



**THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION
THURSDAY, MARCH 09, 2023 AT 7:00 PM
86 W CENTER ST., DOUGLAS MI**

AGENDA

**To attend and participate in this remote meeting of the City of the Village of Douglas Planning Commission,
please consider joining online or by phone.**

Join online by visiting: <https://us02web.zoom.us/j/83132594121>

Join by phone by dialing: +1 (312) 626-6799 | **Then enter "Meeting ID":** 831 3259 4121

1. CALL TO ORDER

2. ROLL CALL

A. Approval of March 9, 2023 Agenda (additions/changes/deletions)

B. Approval of February 9, 2023 Minutes (additions/changes/deletions)

Motion to approve; March 9, 2023 Agenda & February 9, 2023 Minutes. (Roll Call Vote)

3. PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES)

4. PUBLIC COMMUNICATION - WRITTEN

A. Sue Neville and Sue Jansky Letter

B. Ralph Pizza Letter

5. NEW BUSINESS

A. April Meeting Date Change

Motion to reschedule the date of the regular April 13th Planning Commission meeting to April 20th.

B. 485 Ferry (Forest Gate Development) - Traffic and Environmental Study Review

Motion to direct staff to have the traffic and environmental study's further reviewed by independent consultants.

C. Planning Commission Bylaws - Discussion

6. UNFINISHED BUSINESS

A. Draft Sign Ordinance - Discussion

7. REPORTS

A. Planning and Zoning Administrator Report

B. Planning Commissioner Remarks (limit 3 minutes each, please)

8. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES)

9. ADJOURNMENT

Please Note – The City of the Village of Douglas (the “City”) is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Pamela Aalderink, City Clerk, at (269) 857-1438, or clerk@douglasmi.gov to allow the City to make reasonable accommodations for those persons. CITY OF THE VILLAGE OF DOUGLAS, ALLEGAN COUNTY, MICHIGAN



**THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 09, 2023 AT 7:00 PM
86 W CENTER ST., DOUGLAS MI**

MINUTES

1. CALL TO ORDER

2. ROLL CALL

PRESENT

Secretary Kelli Heneghan
Commissioner John O'Malley
Commissioner Neal Seabert
Chair Paul Buszka
Vice-Chair Louise Pattison
Commissioner Matt Balmer
Interim Planning & Zoning Administrator, Tricia Anderson

ABSENT

Commissioner Gregory Freeman

A. Approval of February 9, 2023 Agenda:

*Motion made by Commissioner Balmer, Seconded by Secretary Heneghan, to approve the agenda.
Motion carried by unanimous roll call vote.*

B. Approval of January 12, 2023 Minutes:

*Motion made by Commissioner Seabert, Seconded by Commissioner Balmer, to approve the minutes.
Motion carried by unanimous roll call vote.*

3. PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES):

Rob Joon – Resident of Douglas stated his support for Mr. Barker's proposed development regarding the need for affordable housing.

4. PUBLIC COMMUNICATION – WRITTEN: No written communication.

5. NEW BUSINESS:

A. Public Hearing - Forest Gate Duplex Condominium Project/ Site Plan Review – 485 Ferry Street
Pattison recused herself as announced by Chair Buszka

Motion made by Commissioner Seabert, Seconded by Commissioner O'Malley, to open the Public

Hearing for Forest Gate Duplex Condominium Project. Motion carried by unanimous roll call vote.

a. Applicant Presentation

John Kavchak spoke regarding the revised plan and how it is now proposing two-unit buildings while keeping the same number of units. He added that the product is more of a premium product and has more open area. He mentioned that the spacing between buildings are at 31'. He also stated that none of the Planner's comments should be a hurdle in receiving approval, and he believes this version of the plan is the most complete. He stated that the items in the Planner's report are not significant enough to not grant approval. Dave Barker acknowledged that there are many engineering details that are missing from the plan, and they fully plan to provide those details upon favorable recommendation to the City Council.

b. Public Comments

Carla Bryant – City of Douglas resident asked what the applicant means by affordable housing. She was also concerned with the impacts this development would have on existing infrastructure of the City.

c. Staff Remarks

Tricia Anderson, City Planner - Stated that she recognized all the time and investment made by the applicant and the original application was submitted before her time at the City. She spoke to the modified plan now proposing two-unit condos instead of the five-unit design, and that they are still subject to all zoning ordinances. She identified notable items from her report where additional information was required, and standards were not met, which reflect on completeness of the plan. Ms. Anderson emphasized that the significant number of small details that require attention, coupled with some bigger picture items that have not yet been addressed were cause for her recommendation for the Planning Commission to table the item. She noted that the applicant has not yet gathered input from the Kalamazoo Lake Sewer and Water Authority, nor have they gotten feedback from the City regarding the need for additional right of way on the City's property to the south. She added that the Planning Commission is not obligated to offer a favorable recommendation for a development that is partially proposed on someone else's property without their permission.

d. Commissioner Questions

Commissioner O'Malley stated that the number of items that the applicant needs to address may be easy conditions of approval, but there are way too many. He noted that most of the time when there's a conditional approval, there are only five or six conditions, and there are around ten that need to be met.

Commissioner Heneghan recognized the applicant's effort and work on this project. She questioned infrastructure, status of adding a light on Wiley, and asked why the traffic study was not included in the packet. She asked about what "premium" means and stated that in her mind premium does not equate to affordable. In addition, she stated that it would have been beneficial for the applicant to not forgo the site plan committee meeting before going to the planning commission. She felt strongly about having the commission ask for the phase 2 environmental review, and all requested sidewalks must be on plan.

Commissioner Seabert felt strongly about conditional approval and does not want to send an incomplete plan to City Council. He mentioned that sidewalks are extremely important, particularly for kids walking to school. He stated that the City Council would need to approve an easement in order for the project's right-of-way to be placed on the City's property connecting to Wiley Road. In addition, he also is worried about affordability and would like to see more families here.

Commissioner Balmer explained that the City Council relies on the Planning Commission to have full

knowledge of the plan and that they are forwarding a recommendation based on completeness, with all the minimum standards met. He added that the plume was not shown on the plan. In addition, the sidewalk issue must be recommended to the City Council and cannot be required by the Planning Commission. He also touched on the affordability of the proposed homes and that the City Council can work with the applicant on any incentives that might be out there for offering affordable housing, and wanted to point out the Planning Commission does not have authority to require affordability.

Chair Buszka gave his comments related to the condo plan being favorable to full or year-round residency, maybe not affordability. He stated his perspective as it relates to the wetlands on the property, both regulated and non-regulated and added that the Environmental Protection section of the ordinance (Section 16.20.2) that indicates that land that is not comprised of sensitive resources should be developed over lands that are. In addition, he stated that the City can ask for mitigation measures for when impact is proposed in the sensitive areas. He asked the applicant how many units could be moved to the north side of the east west road to avoid building in the wetlands and noted that there is an option for them to modify the layout to avoid the wetlands by relocating units. Additionally, he asked if the boundary of the subject site had changed, and Mr. Barker said yes. Other items Chair Buszka questioned were contours on the grading plan that did not show elevations, and what utilities are being proposed for internet and communications.

Commissioner Seabert commented on his concern with the wetlands as well and noted that they are subject to EGLE permits to impact the wetlands. He also was confused about the parcel number and asked if there was a survey. Mr. Barker said yes. In addition, he also asked if Council needs to approve boundary changes. Ms. Anderson said that it is not subject to review by Council.

Chair Buszka noted the layout of the units have the opportunity for cumulative errors if care is not taken to stake out the units exactly how it is shown on the plan. He asked for the applicant's response to the Planning Commission comments.

Mr. Barker spoke to Chair Buszka's idea to relocate the units to avoid the wetlands. He added that the area noted by Chair Buszka is not feasible and that the storm water detention areas are not proposed along Ferry anymore, it is now planned to be drained off site. He noted that they will get with Rich to initiate the process to get an easement on the access to Wiley. He spoke to Commissioner Heneghan's desire to request a phase 2 environmental assessment stating that not only it is costly, but he already had a phase 1 and they were given a clean bill of health.

Mr. Kavchak asked the Planning Commission to stay focused on the things that the Commission does have the authority to require. He also asked if the easement request for the City Council must be done first before the Planning Commission can review again. Ms. Anderson said that it can be done concurrently, but the decision must be made before the project can be on the Planning Commission agenda again.

Jim Geise with Dreiesenga noted that he was aware that the plan was not a complete plan. He added that the storm detention off site is better. He explained that a paved trail along Ferry may be detrimental to the wetlands and thought maybe a wooden board walk would be more appropriate.

Ms. Anderson noted that the new proposed property line on the north end may create a nonconforming parcel with the way the subject parcel resulting from the boundary change is configured.

Motion made by Commissioner Seabert, Seconded by Commissioner Balmer, to close the Public Hearing. Motion carried by unanimous roll call vote.

Commissioner Pattison returned to the table.

Motion made by Commissioner Balmer, Seconded by Commissioner Seabert, to table the item for a future date until the applicant has had a chance to go over the site plan and requirements with the Zoning Administrator to her satisfaction before bringing back to Public Hearing. Motion carried by unanimous roll call vote.

B. Draft Sign Ordinance - Discussion Only

Chair Buszka asked Tricia Anderson to talk of the sign ordinance draft amendment and process. Ms. Anderson discussed the importance of adopting content-neutral sign codes, simplifying wording, and addressed the needed amendments. She will also provide the Commissioners with sample Sign Ordinances she has gathered from other communities, so they can see what a simplified, content-neutral sign ordinance looks like. The Planning Commission provided direction for Ms. Anderson to mark up the draft ordinance and bring it to the next meeting for their review.

6. UNFINISHED BUSINESS:

Chair Buszka mentioned that 200 Center has not resubmitted anything to the Planning Commission. Ms. Anderson stated that she is discussing the property with the attorney and bringing all concerns of the Planning Commission to their discussions for legal direction.

7. REPORTS

A. Planning and Zoning Administrator Report – Ms. Anderson stated that Saugatuck Public Schools is looking to split their bus lot and rezone to R-5 and C-1. Possible plans to build single family homes there and store busses on a different site at some point in the future when the right property can be purchased for that use.

B. Planning Commissioner Remarks -

Commissioner Seabert stated that he did not appreciate the email sent from the developers that offered to address each item as a condition of approval.

Commissioner Balmer wanted to recognize Center Street reduction in regard to parking in C-1 and options a parking masterplan for the overall issue.

Commissioner Pattison Stated that we need have some sort of regulation for Short-Term Rentals.

8. PUBLIC COMMUNICATION – VERBAL (LIMIT OF 3 MINUTES): None

9. ADJOURNMENT:

Motion to adjourn made by Commissioner Balmer, seconded by Seabert.

Submitted by Laura Kasper, Deputy Clerk

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From: [Suzanne Jansky](#)
To: anderson@williams-works.com
Cc: [Pam Alderink](#); [Jennifer Pearson](#)
Subject: Concerns Regarding Forest Gate Development Proposal
Date: Monday, February 13, 2023 7:02:12 PM

We are writing regarding the review process for the Forest Gate Condominiums development at 485 Ferry Street in Douglas. We use this forum to share some of our questions/concerns regarding this development.

Environmental impact/verification

We are aware a Phase 1 site analysis was completed by the Environmental Protection Agency. Has the city hired an environmental consultant to verify and substantiate this critical information as it relates to this development? Has a Phase 2 site analysis been proposed? This safeguard is vital considering the potential environmental hazard of the existing chemical plume.

Any construction will require disturbing previously contaminated soils. What are the risks that excavation poses, particularly to adjacent residents? How will the public be notified of such risks? Do the risks of exposure outweigh the prioritization of development at this particular location? What ongoing safeguards will be put into place to monitor chemical exposure levels if the development is approved?

As a matter of health and safety, this is a particularly concerning topic which requires advance and thorough due diligence along with continued discussion and communication with the public.

Impact on existing water and sewer utilities

Have studies been conducted in conjunction with Kalamazoo Lake Water & Sewer Authority to review the impact 90 new residences would have on the utility's capacity to provide adequate water supply, water pressure and sewer services? Have studies been conducted and shared with the developer and the public of such an impact? Who is ultimately responsible for researching and providing this information? How will the city hold the developer accountable for negative impacts this development could create?

Traffic impact

There is general knowledge of the seasonal high density traffic impact for Blue Star Highway, Wiley Road, and Ferry Street. Has a season specific traffic safety study been conducted by the City of Douglas? Has there been a study to determine the impact to traffic by the proposed 90 new residential units?

Please add this email to the public record of concerns and requests for information. We appreciate these concerns being given time and attention as we understand it requires resisting pressure to advance proposals.

Sue Neville and Sue Jansky
 426 Summer Grove Drive
 Douglas, MI 49406

Sent from my iPad

From: [RPizza](#)
To: [Rich LaBombard](#)
Cc: [Patricia Lion](#); [Nick Wikar](#); [Jennifer Pearson](#)
Subject: Re: Douglas Dump Site - New Development Wiley 2023
Date: Monday, February 13, 2023 3:23:51 PM

Hello Rich,

I was informed by our neighborhood news letter for Summer Grove, that a new large type housing development is being planned off of Wiley Road, and on the old golf course property. I am aware of the proposed plan for condominiums, at the site of the old factory, where there are still contaminated materials/ soils. Working for a large architectural/engineering firm in Los Angeles and Chicago, I am very knowledgeable of the issues related to large development and construction projects.

The email that I received regarding this planned development off of Wiley Road, with new houses is somewhat concerning. Specifically this area in the summer has extensive traffic issues, at the yellow signal corner of Wiley and Blue Star. Also from my understanding the new entrance into this new proposed development, would be off of Wiley Road close to the main entrance into Summer Grove. If this is accurate then the high traffic congestion at this corner in the summer, would present a potential safety hazard challenge at the corner of Wiley and Blue Star.

I am sure if this is proposed plan is again accurate, the public would have the opportunity to review and comment on the proposed development plan, as well as any upgrades to Wiley Road. I am sure that the City would hire a qualified traffic study consultant, to fully review all aspects of this new development with the increased traffic, and share it with the Public. Also with a new development extensive heavy construction vehicles will access this area, which will increase traffic and will be a safety issue, as well as a deterioration of the roadways.

Hopefully a full soil boring study will be required to determine the existing conditions. As you know contaminated soils can cause havoc if not tested properly, and all contaminated soils properly removed per government requirements.

Thank You,

Ralph Pizza
Summer Grove

MEMORANDUM

To: City of Douglas Planning Commission
Date: February 23, 2023
From: Tricia Anderson, AICP
Andy Moore, AICP
RE: **Forest Gate Duplex Condominium Project Discussion**

At the February 8, 2023 meeting, the Planning Commission reviewed the plan set for the Forest Gate development submitted by the applicant that depicts a duplex condominium development as opposed to the former 5-unit townhome development. The Planning Commission expressed their concerns (as detailed in the attached meeting minutes from February 8, 2023), and heard from the applicant, the public, and the interim planning and zoning administrator. Based on our recommendation, the Planning Commission unanimously voted to table the item, until such time that the applicant was able to address the concerns outlined in our report dated February 3, 2023. The motion did not include, however, any specific direction for staff in terms of following up to have independent consultants review the special studies submitted by the applicant as it relates to traffic impacts and environmental issues.

The purpose of this memorandum is to give the Planning Commission some context as it relates to (1) its authority to request independent consultant reviews of the special studies, (2) to bring to light the standards of site plan approval, and (3) to show how the action of having an additional review of special studies is tied to the determination of whether ALL standards are met.

Seciton 24.02(21)B.5. states the following:

The Zoning Administrator may be provided to the City Engineer, Planner and/or an independent traffic engineer or transportation planner to review and comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the applicant.

We are recommending that the Planning Commission make a motion to request further review of the special studies by a consultant of the City's choosing to ensure that the outline of information listed in Section 24.02(21)A was sufficiently submitted and to verify the conclusions presented regarding the impact of the contaminated soils on future residents. An independent consultant would also review the traffic study to evaluate the methods of data collection, variables, and conclusions, among other topics, and to provide comments to that effect.

The additional evaluation of the special studies that were submitted by the applicant will assist the Planning Commission in their analysis of the standards of site plan approval (outlined below)

if the applicant is able to provide a revised plan that addresses the items noted in our February 3, 2023 report, at an upcoming meeting.

Section 24.03 Site Plan Approval Standards

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

- 1) Drainage: Site plans shall fully conform with the surface water drainage standards of the County Drain Commission and/or the US Corp of Engineers if applicable.*
- 2) Traffic: Site plans shall fully conform with the driveway and traffic safety standards of the City, or as may be applicable, the Michigan Department of Transportation and/or the County Road Commission. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.*
- 3) Public Safety: Site plans shall fully conform with the applicable fire safety and emergency vehicle access requirements of the State Construction Code and the International Fire Code. Pedestrian circulation shall be reasonably isolated from the vehicular circulation system.*
- 4) Erosion: Site plans shall fully conform with the County Soil Erosion and Sedimentation Control Ordinance.*
- 5) Public Health: Site plans shall fully conform with the requirements of the Michigan Department of Public Health and the Allegan County Health Department.*
- 6) Compliance: Site plans shall fully conform with all applicable state and federal statutes and City ordinances.*
- 7) Hazardous Substances Management: The applicant shall demonstrate that reasonable precautions will be taken to prevent hazardous substances from entering the environment including:*
 - a) Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.*
 - b) Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.*
 - c) General purpose floor drains shall only be allowed if they are approved by the Kalamazoo Lake Sewer and Water Authority for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.*
 - d) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.*

- e) *Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the state Police Fire Marshall Division and the Michigan Department of Natural Resources.*
- f) *Bulk storage facilities for pesticides and fertilizers shall be in compliance with the requirements of the Michigan Department of Agriculture.*
- 8) *Natural Amenities: The development shall preserve, insofar as practical, the landscape in a natural state by minimizing tree and vegetation removal, topographic modifications and degradation of sensitive environments.*
- 9) *Screening: Loading, unloading areas and trash receptacles shall be adequately screened. (See Article 21 and Section 19.6.6). Exterior lighting shall be arranged so that it is deflected away from adjacent properties and to that it does not impede the vision of traffic along adjacent streets. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein or adjacent to the proposed site.*
- 10) *Signs: Site plans shall fully comply with the City Sign Ordinance*

Please feel free to reach out with any questions.

williams&works

engineers | surveyors | planners

MEMORANDUM

To: The City of the Village of Douglas Planning Commission
Date: March 1, 2023
From: Tricia Anderson, AICP
Andy Moore, AICP
RE: **Planning Commission Bylaws - Discussion**

Earlier this year, the Planning Commission discussed a desire to either adopt a resolution or amend their bylaws to the effect that would prohibit members of the Planning Commission from meeting with the applicant and staff with less than a quorum (less than 4 members) outside the setting of a public meeting, with the exception of the chairperson, who would be permitted to meet with the applicant and staff to discuss an application outside of a public meeting. We discussed this topic briefly with the Planning Commission and concluded that an amendment to the bylaws would be the most appropriate way to enact this new rule.

It should be noted that this type of meeting between the applicant and a group of Planning Commission members equating to less than a quorum outside of a public meeting setting is not a violation of the open meetings act, only when a staff member or consultant is facilitating the meeting. This type of meeting should not be confused with *ex-parte contact*. The desire of the Planning Commission is to simply add this prohibition as a new rule within the bylaws. An article from MSU Extension is provided that explains ex-parte contact.

While reviewing the current bylaws to find an appropriate area to insert the new rule, we noticed that there is a great deal of unnecessary language incorporated into the bylaws, such as procedural information as it relates to processing applications that the Planning Commission will act on and even procedures for processing applications that the Zoning Board of Appeals will act on. We would recommend that the Planning Commission consider updating the entire bylaws document to modernize and simplify the language. We have provided a sample ordinance that was drafted for a different community for the Planning Commission to review and decide if this is something they are interested in having us do.

Please feel free to reach out to us with any questions.

CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION

BYLAWS

As Amended:

August 6, 1984; June 10, 1984; August 20, 1986; October 16, 1995; April 14, 2021; **May 18, 2022.**

ARTICLE 1 **NAME OF COMMISSION**

The name of this organization shall be the Douglas Planning Commission.

ARTICLE 2 **AUTHORIZATION**

The Authorization for the establishment of this Planning Commission is set forth under Section 2 of Public Act 285 of 1931, the Municipal Planning Commission, and includes all duties and responsibilities incurred under Article II of Public Act 33 of 2008, the Michigan Planning Enabling Act, as amended; and shall also assume all duties of the Zoning Commission as prescribed according to Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.

Power and duties for planning and zoning of City of the Village of Douglas are delegated to the Douglas Planning Commission by the Douglas Village Council by Ordinance No. 79 of May 3, 1982 in accordance with the aforementioned enabling laws.

ARTICLE 3 **PURPOSE**

The following policies and procedures have been prepared to assist the City Council, Planning Commission, City Clerk, and other affected City officers in the administration of the City of the Village of Douglas Zoning Ordinance. These policies and procedures are intended as a quick reference and guide for the Village in implementing various procedures to follow regarding planned unit developments, special uses, variances, and rezoning requests. The procedure and requirements in processing applications in these areas are set forth in detail in the Zoning Ordinance, and in many cases it will be necessary for Council, the Planning Commission or others to review the Zoning Ordinance to make sure it's various provisions are complied with.

ARTICLE 4 **MEMBERSHIP**

Membership shall consist of seven or nine qualified electors of the City of the Village of Douglas, of whom up to three but no more than one-third of the members may be the Mayor, one or more member of City Council, and City Manager. All members shall be appointed by the Mayor, subject to approval by a majority vote of the members of City Council. Member's compensation shall be determined

from time to time by the City Council. Members shall be reimbursed for reasonable and necessary expenses incurred in the exercise of their duties.

The terms of the Mayor and City Council member(s) shall correspond to their official tenure, and the term of the City Manager shall correspond with the tenure of the Mayor. Annually, there shall be appointed two (2) members to the Commission, who shall serve for a term of three (3) years. Members shall hold their appointed office until their successors are appointed, except that the terms of the Mayor, City Council member(s), and City Manager shall in no case extend beyond their tenure as outlined above.

ARTICLE 5 DUTIES AND RESPONSIBILITIES

The Planning Commission shall meet at least once a month on a date and time set by the Commission and shall conduct all business related to the Zoning Ordinance involving the Planning Commission at such meeting. Officers of the Planning Commission shall be elected by its members annually. Officers will be the Chair, Vice Chair and Secretary. The Secretary is responsible for assisting with minutes of the meetings and providing the City Clerk with the original record of the minutes.

ARTICLE 6 OFFICERS

- Section 1 The officers of the Planning Commission shall consist of a Chair, Vice Chair and Secretary.
- Section 2 The Chair shall preside at all meetings and hearing of the Planning Commission and shall have duties normally conferred by parliamentary usage on such officers.
- Section 3 The Vice Chair shall act for the Chair in their absence. In the absence of both the Chair and Vice Chair, if a quorum is present, the members shall caucus and appoint a temporary Chair, who shall then preside for that meeting only.
- Section 4 The Secretary shall assist with findings of fact, written recommendations, minutes, and records of the Commission. Meeting minutes from the last regular meeting shall be presented to the commission at the following meeting.

ARTICLE 7 ELECTION OF OFFICERS

- Section 1 An annual organization meeting shall be held each year at the regularly scheduled May meeting of the Commission.
- Section 2 Nominations shall be made from the floor at the annual

organizational meeting and election of the officers specified Article 6 shall follow immediately thereafter, as set forth in Section 12.34 of Act 285.

Section 3 A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one (1) year or until their successor shall take office.

Section 4 Vacancies in office shall be filled immediately by regular election

ARTICLE 8 STAFF

Section 1 The Planning and Zoning Administrator shall be appointed by the City Council and shall be charged with the carry out the responsibilities of the Planning and Zoning Administrator as set forth in the Zoning Ordinance.

Section 2 The City Clerk shall be the primary record keeper for the administration of the Zoning Ordinance and shall receive applications and collect fees submitted pursuant to the Zoning Ordinance. The City Clerk shall further coordinate with the Mayor and/or the Planning Commission Chairperson, the scheduling of Public Hearings, arrange for newspaper publications, and generally coordinate the flow of information between the public, the Council, and Commission members, the Building Inspector, the Planning and Zoning Administrator, the City Attorney, and the City Engineer.

Section 3 The City Attorney shall assist the City Council and Planning Commission on such legal matters as may be required concerning the implementation, interpretation, and administration of the Zoning Ordinance. The City Attorney shall attend meetings and/or public hearings of the City Council and/or Planning Commission, when requested to do so by the Council, its Mayor, the Planning Commission, or its Chair.

Section 4 The City Engineer shall assist the City Council and/or the Planning Commission in the review of site plans, planned unit development proposals, rezoning requests, and such other matters which may arise from time to time within the Zoning Ordinance. The City Engineer shall attend meetings and/or public hearings of City Council and Planning Commission when so requested by Council, the Mayor, the Commission, or its Chair.

Section 5 The Building Inspector shall be responsible for all on-site

inspections during the various phases of construction once commenced following the issuance of a Building Permit. The Building Inspector shall insure that all construction is in compliance with the approved site plans and shall report any violations to the Planning and Zoning Administrator. The Building Inspector shall, when necessary, consult with the City Engineer and/or City Attorney to assure full compliance with the state and local construction code, as well as the Zoning Ordinance.

ARTICLE 9 MEETINGS

Section 1 Regular meetings shall be held monthly as scheduled by the Commission at the annual organization meeting, said schedule to be posted at City Hall. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting.

Section 2 A quorum shall consist of five (5) members. The number of votes necessary to transact business shall be five (5), except as provided in Act 285, Section 8, all votes shall be decided by a majority. Voting shall be by voice vote except when a member of the Commission requests a roll call vote.

All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present. No member of the Commission shall participate in the hearing or decision of such Commission upon any zoning matter other than the preparation and enactment of an overall or Comprehensive Plan, in which they are directly or indirectly interested in a financial sense. In the event of such disqualification such fact shall be entered on the records of the Commission.

Section 3 Special meetings may be called by the Chair or a majority of the Commission members, as deemed necessary.

Section 4 All meetings, or portions of meetings, shall be open to the public. All meetings will be conducted in accordance with Public Act 267 of 1976, known as the "Open Meeting Act".

Section 5 Unless otherwise specified, Robert's Rule of Order shall govern the proceedings at the meetings of this Commission.

ARTICLE 10 ORDER OF BUSINESS

The recommended order of business at regular meetings shall include;

- a. Call of order
- b. Roll Call
- c. Public Comment (limit 5 minutes please)
- d. Communications
- e. New Business
- f. Old Business
- g. Reports of Officers, Members, Committees
- h. Public Comment (limit 5 minutes please)
- i. Adjournment

- Section 1 Specific requests or applications received by the Commission prior to the meeting shall be listed under the appropriate heading.
- Section 2 A motion from the floor must be made and passed to dispense with any item on the agenda or change the order of the agenda.

ARTICLE 11 PUBLIC HEARINGS

- Section 1 In addition to those required by law, the Commission may hold public hearings when it is decided that such hearings will be in the public interest.
- Section 2 Subject to the provisions of any applicable State Act and/or County Ordinance, public hearings shall be held on; the adoption or amendment of a Master Plan, the adoption, amendment or consideration of a Special Use permit as authorized by a Zoning Ordinance, or the preliminary approval of a plat subdivision, or Planned Unit Development.
- Section 3 A petitioner who seeks to amend the Zoning Ordinance or other plan element shall file a petition with the Planning Commission through the office of the Planning and Zoning Administrator.
- Section 4 At a public hearing before the Commission, the petitioner shall first present the facts and arguments in support of the case and those who oppose the petitioner shall follow. The petitioner shall be given time for a rebuttal. There shall be no rebuttal of the rebuttal. To maintain orderly procedure, each side shall precede without interruption by the other. No record or statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.
- Section 5 In the presentation of a case the burden shall be upon the petitioner to supply all information, including charts diagrams, and other exhibits, necessary for a clear understanding of the problem. The

Commission may discontinue the hearing when in its judgment the petitioner has not provided sufficient evidence on which to make a determination.

Section 6 Every person appearing before the Commission shall abide by the order and directions of the Chair. Discourtesy, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the Commission directs. Every person shall state their name, address, and interest in the case at the start of the presentation.

Section 7 The Commission may continue or postpone the hearing of any case

ARTICLE 12 PLANNED UNIT DEVELOPMENTS

Section 1 The approval of applications for a planned unit development shall comply with Article 24 and Article 27 of the Zoning Ordinance, as amended.

Section 2 An application for preliminary development plan approval shall be obtained at the City Clerk's office and shall be submitted by the applicant to the City Clerk along with twelve copies of the application, plus the initial filing fee as set in the Schedule of Fees.

Section 3 The information requested on the application shall constitute the preliminary development plan and site application shall be returned to the applicant and shall not be accepted until complete.

Section 4 Upon receipt of the completed application and copies, the City Clerk shall transmit one (1) copy to the City Engineer, and one (1) copy to the City Attorney and shall further make available to each of the Planning Commission members a copy of the application.

Section 5 Upon receipt of the applications, the City Attorney and City Engineer shall review each application within thirty (30) days from date of receipt. If, after consultation with each other, they agree that the application is in compliance with the City Ordinance, they shall notify the City Clerk to schedule a public hearing on the application in accordance with Section 27.05 of the Zoning Ordinance.

Section 6 The public hearing shall be held before the Planning Commission. At the public hearing, the applicant shall present his proposed preliminary development plan to the public and shall answer such questions as may be presented to the applicant by the public. The Planning Commission shall further hear the comments of the public concerning the proposed plan. The Planning Commission shall not

be obligated to vote on the proposed plan the night of the hearing. The Planning Commission shall receive and consider written recommendations from the City Engineer and City Attorney concerning the proposed preliminary development plan. The Planning Commission may then approve, approve with conditions, or deny the proposed preliminary development plan. Approval must be by majority vote or a quorum of Planning Commission members. At the time the vote is taken, the Planning Commission members should state their reasons or basis for their vote. If a preliminary development plan is approved with conditions, those conditions shall be clearly stated and reduced to writing by the Commission Secretary. If the proposed preliminary development plan is denied, another plan will be considered only after a re-application is filed with the City Clerk.

- Section 7 The City Council does not have to approve the development plans in a planned unit development project. If the Planning Commission approves the preliminary plan, the applicant shall then submit a final development plan together with twelve (12) copies thereof to the City Clerk. The Clerk shall transmit a copy of the final development plan to the City Engineer for his recommendations and shall also make the said plan available to the City Attorney, as well as to the members of the Planning Commission.
- Section 8 Within thirty (30) days, the City Engineer shall submit his written recommendations and comments as to the proposed final development plan to the City Clerk's office for transmission to the Planning Commission. The Planning Commission shall then review the final development plan at its next available meeting, and shall consider the recommendations of the City Engineer, approve with conditions, or deny the final development plan. Any approval with conditions shall be reduced to writing and shall become a part of the final development plan. No alterations or changes shall be allowed thereafter without re-applying in accordance with the procedure for the original approval. No approval shall become effective until all fees and charges due the City have been paid.
- Section 9 In order to approve the final development plan, the Planning Commission must find that the purpose, objectives, and requirements of Article 27, as amended, of the Zoning Ordinance have been met. The purpose and objectives of the Ordinance are found in Section 27.01 and Section 27.02, as amended. If the plan generally does not meet these objectives, the final development plan should not be approved.

- Section 10 After approval of the final development plan by the Planning

Commission, a Building Permit will be issued; however, prior to issuance the Planning commission may, at its discretion, require a performance bond, irrevocable letter of credit or certified check be filed with the City Clerk by the applicant to ensure that the development will be executed in accordance with the approval of the final development plan.

- Section 11 Preliminary or final approval by the Planning commission of a planned unit development does not constitute site plan approval. Final site plans for the project or any portion thereof must be presented to the Planning Commission and acted upon as required by Article 24 of the Zoning Ordinance.

ARTICLE 13 SPECIAL USE PERMITS

- Section 1 Special uses are those uses that are allowed in various zone districts only with special approval of the Planning Commission. Only special uses, which are provided in Article 25 of the Zoning Ordinance, as amended, or elsewhere in the Ordinance, may be considered for approval by the Douglas Planning Commission.
- Section 2 A person requesting a special use may obtain an application for the same at the City Clerk's office, and shall submit the application to the City Clerk, together with the application fee.
- Section 3 After receiving the application, the City Clerk shall transmit copies of the application to the Planning Commission members. The City Clerk shall then have published in the local newspaper a notice that the special use request has been received. The notice shall contain the information specified in Section 25.02 of the Ordinance, as amended, and shall also be sent by Certified Mail or personally served on all owners of real property within three hundred (300) feet of the subject property, and to all occupants of all structures within three hundred (300) feet of the subject property as described in Section 25.02 of the Ordinance, as amended. The notice shall be sent or served and published not less than fifteen (15) days prior to the date at which time the application will be considered by the Douglas Planning Commission.
- Section 4 It should be noted that a public hearing is not required under the Ordinance unless it is specifically requested by either the Planning commission, the applicant, or a property owner or occupant within three hundred (300) feet of the subject property. Usually, a request for a public hearing will not be made; however, if such a request is made, notice of the public hearing shall be published in the local newspaper and mailed or personally served on all property owners or occupants within three hundred (300) feet of the boundary of the

property in question. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing is required. A decision by the Planning Commission on a special land use request shall not be made, however, unless notification of the request for special land use approval, or notification of a public hearing on a special land use request has been given.

Section 5 After the notices have been sent and published as required, and after a public hearing has been held, if one has been requested, then the Planning commission may approve, or approve with conditions, or deny the special land use request. Approval of the request shall be reduced to writing by the commission Secretary, and shall clearly state any conditions of approval, which have been made by the Planning commission. A copy of the approval, or approval with conditions, shall be sent to the applicant.

Section 6 When a vote is taken on a special land use request, the Planning Commission members shall state their conclusions and vie the basis for their decision. To grant approval, the Planning Commission must find the following:

- a. That the proposed use is intended to serve the area or neighborhood where located; and,
- b. That it can be conducted at the proposed location without interfering with the enjoyment of substantial property rights of the other owners in the surrounding vicinity.
- c. It should be noted that all home occupations which are approved as special used are subject to the limitations and conditions set forth in Section 16.04 of the Zoning Ordinance, as amended.

ARTICLE 14 VARIANCES

Section 1 The Zoning Board of Appeals has jurisdiction over requests for a variance under the Zoning Ordinance.

Section 2 An application for a request for a variance may be obtained at the City Clerk's office, and shall be submitted to the City Clerk, together with the required filing fee.

Section 3 Upon receipt of the application for a variance, the City Clerk shall send a copy of the application to the City Attorney and shall transmit one (1) copy to the Chair of the Zoning Board of Appeals.

- Section 4 Upon receipt of the application, the Chair of the Zoning Board of Appeals, in consultation with the City Clerk, shall schedule a date and time for the Zoning Board of Appeals to meet and consider the variance request. Notice of the meeting shall be sent to the applicant and to all property owners and occupants within three hundred (300) feet of the subject property. The notice likewise shall be published in the local newspaper. All notices shall be served and published not less than fifteen (15) days prior to the meeting date of the Zoning Board of Appeals to consider the request.
- Section 5 The Zoning Board of Appeals may grant a variance only in accordance with the standards and requirements as set forth in Section 29.05 of the Zoning Ordinance. Unless all of the requirements and standards can be met, the application for a variance must be denied. Also, if the Zoning Board of Appeals finds that the zoning requirements as written in the Ordinance can be met by the applicant, the application must be denied.
- Section 6 A majority vote of all the members of the Zoning Board of Appeals is required to approve a variance request except that a concurring two-thirds vote of all of the members of the Zoning Board of Appeals shall be required to grant a variance from uses of land permitted in the Zoning Ordinance.
- Section 7 The Board of Appeals may grant a variance subject to conditions, which shall be reduced to writing by the City Clerk and set forth on the variance approval. A copy of the approval with conditions shall be transmitted to the applicant by the City Clerk.
- Section 8 At the time of taking the vote on the application for a variance, the Board of Appeals members should state their conclusions and basis for their decision. If it appears that a practical hardship is not unique, but is a common hardship on other individuals, it shall transmit such findings to the Planning Commission, who may consider the appropriateness of amending the Zoning Ordinance if they so desire.

ARTICLE 15 REZONING

- Section 1 A rezoning request is a request to amend the Zoning Ordinance by changing the present zoning of a given area of land within the City, to a new zone.
- Section 2 An application for rezoning shall be obtained from the City Clerk's office and shall be submitted to the City Clerk, together with the

required fee. Twelve (12) copies of the application shall be submitted, in addition to the original application.

Section 3 Upon receipt of the application, a copy of the rezoning application shall be transmitted to each member of the Planning Commission, and to the Planning and Zoning Administrator.

Section 4 The City Clerk, when notified by the Planning Commission shall then schedule a public hearing to be held before the Planning Commission. Notice of the public hearing shall be published not less than fifteen (15) days prior to the hearing. A copy of the notice shall also be sent to the applicant, as well as to the owners of any other property, which lies within the area proposed to be rezoned. The notice shall contain the following information:

- a. The name of the applicant.
- b. The legal description of the property proposed to be rezoned.
- c. A description of the requested zoning change and a description of the present zoning.
- d. The date, time, and place of the public hearing.

(NOTE: That the notice does not have to be sent to property owners or occupants within three hundred (300) feet of the subject property, unless the property lies within the area requested for rezoning.)

Section 5 Notice shall also be sent to any public utility, or railroad within the district or zones affected by the request not less than fifteen (15) days prior to the public hearing. Such notification is required, however, only if such utility or railroad has registered with the City Clerk its name and address for the purpose of receiving such notice.

Section 6 After the public hearing has been held before the Planning Commission, it shall transmit its recommendations and findings to the City Council, which must subsequently vote on the rezoning request.

Section 7 At the meeting of the City Council, the rezoning request may be approved by a majority of the Council members unless a protest petition has been filed with the City Clerk and/or the City Council. If a proper protest petition has been filed, the request then can only be approved by a 2/3rds vote of the City Council.

Section 8 A protest petition is valid if it is signed by either the owners of at least twenty (20) per cent of the area of land included in the proposed zoning change; or the owners of at least twenty (20) per

cent of the land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included within the proposed zoning change. (Public land is excluded in calculating the twenty (20) per cent land area requirement.)

When voting on the proposed rezoning, the Council members should state their conclusions and the basis for their decision. This is especially important in these cases, if their decision is challenged in court, and will avoid a claim that the decision was made arbitrarily or capriciously and will avoid the court sending the request back to the Council for another vote so the basis for the decision can be established in the record. The City Clerk will record the vote and reasons given.

Section 9 Generally speaking, rezoning requests should be granted sparingly and only when the rezoning will not violate the general purposes and intent of the City land use plan on which the existing Zoning Ordinance is based. If the rezoning request will not violate the general intent and purposes of the land use plan and will be of some benefit to the public as well as the applicant, and where there are compelling reasons for changing the zoning plan, the City may grant the rezoning request.

Section 10 If the Council approves the rezoning request, the Zoning Ordinance shall then be amended by an amended ordinance prepared by the City Attorney and signed by the Mayor and the City Clerk. This amending ordinance shall then be published at least one (1) time in the local newspaper within fifteen (15) days from the date of its adoption. It shall contain the effective date of the ordinance and shall state the time and place where a copy of the amending ordinance may be purchased or inspected.

ARTICLE 16 SITE PLAN REVIEW

Section 1 Applications for site plan approval must comply with Article 24 of the Zoning Ordinance as amended and shall be made on an application available at the City Clerk's office.

Section 2 A site plan application and subsequent approval by the Planning Commission is required for all land uses, except permitted detached single-family dwellings and two-family dwellings.

Section 3 The applicant shall file the application together with twelve (12) copies with the City Clerk's office and be advised at that time that

the applicant will be billed for the City's actual costs in reviewing the application. Upon receipt of the application, the Clerk shall make available copies to the individual commission members, and, if necessary, the City Engineer and/or City Attorney. The application shall also be sent to the Planning and Zoning Administrator for written opinion. Within forty-five (45) days of the filing of the application, the Planning Commission shall review the application and either denies the application or grant approval of the application. If the Planning Commission denies the application, it shall state its reasons for denial. If the Planning Commission requires that the site plan be revised, it shall notify the applicant of revisions which are requested, and the applicant shall then resubmit the site plan with the revisions required.

- Section 4 After the site plan has been approved, one (1) copy of the application shall be returned to the applicant by the City Clerk indicating that approval has been granted, and that a Building Permit may be issued. A copy of the zoning application for the building permit, signed by the Planning and Zoning Administrator will also need to be presented before a permit can be issued.
- Section 5 The Planning Commission, in considering a site plan, shall follow the standards provided in Section 24.03 of the Zoning Ordinance.
- Section 6 In approving a site plan, the Planning Commission may require that a bond or other financial guaranty be furnished by the applicant to ensure compliance with the approved plan.
- Section 7 The City Clerk shall determine the cost to the City in approving the site plan and shall bill the applicant in accordance with such costs as soon as possible after the review procedure has been completed. No approval shall be effective until all such charges have been paid in full to the City.
- Section 8 It should be noted that Public Hearings or notices to surrounding property owners are not required under Article 24 for site plan review, when not associated with a Planned Unit Development.
- Section 9 A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance and the conditions imposed there under, other applicable ordinances, and State and Federal statutes.

ARTICLE 17 FINAL DISPOSTION OF CASES

- Section 1 The final disposition of any case shall be in the form of an order

setting forth the findings and determinations of the Commission together with any modifications, specifications, or limitations which it makes, with reasons, therefore.

Section 2 The Commission may dismiss a case for lack of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two consecutive meetings, the case shall be dismissed.

Section 3 A petitioner may not withdraw a case after a roll call vote has been ordered by the Chair.

Section 4 A case which has been withdrawn by the petitioner shall not again be placed on the docket for consideration within a period of twelve (12) months after the date of withdrawal.

Section 5 A case which has been decided adversely to the petitioner shall not again be placed on the docket for consideration until twelve (12) months after the date of decision.

Section 6 A record shall be kept of those speaking before the Commission at such hearings.

ARTICLE 18 AMENDMENTS

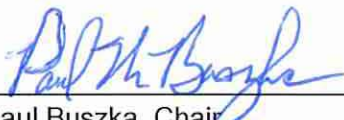
Section 1 Amendments to these rules of procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the entire membership of the Commission.

Section 2 The suspension of any rule may be ordered at any meeting by a unanimous vote of Commission members present.


Motion: Pattison, Seibert

YEAS: 7 NAYS: 0 ABST: 0; Bylaws Declared: Adopted, May 5, 2022.

Certified By:


Paul Buszka, Chair
Douglas Planning Commission

July 6, 2022
Date:


Pam Aalderink, City Clerk
City of the Village of Douglas

July 6 2022
Date:

PLANNING COMMISSION
BY-LAWS

Community Name

Adopted

[insert date]

Prepared by

[Community name] PLANNING COMMISSION

BY-LAWS AND RULES OF PROCEDURE

I. AUTHORITY.

These By-laws and Rules of Procedure are adopted by the [community name] Planning Commission (hereinafter referred to as the "Commission") pursuant to the Michigan Planning Enabling Act, Act 33 of 2008, as amended, and the [community name] Ordinance, as amended.

II. MEMBERSHIP.

A. Members

The Planning Commission shall consist of seven (7) members, or such other number determined by the [legislative body] and authorized by law, who shall be appointed in accordance with the [community name] Zoning Ordinance.

B. Officers

1. Officers and their selection. At the first meeting of the Commission in the calendar year, the Commission shall select from its membership a Chairperson and Vice-Chairperson, who shall serve for a one (1) year period and who shall be eligible for reelection.
2. Duties. A Chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The Vice-Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office in which case the Commission shall select a successor to the office of Vice-Chairperson at the earliest practical time. The [legislative body] member of the Planning Commission shall not be eligible to serve as Chairperson of the Planning Commission in accordance with the Michigan Planning Enabling Act, and by default, cannot become Vice-Chairperson.
3. Tenure. The officers shall take office immediately following their election. The term of each member shall be three (3) years, and until a successor is appointed and qualified, except that a [legislative body] member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the [legislative body]. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding three (3) years, so that terms will expire in

different years. A successor shall be appointed not more than one month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

C. Secretarial Duties

1. Secretary. The Commission may select from its membership a Secretary or it may select a non-member to act as Secretary. The Secretary shall have the responsibility of keeping the minutes or record of all meetings and other pertinent records, conducting all necessary correspondence, and performing such other administrative duties as are designated by the Commission.
2. Zoning Administrator. The Zoning Administrator or other person authorized by the [legislative body] shall be responsible for preparing and giving all notices of public hearings and meetings, preparing, posting and otherwise serving all Open Meetings Act meeting notices, notifying Commission members of meetings, delivering communications, petitions, reports and related items of business to the Commission, and preparing all written decisions or orders of the Commission.

- D. Membership Rules. The [legislative body] may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. It shall be considered an act of nonfeasance if a member has three (3) consecutive unexcused absences from regularly scheduled meetings or if a member misses at least fifty percent (50%) of the meetings, both regular meetings and special meetings, within a twelve (12) month period. As the first step in the removal proceedings, the Secretary shall prepare a memorandum requesting that the member resign. If the member fails to resign, a request shall be made by the Commission to the [Mayor/Supervisor – Appointing official] to take the next step in the removal process.

- E. Annual Report. The Commission shall prepare and submit to the [legislative body] an annual written report concerning the Commission's operations during the preceding year and the current status of its planning and zoning activities, including, if desired, recommendations concerning actions by the [legislative body] related to planning and zoning within the City. The annual report to the [legislative body] shall be prepared and submitted during the first month of each calendar year, covering the preceding calendar year, or as soon thereafter as practicable.

III. MEETINGS.

A. Types of Meetings

1. Regular meetings. Regular meetings of the Commission may be held in the City Hall on a date established by the Commission at the first meeting of the Commission in the calendar year. The date, time and place shall be posted at the City Hall no later than ten (10) days after the date of the meeting establishing the regular meeting dates. Any changes in the date, time or place of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission may select suitable alternate dates in the same month in accordance with the Open Meetings Act.
2. Special meetings. Special meetings may be held at the call of the Chairperson, or they may be scheduled in advance during a regular meeting; and in both instances, at least two (2) days' notice shall be given in advance of the meeting by posting a copy of the notice at the City and by mailing or delivering a copy of the notice, or by contacting each member of the Commission.

B. Place of Meetings

Regularly scheduled meetings may be held in City Hall. Whenever the regular meeting place of the Commission shall appear inadequate for members of the public to attend, the Chairperson may change the meeting to a larger facility located in or near City Hall. A notice of such change shall be prominently posted on the door of the regular meeting place.

C. Time of Meetings

Regularly scheduled meetings shall begin at 7:00 PM unless the Commission has established by majority vote an earlier or later starting time. The Commission shall not begin considering any matter on the agenda not yet under consideration by the hour of 10:30 o'clock in the evening except by unanimous consent of the Commission members present. Matters on the agenda and not yet acted upon at the time of adjournment will be placed on the agenda of the next regular meeting or special meeting, if one is called.

D. Change in Schedule of Regular Meetings

Changes in the schedule of regular meetings shall not be made except upon the approval of a majority of the Commission members in attendance.

E. Notice of Meetings

1. Regular meetings. Dates of regular meetings of the Commission shall be established at the Commission's first meeting of the calendar year and notice of the dates, time and place of such meetings shall be posted in a conspicuous place at the City Hall within ten (10) days of the establishment of said meeting dates and copies of the schedule of regular meetings shall be delivered or mailed to each member of the Commission. Any changes in the date, time or place of a regular meeting shall be posted at the City Hall within three (3) days after the meeting at which the change is made and at least two (2) days before the rescheduled regular meeting, and notice of the change shall be given to each member of the Commission at least two (2) days before the rescheduled meeting.
2. Special meetings. Notice of special meetings shall be posted in a conspicuous place at the City Hall and given to each member of the Commission at least two (2) days before the special meeting. Such notice shall be served by the Zoning Administrator upon the members personally, left at the member's usual place of residence, or mailed to them in ordinary first-class mail. The notice shall contain the date, time, place, and purpose of the meeting.
3. Notification to media and others. The Zoning Administrator shall notify, without charge, any newspaper or radio or television station of such meeting schedule, schedule changes, or special meetings, whenever such newspaper or radio or television station shall have filed with the Commission a written request for such notice. The Zoning Administrator shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule, or special meetings, but only upon their written request. The Zoning Administrator shall mail all such notices by first class mail.

F. Quorum

In order for the Commission to conduct business or take official action, a quorum consisting of at least four (4) of the seven (7) members of the Commission shall be present. When a quorum is not present, no official action, except closing of the meeting, may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. In the event the Commission shall meet and a quorum is not present, the Commission, upon the action of a majority of those present, may adjourn the meeting to another day provided that proper notice is given to the members and to the public.

IV. PUBLIC HEARINGS.

A. In General

If the time for notice allows, meetings at which public hearings are held shall be scheduled for the next regular or special meeting.

B. Notice of Public Hearings

Public hearings shall be scheduled and due and proper notice shall be given in accordance with the [community name] Zoning Ordinance and the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

C. Conflict of Interest

1. Disqualification from participation as a member. A member shall be disqualified from participating and voting on any issue in which the member has a conflict of interest. If a Commission member has disclosed a conflict of interest, or if the Commission has determined by majority vote that a member has a conflict of interest, the Commission member shall depart from the table and shall not participate in any way in the matter.
2. Definition of conflict of interest. A member of the Commission shall be deemed to have a conflict of interest as to any matter or proceeding pending before the Commission if, without limitation: (1) the member has a direct or indirect pecuniary or financial interest in the outcome of the matter at issue; or (2) the matter at issues involves the member's business or place of employment; or (3) participation in making a decision might violate the letter or spirit of a member's code of professional ethics or responsibility; or (4) the member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
3. Raising issue of conflict of interest. Although the issue of whether or not a member has a conflict of interest should be raised by the member who believes he/she has a conflict of interest, the issue of a conflict of interest may also be raised by another member of the Commission or by the applicant for the matter at hand. The issue should be raised prior to the commencement of the public hearing or the discussion on the subject matter or as soon as the conflict of interest is discovered.
4. Determination of issue of conflict of interest. The determination of a conflict of interest shall be made by the Commission upon motion of the member claiming a conflict of interest or upon motion of

another member of the Commission, and by majority vote of those present and voting.

5. Grounds for removal. Failure of a member to raise the issue of a possible conflict of interest and to have the Commission rule upon it shall constitute malfeasance in office and shall be grounds for removal from office.

D. Conduct of a Public Hearing

1. Opening remarks by the chairperson. The Chairperson of the Commission shall officially open the hearing and he/she shall provide a brief description of the subject of the hearing and any history or other information which might be relevant to the hearing.
2. Announcement of hearing rules. The Chairperson or shall also announce the following hearing rules:
 - a. This is a public hearing designed to receive comments on the above subject. Only comments regarding this subject will be accepted, and the Commission and applicant for relief will not be required to answer questions posed by members of the public unless deemed appropriate by the Chairperson.
 - b. All persons wishing to comment shall be given an opportunity to do so.
 - c. The person addressing the Commission should state his/her name and address and make comments directly to the Commission.
 - d. Each person speaking shall limit his/her comments to three (3) minutes.
 - e. Everyone shall have an opportunity to speak before a person is allowed to speak a second time.
 - f. If at any time during the hearing, the Chairperson feels no other relevant comments are being stated or the public is out of order, a motion may be requested to close the public hearing. The Chairperson may, at his/her discretion, terminate unreasonably repetitive, irrelevant, or lengthy comments which are non-productive to the issue at hand.
3. Remarks and/or recommendations by others. The Commission may allow the Zoning Administrator, Planner, Attorney, or other

consultant to address the Commission in regard to the matter at hand to make a recommendation if the Commission deems it appropriate.

4. Conduct of the Public Hearing

- a. Presentation by Applicant. This shall include remarks by applicant or spokesman for applicant directed to the Planning Commission, if any.
- b. Reading or summary of written correspondence received by the Planning Commission;
- c. People in audience addressing the Planning Commission with regard to the application;
- d. Applicant's response. The Planning Commission may provide the applicant with an opportunity to respond to matters raised by the public or to questions posed by the Planning Commission.

7. Deliberations

- a. Upon conclusion of the presentations and relevant public comment, the Chairperson shall close the public portion of the hearing for Commission deliberations. No further input shall be allowed from the applicant or public after commencement of deliberations unless specifically requested or permitted by the Commission.
- b. Deliberations should involve the following:
 - (1) A discussion among the members of the Commission;
 - (2) Formulation of a motion rendering a decision on the matter before the Commission, which motion must include the reasoning or rationale in support of the decision, and any conditions imposed.

- 8. Voting on motion. Before the motion is voted upon, it may be restated by the Secretary for purposes of clarifying the meaning of the motion. The motion should then be voted upon, with all members present voting and without any member abstaining.

9. Announcement of decision and adjournment. The announcement of the results of the voting and the meaning of the decision should be done by the Chairperson.

V. CONDUCT OF MEETINGS.

A. Order of Business

The order of business at a Commission meeting shall be as follows:

- I. Call to order.
- II. Roll call.
- III. Approval of minutes of previous meeting.
- IV. Approval of agenda.
- V. Public comments and communications concerning items not on the agenda.
- VI. Old business (any unfinished or ongoing business).
- VII. New business.
- VIII. Public hearing(s).
- IX. Other matters to be reviewed by the Commission.
- X. Administrative items.
- XI. Adjournment.

Where a meeting includes a public hearing, consideration of old and new business may be waived to allow more time for consideration of the subject of the hearing.

B. Motions

Motions for decisions on matters before the Commission may be restated by the Secretary before a vote is taken. The name of the maker and supporter of the motion shall be recorded and the reasoning or rationale for the decision shall be clearly stated in the motion, along with any conditions, if applicable.

C. Voting

Voting shall ordinarily be by voice vote; provided, however, that a roll call vote may be required if requested by any Commission member or directed by the Chairperson. All members of the Commission, including the Chairperson, except where it has been determined that the member has a conflict of interest, shall vote on all matters. A member shall be excused from participating and voting if that person has been determined to have a conflict of interest pursuant to IV, C hereof. No member shall abstain from voting unless it has been determined that he has a conflict of interest.

Unless otherwise required by law, an affirmative vote of a majority of the Planning Commission members present and voting shall be required for the approval of any motion, resolution or other action or decision by the Commission.

D. Rules of Order

All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedures as governed by *Robert's Rules of Order*.

E. Minutes or Record of Meeting

The Secretary of the Commission shall maintain or keep minutes or a record of its proceedings and copies of the minutes or record shall be filed in the office of the City Clerk, and they shall be a public record. The minutes shall contain a brief synopsis of the meeting, including a complete statement of all motions and recording of votes; a complete statement of the decision or recommendation, including any conditions thereto, made on any action taken by the Commission; and a recording of attendance. All correspondence and other communications, any written resolutions, decisions or other documentation of action taken, any exhibits submitted at hearings shall be attached to the minutes or other record of the proceedings.

VI. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS.

A. Open Meetings Act

1. All meetings of the Commission shall be held in accordance with the Open Meetings Act, Act 267 of 1976, as amended (MCL 15.261 et. seq).
2. All deliberations and decisions of the Commission shall be made at a meeting open to the public.
3. A person shall be permitted to address a hearing of the Commission under the rules established in Subsection IV, D, and to address the Commission concerning non-hearing matters under the rules established in Subsection V, A, to the extent that they are applicable.
4. A person shall not be excluded from a meeting of the Commission except for a breach of the peace committed at the meeting.

B. Freedom of Information Act

All records, files, publications, correspondences and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

VII. AMENDMENTS.

These By-laws and Rules of Procedure may be amended by the Commission by a concurring vote of the majority of those Commission members present for the conduct of business during any regular or special meeting, provided that all members have received in advance a copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

VIII PLANNING COMMISSION APPROVAL.

Planning Commission Approval. These By-laws and Rules of Procedure and any amendments shall be approved by the Planning Commission.

Revisions to these By-laws were adopted by the Planning Commission at a regular meeting held on [insert date].

Planning Commission Secretary

Avoid ex parte contact to ensure impartiality

Kurt H. Schindler, Michigan State University Extension - July 23, 2012

While it's difficult to avoid ex parte contact, it's important for planning commissions and boards of appeals to do so.

For members of a local planning commission, or zoning boards of appeals, it is particularly difficult to avoid having *ex parte* contact.

Ex parte contact happens when a member of a planning commission or zoning board of appeals (ZBA) are contacted by someone outside of the meeting concerning a pending issue, such as approval of a special use permit, planned unit development, site plan, or appeal. This type of contact should be avoided.

But to many, avoiding this type of contact is counter-intuitive. We believe one should hear concerns and listen. That is, after all, local representative government. So this becomes a big concern whenever presenting an education program on planning and zoning ethics.

But here is the other side of that coin: if a member of the planning commission or ZBA has a conversation on the street, etc. then how does someone else ever know what was said and have an opportunity to respond, supporting the conversation or refuting it? That basic level of fairness is important and what a planning commission and ZBA should strive for.

It is similar to going to court. You expect the judge to be fair and neutral. You expect that both sides to hear what the other has to say, and you have a fair opportunity to respond. If you did not even know the conversation took place, let alone what was said, you do not have any ability to respond. You would not expect the judge to be swayed by some talk about the case s/he had outside the courtroom.

In Michigan, planning commissions and ZBAs are administrative bodies. They are ~~duty-~~ bound to make decisions based on standards (found in the zoning ordinance), not Item 5C. what the popular majority wants. Representing the will of the majority of electors in a community is the job of the legislative body – the township board, village council, city council or county board of commissioners. It is not the job of the planning commission or ZBA.

The planning commission and ZBA need to behave closer to the expectation of fairness one has for a court. Some basic points are:

- Make sure that every member of the planning commission, ZBA, gets to hear everything that is said.
- What is said should be said at a public meeting, not elsewhere.
- Members of a planning commission and ZBA should not pre-judge a case.
- Make sure that others also hear everything that is said, and that others have an opportunity to respond.

The basic idea is that all members and all people that are interested enough to be at the meeting can hear all sides of an issue, and can add to or respond to what has been said. One federal court said it well:

“Parties at the hearing . . . are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the material, having had no prehearing or *ex parte* contacts concerning the question at issue” – *Fasano V., Board of County Commissioners of Washington County*.

So what does a planning commissioner or ZBA member do when someone stops you on the street or during a site inspection? Explain to them about *ex parte* contact, ask them to attend the meeting or hearing and share their concerns so everyone can hear, or write a letter to the commission or ZBA.

If this approach fails, then as soon as you can, take detailed notes on what that person said. At the hearing or meeting, explain that the person spoke to you and would not stop, that you tried to get them to attend the meeting, but to the best of your ability this is what was said. Then using your notes, repeat what you were told. Name the person you are reporting about. This is not perfect, but it gets the comments on the record at the meeting and allows others to hear and respond.

Often issues of *ex parte* contact occur during site inspections. So the planning commission and ZBA should talk through how they want to handle this and should outline their procedures in their bylaws (planning commission) or rules of procedure (ZBA). Samples of both can be found at on [Schindler's Land Use Page](#).

Item 5C.

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MEMORANDUM

To: The City of the Village of Douglas Planning Commission
Date: February 23, 2023
From: Tricia Anderson, AICP
 Andy Moore, AICP
RE: **Draft Sign Ordinance - Discussion**

At the February 9th meeting, the Planning Commission discussed the desired direction for the sign ordinance. The consensus of the Planning Commission at this meeting was that, although the previous draft of the revised sign ordinance received a favorable recommendation to the City Council for its approval, they felt that the added upgrades recommended in our memorandum dated February 2, 2023 related to content neutrality and simplification would be beneficial and necessary in a revised sign ordinance draft.

In addition to making changes that would achieve content neutrality, the new draft of the sign ordinance includes the following:

- An Applicability section.
- A simplified section relating to the intent and purpose of the sign ordinance.
- A comprehensive list of definitions. We noted that the old sign ordinance, the previous draft of the sign ordinance and the existing Article 2, Definitions of the zoning ordinance does not contain any sign-related definitions.
- Graphics associated with the definitions and other areas of the draft where a visual would be helpful.
- A section dedicated specifically to sign permit procedures, referencing Section 23.03 of the zoning ordinance, along with a simplified list of signs considered “exempt”.
- A section that speaks to regulations that are applicable in all zoning districts, which includes simplified regulatory language for illumination standards digital signs and static signs, abandoned signs, safety standards, etc.
- Tables provided for signs in each zoning designation, providing for easy look-up of form, number, location, area, and illumination limitations.
- Revised “off-premise” signs section to simplify and tailor to billboards specifically.
- Revised nonconforming section for simplification, and incorporated the “revokable license agreement” within that section.

The task of the Planning Commission at the upcoming meeting is to review the proposed draft and provide any feedback for us to make additional adjustments to meet the needs of the community.

Please feel free to reach out to us with any questions.

ARTICLE 22: SIGNS

Section 22.01 Applicability

This article applies to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the City of the Village of Douglas.

Section 22.02 Intent

The intent of this article is to provide regulatory parameters for the location and manner of display of signs in the City in a manner consistent with the following purposes:

- A. To protect and further the health, safety and welfare of the City's residents, property owners, and visitors.
- B. To prevent traffic hazards and pedestrian accidents caused by signs that obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- C. To conserve and enhance community character.
- D. To promote uniformity in the size, number or placement of signs within districts.
- E. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- F. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communicate.
- G. It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
- H. The purpose of this article does not include the regulation of the content or any information included on the sign.
- I. The regulations and standards of this chapter are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values.

Section 22.03 Definitions

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions are also referenced in Article 2, Definitions.

1. **Abandoned sign.** A sign for which no legal owner can be found; or a sign that is dilapidated, has fallen into disrepair or otherwise exhibits characteristics of abandonment in the opinion of the Zoning Administrator.

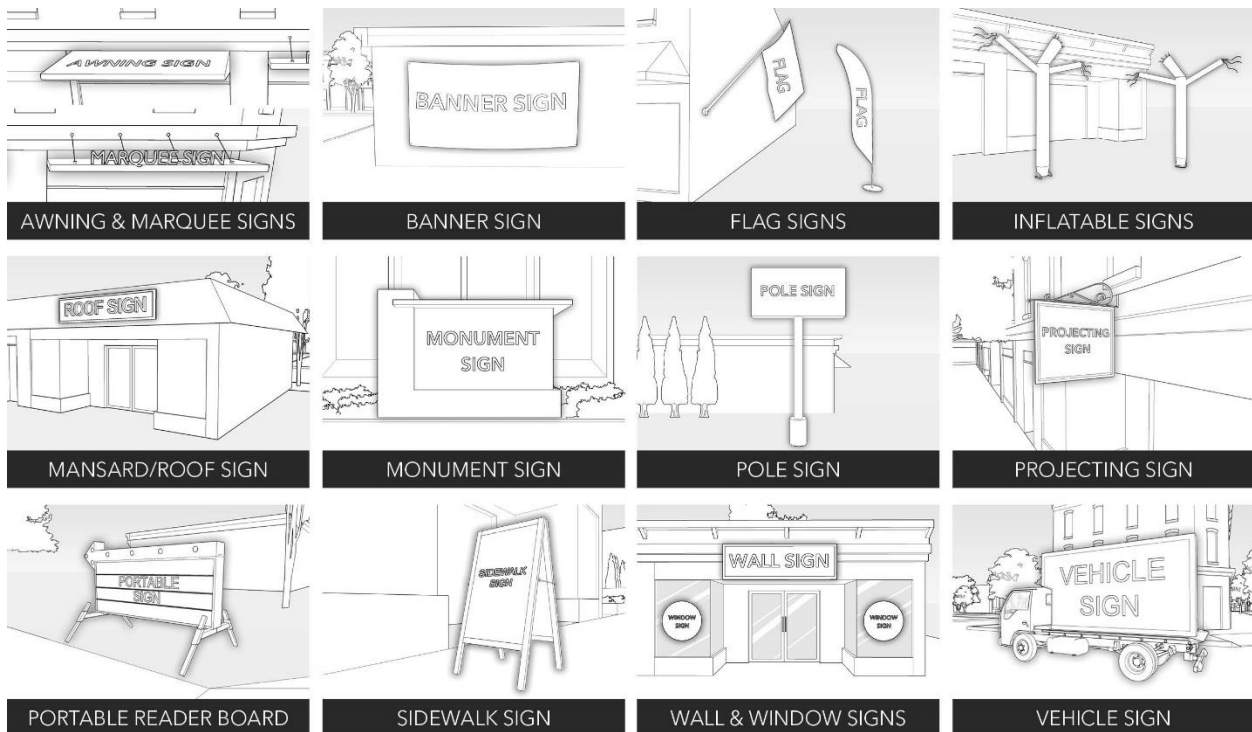
2. **Architectural Feature.** An integral element of a building that does not contain any discernable message.
3. **Artwork.** Any decorative element that is not integral to a building and does not contain an immediately discernable message or representation.
4. **Awning.** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.
5. **Awning sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
6. **Balloon Sign.** See *inflatable sign*.
7. **Banner Sign.** A sign made from fabric, plastic, vinyl, or other non-rigid material. A banner sign will be defined as one of the following:
 - a. **Banner Sign, Temporary.** A temporary sign of made from fabric, plastic, vinyl, or other non-rigid material without an enclosing structural framework attached to or hung from a pole, rope or to a building or structure.
 - b. **Banner Sign, Permanent.** Wall signs made exclusively from plastic, vinyl, or other non-rigid materials that are permanently affixed to the wall of a building with fasteners. Permanent banner signs may or may not have a frame surrounding the sign area. All permanent banner signs must be maintained in an orderly manner and replaced as necessary.
8. **Building Frontage.** The width of a building façade as viewed from the exterior
9. **Exempt sign.** A sign that is exempt from either a sign permit or from the provisions of this entire article, as described in Section 22.03.B
10. **External Illumination.** Lights designed to illuminate a sign that are not located within the sign itself.
11. **Festoons.** A string of ribbons, tinsel, flags, pennants, or pinwheels.
12. **Flag sign.** A lightweight piece of cloth, fabric, or other similar material that is attached either to a pole used exclusively for the purpose of flag display or attached to a permanent building using a flag pole bracket.
13. **Flashing sign.** A sign that contains a rapidly intermittent or changing light source.

14. **Footcandles.** A unit of illumination on a surface equal to one lumen per square foot, which is used to measure the brightness of a sign containing internal or external illumination or digital signs displayed on a screen.
15. **Freestanding sign.** A sign not attached to a building or wall that is supported by one or more poles or braces or that rests on the ground or on a foundation resting on the ground.
16. **Government sign.** A sign that is erected or required to be erected by the City of the Village of Douglas, Allegan County, or the state or federal government.
17. **Illegal sign.** A sign that does not meet the requirements of this chapter and that has not received legal nonconforming status.
18. **Inflatable sign.** Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a character, figure, product or product trademark, whether or not such object contains a message or lettering.
19. **Internal Illumination.** Lights designed to illuminate a sign from the interior of the sign itself.
20. **Mansard Roof.** A sloped roof or roof-like façade architecturally comparable to a building wall.
21. **Mansard sign.** A sign that is mounted, painted on, or attached to a mansard.
22. **Marquee.** A permanent structure constructed of rigid materials that project from the exterior wall of a building.
23. **Marquee sign.** A sign affixed to the surface of a marquee.
24. **Monument sign.** A freestanding sign supported by a base that rests directly on the ground, where the width of the base is at least 50 percent of the width of the sign.
25. **Non-conforming sign.** A sign that does not conform to this chapter.
26. **Painted wall sign.** A sign that is applied with paint or similar substance on the face of a wall or the roof of a building.

27. **Pole sign.** A free-standing sign that is supported by a structure, pole(s), or brace(s) that are less than 50 percent of the width of the sign.
28. **Pennant.** A flag or cloth that tapers to a point.
29. **Projecting sign.** A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 48 inches from the face of the building or wall.
30. **Reader board sign.** One of the following:
- a. **Manual reader board.** A sign on which the letters or pictorials are changed manually or;
 - b. **Electronic reader board.** A sign with a fixed or changing display or message composed of a series of lights or digital images and text that may be changed through electronic means.
 - c. **Portable reader board.** A sign where, by its nature may be or is intended to be easily moved from one location to another, typically a sign supported on a metal chassis and may include copy that can be changed manually through the use of attachable characters, but not including sidewalk signs, banners, etc.
31. **Multi-vision sign.** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.
32. **Roofline.** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
33. **Roof sign.** A sign that is attached to or is placed on the roof of a building.
34. **Rotating sign.** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of the changeable copy.
35. **Sidewalk sign.** An A-frame sign that is portable and designed to be placed on the sidewalk in front of the use it advertises. Also commonly called a "**sandwich board sign.**"
36. **Sign.** A device, structure, fixture, figure or placard that may or may not use graphics, symbols, emblems, numbers, lights and/or written copy to communicate information of any kind to the public. House numbers,

addresses, and name plates not exceeding two square feet shall not be considered signs.

37. **Permanent sign.** A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.
38. **Temporary sign.** A sign installed for a limited period of time, intended to be removed within a time period as specified herein. Examples of temporary signs include, but are not limited to, wire-framed signs, banners, feather flags, balloon signs/air dancers and signs with wooden or metal supports that are placed into the ground, without a permanent foundation. Temporary signs are not designed to withstand wind and snow loads as prescribed in the Michigan Building Code.
39. **Snipe sign.** A sign that is attached to a utility pole, tree, fence, or to any object located or situated on public property, or private property without permission.
40. **Streamers.** A long, narrow strip of material used as a decoration or symbol.
41. **Wall sign.** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.
42. **Window sign.** A sign installed inside a window and intended to be viewed from the outside.
43. **Vehicle sign.** A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, buses, boats, trailers, semi-trailers or airplanes.
44. **Wireframe sign.** A temporary sign made of corrugated plastic, vinyl, cardboard, poster board or similar material that is supported by or attached to a metal frame.



SIGN TYPES. FIGURE 22.1

Section 22.04 Sign Permit Procedures

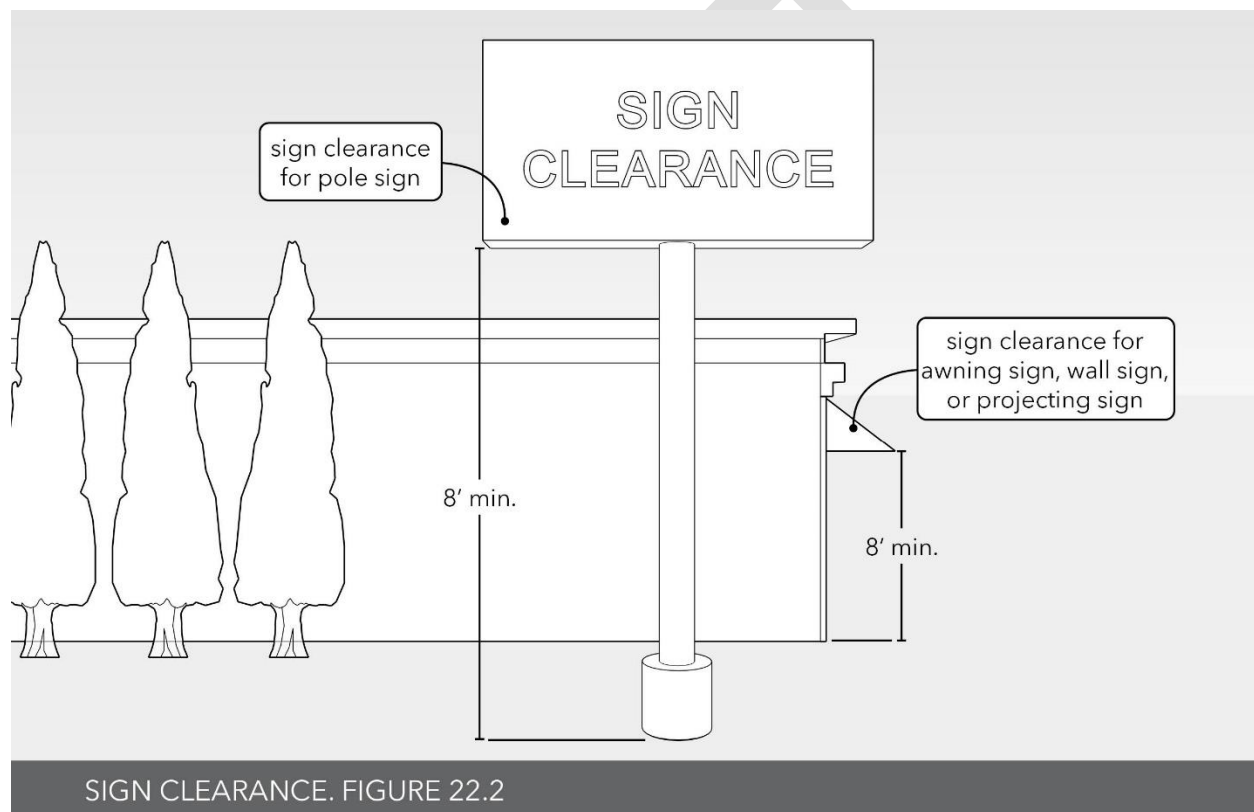
- A. Permit Required. Prior to the commencement of the erection, alteration or structural change to a sign or other advertising structure, with the exception of the signs listed in Section 22.04.B and identified as “exempt”, a zoning permit must be obtained in accordance with the process set forth in Section 23.03, Permit Procedures and Regulations.
- B. Exempt Signs. The following signs shall not require a permit but shall be subject to all other applicable regulations of this article.
 1. Government signs, including wayfinding, identification and light pole banner signs.
 2. Signs with an area of less than one square foot.
 3. Traffic control signs approved and established by state, county or local units of government.
 4. Internal site traffic circulation and wayfinding signs on private property.
 5. Window signs, provided no flashing lights are used in conjunction with the window sign.

6. Flags and flagpoles, provided no more than 3 flag poles are erected at a height not to exceed 35'.
7. Wire framed temporary signs as regulated in Section 22.04.20.

Section 22.05 General Provisions for Signs in All Districts

The following regulations are applicable to signs in all zoning districts:

1. **Vertical Clearance.** Any pole sign, awning sign, wall sign, and projecting sign shall maintain a minimum vertical clearance of eight feet from the bottom of the sign to the ground directly beneath the sign.



2. **Vehicle Signs.** Vehicles that bear signs (see Figure 22.1) may be parked on-site provided they are located in such a manner that they do not function as signs as prohibited by Section 22.06 of this Article.
3. **Nonconforming Signs.** Any permanent sign that has been erected prior to the adoption of this Article that does not comply with the provisions with regard to size, quantity, location, illumination, etc. of this Article as contained herein.

4. **Sign Measurement.** Except where otherwise expressly provided for in this article, sign copy area and heights of signs shall be measured in accordance with the requirements below, and per the illustration shown in Figure 22.3:
- The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame, architectural feature or other material or color-forming part of the display or used to differentiate the sign from the background against which it is placed.
 - The height of a freestanding sign shall be measured as the vertical distance from the highest point on the sign to the grade of the surface on which the sign is erected.
 - The area of a freestanding sign that has two or more faces shall be measured by including the area of all sign faces. However, if two such faces are placed back-to-back and are no more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face with the larger of the two sign faces to be counted as the relevant sign face for sign area measurement purposes

Insert sign measurement graphic here (Fig. 22.3)

5. **Abandoned Signs.** Any sign that the Zoning Administrator or his/her designee determines to be abandoned shall be removed by the property owner according to the following regulations:
- If the sign is a non-conforming sign as defined herein the sign and any supporting structures shall be removed within 180 days of notification by the Zoning Administrator or his/her designee.
 - If the sign is conforming, the sign but not the supporting structures shall be removed within one (1) year of such notification by the Zoning Administrator or his/her designee. If the abandoned sign is a wall sign the facade to which the sign was attached shall be restored upon removal of the sign to match the existing wall so there is no remaining evidence of the removed sign.
 - If the owner does not remove the sign, or if no owner can be found, the City may remove the sign. If the sign is removed by the City and the owner is known, the City shall have the right to recover from the owner of the sign the full costs of removing and disposal of the sign.
6. **Removal of Signs; Notice.** Except as required by the above sections, any sign and appurtenant structure shall be removed by the owner within seven (7) days of receipt of notice from the Zoning Administrator or his/her designee stating that

the sign is unsafe, not properly maintained, or otherwise does not comply with the requirements of this chapter. Such notice shall also state that the sign will be removed unless the unsafe or improper condition is corrected by the owner.

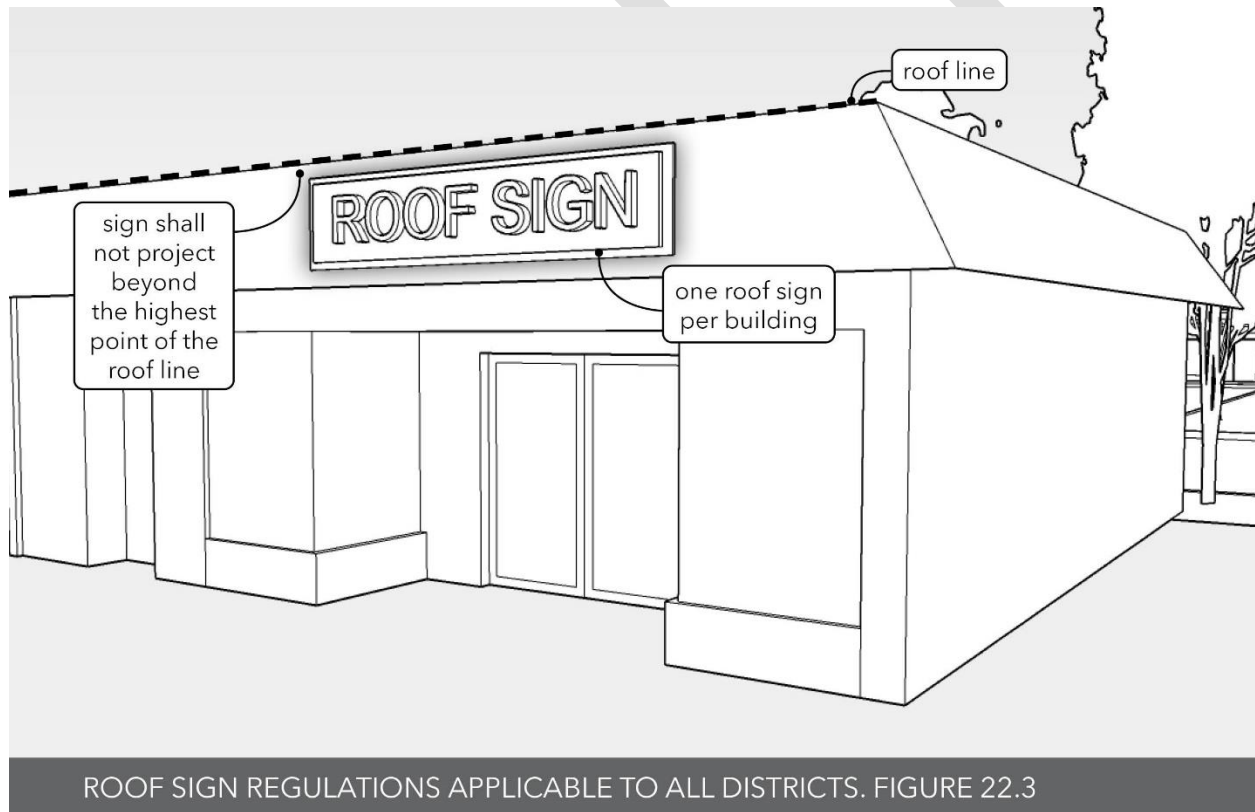
Upon failure to remove or correct the unsafe or improper condition within seven (7) days of receipt of the notice, the Zoning Administrator or his/her designee may take whatever action is necessary to have the sign and appurtenant structure removed or to otherwise abate the unsafe or improper condition. In addition, the Zoning Administrator or his/her designee shall take whatever action is necessary to recover from the owner of the sign the full costs of removing and disposing of the sign and/or abating the unsafe or improper condition.

7. **Structural Requirements.** Signs shall be constructed to withstand all wind and vibration forces that normally can be expected to occur in the vicinity.
8. **Sign Illumination.** Signs may be internally or externally illuminated where permitted. The following provisions apply to illuminated signage in the City of Douglas.
 - a. Glare and Distractions – illuminated signs shall not create glare or create unacceptable over-illumination of the surrounding area. Any sign illumination that may cause or otherwise create traffic hazards is strictly prohibited.
 - b. For externally illuminated signs, the lighting fixture shall be mounted above the sign only and the light fixture shielded such that light is directed downward and directly at the sign face only (below the horizontal). Externally illuminated signs shall not be directly aimed at adjacent streets, roads, or other properties.
 - c. All electrical wiring shall be located underground and any associated electrical conduit or piping shall not be exposed to view aboveground unless a portable generator is used for a temporary illuminated sign.
 - i. Back-lit or internally illuminated signs shall not cause excessive glare or allow light to encroach into neighboring properties.
 - ii. Where any illuminated sign is located in a residential district or next to a residential district these illuminated signs shall be equipped with an illumination timer control unit.
 - iii. The sign shall be timed as such that the sign is not illuminated after 11:00 PM or no more than 30 Minutes after the close of business, whichever is later. No sign shall be illuminated prior to 6:00 AM or 30 minutes before the opening of business, whichever is earlier.
 - iv. Details of all timer control units shall be submitted with a sign permit application.

8. **Projection.** A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located except that in the C-1, Village Commercial district, projecting signs may project over the public sidewalk.

9. **Roof Signs:**

- a. A roof sign shall not project or extend beyond or above the highest point of the roof line.
- b. Only one roof sign shall be permitted per building.
- c. The size of a roof sign shall not exceed ten percent of the area of that portion of the roof to which it is attached, as measured from eave to roof peak.
- d. Lighting for roof signs shall comply with Section 22.04.7.
- e. A roof sign may consist of painting on the surface of a roof or a sign that is composed of roofing materials or other materials affixed parallel to the roof surface.



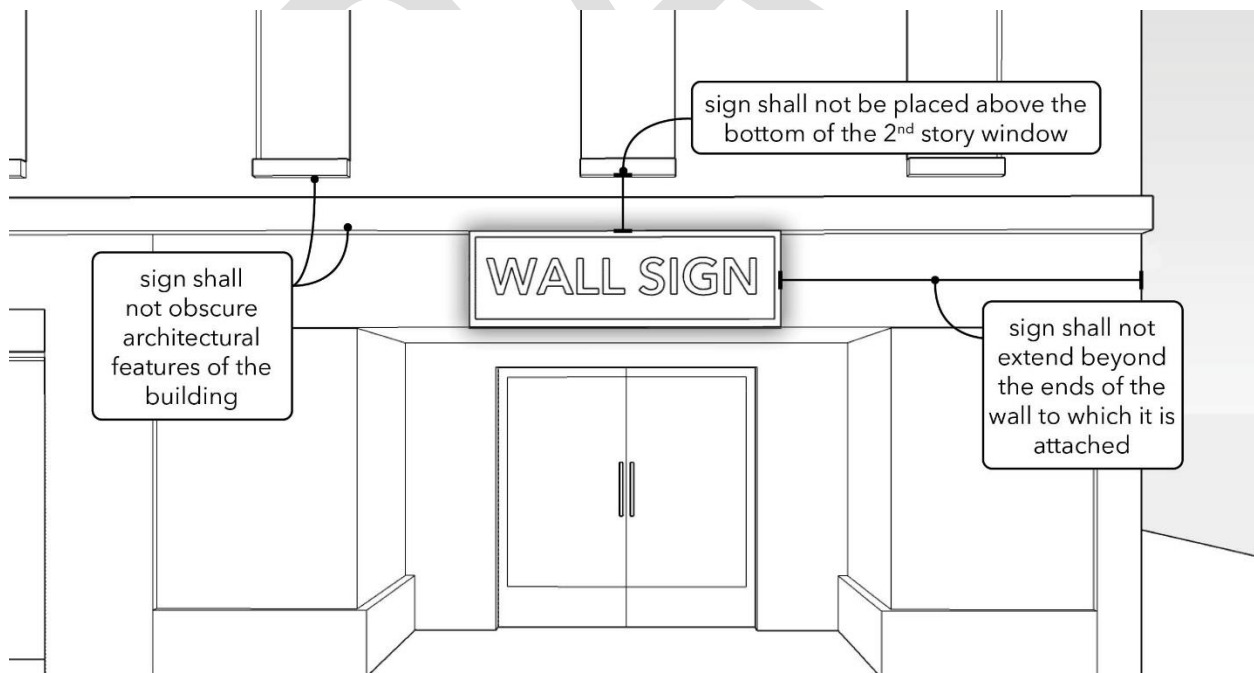
10. **Reader Boards.** Wall and freestanding signs may include digital or manual reader boards subject to the following regulations:

- a. The reader board portion of the sign shall not consist of more than 50% of the total permitted sign copy area.

- b. The copy on an electronic reader board shall not change faster than every ten seconds.
- c. An electronic reader board may serve as a window sign subject to the size limitations for window signs contained herein.
- d. Temporary manual reader boards shall be permitted without a zoning compliance permit, subject to the following parameters:
 - i. The manual reader board shall not be in place for longer than seven days.
 - ii. The manual reader board shall not create an obstruction for clear vision corners.
 - iii. The manual reader board is not permitted in residential zoning districts.

11. Wall Signs:

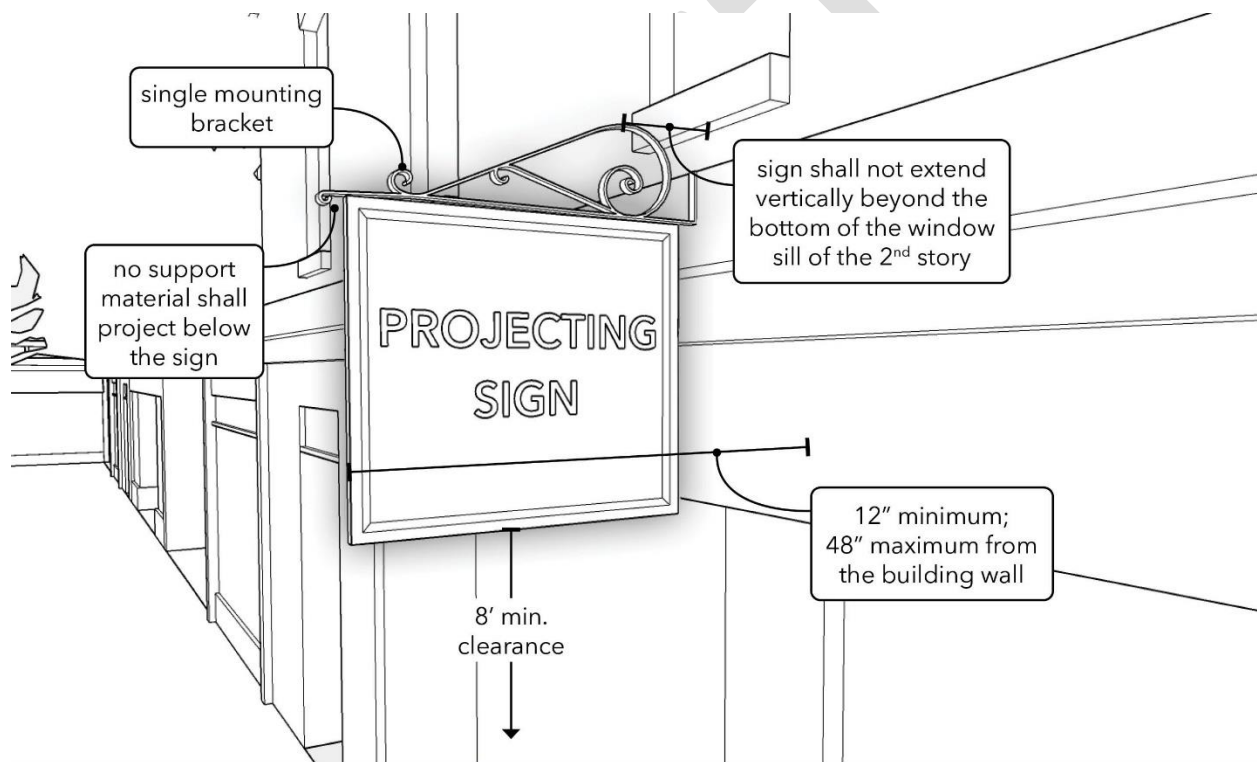
- a. Wall signs shall not obscure architectural features of the building including, but not limited to windows, arches, sills, moldings, cornices, and transoms.
- b. Wall signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- c. A wall sign shall not be placed above nor shall any part of the sign extend above the bottom of the second story window of a multi-story building.



WALL SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS. FIGURE 22.4

12. Projecting Signs:

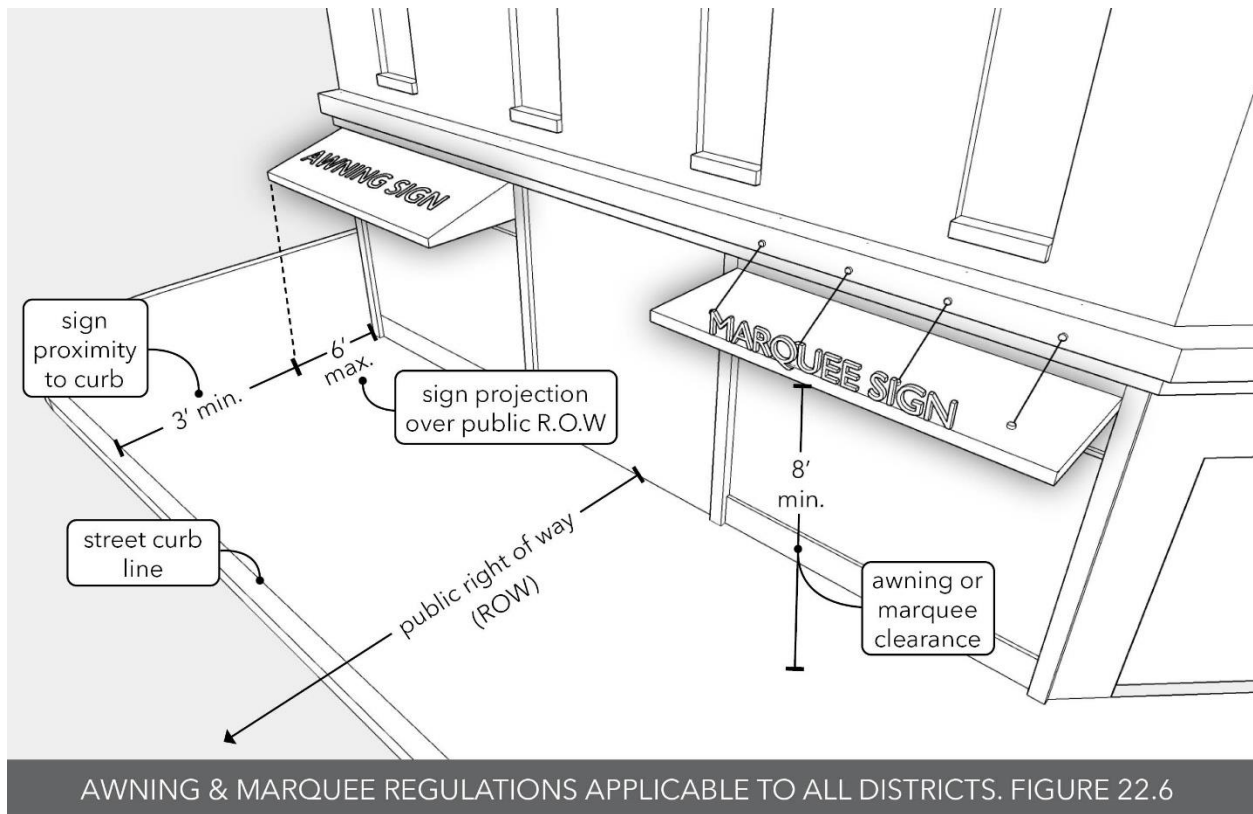
- b. Projecting signs shall not extend vertically beyond the bottom of the window sill of the second story.
- c. The sign shall maintain a minimum clearance from the ground of eight (8) feet.
- d. The sign shall be mounted to the building by a single mounting bracket (support chains shall be prohibited) and no support material shall project below the sign.
- e. Projecting signs shall not be internally lighted. External lighting is permitted but the source of illumination shall not cause a glare.



PROJECTING SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS. FIGURE 22.5

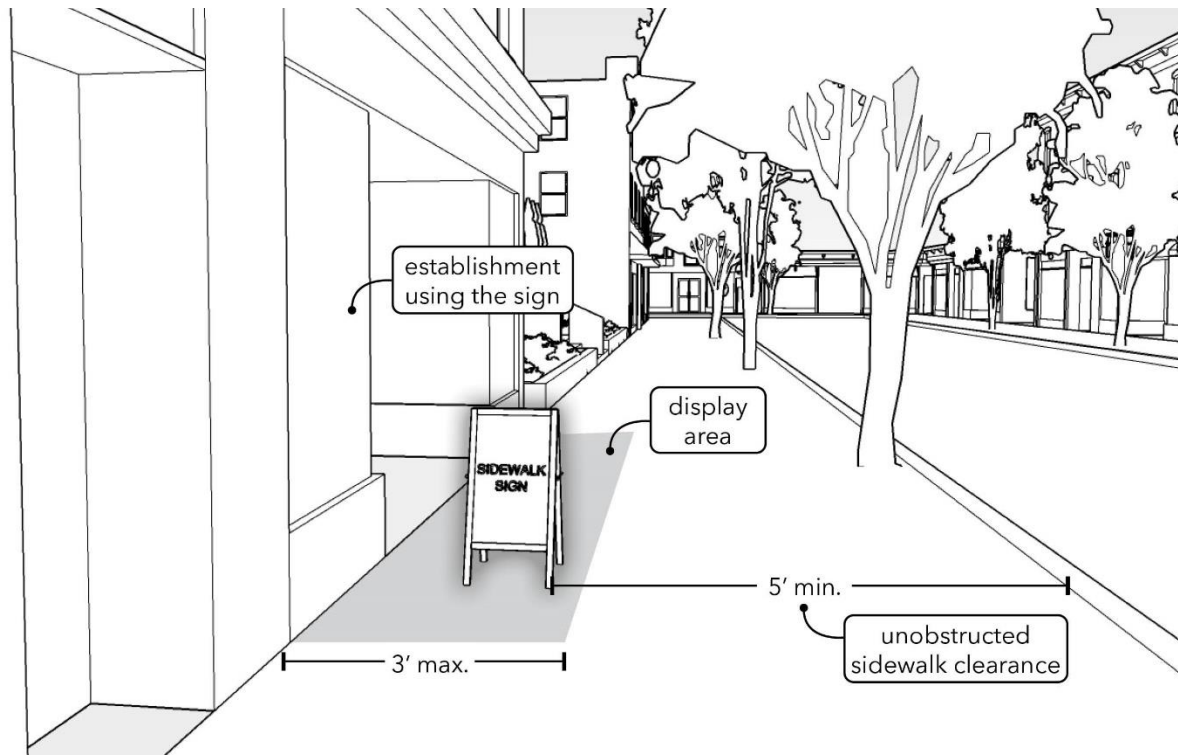
13. Awning and Marquee Signs:

- a. Such signs shall not project more than six (6) feet into the public right-of-way, nor be closer than three (3) feet to any street curb line.
- b. The awning or marquee to which the sign is attached shall maintain a minimum clearance from the ground of eight (8) feet.



14. Sidewalk Signs:

- The sign shall be placed in front of the establishment that is using the sign.
- A minimum of five feet of unobstructed sidewalk clearance must remain on the sidewalk at all times.
- A display area adjacent to and not extending further than 36 inches from the front wall of the building may contain a sidewalk sign. However, five (5) feet of unobstructed sidewalk clearance must be maintained between the sign and the edge of the street or roadway.
- The sign shall not be placed in a way that obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles or snow removal operations.
- Such signs shall be properly maintained and not allowed to become unsightly.
- Such signs shall only be in place during hours of operation of the establishment.



SIDEWALK SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS. FIGURE 22.7

15. Pole Signs:

- a. Pole signs are only permitted on lots that have frontage on Blue Star Highway.
- b. For lots with more than one establishment, the size of the pole sign may be increased by 50 percent of the size allowed by Section _____ up to a maximum size of square feet.
- c. The support structure or structures for a pole sign shall not be more than _____ feet wide or _____ feet in diameter per support structure.

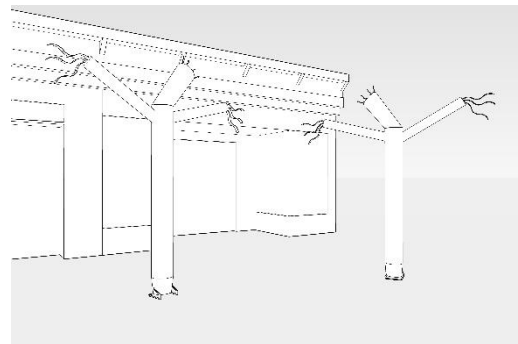
16. Temporary Signs: Temporary signs as defined in Section 22.03 are permitted in all zoning districts, subject to the following restrictions:

- a. Sidewalk signs shall not be deemed temporary signs
- b. All temporary signs shall be subject to the prohibitions outlined in Section 22.06.
- c. Up to four (4) wire framed signs are permitted per parcel, and shall not be subject to the requirements of Section 23.03, Permit Procedures and Regulations.
- d. Up to two (2) feather signs are permitted on non-residential parcels and parcels within the C-2 and L-I zoning districts, and are not subject to the requirements of Section 23.03, Permit Procedures and Regulations.

- e. The following regulations shall apply to temporary manual reader boards and temporary banner signs:
- i. One (1) temporary banner sign shall be permitted on non-residential parcels within the C-1, C-2 and L-I zoning districts.
 - ii. One (1) temporary manual reader board shall be permitted on non-residential parcels within the C-2 and L-I zoning districts.
 - iii. A parcel located in the C-2 or L-I zoning districts shall not have both a temporary banner sign and a temporary manual reader board during the same period of time.
 - iv. A temporary sign permit is required for any proposed temporary banner sign or temporary manual reader board signs. An application for a temporary sign permit shall be submitted to the Zoning Administrator that contains, at minimum, the following information, and subject to the following procedures:
 1. A site plan that contains the proposed location of the temporary manual reader board or temporary banner.
 2. A stated period of time that the temporary manual reader board or temporary banner sign is proposed to be erected, not to exceed 14 days total.
 3. The applicant shall deposit a deposit in the amount of \$50, to be reimbursed after the temporary manual reader board is removed in accordance with the dates indicated on the application.
 4. The \$50 deposit shall be forfeited if the sign has not been removed by the 15th day.
- f. Balloon Signs/Air Dancers: regulations to apply:

i. _____

ii. _____



Section 22.06 Prohibitions

The following conditions and actions are prohibited as it pertains to signs in the City of Douglas.

1. **Unsafe Signs.** Any sign which is structurally or electrically unsafe, consistent with the City's adopted codes.
2. **Roof Signs.** Roof signs or any sign which projects above the roof line or top of a canopy.

3. **Consent Required.** Any sign erected on any property, public or private, without the consent of the property owner shall be prohibited.
4. **Motion.** A sign shall not contain parts or display images that flash or blink, nor shall any sign contain moving parts.
5. **Prohibition in Right of Way.** Signs shall not be placed in, upon or over any public right-of-way, private road easement, alley, or other place, except as may be otherwise permitted by the City of Douglas or Michigan Department of Transportation.
6. **Prohibition on Utility Poles.** A utility pole, light pole or other similar supporting member shall not be used for the placement of any sign unless specifically designed and approved for such use.
7. **Obstructions Prohibited.** A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
8. **Sparks and Flames.** No sign shall incorporate any type of spark or flame.
9. **Blighted Signs Prohibited.** Any sign which, in the opinion of the Zoning Administrator, has deteriorated to the point where it has become a blight on surrounding properties. Examples of deterioration include, but are not limited to, structural damage, unshielded lights, exposed electrical wiring, significant rust or other deterioration of materials, and peeling or flaking paint.
10. **Vehicle Signs.** Vehicle signs as depicted in Figure 22.8, which contain a fixed display that is either digital or static, when stationary for the purpose of on or off-premise display of messages, shall be prohibited in all zoning districts.



Section 22.07
Residential Districts:

Signs in

In addition to other regulations provided herein, signs associated with residential and non-residential uses in residential zoning districts, and residential uses in non-residential districts are subject to the following:

A. Signs Permitted in Residential Districts, R-1, R-2, R-3, R-4, R-5, R-6 or other districts that contain a residential or mixed use (with the exception of PUD districts):					
Form	Maximum Number	Maximum Area (per sign)	Maximum Height (per sign)	Illumination Permitted	Minimum Setback
Monument	1 per residential development	32 sq. ft.	6'	Yes	5' from any property line
Wall	1	8 sq. ft.	N/A	No	N/A
Temporary Signs	4 per lot	4 sq. ft.	4'	No	none
Electronic Reader Boards	1 per non-residential use	Not to exceed 50% of total sign copy area within a monument sign	Varied	Yes	5' from any property line

B. Additional requirements for signs in Residential Districts:

1. Illuminated and non-illuminated monument signs shall be constructed primarily with carved wood, brick, stone, wrought iron, terra cotta, glazed tile, or similar decorative material in order to reflect and enhance the character of the area.

Section 22.08 Signs in the C-1 Village Center District:

In addition to other regulations provided herein, the following shall apply to signs associated with non-residential uses within the C-1, Village Center district:

A. Signs Permitted in the C-1, Village Commercial District					
Form Permitted	Maximum Number	Illumination Permitted	Minimum Setback	Maximum Area	Maximum Height
Monument	1 per parcel	yes	5' from any property line	48 sq. ft.	6'
Temporary Signs	4 per parcel	No	None	4 sq. ft.	6'
Projecting	1 per commercial establishment	Yes	N/A	8 sq. ft.	N/A
Sidewalk	1 per commercial establishment	no	None	8 sq. ft.	6'

Awning, Marquee, roof OR Wall	1 per commercial establishment, and each street frontage	yes	N/A	10% of wall face of building or tenant space	N/A
Electronic Message Center	1 per monument or wall sign	yes	N/A	Not to exceed 50% of total sign copy area within a monument sign or wall sign	Varied

B. Additional requirements for signs in the C-1, Village Commercial District:

1. _____
2. _____
3. _____

Section 22.09 Signs in the C-2 General Commercial & L-1 Light Industrial Districts:

In addition to other regulations provided herein, the following shall apply to signs in the C-2 and L-1 zoning districts:

A. Signs Permitted in the C-2, General Commercial and L-1, Light Industrial Districts.					
Form Permitted	Maximum Number	Illumination Permitted	Minimum Setback	Maximum Area	Maximum Height
Monument Sign	1 per street frontage	yes	5' from any property line	48 sq. ft.	6'
Temporary Signs	4 per parcel	No	None	4 sq. ft.	6'
Projecting	1 per commercial establishment	Yes	N/A	8 sq. ft.	N/A
Sidewalk	1 per commercial establishment	no	None	8 sq. ft.	6'
Awning, Marquee, roof OR Wall Sign	1 per commercial establishment and each street frontage	yes	N/A	10% of wall face of building or tenant space	N/A

Electronic Message Center	1 per monument, wall or pole sign (pole signs only permitted on parcels with frontage on Blue Star Highway)	yes	N/A	Not to exceed 50% of total sign copy area within a monument sign or wall sign	Varied
Pole Sign	1 per parcel with frontage on Blue Star Highway	yes	45' to property line abutting Blue Star Highway. 5' from any other property line		

B. Additional requirements for signs in the C-2 and Industrial districts:

1. _____
2. _____
3. _____

Section 22.10 Oversized Off-Premise Signs [BILLBOARDS]

Outdoor advertising structures and billboards other than those signs which exclusively advertise businesses on the premises on which they are located, are considered off-premises signs and may be permitted only by the Planning Commission following review according to the Special Use Permit process in Article 25 of the City of the Village of Douglas Zoning Ordinance.

1. Off-premises signs shall comply with the following requirements and restrictions:
 - a. Off-premises signs shall be prohibited, except on those parcels of property zoned for Commercial or Industrial use which lie directly adjacent to the Blue Star Highway between the South City limits and the North City Limits, or directly adjacent to the I-196 Expressway.
 - b. Off-premises signs shall not block any permitted on-premises sign.
 - c. Size and spacing requirements for off-premise signs along I-196 shall be not more than one (1) billboard or other off-premises sign shall be located per linear mile of I-196, regardless of the fact that such billboard may be located on different sides of the subject highway. Linear separation shall be limited to the boundaries of the City. V-type structures shall be considered as two billboards and a double-faced (back-to-back) structure shall be considered one (1) billboard. The required minimum distance between permitted off-premises signs shall be that distance measured on a direct line from sign to sign.

- d. Off-premise signs shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of structure and preservation of structure with paint or other surface finishing material. If an off-premise sign is not maintained, written notice of any disrepair shall be issued by the Planning and Zoning Administrator to the owner of said structure. If the disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.
- e. The off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which normally can be expected to occur in the vicinity.

Section 22.11 Nonconforming Signs:

It is the intent of this Section to permit the continuance of a lawful use of any sign that does not conform with the provisions of this ordinance with regard to size, number, height, form, illumination or location. All lawful nonconforming signs shall be subject to the following regulations:

1. **Nonconforming Status:** All signs which have been erected or are in place on the effective date of this Article, but which do not comply with the provisions of this Article shall be deemed nonconforming.
2. **Structural Changes:** Structural supports, framing mechanisms, or other parts of any nonconforming sign shall not be changed, altered, substituted, or enlarged unless the result of the structural change conforms with the provisions of this article.
3. **Repairs and Refacing:** Nonconforming signs may undergo repairs and alterations resulting in the change of the sign copy areas that do not alter the sign by way of structural changes as described in part 1 of this section. Repairs may include, but are not limited to:
 - a. Refacing typically associated with rebranding, change in ownership or replacement of sign copy area due to damage.
 - b. Painting.
 - c. Resurfacing.
 - d. Upgrading of electrical wiring or illuminating mechanisms.
 - e. Addition of electronic message center, not exceeding 50% of the sign copy area.
 - f. Routine maintenance.
 - g. Any other repair or upgrade determined by the Zoning Administrator not to be a structural change.

4. **Replacement.** If a nonconforming sign is damaged to the point of needing structural repairs, it may not be reconstructed, or replaced except with a sign that conforms to with all the provisions of this Article.
5. **Revocable Sign License Agreements.** Any signs existing in the public right-of-way of the City of the Village of Douglas, which do not have a revocable license agreement with the City Council, are illegal nonconforming signs and are to be removed or relocated to come into compliance with the provisions of

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