Planning Commission Meeting Minutes

July 26, 2023

1. **Call to Order at 6:01pm**
2. **Roll Call –** Chairperson DeBoer, Commissioners Dean, Tecca, Lyon-Jenness, and Bliesener, City Manager Stoddard, and Zoning Administrator (ZA) Harvey.
3. **Approval of Minutes – June 13, 2023**

* Motion to accept the minutes by Bliesener and supported by Tecca. All ayes.

1. **Additions/Changes to the Agenda**

* Chairperson DeBoer made a motion to table the Short Term Rentals discussion, supported by Dean.
* He read the following letter into the minutes from Mayor Robert D Britigan III:

*Kent:*

*I am writing to suggest tabling any further action regarding the short-term rental ordinance being discussed at tonight's Planning Commission meeting.*

*As Mayor and a professional real estate manager, I sit on the Economic Development and Land Use Committee for the Michigan Municipal League (MML) and serve as Legislative Chair for the West Michigan Chapter of the Institute of Real Estate Management (IREM).*

*In these roles I am privy to draft legislation involving land use and private property rights amongst other issues. Short term rentals have been a hot topic at the State level for some time. Presently, a bill is being drafted by Rep. Andrews (38th District) to be introduced when the Legislature resumes in September.*

*Many of these bills involve the State's preemption of local control and are opposed by the MML, but supported by the private sector. As such, I would recommend tabling any further action regarding short term rentals pending the outcome of these efforts.*

*I wouldn't want to see all of the Planning Commission's hard work become an exercise in futility should these initiatives pass.*

*Please share with the Planning Commission at tonight's meeting.*

*Thank you for your consideration and service to our community.*

*Rob*

*Robert D. Britigan III*

*Mayor, City of Parchment*

*(269) 217-0120*

* Roll call vote: Lyon-Jenness – yes

Bliesener – yes

Dean – yes

Tecca – yes

DeBoer – yes

Motion carried.

1. **Citizen Comments**

* No comments

1. **Old Business**
2. Short Term Rentals (STRs) – Tabled
3. Article 15 – Signs

* Zoning Administrator (ZA) Harvey reviewed the ordinance and put together a technical review to identify what’s in the ordinance that should be changed.
* She suggested to do this initially but found as we get things in front of us, we see that modifications/updates are needed. Generally, the Planning Commission (PC) catches any concerns. As the ZA has had to deal with sign requests, this has allowed her to see wording in the Sign Ordinance that needed change.
* ZA Harvey gave an example: An owner has an existing brick base and they want to add a sign that would rest on the base (monument sign). They wanted the additional sign to be an internal construction to the existing sign, by way of a pole construction (free standing or ground sign). Their objective is to increase the height requirements by using a free standing sign. The way the current ordinance is written is what trips up the ordinance. This wording needs to be defined.
* Communities prefer monument signs because they are low lying. She stated that the base would have to be removed in order for this sign to be considered as a ground sign. The ordinance as it is written may cause confusion.

Section 15.1 – Intent

* Per ZA Harvey: Purpose statements (in three paragraphs) in current ordinance. The PC should list out what is needed, remove the repeat language; add in sign construction, uniformity, communication, and visualization statements.

Section 15.2 – Definitions

* This part should be a list of definitions
* Definitions that are not needed may be removed. The PC will need to define when regulating or if they are in the text of the regulation.
* When we speak to things that are not needed, we introduce arguments/questions.
* The PC will need to add missing definitions and clarify existing definitions.

Section 15.3 – Exempt Signs

* Subsection k. needs to be removed. This language will be fixed when referring to signs that speak. Reminder: The PC cannot change the sign because of what it says.
* The PC may need to take some time to think about murals in order to address them. Murals are different than signs – considered artwork- It may be difficult to determine acceptable artwork.

Section 15.4 – Prohibited Signs

* In general, the sign regulations and prohibited signs say the same thing. It only needs to be stated one time in the ordinance.

Section 15.5 – Sign Surface Area

* ZA Harvey said that the PC does not issue sign permits; they only regulate them. The ZBA approves/disapproves them.
* The surface area is an important part of a sign area measurement. No matter what sign, the PC defines them in the Definitions.
* It is not necessary to have Section 15.5 in the ordinance as the information is in Section 15.2 - Definitions.

Section 15.6 - General Requirements for Signs in Commercial and Industrial Districts, 15.7 – Special Requirements for Signs in Commercial and Industrial Districts, 15.9 – Special Requirements for Signs in RT, C-1 and C-2 Districts, 15.10 – Signs in Residential Districts and Section 15.XX – Changeable Copy Signs

* Currently, the City has four sections for signs that include a lot of standards.

1. Retitle this to General Sign Regulations – Compile any information that applies to all districts into this section. It will reduce the other three sections.
2. Create sign requirements by districts. Use a table of districts, types of signs, metrics, and dimensions. This will help to remove the problems with the ordinance that are imbedded in these districts/sections.
3. References to temporary signs are all over the place in the ordinance. ZA Harvey suggested that it should be reformatted. A community could have a lot of pushback because of temporary signs. The sign has to be content neutral. This is how the PC will regulate temporary signs: It will be constructed from a zoning standpoint and content neutral.

* Lyon-Jenness stated that the ordinance has provisions to prevent obscenities or placement of political signs. ZA Harvey said that it would be up to the City’s attorney to enforce for health and safety reasons. The zoning can’t violate a person’s Constitutional rights.
* Bliesener said that if we were to go against the attorney, the City could be sued.
* ZA Harvey stated that there was a chance that the City would lose if our attorney says we can’t prevent it. It has to be done through wording in the zoning ordinance. Public health and safety can be considered for the community. Free speech is allowed. If something is in a window of a residence, it is not a sign.
* Lyon-Jenness asked about the Bigby temporary signs. The City Manager stated that they used a temporary sign permit.

1. New Section – Changeable Copy Signs – ZA Harvey stated that the PC can define these now but with a new twist. Manual, electrical – Define other electrical signs that will be regulated differently. What needs to happen? The PC may want alternate approaches.

Section 15.XX – Temporary Signs

* Dean asked if this included signs that were stapled to boxes and poles. Would there be any provisions for these temporary sign remnants that are left behind.
* ZA Harvey said that the PC will define Temporary Signs and establish standards to determine if you allow it to be attached to poles (or placed in a ROW). The PC may state where it may be placed.

Section 15.11 – Decorative Displays, 15.12 Political Signs, and 15.13 – Signs in Public Right-of-Way

* Per ZA Harvey: These three sections should be deleted as they are repetitive.

Section 15.14 – Design Review Guidelines

* ZA Harvey explained that the City of Parchment has guidelines that speak to the aesthetics of sign, but who makes that judgement call. She did not think that is what the City wants to do. There are no aesthetic parameters in the current ordinance. This must be changed.

Section 15.15 – Maintenance of Signs

* ZA Harvey said that this section could be deleted as it was dealt with elsewhere in the ordinance.

Section 15.16 – Removal of Nonconforming Signs

* This section should be renamed to Nonconforming Signs. ZA Harvey explained that it would make the distinction of the section to abandoned signs. Abandoned signs would be defined. The PC will need to weigh in as to what they want to do with this. A different terminology will be given to the section.

Section 15.17-21

* All of these could be streamlined into one section per ZA Harvey.

Section 15.XX – Violations – This needs to be added to the ordinance

Section 15.XX – Severability – This should be added to the ordinance

* ZA Harvey said that the work of the PC will reduce the bulk of the sign ordinance. It will make it easier to use, fix the things that trip up the person who uses it, and removes language that is incorrect.
* Bliesener stated that it is awesome when a community has a good table to use for signage. She thinks that it will be a good thing for those that use the sign ordinance.
* ZA Harvey said that by re-doing the Sign Ordinance, it will fill in the gaps and help to define what is needed, and removes repetition.
* Dean asked how this would define murals/graffiti. What is the criteria? Is it permission based?
* ZA Harvey stated that if there is no ordinance language than a mural is artwork. If there is no name or product in the mural then it is not a sign that is advertising something. She suggested doing some mural research. Could be considered free speech. A community would have to set standards as to where it is placed and the size. Currently, the PC would have to treat it as other artwork.
* Bliesener said that she has heard about communities that have committees where the artists presents it project and the committee approves or disapproves the project.
* DeBoer stated that the ZA will get the sign ordinance put together and come back to the PC with a draft in August.
* ZA Harvey said that the PC may look at the draft text and think it is less complicated. Dealing with sign companies that are difficult are a big administrative problem.
* Chairperson DeBoer asked that Lyon-Jenness give the PC an update of the Parks and Rec Committees meetings.
* Lyon-Jenness stated that they are working on improving the tree situation in the City of Parchment. They have decided to develop and repopulate public space with an environmentally sound plan with an Urban Forestry Grant. They are working on enhancing the community’s interest in funding ongoing tree planting. Bliesener said that she had a friend who is an arborist that could help with the grant. Parchment Takes Root is the name of the fund. A booth at the Kindleberger Festival provided useful information about tree planting, nurturing a tree, and a drawing for 3 trees, one donated by Mulder’s Nursery and the other two by the Garden Club. The tree fund that is being developed started with $10,000 seed money from the General Fund. Ticket sales for the tree drawing will go into this fund as well as any donations, memorials, or special monies for tree donations. Lyon-Jenness said that the committee wants a delineated set of rules for the tree fund. They will be having a post Kindleberger Festival meeting to look at how it went at the booth. They had asked people at the festival if they wanted to sign up for a newsletter and/or be a part of a tree committee. They received many positive responses.

1. **New Business**
2. Review of Article 15 – Signs

* ZA Harvey will present a draft of Article 15 – Signs for the PC’s review in August.

1. **Comments from Planning Commissioners**

* DeBoer asked Dean if she would be able to provide an update to the Graphic Packaging air quality.
* Dean stated that the Graphics Packaging (GP) problem was diverted by the Canadian wildfires in the news. She did hear that the daycare, near the facility, kept their children indoors. She hopes to hear more about the progress that GP has made by September/October.
* No other comments from Commissioners.

1. **Next Meeting** – August 23, 2023 at 6pm

1. **Adjournment** – Motion by Bliesener, supported by Dean. All ayes. Meeting ended at 7:17 pm.