as he wants. But he should sell it elsewhere.

When we approve one small spot of commercial activity, it is not unreasonable to expect proposals for expansion when the goal changes again – under this, or a subsequent, owner. Opening the door to commercial activity even in a small way establishes a precedent that can have long-ranging effects on community character. If we do not draw a hard line against commercial development now, then there is in fact, no barrier to commercial development in this neighborhood.

Audrey McMullen
7819 Channel Road
Petoskey, MI 49770

--
Audrey
Tammy,

Please find attached my comments for the Planning and Zoning Commission. I prepared and submitted these remarks for the Springvale Township meeting last night, via Mr. Scott's private gmail and a fax to the township, but I did not get a verification that they have been received. So my remarks are the same for the next step as well.

Let me know if there is a deadline for submitting any other comments prior to any "prep package" that may be submitted prior to the County P Z meeting.

I am also sending to the planning commission members whose emails I have. The others I could not find easily on the website.

Thanks much as always for your assistance.

Bob Hoff
Channel Road resident.
To: Mr. Jim Scott  hadarack68@gmail.com  and FAX 231/347-3988

To be shared with the Springvale Township Commission.

It came to my attention that the Plichta PUD issue is back on the table for finalization at the Springvale Township meeting tonight, February 25, 2019. I offer my letter to be included in the official minutes, and I will share with neighbors as appropriate.

I continue to be frustrated and concerned at the lack of factual conversation and analysis of providing a Planned Unit Development overlay to the smallest endeavor ever introduced in Emmet County. The approval of this PUD would require the County to re-write the definition of what comprises P.U.D. eligibility, and in the process, essentially MARKS our residential street as commercial eligible. The uncertainty impacts the value of my property along with the property of others. As a waterfront property, it is not unreasonable to believe that a commercial designation lower the value of my assessment and taxes, which will be explored at a later date.

I am also concerned that the “enthusiasm” by some officials at the varying commission levels should not replace the transparency of factual conversation. In the enthusiasm of all of this, I would like a clearer level of enthusiasm on how Springvale Township is mitigating my concerns and long term risks for this unprecedented zoning overlay. Channel Road should not be a lab experiment to test the elasticity of county zoning laws.

- This PUD application provides a benefit to the property owner, but there is no discussion or evaluation of the benefit to the residential area or to the county at large. The damage to the neighborhood could be minimal, but there is no county advantage. Maple Moon Sugarbush and Winery and Petoskey Farms Vineyard & Winery reside within 0.9 miles from each other, are approachable from many directions, have hours to accommodate tourists and clearly are competing for wine industry marketshare. Their “cluster” proximity makes them competitors while sharing the same customers. The Plichta PUD Winery is 7.4 miles away from both of these competitors, will be open for limited hours and will add nothing to the local winery industry, nor to the coffers of Emmet County. As my Springvale representative, what is the benefit to me in exchange for my inconvenience and anxiety over a PUD commercial overlay?

- Per the final PUD design, there is a depiction of 16 parking spaces, while the description states an anticipation of weekly traffic of 7 cars per week, in the July – October timeframe. Although there is a statement of 4 annual events with a cap of 25 attendees, it is unclear to me why a private residence would bother wanting to look at 16 parking spaces basically empty, on essentially a very lovely home and surroundings. Although this personal preference is not mine, it does suggest that a Planned Unit Development is the overreach. A personal preference is not a PUD.

- Per the final PUD description, I do take exception to the error that the surrounding area is LOW DENSITY RESIDENTIAL. Per the zoning and Master Plan documents, Oden Island and the majority stretch of Channel Road, (which is the single access road in and out) is a
MODERATE RESIDENTIAL AREA. I propose that Springvale Township request the applicant to make an edit to ensure that the true surrounding area is properly characterized.

- Per the final PUD description, the PUBLIC ACCESS to the tasting room is 2-6 PM on Saturdays in July – October. This synchronizes with the maximum usage of the DNR boat launch as well. I believe that a reasonable accommodation for the safety of the neighbors and boating public would be to post a reduced speed of 25-35 for perhaps 100 yards from that intersection. This is a dead end street that t-bones to the right for the Plichta PUD and to the left which is the DNR boat launch. I believe that there needs to be an evaluation to install some caution signs, and perhaps some fortified railing to ensure that road traffic stays on the road, and not making wide swinging turns to avoid any congestion. This is a maximum use time for that intersection, and will also have pedestrian traffic.

- As I anticipate that the Springvale Township Commission will approve this finalized version, I would appreciate that the minutes reflect that you are approving a Plichta PUD application, and not simply a land use application. This assures the community that you have reviewed all of the basic questions of PUD eligibility questions A through F per section 27.11.1 of the Emmet County Planning Commission.

Due to weather I am unable to attend the meeting but look forward to reading the minutes.

Sincerely,

Bob Hoff
8097 Channel Rd.
ZONING EVALUATION FORM  
Office of Planning and Zoning  
Emmet County, MI  

DATE: 02/25/2019  
CASE #: PSUP19-002  

APPLICANT: JOHN & NANCY PLICHTA  

PROPERTY: 8450 CHANNEL RD  

TOWNSHIP: SPRINGVALE  

REQUEST: Final PUD and Site Plan Review  

FACTS:  
- The PUD rezone is for 1 parcel totaling approximately 51.45 acres. The portion rezoned is that portion previously zoned FF-2 Farm and Forest which is approximately 38.3 acres.  
- The approved PUD allows a winery and tasting room with the conditions that the tasting room is limited to being open 2-6pm Saturdays in July, August, September, & October. And events are permitted and limited to four events annually with a cap of 25 attendees by invitation only.  
- The Preliminary PUD was approved which allows the owner/applicant to apply for a Final PUD review and Site Plan Review. This review is conducted by the Planning Commission only.  
- The Health Department approval has been received (well and septic).  
- The Fire Department review has been received, no additional requirements.  
- The Emmet County Road Commission review has been received (conditions apply).  
- Access to the site is from a gravel road.  
- Parking has been provided as detailed on the site plan based on gross floor area and 1 parking space per two attendees during the events.  
- Parking spaces meet Zoning Ordinance standards for size.  
- Parking and access drive appear to be located within the SR Scenic Resources Zoning District.  
- A letter was received from a neighbor opposing the rezoning.  
- A letter of support was received from Haggard’s Plumbing and Heating.  

ZONING ORDINANCE STANDARDS:  

17.01.6 Final Development Plan Review  

A. No PUD plan can be approved until a Final Development Plan has been reviewed and given approval by the Planning Commission. Submitted for review. Emmet County Board of Commissioners has approved the Preliminary PUD rezoning.
B. The Final Development Plan shall be in basic accord with the approved Preliminary Development Plan and shall be detailed with respect to the following:

1. A definitive Use Plan for the entire land area intended to be approved for PUD project or for the known uses in the project area.

2. Use plans must show the general building configurations and locations, but need not show the exact dimension or shape of buildings, unless their detail for certain specific buildings is critical to the approval of the Final PUD Plan. Land allocations for each use area shall be defined.

3. All arrangements for design, construction, maintenance and operation of utility systems shall have been finalized, although working drawings need not be completed for this element.

4. The PUD’s ownership, management, and construction have been determined and documented, and where to be phased, a plan to demonstrate development continuity shall be presented.

5. All common open space areas, greenbelts, transition areas, and setback areas shall be documented on the plan, and no use of these areas other than those identified on the plan shall be permitted without a formal revision of the plan.

6. On-site circulation routes for vehicles, pedestrians, parking lots, bicycles, and the like shall be included as specific elements of the plan as well as the ingress and egress points from bordering public/private roads.

7. Any existing or proposed deed restrictions, easements, or covenants pertinent to the project property shall be presented at this time. Actual filing of the documents need not occur until after site plan review, but before a zoning permit is issued.

17.01.7 Filing Requirements (Final)

A. The Final Development Plan shall be filed with the Zoning Administrator at least twenty-four (24) days before the date of the Planning Commission meeting, at which the Plan is to be reviewed.

B. At least two (2) full-sized and fourteen (14) reduced-sized copies of all maps and essential graphic documentation shall be submitted at the time of filing.

C. Review procedures and graphic requirements shall be the same as that prescribed for the Preliminary PUD Project Development Plan.

D. Map scale identification information as prescribed for site plans under Article 20, with allowable modification for parcels that are too large to practically map under those standards.
17.01.8 Review for Decision (Final)

A. The Planning Commission, upon a thorough review of the Final Development Plan and all essential supporting documentation shall act to approve, conditionally approve, or reject the Final Development Plan.

B. With the approved Final Development Plan the Applicant may proceed with the preparation of Site Plans as provided for in Ordinance (Article 20), and subsequent thereto, seek the necessary Building and Environmental Permits for Construction.

Section 17.04 Design Standards

Projects proposed to be designed and developed as Planned Unit Developments shall comply with the following design standards:

17.04.1 Perimeter Setbacks

All PUD projects shall establish and maintain perimeter setback of fifty (50) feet, except where more severe zoning setback standards may apply on water impacted sites. The setback area shall be maintained as open space in lawns or be landscaped, or wooded areas, but shall exclude paved surfaces, parking areas, or buildings of any kind. Pathways and trails may occupy a perimeter setback area, and such space may be used for storm water managements, snow storage, and/or drainage systems.

17.04.4 Building Height, Bulk and Arrangement

All standards of this section appear to be met. Buildings are all existing.

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. Compliance with District Requirements

The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided. This standard appears to be met. All buildings are existing.

B. Vehicular and Pedestrian Circulation

Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system
shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances

a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).

b. The walkways shall be designed to separate people from moving vehicles.

c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.

d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.

e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

C. Emergency Vehicle Access
All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Fire Department has reviewed and are satisfied.

D. Loading and Storage
All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein. Loading area behind barn/tasting room.

E. Snow Storage
Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity. Not proposed to be open during winter months.
F. Buffers
To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use. Deep setback, vines, existing vegetation.

G. Drainage Waiver requested.
Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and 1/2" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%.

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.

Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

Sandy, for the purpose of this Section, shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

H. Spaces, Rights-Of-Way, Easements
Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related. Shown on the plan.

I. Waste Receptacles N/A
Waste receptacle and enclosure requirements

1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.

2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.

3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.

4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.

5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.

6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.

7. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

J. Mechanical or Electrical Equipment N/A
Mechanical or electrical equipment requirements.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.
2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.

3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:

   a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.

   b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Draft Motions:

To approve PSUP19-002, John R Plichta for a Final Planned Unit Development and Site Plan Review on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcel 24-14-17-21-400-006 as shown on the Proposed Site Plan dated Received Feb 12, 2019 based on the facts presented in this case and because the standards for the PUD and Site Plan Review have been met. Approval is on condition that a PUD Agreement be signed and subject to the Preliminary PUD conditions and (other conditions or statement of facts may be inserted here).

To deny PSUP19-002, John R Plichta for a Final Planned Unit Development and Site Plan Review on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcel 24-14-17-21-400-006 as shown on the Proposed Site Plan dated Received Feb 12, 2019 because (reasons must be provided).

To postpone until next regular Planning Commission meeting approve PSUP19-002, John R Plichta for a Final Planned Unit Development and Site Plan Review on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcel 24-14-17-21-400-006 as shown on the Proposed Site Plan dated Received Feb 12, 2019 for the following reasons: (reasons may be added here).
CLAIMS: Motion by Drier and seconded by Ahrens to approve claims in the amount of $2,151,223.15 and the committee and travel vouchers in the amount of $12,651.00. Motion passed in unanimous roll call vote. (Ahrens, MacInnis, Shorter, Kargol, White, Lyman, Drier)

NEW BUSINESS:

**MSU Extension Contract.** Motion by White and seconded by MacInnis that the Board approve the Agreement for Extension Services between the County of Emmet and Michigan State University Extension, and authorization for Chairman to sign said Agreement. Motion passed in a unanimous roll call vote. (Kargol, Shorter, MacInnis, Ahrens, Drier, Lyman, White)

**EMS REORGANIZATION.** Motion by MacInnis and seconded by Drier that the Board approve the following changes within the Emmet County EMS operations: a) change Calvin Penfold's title from EMS Supervisor to EMS Operations Manager; b) approve a new supervisor position titled EMS Information Technology Supervisor; and c) approve a new pay scale for part-time EMS employees and a change in scheduling for part-time employees. Motion passed in a unanimous roll call vote. (Lyman, White, Kargol, Shorter, MacInnis, Ahrens, Drier)

**PACE Program.** Motion by Ahrens and seconded by White that the Board adopt the Resolution Approving the Establishment of a Property Assessed Clean Energy Program (PACE Program) (Attachment #6). MacInnis thanked the committee that made this recommendation and Mr. Kumar who came up to present the program. Civil Counsel said the motion could be amended to name an authorized official. MacInnis said he would accept the amendment that identifies the Chairperson as the authorized official. White seconded the amendment. Motion passed as follows: Shorter - Yes, MacInnis - Yes, Ahrens - Yes, Drier - No, Lyman - Yes, White - Yes, Kargol - Yes.

**Human Resources Employee Request.** The Administrator said the money was budgeted in 2019 for this position. Motion by Kargol and seconded by Lyman that the Board approve the creation of the position of Human Resources Payroll and Benefit Coordinator. Motion passed by a unanimous roll call vote. (Drier, Ahrens, MacInnis, Shorter, Kargol, White, Lyman)

**2019 Marine Safety Grant Application.** This is an annual grant that the Sheriff applies for each year. Motion by Ahrens and seconded by Drier that the Board approve the 2019 Marine Safety Grant Application. Motion passed by a unanimous voice vote.

**Planned Unit Development Rezoning, Case No. PREZN18-01.** The Chairperson said Kargol had approached him about a possible recusal. The Chair asked questions of Mr. Kargol that would determine the allowance of a recusal. Kargol answered "no" to all the questions asked. The Chair said he saw no conflict and could see no reason for Mr. Kargol to be excused. The other board members were in agreement.

The Chairperson said in the board packet there was an 'Alternative A and Alternative B', and he said, "I believe that we should also have an option for a number C, and I have requested an opinion from legal counsel...and under the Planning and Zoning -- Planning and Zoning number 17, the statutory authority is MCL 125.3503, provides 'the board of commissioners shall establish in the Zoning Ordinance the responsibility and approval of PUDs. The zoning ordinance provides for the review and approval process in section 17.'"

He goes on to state, "Under item #2, the board of commissioners has the option to approve the Plichta case. Section #17.01.2 of the Zoning Ordinance states that final approval for a Preliminary PUD Development Plan
Review shall be by the Board of Commissioners.” He said, “Any member of the board can move to approve the PUD, and it has to be in writing.” He said, "...I move that we do add that.

Drier asked that the Chair read the motion. The Chair agreed to read the motion he had prepared, but also told the Board the motions could be amended later. He read the motion. "Motion to approve PREZNI0-01, John R. Plichta for a Preliminary Planned Unit Development Rezoning on property located at 8450 Channel Road, Section 21, Springvale Township, tax parcels 24-14-17-21-400-006 as shown on the Proposed PUD - Preliminary Development Plans dated Received Oct 29, 2018 because the standards for the PUD and a rezoning have been met. Winery and tasting room will be the only additional use, tasting room is limited to Saturdays in July, August, September, and October from 2-6 p.m., there will be no more than four events per year with a maximum of 25 attendees, invitation only, and there will be no additional buildings and because the township recommended approval."

Motion by Chairperson and seconded by Ahrens. MacInnis asked about wording in one of the options that stated "reasons need to be stated", and asked if something needed to be added. Civil Counsel said he prepared two motions in alternative forms. He said the Chair had asked him about making it an approval motion rather than a denial or sending it back, and asked if that could be done, which led to the motion above. He addressed MacInnis's inquiry about the reasons needing to be stated. He said that it was in case it was going to be sent back to the Planning Commission for further action.

He said if this Board approves the preliminary PUD, then the applicant will reapply for final PUD approval and it does not go back to the Board of Commissioners. Any persons aggrieved by the decision would have the ability to appeal to the circuit court.

Civil Counsel said if this Board decided to go with Alternative A, that would be a denial. If they went with Alternative B, the case would return to the Planning Commission and would no longer be a Board of Commissioner matter.

Ahrens said in his experience on a planning commission a PUD can be very restrictive, and he said he trusts the township planning commissions, and this is why he seconded the motion. Shorter said that he feels the Plichtas limiting the tasting rooms to 2 to 6 is "absolutely phenomenal." He said Springvale Township Planning Commission was unanimous in their vote and that is very unusual. Lyman asked Shorter if he felt it would dramatically impact the neighborhood. Shorter said he did not. Drier said there were 6 in support and 5 against that spoke tonight, but with Civil Counsel's input and various other matters, she will be supporting this motion. Shorter said the average daily count of traffic on Channel Road is 275. There are 10 houses on the south side of Channel Road for the 3.8 miles of Channel Road.

Motion passed as follows: White - Yes, Kargol - Yes, Shorter - Yes, MacInnis - No, Ahrens - Yes, Drier - Yes, Lyman - Yes.

Bay Bluffs Internet Services. Motion by MacInnis and seconded by Lyman that the Board approve the agreement regarding the PFN installed fiber drop at Bay Bluffs Medical Care Facility and a Letter of Authorization, and authorization for the Chairperson to sign the same. Ahrens Motion passed in a unanimous roll call vote.
(MacInnis, Ahrens, Drier, Lyman, White, Kargol, Shorter)

Drain Commissioner Resolution. The Administrator said the reason he is asking for this is because citizens were questioning the position and what is being done. Kargol said there should be some accountability. This is an
To: Emmet County Planning Commission, Zoning Board of Appeals & Board of Commissioners
From: Planning & Zoning, Tammy Doernenburg Director
Date: Prepared for Emmet County Planning Commission March 2019 meeting
Subject: Status of Enforcement Issues

1. Littlefield – 5/26/2017 – 3656 Oden Rd. Reports of property being used in violation of PUD. 6/14/2017 – after confirmation and photos received, sent letter to owner and adjacent owners. 6/19/2017 received call from one adjacent owner. 7/7/2017-7/8/2017 received photos from adjacent owner. Follow-up letter needs to be sent. Discussed with Civil Counsel 7/24/2017. Follow-up letter sent 8/22/2017. Received call from owner’s legal counsel on Aug 30, 2017. Owner was to contact office to discuss options for “putting property into productive use.” No additional contact to date. 9/21/2017 – emailed legal counsel for property owner. Meeting scheduled for 10/17/2017. Owner looking at options for submission to ZBA (Temp Use) or Planning Commission. 12/13/2017 – sent letter to owner requesting application for compliance by mid-January 2018. Received two calls from parties interested in resolution. Received FOIA request on 12/29/2017 for entire file. Continued conversations with adjacent land owners. Will continue to follow-up as necessary. 5/21/2018 – sent letter requesting compliance. Same day received photos showing violation of parking. 7/9/2018 – issued NOV for continued violation of site plan. 7/11/2018 – became aware of sale of property. Dismissed NOV. 7/12/2018 – met with new property owner. Advised of options for compliance. 7/18/2018 – received request by new owner for an interpretation of the PUD. 7/20/18 received ZBA application for a Temporary Use Permit. 7/30/2018 Property owners have met – township board member working toward PUD amendment and resolution by owners. 8/2/2018 Applicant requested postponement of ZBA case after meeting with township Planning Committee. Possible PUD amendment to be pursued. New owners have been in contact regarding their intensions. Existing owner of docks have been submitting photos of parking in violation of the PUD. Components of a PUD amendment application received. No complete application received to date, but one is expected. PPUDFL18-02 on November PC agenda. Case postponed, scheduled for 12/6/2018. Case postponed, scheduled for 1/10/2019. Case requested to be postponed, scheduled for 2/7/2019. Meeting canceled, now scheduled for 3/14/2019.

2. Littlefield – 8746 Littlefield Ln - 8/7/2017 (prior violation) – application received for addition. Site inspection conducted and proposed addition found to be in setback. No permits issued. 8/17/2017 – inspection conducted – no construction had begun. 8/29/2017 – report of work without a permit. 8/30/2017 – site inspection done. 8/30/2017 letter sent – stop work. 9/1/2017 – follow-up inspection conducted. Found corner markers – addition in violation of front setback. 9/11/2017 – met with owner in office and on site. ZBA variance requested 9/11/2017. Posted Stop Work Order on 9/14/2017 as construction appeared to have continued without permits. 10/17/2017 ZBA denied request. 10/19/2017 staff met with property owner to discuss options. Indicated that he would need to address the issue and keep lines of communication open and make progress toward compliance. Owner contacted office to indicate he’s trying to contact a surveyor to survey his property. Time allotted for compliance. 12/13/2017 Received call from owner indicating they are not going to seek compliance. 1/8/2018 - Consulted with Civil Counsel on next steps. 1/17/2018 – sent final notice to owners requesting compliance. Issued “Notice of Violation” 1/29/2018. Owner responded to Civil Counsel requesting formal hearing. “Notice to Appear” for formal hearing issued 2/12/2018. Formal Hearing scheduled for 3/28/2018. Formal Hearing rescheduled for 4/4/2018 at 11AM. Court hearing moved to 4/11/2018 – adjourned to allow property owner to consider options. Rescheduled for 5/16/2018. Staff has been in contact with surveyor regarding the site. Survey expected by end of April. 5/9/2018 – no survey received – phoned surveyor who indicated issue was worse than originally thought. Contacted property owner to ascertain status of case. Planning for court on 5/16/2018. Owner has hired legal counsel and requested adjournment until 6/20/2018. 6/19/2018 received draft document of easement amendment. Court hearing adjourned until July 18, 2018 – requested survey and finalized documents recorded with Register of Deeds. 7/18/2018 – Stipulation and Order prepared allowing until August 15, 2018 for owner to gain compliance. 8/15/2018 – owner appeared in District Court and dismissed his legal counsel. Court adjourned until Sept 12, 2018. 8/28/2018 – met with owner. Explained options. Suggested recording easement agreement modifying road width and a survey. 8/29/2018 – spoke with surveyor, suggested a survey of just the front portion of the property. Sept 12, 2018 court date adjourned until November 14 due to a death in the family of the defendant. 11/14/2018 District Court judge ruled in favor of Emmet County. Formal Hearing for disposition scheduled for 1/14/2019. Formal hearing held. Building ordered to be brought into compliance within 45 days.

3. Maple River – 9/11/2017 – Sent letter to 2526 Gregory Rd – accessory building without a main use – no SUP. House was to be started within 2 years, no house. Accessory building is not completed. 11/28/2017 sent letter requesting compliance. 12/20/2017 No response to date. 1/12/2018 – site not accessible. 5/9/2018 sent letter to owner. 5/24/2018 SUP applied for – will be on the August 2018 PC Agenda. SUP denied at 8/2/2018 PC meeting. Letter sent to owner requesting removal of structure. Follow-up needed.

4. Littlefield - 4700 Oden Rd / 4653 Pangburn St- 4/17/2018 – during ZBA case review of neighboring property, discovered encroachment from this subject property. Staff to investigate further. 5/21/2018 – Letter sent to owner. Received call 5/24/2018 from owner who is meeting with association Memorial Day weekend. Will explore options. 6/6/2018 received call from property owner within association. Still exploring options with neighboring property owner and road vacating. 6/26/2018 – received call from property owner – meeting with township regarding vacating platted roads. 8/9/2018 – owners met with township Board to discuss options regarding platted roads. MDOT consulted regarding claim of state right-of-way for one platted road – determination made MDOT does not claim rights to either platted
road 8/20/2018. Owners seem to be working toward compliance. 11/15/2018 received email of status – owner attempting to abandon roads and convey to appropriate adjacent properties to allow mobile home to remain at its current location. 11/20/2018 spoke with property owner representative and requested update in 30 days. Working toward resolution. 12/21/2018 – meeting with Civil Counsel to work toward next steps. 1/2/2019 letter sent to both the property owner and mobile home owner. No response from mobile home owner, property owner claimed no responsibility. Violation letter sent 1/23/2019. No response from mobile home owner to date. Property owner at 4653 Pangburn St has sent responses. 2/7/2019 Sent Final Notice.

5. Springvale - Channel Rd – 5/14/2018 – received email complaint of building too close to property line (survey recently completed). Investigation showed no building on the site in 2008 aerials, but present in 2012 aerials. Visited site, found building appears to violate setback. Sent letter to owner on 5/21/2018. Met with owner on 5/23/2018 – provided application for variance and zoning permit for conversion of accessory building to dwelling. 5/30/2018 application received for variance. 7/17/2018 – ZBA denied variance request. Additional violations discovered on property. Will pursue for compliance. 8/8/2018 – zoning permits issued to resolve both zoning violations. Notice provided to building department for changes of use. Owner has been in contact with Building Official and is working toward compliance.

6. Bear Creek – 3529 Howard Rd – Complaint regarding site plan violation. Investigated site 5/4/2018. Found site to be in violation of approved site plan and screening has died. Sent enforcement letter 5/18/2018. 6/21/2018 – no response to date. 7/18/2018 – visited site. Trees have been planted, but site not in compliance with approved site plan. Piles of debris (trees) and parking in areas not identified for such uses on site plan. 8/20/2018 – sent follow-up letter regarding site violations. 9/19/2018 – business staff have been communicating with office staff. They plan to apply for an amendment to their site plan. 11/18/2020 no plans submitted to date. 12/19/2018 – revised plan and application submitted. Application incomplete. Applicant contacted and additional information received. 2/6/2019 complete application received, scheduled for 3/14/2019 meeting. Township requested postponement due to inadequate site plan 2/27/2019.

7. Bear Creek – 1700 Anderson Rd – 6/27/2018 - complaint of outdoor storage/sales in unauthorized area. 6/29/2018 – contacted Fire Chief regarding display/storage in fire-lane. He indicated he’d contact the store and asked that I address storage in back of store. 7/16/2018 - sent letter. Received call from manager indicating store is now in compliance. Requested a site visit. Site visit conducted 8/16/2018– called manager, not in. Follow-up needed. 12/20/2018 – site visited. Letter to property owner prepared to address development as a whole. 2/8/2019 received email from property manager. Met with property manager for adjacent parcels. Need to reach out to different property manager for this property.

8. Bear Creek – 1590 Anderson Rd – 7/6/2018 - complaint of outdoor sales in unauthorized area. Excessive flags. Sent letter that day. 7/18/2018 – visited business, explained compliance needed. Clerk indicated that she would relay the message. 8/17/2018 – visited site – found to be complaint. No additional complaints. Compliance achieved. September – received additional information and the violations have started again/continue. Follow-up needed. Letter to property owner prepared to address development as a whole – same development as #8 above. 9/28/2019 received email from property manager. Met with property manager 2/15/2019. He will remove sign violations and will address other violations. Our office will communicate with him as well as tenant for any future violations.

9. Carp Lake – 8772 Paradise Tr – 6/25/2018 – received phone call of too tall sign. Investigated and found new sign – no permits. Sent letter same day. 7/10/2018 – received phone call from owner. Sign was installed, is too tall, is in road right-of-way and is too large in area. Gave options to owner and asked for compliance. 7/20/2018 – owner applied for ZBA review. 8/6/2018 ECRC denied road commission permit application for sign located in road right-of-way. 8/6/2018 – owner withdrew ZBA request. 8/20/2018 – sign still at same location. Sent follow-up letter to owner requesting removal of sign. 9/10/2018 – sign has been moved, but is still visible from the road. Follow-up needed. Received call regarding outdoor lighting installed on cottages with glare onto neighboring property. Visited site 1/18/2019. Letter to be sent. 2/7/2019 – follow-up letter sent. Received call from owner who claimed harassment. Sent information for sign variance and lighting standards.

10. Carp Lake – 6420 Paradise Tr – 9/20/2018 - complaint of property being used in conjunction with motel across Paradise Trail. Investigated (end of season – lack of activity). 7/3/2018 – sent letter regarding violation – using residential lot in conjunction with motel. 7/10/2018 – received call from recipient of letter indicating he no longer owned the property. Letter had also been sent to motel owner at 6449 Paradise Tr. No response to date.


15. Bear Creek – 3500 Click Rd – 1/25/2019 – complaint of structure too close to right-of-way. 1/28/2019 – site visit scheduled. 1/29/2019 visited site. Property lines not identified. Location is temporary, but appears to meet setback standards. Follow-up will occur in spring.

Section 26.51 Wineries, Microbreweries, Distilleries, and Hard Cider Operations

26.51 Wineries, Microbreweries, Distilleries, and Hard Cider Operations.

Intent
It is the intent of these zoning provisions to:
- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Winery, microbrewery, distillery, and hard cider operations may be permitted in any Zoning District which permits commercial farms subject to the following:

A. Permitted Accessory Uses
Winery, Microbreweries, Distilleries, and Hard Cider Operations may be permitted by the Planning Commission on properties actively used for agriculture. All required licenses and approvals shall be obtained by the appropriate state and federal agencies prior to operation of the winery, brewery, or distillery. Winery shall include those land uses/activities permitted by the Michigan Liquor Control Commission's Michigan Wine Maker and Small Wine Maker license.

Site Size
The minimum property size shall be twenty (20) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth. A minimum of ten (10) acres of the parcel must be in active agricultural production or open space.

C. On-premise Consumption
Consumption of the alcoholic beverages on the site shall be limited to tasting room quantities. The facility shall not function as a bar as defined in this Ordinance. Supplemental food services may be provided.

E. Hours of Operation
The Wineries, Microbreweries, Distilleries, and Hard Cider Operations shall be limited to the hours of 10AM to 10PM.

F. Building Limitations
The floor area of retail sales area shall be no more than twenty-five (25) percent of the floor area devoted to the winery, but in no case shall it occupy more than two-thousand (2,000) sq. ft. of floor area.

G. Parking
Off-street parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance, except that 1) parking areas shall be setback a minimum of fifty (50) feet from all property lines, 2) adequate parking shall be provided for all uses on the property, and 3) parking areas shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening
The parking area shall be effectively screened from adjacent properties in accordance with the standards of Section 22.04.2.

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I. Lighting
Outdoor lighting shall meet the Standards of Section 22.06 of this Ordinance.

J. Signs
Accessory signs shall follow the Standards of Section 22.07 of this Ordinance.

K. Fire Protection
The winery shall only be approved upon approval of the use and site plan by the Fire Chief having serving the property.

Modifications to the standards listed in items B thru J above may be approved by the Planning Commission, if the intent of the Zoning Ordinance is kept and the surrounding properties are protected from nuisances.

Other notes:
- Do you allow events such as weddings? This isn’t clear. If you do allow them you should also include standards for noise and sound amplification.
- Do you want to allow use of pre-existing buildings such as old barns? If so you need to allow the PC the right to waive some standards such as setbacks to accommodate this.
- The twps. I work with have a closing time of 8:00 PM – and 10:00 for special events
- You should tighten up/define your “supplemental food service” or you could end up with a restaurant on-site.
- Consider a clause such as “Only beverages produced by the licenses facility may be sold on site.”
1.1 History of Planning in Emmet County

The Emmet County Planning Commission was created by the Board of Commissioners on April 26, 1967, in accordance with the County Planning Enabling Statute, Public Act 183 of the Public Acts of 1943. Five years later in August of 1972, the Emmet County Board of Commissioners established the Office of Planning and Zoning, and since August 1, 1976 the Planning Department has operated with fulltime staff.

The Planning Commission in Emmet County was organized to deal with growth pressures that were felt in the mid-to-late 1960s. This precipitated a research effort that involved creating an inventory of land uses, community facilities, and natural features. Population and economic trends were documented, analyzed, and projected into the future. The Planning Commission’s 1972 mandate to prepare a Comprehensive Future Land Use Plan was fulfilled on July 1, 1997, when the first County-wide Comprehensive Plan was completed and adopted.

In June of 1990, prior to the adoption of the 1997 Comprehensive Plan, the City of Petoskey and Emmet County conducted and completed an attitude study. The survey was mailed to a representative sample of 3,429 area residents. From the total number of surveys mailed, 977 were completed and returned, yielding a 28.5% response rate.

In 2000, three years after the completion of the 1997 Comprehensive Plan, a grassroots community effort called Emmet 20/20 began work on a visioning process for the County. Assistance and funding were made available through Michigan Department of Transportation (MDOT) and the Northeast Michigan Council of Governments (NEMCOG). This effort produced an Emmet County Transportation Coordination Plan and established a mission to “provide a forum for the community to define its vision of its future and for working collaboratively to mobilize community resources toward turning those healthy visions into realities.”

Much of the information compiled by Emmet 20/20 is incorporated in the associated elements within this plan. In addition to relying on past research, attitude surveys were completed in 2006 by Resort, Bear Creek, Friendship, Readmond, and Cross Village Townships. Open house sessions were held for the public at large. In 2008, Michigan State University published a study titled Attitudes Toward Tourism in Emmet County. These surveys and studies identify quality of life issues within Emmet County that are consistent with 1990 research: summer traffic congestion, intense private development of shoreline, excessive billboards and a deteriorating
Chapter 1: County Profile, Issues, and Opportunities

Chapter L: County Profile, Issues, and Opportunities

roadside image, low household incomes, a seasonal economy, lack of skilled jobs and job opportunities, lack of housing for the elderly, and lack of affordable housing. Emmet County residents in 1990 and 2006 said the qualities they valued most in Emmet County were recreational and environmental, including scenic views, access to water, rural valleys, hillsides, and wildlife.

Emmet County, the City of Petoskey, Resort Township, Bear Creek Township, and the Little Traverse Bay Bands of Odawa Indians completed work on the Emmet County Sub-Area Master Plan in 2006. This was an extensive step toward coordinating efforts and achieving a more regional planning perspective along US-131 highway. The framework for the plan was provided through discussions with officials from all of the involved municipalities in addition to a multi-jurisdictional steering committee. The initial chapters of the Sub-Area Master Plan present a description of the planning area, a review of previous planning studies, and an assessment of existing conditions. Remaining chapters were designed to address the critical issues identified during these discussions and meetings. These include: current development activity, character of development (i.e. how a development fits within the community), viewshed analysis, and transportation framework. Each of these critical issues is presented with an analysis of current conditions and supported by a detailed set of recommendations and implementation strategies.

Emmet County created the 2009 Master Plan after careful consideration of all of the historical information gathered for previous plans and input from six committees representing the elements of the Master Plan. Those committees created their respective chapters and the Master Plan Advisory Committee then compiled the information gathered to form the plan which was provided to the Planning Commission for consideration. Over 15 individuals serving on committees and eight Community Involvement Groups worked diligently to develop the 2009 Master Plan. Townships, cities, and villages within Emmet County also provided input to ensure the plan was comprehensive. The 2009 Master Plan was then updated to include the most current census data and other statistics. Goals and objectives were also updated to reflect accomplishments and current desires.

1.2 Regional Setting

Emmet County is located in the northwest tip of the lower peninsula of Michigan, with a boundary area of 309,228.1 acres which include: 181,304.36 acres of vacant, woodlands and farm land, 21,268.5 acres of crop and pasture land, 17,314.18 acres of recreation land, 67,492.22 acres of public land, 10,400 acres of inland water area, and 68 miles of Lake Michigan shoreline. It is one of 83 counties in Michigan, and contains no major metropolitan areas.
Chapter 1: County Profile, Issues, and Opportunities

The west side of the County borders Lake Michigan, the north side extends to the northern most part of the Lower Peninsula, bordering the Straits of Mackinac. It shares its eastern border with Cheboygan County and southern border with Charlevoix County. The cities of Petoskey and Harbor Springs have shoreline frontage on Little Traverse Bay and nine out of the 16 townships border Lake Michigan. There are 22 separate governmental jurisdictions within the County including 16 townships, two cities, three villages, and the tribe (Little Traverse Bay Bands of Odawa Indians). Emmet County is comprised of five school districts - Petoskey, Harbor Springs, Alanson/Littlefield, Pellston, and Mackinaw City. Petoskey is the largest city within the County, both in terms of population (approximately 5,69670 people in 2017) as well as land area (containing 6.2 square miles). The Village of Mackinaw City is located partly in Cheboygan County and partly in Emmet County.

Primary highway accesses to the area are provided by US-31 and US-131, M-68, and I-75. US-31 enters the County from the west, passing through Resort Township. US-131 enters from the south into Bear Creek Township and the two routes meet within the City of Petoskey, where US-131 ends. US-31 continues north through Petoskey to Alanson and Pellston, terminating at I-75 in Mackinaw City. M-68 enters from the east through Littlefield Township and intersects with US-31 in the Village of Alanson. I-75 enters Emmet County in the northern most area of the County in Wawatam Township running north into Mackinaw City where it exits Emmet County at the Mackinac Bridge.

1.3 Population - County

Development of new resort communities, improved highway access, economic diversification, and the demand for lakefront and forest property have contributed to a steady increase in the
Chapter 1: County Profile, Issues, and Opportunities

population of Emmet County since 1960. The population of the County has more than doubled between 1960 and 2010-2017 from 15,904 to 32,694. Table 1-1 compares Emmet County with neighboring counties and shows percent change from 1960-2010-2017 using the U.S. Census data and estimates data. Figure 1-1 (page 8) shows the population by local jurisdictions within the County. The 2010 census was the first year in recent history that the State of Michigan reported a decline in population from the previous census. While Emmet County did experience a slight increase in population from 2000 to 2010, there were some governmental units within Emmet County which experienced a decrease. While a decrease did occur in some neighboring counties, the increases since 1960 have all been significant.

Population numbers for year-round residents reflect only a part of Emmet County's total growth. The County is a vacation center for a vast region in the Midwest, and draws people to seasonal residences, ski resorts, campgrounds, public parks, and other attractions. Seasonal population surges have a significant effect on the demands for goods and services of all kinds, including the investment in public infrastructure.

In July 1996, the Northwest Michigan Council of Governments (NWM COG) published a detailed report titled “Northwest Michigan Seasonal Population Model”, which documented tourist visitation in the ten-county NWM COG region including Emmet County. The study based its estimations solely on the available accommodation options in Emmet County, which included

Table 1-1: Historic Population 1960-1970-2010-2017, Emmet & Neighboring Counties

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<th></th>
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<tbody>
<tr>
<td>Emmet County</td>
<td>15,904</td>
<td>18,331</td>
<td>22,992</td>
<td>25,040</td>
<td>31,437</td>
<td>32,694</td>
<td>32,978</td>
<td>+107.4%</td>
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<tr>
<td>Antrim County</td>
<td>10,373</td>
<td>12,612</td>
<td>16,194</td>
<td>18,185</td>
<td>23,110</td>
<td>23,580</td>
<td>23,133</td>
<td>+127.3123.0%</td>
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<tr>
<td>Charlevoix County</td>
<td>13,427</td>
<td>16,541</td>
<td>19,970</td>
<td>21,468</td>
<td>26,090</td>
<td>25,949</td>
<td>26,160</td>
<td>+93.394.8%</td>
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<tr>
<td>Cheboygan County</td>
<td>14,550</td>
<td>16,573</td>
<td>20,649</td>
<td>21,398</td>
<td>26,448</td>
<td>26,152</td>
<td>25,475</td>
<td>+79.775.1%</td>
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<tr>
<td>Otsego County</td>
<td>7,545</td>
<td>10,422</td>
<td>14,993</td>
<td>17,957</td>
<td>23,301</td>
<td>24,164</td>
<td>24,249</td>
<td>+220.3221.4%</td>
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</table>
Chapter 1: County Profile, Issues, and Opportunities

<table>
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<tr>
<th>Grand Traverse County</th>
<th>33,490</th>
<th>39,175</th>
<th>54,899</th>
<th>64,273</th>
<th>77,654</th>
<th>86,986</th>
<th>91,222 + 159,7172.4%</th>
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<td>State of Michigan</td>
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<td>8,881,826</td>
<td>9,262,078</td>
<td>9,938,480</td>
<td>9,883,640</td>
<td>9,255,568 + 26,326.9%</td>
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</table>

Data Source: U.S. Census

American Community Survey

seasonal and migratory housing units, hotels, motels, bed and breakfast homes, campgrounds, and condominiums rented to travelers. The study noted, on average, that 21% of the population each month is comprised of visitors, tourists, or summer home occupants (7,101 persons). In July, August, and September this monthly average increases to 14,400 with July being the highest single month at 19,600 persons. The estimates did not include the numbers of visitors who stay with year-round and seasonal homeowners throughout the year. As a result, the NWMCOG study was supplemented by the MSU tourism study conducted in 2005 to include

In 2005, in collaboration with the Emmet County planning officials and tourism industry, Michigan State University (MSU) studied the impacts of visitors who stay with homeowners in Emmet County rather than in paid accommodations in Emmet County and homeowners’

Table 1-2: Emmet County 2005 Seasonal Population

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<tr>
<th></th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>Monthly Average</th>
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<td>Permanent Population*</td>
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<td>33,580</td>
<td>33,580</td>
<td>33,580</td>
<td>33,580</td>
<td>33,580</td>
<td>33,580</td>
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<td>33,580</td>
<td>33,580</td>
<td>33,580</td>
<td>33,580</td>
<td>33,580</td>
</tr>
<tr>
<td>Guest Volume Staying with Permanent Population</td>
<td>11,431</td>
<td>12,171</td>
<td>5,641</td>
<td>7,721</td>
<td>10,071</td>
<td>10,521</td>
<td>36,571</td>
<td>15,471</td>
<td>12,174</td>
<td>4,008</td>
<td>5,344</td>
<td>17,370</td>
<td>12,372</td>
</tr>
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<td>Seasonal Home Population</td>
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<td>1,657</td>
<td>2,431</td>
<td>2,431</td>
<td>2,431</td>
<td>1,171</td>
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<td>11,721</td>
<td>3,278</td>
<td>3,278</td>
<td>3,278</td>
<td>1,657</td>
<td>4,779</td>
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<tr>
<td>Guest Volume Staying with Seasonal Population</td>
<td>3,427</td>
<td>6,113</td>
<td>3,427</td>
<td>1,207</td>
<td>3,427</td>
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<td>7,039</td>
<td>3,982</td>
<td>648</td>
<td>4,909</td>
<td>7,718</td>
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<tr>
<td>Overnight Accommodations**</td>
<td>2,878</td>
<td>3,041</td>
<td>1,929</td>
<td>1,199</td>
<td>2,819</td>
<td>5,129</td>
<td>9,819</td>
<td>8,779</td>
<td>5,214</td>
<td>2,906</td>
<td>1,198</td>
<td>2,374</td>
<td>3,938</td>
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<tr>
<td>Total</td>
<td>52,973</td>
<td>56,565</td>
<td>47,074</td>
<td>46,174</td>
<td>52,374</td>
<td>68,074</td>
<td>122,074</td>
<td>90,474</td>
<td>61,285</td>
<td>47,757</td>
<td>44,048</td>
<td>59,891</td>
<td>62,387</td>
</tr>
</tbody>
</table>

* U.S. Census 2005 Population Estimate
** Overnight Accommodations are commercial lodging vendors, which include hotels, motels, bed and breakfast inns, campgrounds, cottage or condominiums, and marinas.
Data Source: U.S. Census; Northwest Michigan Seasonal Population Model - APB Associates, Inc. and Planning and Zoning Center, Inc.; and Attitudes Toward Tourism in Emmet County - Michigan State University.

these numbers, which are reflected in Table 1-2 on page 8
Chapter 1: County Profile, Issues, and Opportunities

perceptions of tourism impacts and attitudes toward future tourism development in Emmet County. The data collected is included in table 1-2 which shows a more realistic population when factoring in the resort population and influx of visitors to Emmet County throughout the year.

For the first time since 1960-1970 several civil divisions within Emmet County experienced a population decrease in 2010 from the previous census figures. However, overall, as shown on page 9, in Table 1-3, the population increased in all but two civil divisions, the City of Petoskey and the City of Harbor Springs, since 1960-1970. The highest percentage of increases were in West Traverse, Wawatam, Springvale, and Pleasantview Townships between 1960-1970 and 2010-2017, all both experiencing over 300% increases. Actual population numbers increased the most in Bear Creek Township (by 4,342,809 persons) followed by Resort - Littlefield (1,949,2104), Little Traverse Resort (1,778,1718), Springvale (1,6741,543), Littlefield - Little Traverse (1,6241,344), and West Traverse (1,2801,203) Townships. Nearly slightly more than 80% of the County's population growth between 1960-1970 and 2010-2017 occurred in these six townships. If this development trend continues over the next 20 years, the Little Traverse Bay area could experience a population growth in the range of 3,500 to 6,700 persons, although the 2010 census showed the slowest decade of population growth since 1960 at 4.0%.

According to the 2010 U.S. Census, there are a total of 21,304 dwelling units/housing units within Emmet County, of which 13,601 (63.8%) housing units are occupied and 7,703 (36.2%) are vacant (5,864 are seasonal). Of the total occupied units, 74.2% are single-family residential units, 18.9% are multi-family and approximately 6.9% are mobile homes, boats, recreational vehicles, vans, etc. This is discussed in further detail in the Housing Chapter (Chapter 6).

According to U.S. Census data, approximately 29.0% of households in the County have children younger than 18 years of age, 25.8% have people 65 years and older, and 28.2% live alone. The average number of persons per household is 2.37 persons.

Figure 1-1: Population within Local Jurisdictions

Table 1-3: Population 1960-1970 - 2010-2017, Emmet County Civil Divisions
## Chapter 1: County Profile, Issues, and Opportunities

<table>
<thead>
<tr>
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<td>5,696</td>
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<td>1,540</td>
<td>1,567</td>
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<tr>
<td>Alanson</td>
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<td>677</td>
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<td>467</td>
<td>540</td>
<td>506</td>
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<td>Townships</td>
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<td></td>
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<tr>
<td>Bear Creek</td>
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<td>5,269</td>
<td>6,201</td>
<td>6,259</td>
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<td>Bliss</td>
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<td>483</td>
<td>572</td>
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<td>617</td>
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<td>+118.8</td>
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<tr>
<td>Carp Lake</td>
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<td>637</td>
<td>597</td>
<td>807</td>
<td>759</td>
<td>769</td>
<td>+330</td>
<td>+75.2</td>
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<td>Center</td>
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<td>517</td>
<td>499</td>
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<td>294</td>
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<td>+41.6</td>
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<td>Littlefield</td>
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<td>1,633</td>
<td>1,998</td>
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<td>Resort</td>
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<td>1,623</td>
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<td>+286.4</td>
<td>+1.06</td>
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</tbody>
</table>
1.4 Population - Cities and Villages

Table 1-4 presents the growth history of the cities and villages in Emmet County. Population numbers are reported, as well as rates of change in proportion to the total County population. The incorporated cities and villages of Emmet County have shown long term stability in population. In the cities, the numerical population increase over the 50-47 years since 1960-1970 has been quite modest, with actual losses in Petoskey and most recently in Harbor Springs. The Village of Alanson reported the highest numerical population increase since 1960-1970, as well as the highest rate of increase (154.5%). Comparing all of the incorporated areas with the total County population, it is evident that Emmet County's population is shifting to the townships. In 1960-1970, 54.50.2% of the population lived in an incorporated city or village, by 2010 the percentage dropped to 27%. This shift from incorporated areas to unincorporated areas is often categorized in planning as sprawl. In 1960-1970, 45.850.8% of the total County population resided in townships. By 2010-2017, this proportion increased to 73%. Of additional significance, the City of Harbor Springs decreased in population by 16.736.6% since 1960-1970, the first estimated decrease in population in 50 years. Petoskey reported 468-736 fewer persons, a decrease of 7.611.4% over the fifty-forty seven year period. In contrast, the villages in the County reported 2,066 more persons in 2010 than in 1960, for a combined village growth rate of 95.8%, but 30 fewer persons since 2000. The 2010 census was the first to see decreases in populations from census to census in more than one governmental unit.

Table 1-4: Population of Cities and Villages in Emmet County, 1960-2010-1970-2017

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<th></th>
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<tbody>
<tr>
<td>Emmet County</td>
<td>18,421</td>
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<td>25,040</td>
<td>31,437</td>
<td>32,694</td>
<td>32,978</td>
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<td>8,881,826</td>
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<td>9,295,297</td>
<td>9,938,480</td>
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<tr>
<td>1960-1970</td>
<td>54.5</td>
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<td>8</td>
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<td>0</td>
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<td>1960-1970</td>
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Data Source: U.S. Census, 2017 American Community Survey
# Chapter 1: County Profile, Issues, and Opportunities

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<th>Harbor Springs</th>
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<th>Villages</th>
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<td>1,501</td>
<td>2,096</td>
<td>+115.8</td>
</tr>
<tr>
<td></td>
<td>1,501</td>
<td>1,727</td>
<td>2,066</td>
<td>+95.8</td>
</tr>
<tr>
<td></td>
<td>2,096</td>
<td>2,066</td>
<td>1,011</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>City &amp; Villages</th>
<th>County</th>
<th>City and Village Percent of County Population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9,255</td>
<td>18,421</td>
<td>50.51%</td>
</tr>
<tr>
<td></td>
<td>9,165</td>
<td>22,992</td>
<td>39.90%</td>
</tr>
<tr>
<td></td>
<td>9,323</td>
<td>25,040</td>
<td>37.20%</td>
</tr>
<tr>
<td></td>
<td>9,743</td>
<td>31,437</td>
<td>30.99%</td>
</tr>
<tr>
<td></td>
<td>8930</td>
<td>32,694</td>
<td>27.31%</td>
</tr>
<tr>
<td></td>
<td>-304</td>
<td>32,978</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>16,79014,55</td>
<td>+105.6+79.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

*Note: Part of the Village of Mackinaw City is located in Cheboygan County; only the Emmet County part is used for calculations.*

*Data Source: U.S. Census, 2017 American Survey*
Chapter 1: County Profile, Issues, and Opportunities

1.5 Population - Projection

Population projections assist planners in anticipating and planning for future land use, determining the size and characteristics of future markets, forecasting utility demands, and assessing the need for schools, parks, emergency systems, employment, etc. Public officials may also use this information to formulate future tax policies, to establish future zoning districts, and to address other public matters relating to the population and its characteristics. Future decisions and policy in these categories should be based on a projection that, although theoretical in nature, is tempered by judgments sensitive to the area's future development potential.

It is important to realize that population increases within a community do not necessarily mean economic growth. The relationship between the economic health of a community and the population is much more complex. In some cases, a declining population may improve the health of a community by reducing the labor force to a point nearer or equal to the employment opportunities available. An increasing population might result in an excess labor pool and higher unemployment levels. In most general cases, however, population growth is synonymous with increased prosperity and development opportunities in the community.

One of the issues in projecting population growth is the degree of potential error. In large urban areas, regions, states, and the nation, a slight error in estimating trends might have little practical effect on the final results. However, with projections for a less populated area, a slight error might have a serious impact on the validity of the results. The unanticipated loss of one major employer might not affect the population projections for a large city or county, while projections for a small community may be greatly skewed by such an event.

The length of the forecast period will also have an influence on the projection. Obviously, conditions that are likely to prevail within the next ten years can be estimated with a greater assurance than those spanning a much larger time period. Projecting future population numbers for civil divisions within a county is more difficult than projections for counties and larger population regions. For example, Emmet County was projected to increase by some 8,950 persons
between 1990 and 2010; however the increase in population in the first decade of that projection was 6,397. Although the population increased at a rate that might seem higher than anticipated between 1990 and 2000, the years between 2000 and 2010 could see a course correction that would bring the 20-year figure back in line with the 9,000 increase projection.

Past population trends show a significant decrease in the proportion of the population that resides in Petoskey and Harbor Springs as mentioned above. In 1960, 47.43.96% of the County population lived in the Cities of Petoskey and Harbor Springs. That ratio decreased to 24.3% in 2000, and dropped by 11.4% in 2010. The decreasing city/township ratio was factored into the projection figures by civil division (Table 1-5, pg 12).

Table 1-5 illustrates the projected 2020 and 2030 population for the civil divisions. The projections are a linear extrapolation between 2010-2020 and 2010-2030 for each community. The numbers are the results of an analysis of trends that include the average rate of change per decade in each of the civil divisions over the past 20 years, 1990-2010. Rate of change for each civil division is calculated for one decade using the previous decade's percent of change and a 20 year average value is calculated to project the 2030 population. Projections are calculated for both 2020 and 2030 using the 2010 base population. The County totals are the sum of each civil division's projection for each decade.
# Chapter 1: County Profile, Issues, and Opportunities

Table 1-5: Population Projection for Civil Divisions in Emmet County, 2020 & 2030 based on Average Rate of Change per Decade over 20 Years.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Census</td>
<td>Census</td>
<td></td>
<td>% Change</td>
<td>Base 2010</td>
<td>Base 2020</td>
</tr>
<tr>
<td>Cities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petoskey</td>
<td>6,056</td>
<td>6,080</td>
<td>5,670</td>
<td>-6.37</td>
<td>5,290</td>
<td>5,309</td>
</tr>
<tr>
<td>Harbor Springs</td>
<td>1,540</td>
<td>1,567</td>
<td>1,194</td>
<td>-22.46</td>
<td>910</td>
<td>926</td>
</tr>
<tr>
<td>Villages</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alanson</td>
<td>677</td>
<td>785</td>
<td>738</td>
<td>9.01</td>
<td>694</td>
<td>804</td>
</tr>
<tr>
<td>Pellston</td>
<td>583</td>
<td>771</td>
<td>822</td>
<td>40.99</td>
<td>876</td>
<td>1,159</td>
</tr>
<tr>
<td>Mackinaw City</td>
<td>467</td>
<td>540</td>
<td>506</td>
<td>8.35</td>
<td>474</td>
<td>548</td>
</tr>
<tr>
<td>Townships</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bear Creek</td>
<td>3,469</td>
<td>5,269</td>
<td>6,201</td>
<td>78.5</td>
<td>7,299</td>
<td>11,069</td>
</tr>
<tr>
<td>Bliss</td>
<td>483</td>
<td>572</td>
<td>620</td>
<td>28.36</td>
<td>667</td>
<td>796</td>
</tr>
<tr>
<td>Carp Lake</td>
<td>597</td>
<td>807</td>
<td>759</td>
<td>27.13</td>
<td>720</td>
<td>965</td>
</tr>
<tr>
<td>Center</td>
<td>517</td>
<td>499</td>
<td>568</td>
<td>9.86</td>
<td>645</td>
<td>624</td>
</tr>
<tr>
<td>Cross Village</td>
<td>201</td>
<td>294</td>
<td>281</td>
<td>39.80</td>
<td>269</td>
<td>393</td>
</tr>
<tr>
<td>Friendship</td>
<td>591</td>
<td>844</td>
<td>889</td>
<td>50.42</td>
<td>936</td>
<td>1,337</td>
</tr>
<tr>
<td>Littlefield</td>
<td>1,633</td>
<td>1,998</td>
<td>2,240</td>
<td>37.17</td>
<td>2,511</td>
<td>3,073</td>
</tr>
<tr>
<td>Little Traverse</td>
<td>1,805</td>
<td>2,426</td>
<td>2,380</td>
<td>31.86</td>
<td>2,335</td>
<td>3,138</td>
</tr>
<tr>
<td>McKinley</td>
<td>497</td>
<td>668</td>
<td>674</td>
<td>35.61</td>
<td>677</td>
<td>914</td>
</tr>
<tr>
<td>Maple River</td>
<td>743</td>
<td>1,062</td>
<td>1,149</td>
<td>54.64</td>
<td>1,243</td>
<td>1,777</td>
</tr>
<tr>
<td>Pleasantview</td>
<td>375</td>
<td>943</td>
<td>823</td>
<td>119.47</td>
<td>719</td>
<td>1,806</td>
</tr>
<tr>
<td>Readmond</td>
<td>374</td>
<td>493</td>
<td>581</td>
<td>55.35</td>
<td>684</td>
<td>903</td>
</tr>
<tr>
<td>Resort</td>
<td>2,068</td>
<td>2,479</td>
<td>2,697</td>
<td>30.42</td>
<td>2,934</td>
<td>3,517</td>
</tr>
<tr>
<td>Springvale</td>
<td>1,300</td>
<td>1,727</td>
<td>2,141</td>
<td>64.69</td>
<td>2,655</td>
<td>3,526</td>
</tr>
<tr>
<td>Wawatam</td>
<td>96</td>
<td>165</td>
<td>155</td>
<td>61.46</td>
<td>146</td>
<td>250</td>
</tr>
<tr>
<td>West Traverse</td>
<td>968</td>
<td>1,448</td>
<td>1,606</td>
<td>65.90</td>
<td>1,779</td>
<td>2,664</td>
</tr>
<tr>
<td>County Totals</td>
<td>25,040</td>
<td>31,437</td>
<td>32,694</td>
<td>39.07</td>
<td>34,463</td>
<td>45,498</td>
</tr>
</tbody>
</table>

*Data Source: U.S. Census*
Table 1-6 illustrates the projected 2020 and 2030 population for Emmet County. The moderate population is taken from the total County population based on the average rate of change per decade from 1990-2010. The projected low estimates are based on average rate of population increase over the last decade (2000-2010). The projected high is based on the average rate of population increase over the last two decades.

<table>
<thead>
<tr>
<th>Year</th>
<th>Low</th>
<th>Moderate Population*</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>34,002</td>
<td>34,463</td>
<td>42,689</td>
</tr>
<tr>
<td>2030</td>
<td>44,466</td>
<td>45,498</td>
<td>55,738</td>
</tr>
</tbody>
</table>

Data Source: Emmet County Planning Office
* Moderate Population is based on the average rate of change per decade, 1990-2010

1.6 Population - Age and Gender

Table 1-7 shows population by age groups for Emmet County for 2000-2010 and 2010-2017. The County had a higher percentage of people in the older age categories than the State of Michigan. The median age for Emmet County in 2010-2017 was 43.145 years, slightly higher than the State of Michigan median age of 38.939.6 years. The median age of the County has increased from 38.943.1 years in 2000-2010.

It can be seen that the population in the age group of new professionals (25-44 years), has slightly decreased from 28.022.3% to 22.322% in the last decades, whereas there was an increase of 0.54% in the 75-84 years group. Also, an increase in all age groups over 45-55 years can be seen within the County. This clearly relates to the trend and projection about aging of the County population discussed later in this chapter.
Table 1-8 relates County population to gender, and Emmet County is in line with both the state and the country for percentages of males to females.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Emmet County 2010</th>
<th></th>
<th>Emmet County 20102017</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Under 5 years</td>
<td>1705</td>
<td>5.2</td>
<td>1588</td>
<td>4.8</td>
</tr>
<tr>
<td>5 - 9 years</td>
<td>2033</td>
<td>6.2</td>
<td>1631</td>
<td>4.9</td>
</tr>
<tr>
<td>10-14 years</td>
<td>2222</td>
<td>6.2</td>
<td>2178</td>
<td>6.6</td>
</tr>
<tr>
<td>15 - 19 years</td>
<td>2191</td>
<td>6.7</td>
<td>2056</td>
<td>6.2</td>
</tr>
<tr>
<td>20 - 24 years</td>
<td>1680</td>
<td>5.1</td>
<td>1770</td>
<td>5.4</td>
</tr>
<tr>
<td>25 - 44 years</td>
<td>7296</td>
<td>22.3</td>
<td>7272</td>
<td>22</td>
</tr>
<tr>
<td>45 - 54 years</td>
<td>5180</td>
<td>15.9</td>
<td>4437</td>
<td>13.5</td>
</tr>
<tr>
<td>55 - 59 years</td>
<td>2685</td>
<td>8.2</td>
<td>2791</td>
<td>8.5</td>
</tr>
<tr>
<td>60 - 64 years</td>
<td>2265</td>
<td>6.9</td>
<td>2604</td>
<td>7.9</td>
</tr>
<tr>
<td>65 - 74 years</td>
<td>2879</td>
<td>8.8</td>
<td>3908</td>
<td>11.9</td>
</tr>
<tr>
<td>75 - 84 years</td>
<td>1742</td>
<td>5.4</td>
<td>1925</td>
<td>5.8</td>
</tr>
<tr>
<td>85+ years</td>
<td>876</td>
<td>2.5</td>
<td>818</td>
<td>2.5</td>
</tr>
<tr>
<td>Median Age</td>
<td>43.1</td>
<td>-</td>
<td>45</td>
<td>-</td>
</tr>
<tr>
<td>TOTAL</td>
<td>31,437</td>
<td>100%</td>
<td>3269432978</td>
<td>100%</td>
</tr>
</tbody>
</table>

Data Source: U.S. Census of the Population 2010 & American Community Survey 2017
Chapter 1: County Profile, Issues, and Opportunities

<table>
<thead>
<tr>
<th>Gender</th>
<th>Emmet County Number</th>
<th>Emmet County Percent</th>
<th>State of Michigan Percent</th>
<th>United States Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>16,10216359</td>
<td>49.349.6</td>
<td>-49.149.2</td>
<td>49.2</td>
</tr>
<tr>
<td>Female</td>
<td>16,59216619</td>
<td>50.750.4</td>
<td>50.950.8</td>
<td>50.8</td>
</tr>
</tbody>
</table>

Data Source: U.S. Census of the Population 2010 & 2017 American Community Survey

1.7 Population - Race and Ancestry

The majority of Emmet County population is white; that has changed little during the past decade. The second largest segment of the population in the County is Native American with a percentage increase from 3.1% in 2000 to 3.7% in 2010 and 5.1% in 2017. The percent of Native Americans in Emmet County is well above the state average and is the County's most significant non-white racial component. A small percentage (0.513%) of African Americans, Asians (0.61%), and other races complete the ethnic total, which is below the State of Michigan's average of 20.520.2% in 2010-2017. Table 1-9 shows population by race for the County in 2000-2010 and 2010-2017 compared to the State of Michigan and the United States.

The 2010 U.S. Census of Population also reports Latino or Hispanic populations. In Emmet County, 1.3% of the population is estimated to be Hispanic or Latino, which is below the state estimated 4.3% of the population.

Of the 975 Native Americans who lived in Emmet County in 2000, 652 belonged to the Little Traverse Bay Bands of Odawa Indians. According to the tribal government, since the opening of the tribal-run casino in 1999, member population living in Emmet County increased to 804 in 2006. The tribe stated there was a direct correlation between the launch of the casino - which provided job opportunities - and the increase in member population. Based on the continued increase in the Native American population in Emmet County, it would appear that the casino which opened in 2007 and other tribal related employment opportunities have resulted in tribal members returning to Emmet County seeking jobs.
Chapter 1: County Profile, Issues, and Opportunities

Table 1-9: Population by Race - Emmet County (2000-2010 - 2010-2017)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Percent</td>
<td>Percent</td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>White</td>
<td>30,375</td>
<td>92.9</td>
<td>78.9</td>
<td>72.4</td>
<td>31,644</td>
<td>96</td>
</tr>
<tr>
<td>Native Americans</td>
<td>1,198</td>
<td>3.7</td>
<td>0.6</td>
<td>0.9</td>
<td>1,694</td>
<td>5.1</td>
</tr>
<tr>
<td>African American</td>
<td>156</td>
<td>0.5</td>
<td>14.2</td>
<td>12.6</td>
<td>429</td>
<td>1.3</td>
</tr>
<tr>
<td>Asians, Pacific Islanders, Aleuts</td>
<td>182</td>
<td>0.6</td>
<td>2.4</td>
<td>5.0</td>
<td>352</td>
<td>1.0</td>
</tr>
<tr>
<td>Other</td>
<td>783</td>
<td>2.3</td>
<td>3.9</td>
<td>9.1</td>
<td>114</td>
<td>0.3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>32,694</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>32,978</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Data Source: U.S. Census of the Population 2010, 2017 Community Survey

1.8 Household Size

Household size throughout the region has decreased since the 1960 census. This reflects national trends of couples deciding to have fewer children, a higher number of divorced people, and more single-person households.

Table 1-10 shows the average household size of Emmet and five neighboring counties. All counties are slightly lower than the state’s average household size, with Otsego County having the largest average among those compared. Household size has a significant bearing on the total population in a given municipality; this may be one of the reasons for the declining population of the City of Petoskey between 1960 and 2010.
Chapter 1: County Profile, Issues, and Opportunities

Table 1-10: Household Size - Emmet County and Neighboring Counties

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Emmet County</td>
<td>3.33</td>
<td>3.25</td>
<td>2.94</td>
<td>2.58</td>
<td>2.44</td>
<td>2.37</td>
</tr>
<tr>
<td>Antrim County</td>
<td>3.30</td>
<td>3.18</td>
<td>2.80</td>
<td>2.58</td>
<td>2.47</td>
<td>2.36</td>
</tr>
<tr>
<td>Charlevoix County</td>
<td>3.35</td>
<td>3.27</td>
<td>2.80</td>
<td>2.59</td>
<td>2.48</td>
<td>2.36</td>
</tr>
<tr>
<td>Cheboygan County</td>
<td>3.49</td>
<td>3.32</td>
<td>2.82</td>
<td>2.58</td>
<td>2.41</td>
<td>2.31</td>
</tr>
<tr>
<td>Grand Traverse County</td>
<td>3.31</td>
<td>3.22</td>
<td>2.76</td>
<td>2.62</td>
<td>2.49</td>
<td>2.39</td>
</tr>
<tr>
<td>Otsego County</td>
<td>3.45</td>
<td>3.37</td>
<td>2.97</td>
<td>2.72</td>
<td>2.56</td>
<td>2.44</td>
</tr>
<tr>
<td>State of Michigan</td>
<td>3.42</td>
<td>3.27</td>
<td>2.84</td>
<td>2.66</td>
<td>2.59</td>
<td>2.49</td>
</tr>
</tbody>
</table>

Data Source: U.S. Census of the Population, 1960-2010

1.9 Education

Education is an important factor in analyzing the capabilities of the local work force and the economic vitality of a community. The population of Emmet County is well educated when compared to the State of Michigan and the rest of United States. In 2010, the U.S. Census and American Community Survey reported that 93.9% of County residents over the age of 25 years were high school graduates. The State of Michigan figure was 88.7%. According to the U.S. Census Bureau, 2008-2012 American Community Survey, 24-21.9 percent of the Emmet County population was enrolled in school.
Chapter 1: County Profile, Issues, and Opportunities

According to the 2010-2017 U.S. Census American Community Survey (Figure 1-2), 34.743% of the 25 and older population within the County completed a college degree as opposed to 28.737.4% for the State of Michigan. The County has shown a considerable increase in the number of people finishing college, from 19.2% in 1990 to 34.743% in 2010-2017. Neighboring counties of Cheboygan and Charlevoix have college degree rates of 25.227.7% and 34.440.2% respectively.

By general observation, Emmet County has attracted a population that is educated and has a wealth of talent in a number of specialty fields such as arts, crafts, resource management (farmers, foresters, and conservationists), specialty industries, and businesses. This may also be credited to the expanding curricula of North Central Michigan College in Petoskey. A local community college gives area residents the opportunity for further education without the added expense of leaving home.

While the data is not available from the U.S. Census, many individuals receive on-the-job training. This form of education is not documented, as it is employer specific, rather than population specific, but includes many skilled laborers who would be included in one of the four levels of education identified by the U.S. Census.

Figure 1-2: Education Levels in Percent of Population (2010-2017)
Chapter 1: County Profile, Issues, and Opportunities

Education Levels in Percent of Population (2017)

<table>
<thead>
<tr>
<th></th>
<th>EMMET COUNTY</th>
<th>STATE OF MICHIGAN</th>
<th>UNITED STATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than High School</td>
<td>6.7</td>
<td>9.7</td>
<td>12.6</td>
</tr>
<tr>
<td>High School</td>
<td>43</td>
<td>29.3</td>
<td>27.3</td>
</tr>
<tr>
<td>Some College no degree</td>
<td>24.9</td>
<td>23.6</td>
<td>20.8</td>
</tr>
<tr>
<td>College (Assoc, Bach or higher)</td>
<td>26</td>
<td>37.4</td>
<td>39.2</td>
</tr>
</tbody>
</table>

Data Source: U.S. Census 2017 American Community Survey

1.10 Income

Table 1-11: Per Capita Personal Income (PCPI) 1996-2012-2016

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Emmet County</td>
<td>$23,387</td>
<td>$28,147</td>
<td>$34,509</td>
<td>$39,554</td>
<td>$39,842</td>
<td>$51,967</td>
</tr>
<tr>
<td>Michigan</td>
<td>$24,279</td>
<td>$29,400</td>
<td>$31,768</td>
<td>$35,288</td>
<td>$36,264</td>
<td>$44,751</td>
</tr>
<tr>
<td>United States</td>
<td>$24,442</td>
<td>$30,319</td>
<td>$33,909</td>
<td>$40,947</td>
<td>$41,560</td>
<td>$49,834</td>
</tr>
</tbody>
</table>

Data Source: U.S. Department of Commerce, Bureau of Economic Analysis
Chapter 1: County Profile, Issues, and Opportunities

The per capita personal income (PCPI) in Emmet County remained slightly less than either the state or nation until 2004. This is often true in communities beyond the immediate influence of a metropolitan area, especially those which are economically based on tourism or service employment. Emmet County has maintained its position between the State of Michigan and United States consistently since from 2008 through 2012. In 2016 Emmet County surpassed both the State of Michigan and United States in per capita personal income. Table 1-11 lists the per capita income for selected years for the County, State, and U.S.

1.11 Employment

Compared to the State of Michigan, Emmet County had more employees working in the service and retail categories and fewer operators, fabricators, construction, and labor workers as discussed later in the Economic Development Chapter (Chapter 4).

Approximately 87% of the population working in Emmet County resides within the County boundaries, while 5% commute to work from Charlevoix, 3% from Cheboygan, and 5% from other locations.

The rate of unemployment in Emmet County increased between 2000 and 2009-2010. Since then, the unemployment rate has been decreasing slightly each year (Figure 1-3). Emmet County's unemployment trends annually are similar to that of the State of Michigan and the United States. Rates are not seasonally adjusted and Emmet County experiences lower unemployment rates during the late summer and early fall months than during other times of the year.
Figure 1-3 Rate of Unemployment 2013-2018
Percent of Total Labor Force

Data Source: US Department of Labor - Bureau of Labor Statistics
Chapter 1: County Profile, Issues, and Opportunities

1.12 Goals

Many reasons exist to pursue an interactive strategy among all jurisdictions in the County for achieving implementation of this plan. As a County-wide document, this report embraces the planning philosophy of an integrated, interconnected community, with broadening involvement among all jurisdictions. Such involvement can support efforts to jointly address issues which are common to many, but larger than each individually. This plan is intended as a guiding document for future policies and decision making throughout Emmet County. The vision and spirit of the community identified previously, is reflected in the goals listed here:

1. Protect and preserve natural resources and agricultural lands as a part of the County's heritage.
2. Promote and expand well-rounded recreation and park systems.
3. Preserve our cultural heritage and provide opportunities for increased awareness.
4. Maintain a strong and viable economic base to support existing businesses (profit and non-profit) and industries, while attracting new business.
5. Create year-round job opportunities, while recognizing the importance of the seasonal population.
6. Provide a top quality primary, secondary, and higher educational system.
7. Improve all appropriate modes of transportation which interconnect areas of residence, employment, education, commerce, public services, and recreation.
8. Plan and maintain public infrastructure to manage growth.
9. Improve community facilities to provide a higher quality of life.
10. Promote intergovernmental cooperation and coordination at all levels.
11. Create a variety of housing options for diverse incomes.
12. Maintain Emmet County as a world class resort and vacation destination.
Building Inspection Department

**CUSTOMER SERVICE SURVEY**

In our continuing efforts to provide our customers with prompt, professional and courteous service, we request your input and ask you to complete our survey. Please check the appropriate box or provide an answer to the questions below that may be applicable to your project. Your answers will help us in assessing the customer service provided to our customers. We would sincerely appreciate hearing your input. Feel free to provide additional comments on a separate page if necessary.

Completed surveys can be mailed, emailed, faxed or hand delivered to:

**Martin Van Berlo, Building Official**
3434 Harbor Petoskey Rd Suite E
Harbor Springs, MI 49740

**mvanberlo@emmetcounty.org**
**fax - 231-439-8933**

Please check the appropriate box with your answer, if not applicable to your project, leave blank.

<table>
<thead>
<tr>
<th>Question</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>The inspectors were courteous and helpful.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Inspector.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical Inspector.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Mechanical Inspector.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plumbing Inspector.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The inspectors were knowledgeable in their field.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Inspector.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical Inspector.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mechanical Inspector.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plumbing Inspector.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The inspections were performed in a timely manner.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The office staff was courteous and helpful.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The application forms were easy to understand and complete</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The website is easy to navigate and informative.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Continued on reverse side*
Please answer the following questions. If not applicable to your project, please indicate n/a.

Do you feel that the Department Staff is attentive to your needs as a customer?
Yes [ ] No [X] Please share your experience with us, whether positive or negative.

The Emmet County Zoning Board of Appeals left a very bad feeling of not hearing my appeal for an addition to my pole barn. Corrado seemed to be the only person that understood the appeal for a 10' x 40' addition. The 1st meeting with Corp Lake was great, they said what I have done to the land was the best. Are there any specific or recurring problems you have had with any services you received from the Department? 

[ ] Yes [ ] No

If you are a contractor, have you noticed any change, good or bad, in the services that have been provided to you during the past 6 months?

[ ] Yes [ ] No

Please share any comments or suggestions that you may have for department improvement and/or improved communication ideas. The Zoning Board of Appeals need to have people more understanding of the needs of those requesting an appeal.

What a waste of my appeal money, a time.

Thank you for taking the time to complete our survey.

Feel free, if you so desire, to leave your name and contact information below. If your answers and/or comments are in regards to a specific project or permit, please provide us with a project or permit number. We will be happy to follow up with a phone call regarding your answers or comments.

[ ] Please check this box and provide contact information if you would like a follow up phone call.

Name __________________________ Phone (_____) __________________________

Address __________________________

City __________________________ State ______________________ Zip Code ________________

email: __________________________ Project/Permit # ________________________________
Definitions from Section 2.01

**Signs**: The following terms relating to signs shall have the meaning defined below:

A. **Banner**: A flexible sign made of natural, synthetic or plastic material used to call attention to a property; however, not including pennants or flags.

B. **Changeable message sign**: A sign on which the message can be changed by hand, mechanically, or electronically.

C. **Flag**: Usually a rectangular piece of fabric made of natural, synthetic or plastic material having a distinctive size, color and design.

D. **Freestanding sign**: A sign supported by one (1) or more uprights, poles, braces, or some other structure, placed in or upon the ground surface and not attached to any building.

E. **Illuminated sign**: A sign that provides artificial light by either emission (usually from inside) or reflection (usually either from light above or below the sign).

F. **Non-conforming sign**: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in this Ordinance.

G. **Pennant**: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.

H. **Portable sign**: A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), and includes trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.

I. **Projecting sign**: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.

J. **Roof sign**: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.

K. **Sign**: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. Signs under one-square foot in size on or next to a door or on a mailbox or post are not regulated by this Ordinance.
I. Sign, accessory: A sign which is accessory to the principal use of the premises.

M. Sign face: That part of a sign structure which is used to graphically communicate a message or announcement.

N. Temporary sign: A display sign, or advertising device with or without a structural frame, intended for a limited period of display.

O. Wall-mounted sign: A sign which is attached directly to or painted upon a building wall which does not project more than twelve (12) inches there from. The exposed face of the sign must be in a plane parallel to the building wall or structure (such as a water tower). The sign shall not extend above the height of the building, wall or structure.

Section 22.07 Signs and Billboards

Sign plans shall be reviewed for approval, conditional approval or rejection by the Zoning Administrator, in consultation with any Advisory Sign Review Committee appointed by the County Planning Commission. The Zoning Administrator may refer any sign plan to the Planning Commission for review and approval. Non-illuminated signs or replacement signs which meet the standards of this Section may be reviewed and approved by the Zoning Administrator. For disagreements with the rulings of the Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals, who in such instances has final authority on the sign plan.

22.07.1 Intent

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Emmet County, and are based on the following objectives:

A. To promote signs which are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.

B. To encourage native plants and other landscaping materials around all freestanding signs so as to complement the site and integrate the sign with the buildings, parking areas and natural site features.

C. To avoid excessive use of signs 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.

D. To place and size signs in such a way that scenic views are protected and visual obstructions to the natural landscape are minimized.

E. To maintain and enhance economic stability by keeping aesthetic appeal to tourists, resorters, and visitors, and encouraging sign planning that will complement the County's natural environment and preserve its scenic and natural beauty by minimizing visual obstructions to the natural landscape.
F. To encourage the use of aesthetically pleasing sign materials and colors, and to encourage signs to be predominately natural in appearance, through the use of weather tolerant wood or material of equivalent character.

G. To encourage the use of subdued colors, with bright colors used only for accent.

H. To avoid creation of obstacles or traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrians, read other traffic signs, or see other vehicles.

I. To enhance the effectiveness of necessary signs.

J. To preserve property values from the negative impacts of unsafe, cluttered, and otherwise unregulated signs on abutting property or in the area.

K. To avoid bright lights and reflection, and to protect views of the night sky against poorly shielded lights.

L. To encourage wall-mounted signs not to violate the architecture of the building to which it is attached. For example, signs should not cut across columns or be placed on architectural features.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

Compliance with this Section does not relieve the applicant from the responsibility of compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the County Zoning Ordinance.

It is also acknowledged that the county's economic well-being is heavily dependent upon the resort and tourist industry. This dependence makes the preservation of the environment from unreasonable signage a matter of critical importance to this County.
### 22.07.2 Signs Authorized Requiring a Permit (unless stated otherwise)

<table>
<thead>
<tr>
<th>Freestanding Sign – Permit required for new signs</th>
<th>Wall-Mounted Sign – Permit required for new signs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number Allowed</td>
<td>Maximum size allowed</td>
<td>Number Allowed</td>
</tr>
<tr>
<td>1</td>
<td>18 sq. ft. and 8 ft. in height</td>
<td>1</td>
</tr>
</tbody>
</table>

*Signs located in the road right of way shall not exceed 32 sq. ft. and 8 ft. in height)*

- Shall not be longer than four (4) times its width.

**AND/OR**

**OR**

**AND**

- 8 sq. ft. May project outward up to three (3) feet
- Wood crafted or is a sign of equivalent character.

- 15% of the surface area of the mounting wall
- (computed on the ground level story only – ground level story height may not exceed 12 feet)
- A second wall-mounted sign may be permitted on buildings located on a corner lot.
- A banner may be permitted in lieu of a wall-mounted sign provided it is securely attached to the wall and it meets all other requirements of a wall-mounted sign.

- Wood crafted or is a sign of equivalent character.

Shall not project beyond or overhang the wall face by more than five (5) feet.

No sign shall project above the ridge line of a hip, gambrel, gable, or mansard roof, or above the parapet of a flat roof.

**APPROVED SIGN TEXT AMENDMENT**

Effective Date: 05/24/2017

**Page 4**
A. Accessory Signs in all Districts

In addition to the permitted signs, a development may have one non-illuminated free standing sign, located within the project area and not to exceed the freestanding sign size standard for the applicable district. Such sign shall not be readily visible from the frontage road. Additional signs mounted on and parallel with the wall may be permitted provided the signs in total do not exceed the area standards for the wall mounted signs in the applicable Zoning District.

B. Signs as a Main Use

Signs on vacant property shall be restricted to the B-2 District provided the area of the sign does not exceed fifty-six (56) square feet, the height of the sign does not exceed ten (10) feet, there is at least two thousand (2,000) feet of separation between any two such signs.
on both sides of the road and two hundred (200) feet of separation between a sign as a main use and any other existing building over two hundred (200) square feet.

A sign as a main use may not include a changeable message sign or changeable message component.

All required permits from the Michigan Department of Transportation shall also be obtained before erecting the sign as a main use.

C. Changeable Message Signs

One changeable message sign per business premise subject to the following: changeable message signs, including, but not limited to, electronic changeable message signs, shall be permanently affixed to, and be parallel with the wall of the main building or designed into the freestanding sign as an integral part of the freestanding sign structure.

1. Changeable message signs may not exceed 40% of the allowable sign area.

2. Such changeable message signs shall have no moving parts.

3. The background shall be unlit, and the letters shall be monochrome.

4. Electronic changeable message signs must meet all other standards of Section 22.07

5. Electronic changeable message signs may not be illuminated between the hours of 10:00 P.M. and 6:00 A.M., except for premises that are open for business after 10:00 P.M., then the lighting shall be turned off at the close of business.

D. Accessory Signs In PUD Districts

In PUD Zoning Districts, sign standards shall be determined by site plan, PUD development plan and the proposed uses. Residential PUD projects may be allowed signs as regulated in Residential Zoning Districts. Business and/or Industrial uses may be permitted to have signs as regulated in Business and/or Industrial Zoning Districts.

22.07.3 Non-Conforming Signs

It is the intent of this Section to permit the continuance of all permanent signs or outdoor advertising structures existing at the effective date of this Section although such sign or outdoor advertising structure may not conform to the provisions of this Article. It is also the intent that nonconforming signs shall not be enlarged upon, expanded, or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and ended upon their natural deterioration, destruction, removal, or replacement. The continuance of all nonconforming signs and outdoor advertising structures within the County shall be subject to the conditions and requirements set forth below.
A. **Structural Changes**: Signs may be repaired, or renovated, and kept in good repair. The faces, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign conforms to the provision of this Section.

B. **Placement**: No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized to conform to this Ordinance.

C. **Illumination**: Illumination may not be added to any nonconforming sign.

D. **Destruction**: Should any nonconforming sign be destroyed by any means, to the extent of 80 percent or more, it shall be reconstructed only in conformity with the provisions of this ordinance.

E. **Change on Sign Face**: The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

22.07.4 **Signs Prohibited**

A. Signs containing flashing, intermittent, or moving: lights, images, motion pictures, or similar mechanisms.

B. Signs which are erected in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

C. Signs with moving or revolving parts and/or messages.

D. Signs affixed to trees, rocks, shrubs, fences, utility poles, or other similar features.

E. Signs which are insecurely fixed, unclear, or in need of repair.

F. Portable signs utilizing vehicles, trucks, vans, or other wheeled devices; or tripod, sandwich boards, or changeable message signs, except that licensed vehicles painted or affixed with signs shall not be prohibited from properly parking in a designated parking space.

G. Advertising devices such as banners, balloons, advertising flags, pennants, pinwheels and searchlights or other devices with similar characteristics unless otherwise permitted in this Section.

H. Signs which overhang or extend into a dedicated public right-of-way without the written consent of the governmental unit having jurisdiction.

I. Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground and located so as to constitute a safety hazard to vehicle traffic.
J. Signs using glass beads, and/or reflectors shall be prohibited as main background treatment of the sign, but may be used in minor proportions for lettering or incidental artistic details, provided there are no visual conflicts with official traffic signs.

22.07.5 Signs Not Requiring a Zoning Permit

The following, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

A. Signs required by or approved by federal, state, or local units of government.

B. Banners, balloons, advertising flags, pennants, and pinwheels, or other devices with similar characteristics may be used temporarily for periods not to exceed thirty (30) consecutive days upon the opening of a new type of business or use by a new owner.

C. Replacement Signs
   An existing sign that is removed shall only be replaced if it conforms to the size, area, height, and lighting requirements of this ordinance. No permit is required; however, review of the proposed sign with the Zoning Administrator is recommended.

D. Temporary Sign
   One additional temporary sign may be permitted in all zoning districts on property offered for sale or lease. Such sign shall not exceed 10 sq. ft. and 8 ft. in height on properties zoned R-1, R-2, RR, or SR. Such sign shall not exceed 32 sq. ft. and 8 ft. in height in all other zoning districts.

Other temporary signs, not listed in this Section, shall be regarded and treated in all respects as permanent signs which require a permit.

22.07.6 Placement of Signs and Setbacks

A. Accessory signs may be located at the right-of-way line, but shall not be located within the right-of-way unless permitted by the road agency having jurisdiction. Accessory signs shall be sited to prevent one sign from blocking the view of another sign.

B. Signs as a main use shall be setback the required distance in the zone (front and side).

22.07.7 Flags

Flag pole heights shall not exceed thirty (30) feet. The total number of flagpoles shall be limited to three (3) per site. Flag poles may not be located in the road right-of-way unless permitted by the road agency having jurisdiction.

22.07.8 Sign Lighting

APPROVED SIGN TEXT AMENDMENT  Effective Date 05/24/2017  Page 8
Sign lighting should be of no greater wattage than is necessary to make the sign visible at night and should not reflect onto adjacent properties. Lighting sources shall not be directly visible to passing pedestrians or vehicles and should be concealed so that direct light does not shine through, under, or over any element of a sign.

A. Sign lighting other than street and security lights shall be turned off between the hours of 10:00 P.M. and 6:00 A.M., except for premises open for business after 10:00 P.M., then the lighting shall be turned off at the close of business.

B. For internally lighted signs, the sign background, or field, shall be dark colored and opaque. Letters, numerals, logos, and similar message elements may be of a translucent material to permit internal lighting to reveal the message or information for which the sign is intended. All other lighted signs shall incorporate the lighting source as part of the sign structure, i.e. top, bottom, or side mounting. Ground mounted lighting sources are prohibited.

C. Night lighting of flags shall be of sufficient wattage to illuminate flag surfaces only and shall not be excessive thus contributing to light pollution of the night sky. It is recommended that the flag be illuminated from the top down and directed so as not to interfere with passing pedestrians or vehicles. Ground mounted lighting is prohibited.

D. Neon lighting and/or other gas filled light tubes are permitted when used for the indirect illumination of signs, and/or when placed in windows.

E. Signs with reflective paint are encouraged in lieu of sign lighting.

22.07.9 Measuring - Area and Height of Sign

The area of sign shall be determined by circumscribing the exterior limits of each display erected on one sign structure, including the sign background (but not supporting features or roof like covers) with the smallest square, rectangle, triangle, circle, parallelogram, or trapezoid, that will connect all extreme points of the sign display and including voids, unused space, or air spaces between multiple display features. The structural features and supporting elements of a freestanding sign, including decorative facades, canopies, and base treatments, shall not have a facing surface area that exceeds the area of the message portion of the sign.

The area of sign measurement shall be based on one display face, but both sides of the display face may be used for sign purposes without increasing the area of sign. Sign panels, if not back-to-back and the back face is separated or angled from the other by more than four (4) feet for parallel faces, and/or angled on the inside more than forty-five (45) degrees, the second face shall be added to the allowable area of sign.

The 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.

22.07.11 Sign Variances
In order to allow greater flexibility in property and use signing, the Emmet County Zoning Board of Appeals may permit signs that:

A. Exceed the maximum number of signs permitted when there is more than one bordering County Primary or State Trunkline Highway, and the sign is placed directly in front of the building wall, which faces each road, or farther from the intersection line than the wall,

B. Exceed the maximum sign area for the following reasons: Deep use setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use, or if the property shares a common front or side lot line with a B or I Zoning District.

In granting sign variances, the Zoning Board of Appeals shall consider the impact of each sign on adjoining residential districts, scenic views, out of character skyline intrusions, and obstructions to signs or uses on adjoining properties. The purpose of the sign and its applicability to uses that serve tourists or passerby motorists shall be considered in granting or denying a sign exception.

22.07.12 Application Procedure

Applications for sign permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

A. Name, Address, telephone number, and email address of the applicant and property owner (if other than the applicant).

B. Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.

C. Site or plot plan showing the location of the sign.

D. One (1) graphic of the proposed sign(s), including dimensions, height, and lighting details (as applicable).

E. Written authorization of the property owner where the sign is to be erected.

A ten day advance submittal shall be required for sign review to be conducted by the Sign and Lighting Committee. Sign plans referred to the Planning Commission by the Zoning Administrator shall follow the process for Site Plan Review. The sign plan may be separately submitted or be an integral feature of the Site Plan. If submitted separately from the initial site plan review, a separate application process and fee applies. Sign Variances shall follow the procedures for Zoning Board of Appeals review. The sign plan may be separately submitted or be an integral feature of the Site Plan, however, a separate application process and fee applies. Sign Review applications and detailed procedures are available through the office of the Zoning Administrator.
No provision of this Section shall be construed to prevent an applicant from seeking prompt judicial review of a decision on an application.

22.07.13 Review

Sign permits shall be denied, approved, or approved with conditions within 45 days after submission of the complete application. If a decision on the application has not been made within 45 days, the application shall be considered approved. Sign Variances per Section 22.07.11 shall be denied, approved, or approved with conditions within 90 days after submission of the complete application. If a decision on the Sign Exception application has not been made within 90 days, the application shall be considered approved.

22.07.14 Substitution Clause

Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

22.08.15 Sign Removal from Public Right-of-Way

Any unauthorized sign that is placed on public property or within the road right-of-way is subject to removal by the Zoning Administrator. If the owner or party responsible for such sign is known, the county shall provide the owner or responsible party with an opportunity to retrieve the removed sign. Any such sign that has not been retrieved within 30 days following removal is subject to disposal. The county shall not be responsible for any loss or damage incurred in connection with the removal or temporary storage of any unauthorized sign.
Outdoor Lighting – Excerpt from Zoning Ordinance 15-1

Section 2.01 Definitions

**Lighting:** In reference to lighting standards, the following terms shall have the indicated meanings:

A. **Artificial sky glow:** The brightening of the night sky attributable to man-made light sources which obscure stars, comets, the moon, northern lights, and other natural phenomena.

B. **Canopy:** A roof-like covering over an area, that allows pedestrians/vehicles to pass in or under and upon which a light source is mounted.

C. **Development project:** Any residential, commercial, industrial, institutional or mixed use construction project submitted to the County for approval.

D. **Display lot or area:** Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required.

E. **Foot-candle:** A measure of light falling on a surface. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away.

F. **Fully shielded light fixture:** A lighting fixture constructed so that all light emitted by the fixture, either directly from the light source, lamp, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certification by the manufacturer. Any structural part of the lighting fixture providing this shielding must be permanently affixed.

G. **Glare:** Light emanating directly from a light source, lamp, reflector or lens that creates visual discomfort or momentary blindness when viewed.

H. **Lighting level measurement:** The measurement of outdoor light output from a luminaire expressed in footcandles. Lighting shall be measured with a properly calibrated light meter. Measurements shall be taken at final grade or in some cases when light is reflected on a vertical surface.

I. **Light trespass:** Light falling where it is not needed or wanted, typically across property lines.

J. **Luminaire: (light fixture):** A complete lighting device consisting of one or more lamps or light sources along with the other components sufficient to produce light.

K. **Outdoor light fixture:** An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, used for illumination or advertisement.

L. **Maximum outdoor light output:** The maximum total amount of light, measured in footcandles from all outdoor light fixtures. For lamp types that vary their output as they...
age (such as high pressure sodium, fluorescent and metal halide) the initial output as defined by the manufacturer, is the value to be considered.

Section 22.06 Outdoor Lighting

22.06.1 Intent and Purpose

It is acknowledged that the county's economic well-being is heavily dependent upon the resort and tourist industry. This makes preserving the visual quality of the nighttime experience critical to Emmet County.

The purpose of the Section is to help protect the health, safety and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security, and visibility from both pedestrian and motorist viewpoints. The goal is to provide guidelines that balance the functional requirements of nighttime lighting with sensitivity to light pollution, visual comfort, and aesthetics and further, to preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow.

This Section provides standards for various forms of lighting that will: minimize light pollution and light trespass, conserve energy, and enhance safety.

22.06.2 General Provisions

A. Projects requiring a permit: An outdoor lighting permit shall be required for all new development projects, except for single-family homes on existing lots of record and farms. Projects which by addition or modification, increase the number of existing dwelling units, gross floor area and/or parking spaces by twenty-five (25) percent or greater are subject to the requirements of this Section.

B. Outdoor Lighting subject to review includes but is not limited to lights used for:
   - Parking Lot Lighting
   - Security Lighting
   - Roadway Lighting
   - Buildings & Structures
   - Recreational Areas
   - Landscape Lighting
   - Building overhangs and open canopies
   - Signage and advertisement

C. Shielding and Security Lighting

1. All outdoor luminaires subject to this Section shall be fully shielded lighting fixtures to minimize artificial sky glow.

2. All outdoor lighting fixtures shall be placed to prevent light trespass or glare beyond the property line.

1/28/2019 DRAFT 1
3. All outdoor lighting shall be of a type, and placed, to prevent any light above the horizontal plane, as measured at the luminaire.

4. Flood or spot lamps shall be fully shielded and aimed no higher than 45 degrees above straight down (nadir) when the source is visible from any offsite residential property or public roadway.

5. All lighting for commercial, industrial, and any other non-residential activities including billboards and electronic message centers shall be extinguished between 10:00 p.m. or the close of business, whichever is later and 6:00 a.m. or the opening of business, whichever is earlier. Security lighting for these establishments shall be designated on the lighting plan and conform to the regulations of this Section.

D. Outdoor Lighting Districts
For the purposes of this Section there shall be three (3) lighting overlay districts established as follows:

1. **Lighting Overlay District 1:**
   Those areas designated on the County Zoning map as B-1, B-2 and/or PUD along the State Trunk Lines north of Intertown Road and south of Graham and Powell Roads.

2. **Lighting Overlay District 2:**
   Those areas designated on the County Zoning Map as B-1, B-2, B-3, PUD, I-1 and/or I-2 along State Trunk lines to a depth of 200' from the road right-of-way, excepting those properties in District 1.

3. **Lighting Overlay District 3:**
   Those areas of Emmet County outside of Districts 1 and 2.

22.06.3 Outdoor Lighting District Standards

A. The following lighting level measurement standards shall apply to uses established within each Outdoor Lighting District. The values shown are the maximum allowed outdoor light levels as measured from any spot that is illuminated, expressed in footcandles (fc).

<table>
<thead>
<tr>
<th>USE</th>
<th>District 1</th>
<th>District 2</th>
<th>District 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Lots (non-display)</td>
<td>8 fc</td>
<td>7 fc</td>
<td>4 fc</td>
</tr>
<tr>
<td>Gas Station Canopy Lighting</td>
<td>30 fc</td>
<td>20 fc</td>
<td>20 fc</td>
</tr>
<tr>
<td>Display lots</td>
<td>24 fc</td>
<td>20 fc</td>
<td>16 fc</td>
</tr>
<tr>
<td>Private Roadway Lighting</td>
<td>3 fc</td>
<td>2 fc</td>
<td>1 fc</td>
</tr>
<tr>
<td>Building/Landscape ambient lighting</td>
<td>2 fc</td>
<td>1 fc</td>
<td>1 fc</td>
</tr>
</tbody>
</table>
Outdoor Lighting – Excerpt from Zoning Ordinance 15-1

B. All uses regulated in this Section shall not exceed 0.5 footcandles at the property line. Where it can be demonstrated by the applicant that allowing a greater intensity at the property line would not negatively affect the lighting quality, health, safety, and welfare of the community, the Zoning Board of Appeals may modify the standards. This does not apply to the limits set in the table above.

C. Additional Uses: For those uses not listed above the reviewing agency shall use the Illuminating Engineering Society of North America (IESNA) current lighting guidelines for illumination levels. The current issues of these publications shall be maintained and available to the public at the Office of Planning and Zoning. Zoning Administrator may determine the appropriate District and use based on the location, adjacent uses, and type of use proposed. The applicant may provide industry data to support a different lighting level which may be reviewed by the Zoning Administrator. The Zoning Administrator’s determination may be appealed to the Zoning Board of Appeals.

D. Luminaire Mounting Heights

1. All luminaires shall be located and/or mounted at a height no greater than twenty (20) feet measured from final grade to the bottom of the luminaire.

2. The reviewing agency may approve greater mounting/pole heights for the interior of development projects when all of the following conditions are met:
   
a. Fewer luminaires will be required for the site.

   b. The greater mounting height will not cause light trespass and/or glare beyond the property line for reasons of topography, screening or similar circumstances.

   c. The greater mounting height will contribute less artificial sky glow by reducing the intensity of the lighting beneath the luminaire.

E. Prohibited Lighting

1. Unshielded luminaires of any type.

2. Luminaires designed such that the light source is visible from off-site.

22.06.4 Application/Review Procedures

To obtain a permit required by this Section, a lighting plan shall be submitted for approval before installation. The lighting plan shall at a minimum, contain all of the following:

A. Site plan including the location of all proposed and existing illuminating devices. All directional lighting shall have arrows indicating target areas of illumination indicated in drawings.
B. Description of all illuminating devices, fixtures, lamps, supports, reflectors. The description shall include manufacturer's data sheets, illustrations and the like.

C. Photometric data superimposed on the site plan; provided, that for smaller or less complex projects, the reviewing body may accept photometric data supplied by the manufacturer which is separate from the site plan.

D. Such other information about the site or adjoining sites as may be essential for the reviewing body to determine if the requirements of this Section are being met.

Following submission of a complete lighting plan in accordance with this Section, the reviewing body shall act to approve, conditionally approve, or deny the lighting plan with reasons stated. The reviewing body shall begin formal review of the lighting plan at its next regularly scheduled meeting provided a complete plan has been submitted at least ten (10) days before the meeting.

22.06.5 Variances

Subject to a hearing and notification to adjoining property owners of record within 300 feet of the subject parcel, the Zoning Board of Appeals may grant a variance to the standards of this Section if all of the following are met:

A. Neighboring properties will not be adversely affected.

B. Unique conditions exist on the site.

No modifications shall be granted with respect to the standards regarding luminaire shielding.

22.06.6 Exempt Lighting

The following types of lighting are exempt from the standards of this Section.

A. Holiday lighting.

B. Lighting required by governmental agencies

C. Airport lighting

D. Emergency lighting as used by law enforcement, firefighters, and other public safety agencies.

E. Temporary construction lighting when used for periods up to 30 days, which are fully shielded and do not emit lighting levels greater than 0.5 fc at the property boundary lines.”
Section 27.09 Violations and Penalties

A use of land or of a building, or a building erected, altered, or converted in violation of this Ordinance is a nuisance per se. A violation of a Consent Judgment is a violation of this Ordinance and is a nuisance per se.

Any person, partnership, corporation or association who creates or maintains a nuisance per se, as defined in the preceding paragraph, or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. The penalties for a violation of this Ordinance are stated in Ordinance 97-10, and those penalties are adopted by reference. Every day that such violation continues may constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.
From: Toni Drier
Sent: Tuesday, January 15, 2019 2:19 PM
To: Toni Drier
Cc: Tammy Doernenburg; John Calabrese
Subject: Re: Planning Commission Appointments

Thank you Mr. Fouty for sharing your concerns.
Would you however in the future use my County email: tdrier@emmetcounty.org as I no longer use the gmail account.
I have sent both emails to Tammy Doernenburg for her review.
Toni M. Drier

On Jan 15, 2019, at 2:10 PM, Toni Drier <tmdrier@gmail.com> wrote:

-------- Forwarded message --------
From: foutyshores@sbcglobal.net
Date: Tue, Jan 15, 2019, 12:43 PM
Subject: Planning Commission Appointments
To: tmdrier@gmail.com <tmdrier@gmail.com>

Hi:

Again, I want to express my opposition to any current members of the Planning Commission be re-appointed. My main opposition continues to be the RVs and travel trailers allowed in residential areas for use and the non-enforcement. The rule is 60 days yet they stay for 5 months. They use the road for a service drive and they should have enough room to maneuver on their lot. The lots are otherwise too small to build and have onsite water and sanitary service. You would never let a house be built there so why do you let an RV there?

Our visitors continue to beret us for the unsightliness of the “trailers” here.

I’m sure you’ve seen the one trailer site with the hand sign stating their drive is not to be used as a turnaround since it is too dangerous with the curves in the road.

Thank you.
Doug

Sent from Mail for Windows 10
A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act,"
(MCL 125.3101 to 125.3702) by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 206B. (1) FOR THE PURPOSES OF ZONING, ALL OF THE FOLLOWING APPLY TO THE RENTAL OF A DWELLING, INCLUDING, BUT NOT LIMITED TO, SHORT-TERM RENTAL:

(A) IT IS A RESIDENTIAL USE OF PROPERTY AND A PERMITTED USE IN ALL RESIDENTIAL ZONES.

(B) IT IS NOT SUBJECT TO A SPECIAL USE OR CONDITIONAL USE PERMIT OR PROCEDURE DIFFERENT FROM THOSE REQUIRED FOR OTHER DWELLINGS IN THE SAME ZONE.

(C) IT IS NOT A COMMERCIAL USE OF PROPERTY.

(2) THIS SECTION DOES NOT PROHIBIT REGULATION APPLIED ON A
CONSISTENT BASIS TO RENTAL AND OWNER-OCCUPIED RESIDENCES FOR NOISE, ADVERTISING, TRAFFIC, OR OTHER CONDITIONS.

(3) AS USED IN THIS SECTION, "SHORT-TERM RENTAL" MEANS THE RENTAL OF ANY SINGLE-FAMILY RESIDENCE OR 1-TO-4-FAMILY HOUSE OR DWELLING UNIT, OR ANY UNIT OR GROUP OF UNITS IN A CONDOMINIUM, FOR TERMS OF LESS THAN 28 DAYS AT A TIME.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.
Mrs. Tammy Doernenburg, Director
Emmet County Planning & Zoning
3434 M-119, Suite #E
Harbor Springs, Michigan 49740

Re: Zoning Coordinating Committee Review
Case # B-01-2019

Dear Tammy,

Following a public hearing, and deliberations, the Township Planning Commission recommended to the Township Board adoption of an amendment to the Township Zoning Ordinance under title Case #B-01-2019.

A copy of the Planning Commission draft minutes reflecting their input and recommended rezoning to the Township Board is enclosed.

As required by P.A. 110 of 2006, this proposed amendment is being submitted to the County Planning Commission for review and comment. Any comments or suggestions would be appreciated.

If you have any questions, or if you would like additional information, please let me know.

Sincerely,

[Signature]

William P. Dohm, Supervisor

WPD/bd
Encl: 2
Chairman Van Berlo called the meeting to order at 7:00 PM.

**Roll Call:**
- **Present:** Martin Van Berlo, Joe Chattaway, Chip Radle, Tom Fairbairn & Shirley Snyder
- **Absent:** None
- **Also present:** Bill Dohm, & Randy Frykberg

**Agenda:**
A motion was made by Mr. Radle and supported by Mr. Chattaway to approve the agenda as presented. The motion was carried by unanimous voice vote. (see attachment page 3).

**Public Comment:** Chairman Van Berlo opened the meeting to public comment. There were no public comments.

**Minutes:** A motion to approve the minutes of December 5, 2018 as presented was offered by Mr. Chattaway and supported by Mr. Radle. The motion was approved by unanimous voice vote.

**Case #B-1-2019:**
Conduct a Public Hearing on an proposed Amendment to Article XIII Section 1308 of the Little Traverse Township Zoning Ordinance to replace the existing Signs and Billboards section with entirely new text for Section 1308.

7:05 PM. Chairman Van Berlo opened the meeting to a public hearing.

Mr. Frykberg presented a Review Copy of the proposed amendment, and read from his fact finding memorandum dated 2-5-19, (see attachment page 4). He outlined a correction on page 3, to eliminate the words "or post" from paragraph 12, on page 5, to eliminate the paragraph "(Signs located in the road ROW shall not exceed an area of 32 sq. ft.)", and the * paragraph at the bottom of the page corresponding to the above. He also recommended eliminating proposed Section 1308.7 FLAGS as contradictory, thus changing the numbering of the following sections.

Mr. Dohm entered a letter from Haggard's in support of the proposal, (see attachment page 5).

Chairman Van Berlo asked if there were any public comments. There were none.

7:15PM. Chairman Van Berlo closed the public hearing.
Following discussion, a motion was offered by Mr. Radle to approve the proposed amendment to Article XIII Section 1308 of the Little Traverse Township Zoning Ordinance as presented with amendments outlined in Mr. Frykberg's presentation, to forward as a recommendation to the Emmet County Planning Commission for review and the Township Board for adoption. The motion was supported by Mr. Chattaway and approved by unanimous roll call vote.

Other Open Discussion for issues not on the agenda:

a. Correspondence: None.

b. Planning Commission Members: Chairman Van Berlo asked if there were any comments from Planning Commission Members. Mrs. Snyder asked if any consideration should be given to regulating short term rental properties such as both local Cities have done. Mr. Dohm commented that enforcement would be difficult, and that there have been few problems along those lines in the past.

c. Township Board Members: There was none.

Adjourn: There being no further business to be brought before the commission, Chairman Van Berlo adjourned the meeting at 7:30 P.M.

Date approved ____________________________ Respectfully Submitted,

Secretary ____________________________  William P. Dohm,  
       Tom Fairbain                     Supervisor
LITTLE TRAVERSE TOWNSHIP
EMMET COUNTY, MICH.

Regular Meeting of the Township Planning Commission
Tuesday, February 5, 2019
7:00 P.M.
at
The Township Hall

AGENDA

1. Call to Order.

2. Roll Call: Martin Van Berlo, Joseph Chattaway, Shirley Snyder, Chip Radle
   Tom Fairbain

3. Approve the agenda.

4. Public Comment.

5. Approve the Minutes of December 5, 2018.

   Conduct a Public Hearing on an proposed Amendment to Article XIII Section 1308 of the
   Little Traverse Township Zoning Ordinance to replace the existing Signs and Billboards
   section with an entirely new text for Section 1308.

7. Consider a recommendation to the Twp. Board to adopt Case #B-1-2019 amendment to
   Article XIII, Section 1308 of the Little Traverse Township Zoning Ordinance, (sign
   section).

8. Open Discussion for issues not on the agenda
   a. Correspondence.
   b. Planning Commission Members.
   c. Township Board Members.


(Note - If a Board member is not able to attend this meeting, please call the office, 526-0351.)
MEMORANDUM

TO: Little Traverse Township Planning Commission
FROM: Randy Frykberg, PhD
DATE: 2-5-19
SUBJECT: Consideration of Recommending Approval to the Board of Trustees of the Sign Amendment to the Zoning Ordinance For 2-5-19 PC meeting.

BACKGROUND
The enclosed DRAFT Sign Amendment is updated since the Planning Commission Public Hearing and review on September 5, 2017. After deliberations, it was decided to table a recommendation to the township Board until we had further information regarding real estate signs and the position of the County. This current version incorporates language addressing signs on property for sale. A definition of “Property Offered for Sale” is included along with regulations in table 1308.2 regarding size of signs on such property.

The amendment was created in response to a 2015 US Supreme Court Ruling which told communities that content cannot be regulated in sign ordinances. Sign regulations must be content neutral.

Most all communities also had to update their sign regulations, so we were waiting for the MTA to prepare a sample. Emmet County adopted a revised sign component of their Zoning Ordinance in May of 2017. Since we used their older version as the guide for our existing sign regulations, we again used their updated regulations as a guide (with their permission!)

The proposed language maintains the “Intent” Section and most definitions, but then removes all the regulations that required you to read the sign to determine the rules.

Although a Public Hearing was previously held, the decision was made to have another due to the time that has past and the new language for signs on property offered for sale.

FINDINGS:
1. The proposed language for Section 1308 meets the intent of the Supreme Court Ruling of content neutral sign regulations.
2. Following the Public Hearing, changes can be made to the language if they were discussed at the Hearing.
3. A motion to either recommend approval or not should be made to the Township Board of Trustees to replace Section 1308 as proposed because this sign amendment does not regulate content.
Date: January 28, 2019

To: Little Traverse Township Office
   8288 S. Pleasantview Rd.
   Harbor Springs, MI 49740

RE: Case# B-01-2019 Replace the existing Signs and Billboards in for Section 1308.

To Whom it May Concern,

Upon reviewing the above Notice, I would like to express my view with the above case’s requests. Haggard’s Plumbing & Heating is not at all opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and county to do all we can to improve and promote growth in any way possible.

Sincerely,

JOHN HAGGARD

P.O. Box 35 06238 U.S. 31 South Charlevoix, Michigan 49720 Ph (231) 547-4046 Fax (231) 547-0364

Page 5 of 5
LTT Zoning Ordinance Amendment
Originally Amended 1-14-09
As Recommended by Planning Commission
after 2-5-19 Public Hearing

SECTION 1308. SIGNS AND BILLBOARDS

Sign plans shall be reviewed for approval, conditional approval or rejection by the Township Planning Commission or by the Zoning Administrator, in consultation with any Advisory Sign Review Committee appointed by the Township. For disagreements with the rulings of the Zoning Administrator, the applicant may seek a review by the Planning Commission, who in such instances has final authority on the sign plan.

INTENT
The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Little Traverse Township, and are based on the following objectives:

- To reflect the primary purpose of signage as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
- To promote signs which are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.
- To encourage native plants and other landscaping materials around all freestanding signs so as to complement the site and integrate the sign with the buildings, parking areas and natural site features.
- To avoid excessive use of signs in order to give each use optimum visibility to passer-by traffic and if practical, to prevent one sign from blocking the view of another sign.
- To place and size signs in such a way that scenic views are protected and visual obstructions to the natural landscape are minimized.
- To protect the resource character and Northern Michigan image of Little Traverse Township by encouraging the design of institutional, business, and industrial signs that reflect the Township’s favorable environment as a permanent and seasonal home community.
- To maintain and enhance economic stability by retaining aesthetic appeal to tourists, resorters, and visitors, and encouraging sign planning that will complement the Township’s natural environment and preserve its scenic and natural beauty by minimizing visual obstructions to the natural landscape.
- To encourage the use of aesthetically pleasing sign materials and colors and to encourage signs to be predominately natural in appearance, through the use of weather tolerant wood or material of equivalent character.
To encourage the use of subdued colors, with bright colors used only for accent.
To avoid creation of obstacles or traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrians, read other traffic signs, or see other vehicles.
To enhance the effectiveness of necessary directional and warning signs.
To preserve property values from the negative impacts of unsafe, cluttered, and otherwise unregulated signs on abutting property or in the area.
To avoid bright lights and reflection and to protect views of the night sky against poorly shielded lights.
To encourage wall-mounted signs not to interfere with or detract from the architecture of the building to which it is attached. For example, signs should not cut across columns or be placed on architectural features.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

Compliance with this Section does not relieve the applicant for sign approval from the responsibility for compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the Township Zoning Ordinance.

It is also acknowledged that the Township's economic well being is heavily dependent upon the resort and tourist industry. This dependence makes the preservation of the environment from unreasonable signage a matter of critical importance to this Township.

1308.1 DEFINITIONS
The following definitions apply only to words and phrases used in this Section.

1. **BANNER**: A flexible sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.

2. **CHANGEABLE MESSAGE SIGN**: A sign on which the message can be changed by hand, mechanically, or electronically.

3. **FLAG**: Usually a rectangular piece of fabric made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.
4. **FREESTANDING SIGN**: A sign supported by one (1) or more uprights, poles, braces, or some other structure, placed in or upon the ground surface and not attached to any building.

5. **ILLUMINATED SIGN**: A sign that provides artificial light by either emission (usually from inside) or reflection (usually either from light above or below the sign).

6. **NON-CONFORMING SIGN**: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in this Ordinance.

7. **PENNANT**: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.

8. **PROPERTY OFFERED FOR SALE**: Owner willing to transfer the bundle of property rights from the seller to the buyer; property consists of land and the buildings.

9. **PORTABLE SIGN**: A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), and includes trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.

10. **PROJECTING SIGN**: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.

11. **ROOF SIGN**: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.

12. **SIGN**: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. Signs under one-square foot in size on or next to a door or on a mailbox are not regulated by this ordinance.

22. **SIGN, ACCESSORY**: A sign which is accessory to the principal use of the premises.

23. **SIGN, NON-ACCESSORY**: A sign which advertises a product, service, or business that is located on a property other than the property on which the sign is located.
24. **SIGN FACE:** That part of a sign structure which is used to graphically communicate a message or announcement.

25. **TEMPORARY SIGN:** A display sign, or advertising device with or without a structural frame such as a portable or trailer sign, intended for a limited period of display.

26. **WALL-MOUNTED SIGN:** A sign which is attached directly to or painted upon a building wall which does not project more than twelve (12) inches there from. The exposed face of the sign must be in a plane parallel to the building wall or structure (such as a water tower). The sign shall not extend above the height of the building, wall or structure.

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<table>
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<tr>
<th>Freestanding Sign - Permit Required for new signs</th>
<th>R-1, R-2 and RR</th>
<th>FF-1 and FF-2</th>
<th>B-1, B-2, I-1 and I-2</th>
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<td>Maximum size allowed</td>
<td>Number allowed</td>
<td>Maximum Size allowed</td>
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<tr>
<td>1</td>
<td>18 sq. ft. 8 ft. in height</td>
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<td>32 sq. ft. Shall not be longer than (4) times in width 10 ft. in height</td>
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<td>AND/OR</td>
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<td>Wall-Mounted Sign - Permit required for new signs</td>
<td>1</td>
<td>32 sq. ft. Shall not be longer than four (4) times its width</td>
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<td>8 sq. ft. May project outward up to three (3) feet</td>
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<td>Wood crafted or of equivalent character.</td>
<td>Shall not project beyond or overhang the wall face by more than five (5) feet. No sign shall project above the ridge line of a hip, gambrel, gable, or mansard roof, or above the parapet of a flat roof.</td>
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<td>Canopy or Marquee Signs</td>
<td>Integral canopy signs shall be allowed in place of permitted wall mounted signs with message information, i.e., letters, numerals, symbols etc., not to exceed fifteen (15) percent of the canopy surface. For the purposes of calculation, the subject canopy will be considered to fall within a measurable square or rectangular enclosure.</td>
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It is intended that freestanding signs located at an approved driveway be included on the sign plan for approval as to location and number by the Zoning Administrator.
### 1308.2 CONTINUED

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<td></td>
<td>area on buildings;</td>
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<td>except that one sign</td>
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<td></td>
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<td>may be located at</td>
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<td>each approved</td>
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<td>driveway not to</td>
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<td>exceed four (4) sq. ft.</td>
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<td>and six (6) feet in</td>
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<td>height</td>
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<tr>
<td>Additional signs –</td>
<td>1</td>
<td>Non-Illuminated</td>
<td>1</td>
</tr>
<tr>
<td>No Permit required</td>
<td></td>
<td>up to 12 square</td>
<td>offered for sale</td>
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<td></td>
<td></td>
<td>feet on property</td>
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<td></td>
<td></td>
<td>offered for sale</td>
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<tr>
<td>Additional signs –</td>
<td></td>
<td>On a farm, up</td>
<td></td>
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<tr>
<td>permit required for new</td>
<td></td>
<td>to twenty-four</td>
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<td>signs</td>
<td></td>
<td>(24) sq. ft.</td>
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<td></td>
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<td>and eight (8)</td>
<td></td>
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<td></td>
<td></td>
<td>ft. in height</td>
<td></td>
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<tr>
<td>Window Signs – no</td>
<td></td>
<td>Up to 10% of</td>
<td>Up to 10% of the total</td>
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<td>permit required</td>
<td></td>
<td>the total window</td>
<td></td>
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<td></td>
<td></td>
<td>space</td>
<td>space</td>
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A) **Accessory Signs in all Districts**

In addition to the permitted signs, a development may have one non-illuminated free standing sign, located within the project area and not to exceed the freestanding sign size standard for the applicable district. Such sign shall not be readily visible from the frontage road. Additional signs mounted on and parallel with the wall may be permitted provided the signs in total do not exceed the area standards for the wall mounted signs in the applicable Zoning District.

B) **Signs as a Main Use**

Signs on vacant property shall be restricted to the B-2 District provided the area of the sign does not exceed fifty-six (56) square feet, the height of the sign does not exceed ten (10) feet, there is at least two thousand (2,000) feet of separation between any two such signs on both sides of the road and two hundred (200) feet of separation between a sign as a main use and an accessory sign, and two hundred (200) feet of separation between a sign as a main use and any other existing building over two hundred (200) square feet.

A sign as a main use may not include a changeable message sign or changeable message component.

All required permits from the Michigan Department of Transportation shall also be obtained before erecting the sign as a main use.
C) **Changeable Message Signs**
One changeable message sign per business premise subject to the following:

1. Changeable message signs, including, but not limited to, electronic changeable message signs, shall be permanently affixed to, and be parallel with, the wall of the main building or designed into the freestanding sign as an integral part of the freestanding sign structure.

2. Changeable message signs may not exceed 40% of the allowable sign area.

3. Such changeable message signs shall have no moving parts.

4. The background of changeable message signs shall be unlit and the letters shall be of all one color.

5. Changeable message signs may not be illuminated between the hours of 10:00 P.M. and 6 A.M., except for premises that are open for business after 10:00 PM., then the lighting shall be turned off at the close of business.

6. Changeable message signs must meet all other standards of this article.

7. Changeable message signs may be permitted to change the message up to one time per quarter hour.

D) **Accessory Signs in PUD Districts**
In PUD Zoning Districts, sign standards shall be determined by site plan, PUD development plan and the proposed uses. Residential PUD projects may be allowed signs as regulated in Residential Zoning Districts. Business and/or Industrial uses may be permitted to have signs as regulated in Business and/or Industrial Zoning Districts

**1308.3 NON-CONFORMING SIGNS**

**INTENT:**
It is the intent of this Section to permit the continuance of all permanent signs or outdoor advertising structures existing at the effective date of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is also the intent that nonconforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration, destruction, removal or replacement. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth below.

**A) Structural Changes:** Signs may be repaired, or renovated, and kept in good repair, provided that, the faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or
outdoor advertising structure conforms to the provision of this Section for the use it is intended.

B) Placement: No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized to conform to this Ordinance.

C) Illumination: Illumination may not be added to any nonconforming sign.

D) Destruction: Should any nonconforming sign or any portion thereof be destroyed by any means, to the extent of 80 percent or more, it shall be reconstructed only in conformity with the provisions of this ordinance.

E) Change on Sign Face: The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed.)

1308.4 SIGNS PROHIBITED

A) Signs containing flashing, intermittent, or moving: lights, images, motion pictures, messages, graphics, or similar mechanisms.

B) Signs with moving or revolving parts and/or messages.

C) Signs affixed to trees, rocks, shrubs, fences, utility poles, or other similar features.

D) Signs which are insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic directional signs or devices.

E) Portable signs utilizing vehicles, trucks, vans, or other wheeled devices; or tripod, sandwich boards, or changeable message signs, except that licensed vehicles painted or affixed with signs shall not be prohibited from properly parking in a designated parking space.

F) Signs which overhang or extend closer than five feet from a dedicated public right-of-way.

G) Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground and located so as to constitute a safety hazard to vehicle traffic.

H) Signs and sign structures that advertise a business or service use no longer occupying the premises and that has not occupied the premises for 60 or more consecutive days.

I) Signs using luminous or phosphorescent paints or, tapes, glass beads, and/or reflectors of any kind shall be prohibited as main background treatment of the sign, but may be used in minor proportions for lettering or incidental artistic details, provided there are no visual conflicts with official traffic signs.
J) If the Zoning Administrator determines that a sign placement will not restrict vehicle and/or pedestrian passage and visibility, a permitted sign may be placed no closer than five (5) feet from the road right-of-way. Directional signs, street name signs, traffic control signs and signs established by or approved by Federal, state, county, or township units of government when necessary for giving proper direction or otherwise safeguarding the public are exempt from this minimum five foot setback requirement. In all other instances, signs shall respect all yard and setback provisions.

**1308.5 SIGNS NOT REQUIRING A ZONING PERMIT**

The following signs are allowed without a permit, provided such signs are established in a lawful manner, placed so as not to cause a nuisance or create a safety hazard, and are at least 5' from the road right-of-way:

A) Signs that have been approved in conjunction with a valid Zoning Permit or Building Permit for any principal use or accessory use in connection with a Plot Plan or Site Plan.

B) Signs required by Federal or State agencies in connection with federal or state grant projects and programs.

C) Street name signs, route markers and other traffic control signs, signs established by or approved by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public, in any district.

D) Banners, balloons, advertising flags, pennants, and pinwheels, or other devices with similar characteristics may be used temporarily for periods not to exceed fifteen (15) days upon the opening of a new type of business or use by a new owner.

E) Temporary signs as regulated in 1308.2 under no permit required.

Other temporary signs, not listed in 1308.5 above shall be regarded and treated in all respects as permanent signs which require a permit.

**1308.6 PLACEMENT OF SIGNS AND SETBACKS**

A) Accessory signs shall be no closer than five (5) feet from the road right-of-way and shall meet the required setback for structures on other lot lines.

B) Accessory signs shall be sited to prevent one sign from blocking the view of another sign.

C) Signs as a main use shall be setback the required distance in the zone (front and side).
1308.7 SIGN LIGHTING

Sign lighting should be of no greater wattage than is necessary to make the sign visible at night and should not reflect onto adjacent properties. Lighting sources shall not be directly visible to passing pedestrians or vehicles and should be concealed so that direct light does not shine through, under, or over any element of a sign.

A) For internally lighted signs, the sign background, or field, shall be dark colored and opaque. Letters, numerals, logos, and similar message elements may be of a translucent material to permit internal lighting to reveal the message or information for which the sign is intended. All other lighted signs shall incorporate the lighting source as part of the sign structure, i.e. top, bottom, or side mounting. Ground mounted lighting sources are prohibited.

B) Night lighting of flags shall be of sufficient wattage to illuminate flag surfaces only and shall not be excessive thus contributing to light pollution of the night sky. It is recommended that the flag be illuminated from the top down and directed so as not to interfere with passing pedestrians or vehicles. Ground mounted lighting is prohibited.

C) Neon lighting and/or other gas filled light tubes are permitted when used for the indirect illumination of signs, and/or when placed in windows.

D) Signs with reflective paint are encouraged in lieu of sign lighting.

1308.8 MEASURING - AREA AND HEIGHT OF SIGN

The area of sign shall be determined by circumscribing the exterior limits of each display erected on one sign structure, including the sign background (but not supporting features or roof like covers) with the smallest square, rectangle, triangle, circle, parallelogram, or trapezoid, that will connect all extreme points of the sign display and including voids, unused space, or air spaces between multiple display features. The structural features and supporting elements of a freestanding sign, including decorative facades, canopies, and base treatments, shall not have a facing surface area that exceeds the area of the message portion of the sign.

The area of sign measurement shall be based on one display face, although both sides of the display face on a back-to-back sign may be used for sign purposes without increasing the area of sign. However, if one face is separated from the other by more than four (4) feet for parallel faces, and/or angled on the inside more than forty-five (45) degrees from the second face, then the second face shall be added to the allowable area of sign.

The 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.

1308.9 SIGN EXCEPTIONS

In order to allow greater flexibility in property and use signing, the Little Traverse Twp. Planning Commission may permit signs that:

A) Exceed the maximum number of signs permitted when bordered by more than one County Primary or State Trunkline Highway, and the signs are placed directly in front of the building wall facing each road, or farther from the intersection line than the wall;

B) Exceed the maximum number of signs and/or the sign area for the following reasons: Deep use setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use, or if the property shares a common front or side lot line with a B or I Zoning District.

In granting sign exceptions, the Planning Commission shall consider the impact of each sign on adjoining residential districts, scenic views, out of character skyline intrusions, and obstructions to signs or uses on adjoining properties. The purpose of the sign and its applicability to uses that serve tourists or passerby motorists shall be considered in granting or denying a sign exception.

1308.10 REVIEW

Sign permits shall be denied, approved, or approved with conditions within 45 days after submission of the complete application. If a decision on the application has not been made within 45 days, the application shall be considered approved. Sign Exceptions per Section 1308.10 shall be denied, approved, or approved with conditions within 90 days after submission of the complete application. If a decision on the Sign Exception application has not been made within 90 days, the application shall be considered approved.

1308.11 APPLICATION PROCEDURE

The location and placement of all signs for which a Permit is required by the Ordinance shall only be authorized after submittal of a complete sign application and only if the sign meets all requirements of this Ordinance. Applications for sign permits shall be made upon forms provided by the Township and shall contain or have attached thereto the following information:
A) Name, address, telephone number and e-mail address of the applicant and property owner (if other than the applicant).

B) Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.

C) Site or plot plan showing the location of the sign.

D) One (1) graphic of the proposed sign(s), including dimensions, height, and lighting details (as applicable).

E) Written authorization of the property owner where the sign is to be erected.

The sign plan may be separately submitted or be an integral feature of the Site Plan, however, a separate application process and fee applies.

1308.13 SIGN REMOVAL FROM PUBLIC RIGHT-OF-WAY

Any unauthorized sign that is placed on public property or within the road right-of-way is subject to removal by the Zoning Administrator or designee. If the owner or party responsible for such sign is known, the Township shall provide the owner or responsible party with an opportunity to retrieve the removed sign. Any such sign that has not been retrieved within thirty (30) days following removal is subject to disposal. The Township shall not be responsible for any loss or damage incurred in connection with the removal or temporary storage of any unauthorized sign.
MEMO

To: Emmet County Planning Commission acting as the Emmet County Zoning Coordinating Committee

From: Emmet County Office of Planning and Zoning

Date: February 7, 2019

Subject: Little Traverse Township Zoning Ordinance Text Amendment: Section 1308 Signs and Billboards.

Introduction
The Little Traverse Township Planning Commission has recommended adoption to the Township Board of an amendment to the township zoning ordinance regarding signs. In 2009 Little Traverse Township adopted a Signs and Billboards Zoning Ordinance text amendment modeled after the Emmet County Signs and Billboards Ordinance. The text amendment has been reviewed for over one year by the Township Planning Commission and township planner. The proposed amendment was originally considered in response to a 2015 Supreme Court ruling reiterating that sign regulations must be content neutral.

Amendment
The proposed text amendment addresses the Supreme Court’s ruling. It adds a definition and text to address real estate signs. It prohibits signs in the road rights-of-way and eliminates the “Flags” section.

Narrative
The proposed text amendment is consistent with the Sign Sections of the Emmet County Zoning Ordinance.

______________________________

TRANSMITTAL
When signed below, this zoning report will reflect the recommendations of the Emmet County Planning Commission pertinent to its role as County Zoning Coordinating Committee.

John Eby, Emmet County Planning Commission - Chairperson
Emmet County Zoning Coordinating Committee

February 7, 2019