



**THE CITY OF THE VILLAGE OF DOUGLAS
PLANNING COMMISSION
TUESDAY, SEPTEMBER 12, 2023 AT 6:00 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/87669398271>

Join by phone by dialing: +1 (312) 626-6799 | Then enter "Meeting ID": 876 6939 8271

1. **CALL TO ORDER**
2. **ROLL CALL**
 - A. Approval of September 12, 2023 Agenda (additions/changes/deletions)
 - B. Approval of July 13, 2023 Minutes (additions/changes/deletions)
 - C. Schedule change to the 2nd Thursday of each month.

Motion to approve: September 12, 2023 Agenda, July 13, 2023 Minutes, and schedule change. (Roll Call Vote)

3. **PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES)**
4. **PUBLIC COMMUNICATION - WRITTEN**
5. **NEW BUSINESS**
 - A. Planning and Zoning Training Workshop
6. **UNFINISHED BUSINESS**
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 Laura Kasper, Interim 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
THURSDAY, JULY 13, 2023 AT 7:00 PM
86 W CENTER ST., DOUGLAS MI**

MINUTES

1. CALL TO ORDER

2. ROLL CALL

PRESENT

Secretary Kelli Heneghan
Commissioner Neal Seabert
Chair Paul Buszka
Vice-Chair Louise Pattison
Commissioner Gregory Freeman
Deputy Clerk, Laura Kasper
City Planning and Zoning Administrator, Joe Blair

ABSENT

Commissioner John O'Malley
Commissioner Matt Balmer

- A. Approval of July 13, 2023 Agenda (additions/changes/deletions)
- B. Approval of June 15, 2023 Minutes (additions/changes/deletions)

Motion by Seabert, seconded by Heneghan, to approve: July 13, 2023 Agenda and June 15, 2023 Minutes. Motion carried by unanimous roll call vote.

3. PUBLIC COMMUNICATION - VERBAL (LIMIT OF 3 MINUTES) - None

4. PUBLIC COMMUNICATION – WRITTEN - None

5. NEW BUSINESS

- A. **Public Hearing:** Amendment to the Zoning Ordinance to Insert Article 22, Signs, Repeal Ordinance #111, Repeal Article 16, Section 16.26, Signs - At the May 11, 2023 meeting, the Planning Commission reviewed and discussed the final draft of the sign ordinance and made a favorable recommendation to the City Council for the adoption of the ordinance. One of the conditions in that recommendation was that the draft undergo legal review prior to being placed on the City Council's agenda for the first reading of the final draft. One of the City's Attorneys, Mr. Charles Bogren, of Plunkett & Cooney, provided a comprehensive report on his review of the sign ordinance draft from a legal perspective

that the Planning Commission recommended to council for approval, along with the minor changes recommended at that meeting. Due to the of the nature of the recommended changes to the draft in response to the legal review, Mr. Bogren recommended that the draft be reviewed one last time by the Planning Commission with the incorporation of the recommended changes, and that it be noticed as a public hearing.

Motion by Seabert, seconded by Heneghan, to Open Public Hearing.
Motion carried by unanimous roll call vote.

a. **Public Comments** - None

b. **Staff Remarks** – Chair Buszka asked for City Planning and Zoning Administrator, Joe Blair, to give a synopsis of the findings of Mr. Bogren’s legal review. Pattison also wanted Mr. Blair to give details on each item. He discussed the highlighted areas that may be questionable as it pertains to some of the case law surrounding definitions, vagueness, aesthetics as a purpose to limit signage and permit issuance conditions, with specific relation to the following:

1. Billboards and the lack of a definition of “life of the billboard”. He indicates that it’s ok to prohibit any new billboards but needs to be more specific in terms of what life of the billboard means. Changes were made in the draft to reflect this recommendation.
2. Temporary wire-framed signs – the draft of the sign ordinance limited each parcel within the City to two wire-framed temporary signs. Mr. Bogren indicated that an additional allowance should be considered, as well as allowing parcels with more frontage the opportunity for additional wire-framed signs. The changes would allow for up to four wire-framed temporary signs for each 50 feet of frontage on a public or private road.
3. Temporary manual reader board sign zoning permit issuance process – the ordinance must have language that provides the circumstances under which a zoning permit can be issued. There was some addition of language to make it more specific and was highlighted in the draft.
4. Human signs – The draft language for the prohibited sign type was vague in terms of when a human could hold a sign. The phrase, “or other events” was recommended to be expressly spelled out to indicate what those “other events” would be. In addition, the recommended change to “events” with “City-sanctioned events” was made to satisfy the recommendation.

c. **Commissioner Questions** – Freeman was concerned that the wording of routine maintenance could potentially cause people to expand size of billboards and thought there should be a change there. Pattison and Heneghan agreed that temporary signs should be limited to two regardless of property size.

Motion by Pattison, seconded by Seabert, to Close Public Hearing.
Motion carried by unanimous roll call vote.

Motion by Freeman, seconded by Seabert to amend the Zoning Ordinance to Repeal Article 16, Section 16.26 Signs, Repeal Ordinance #111, and to insert Article 22, Signs, subject to the following changes:

- ***Insert***
 - ***Section 22.03(44): “Structural Frame. The foundations, structural elements, and supports of a billboard.”***
- ***ReNUMBER***
 - ***Section 22.03(44-51)***
- ***Modify***
 - ***Section 22.05(15)(c)(i): Up to two (2) wire-framed temporary signs are permitted.***

- **Section 22.05(15)(c)(ii): Wire-framed temporary signs shall not be subject to the requirements of Section 23.03, Permit Procedures and Regulations.**
- **Section 22.05(15)(e)(v)(4): The zoning administrator shall issue the zoning permit for the temporary banner or temporary manual reader board upon receipt of the required application information noted above and upon determining that the proposed temporary banner or temporary manual reader board is in compliance with the provisions of this ordinance.**
- **Section 22.06(4): Signs held by a person shall not be permitted at any time in any district, except as part of a protest or City-sanctioned event. In no case shall a human sign be used for a business special event such a sale or closing of business.**
- **Section 22.10(A)(1): Any existing billboards shall not be expanded or enlarged.**
- **Section 22.10(A)(3): The life of the billboard shall be defined as the period within which the structural integrity of the billboard's structural frame meets current building code standards for wind loads and wight loads, as determined by a structural engineer.**
- **Section 22.10(A)(4): Billboards that are visibly in disrepair shall be required to be inspected by a structural engineer to determine whether the structural frame is structurally sound in accordance with number 3 above.**
- **Section 22.10(A)(5): Once the structural frame is determined not to be structurally sound, the billboard shall be removed.**
- **Section 22.10(B)(1): The sign copy area may be refaced or replaced within the life of the billboard, so long as the structural frame remains structurally sound and the sign copy area is not expanded, enlarged or upgraded to any other format (such as digital or tri-vision), and shall remain static.**
- **Section 22.10(B)(3): the zoning administrator may require an inspection of the billboard structure by a structural engineer to determine whether the structural frame is in structurally sound condition to support changes to the sign copy area, prior to the issuance of a zoning permit for the reface or replacement of the sign copy area.**

Motion carried by unanimous roll call vote.

- B. **Public Hearing:** Amendment to Zoning Ordinance Section 26.13 Ground Floor Residential, subsection 26.13.2.(b)

Motion by Seabert, seconded by Heneghan, to Open Public Hearing.

Motion carried by unanimous roll call vote.

a. **Public Comments** - None

b. **Staff Remarks** - City Planning and Zoning Administrator, Joe Blair gave a brief background on the zoning text amendment. The proposed amendment would simply entail the removal of part b of Section 26.13.2: All ground floor structures used for residential purposes shall be located on property which abuts property zoned R-1, R-2, R-3, R-4 or R-5 on at least one side. He provided in the agenda packet mapped parcels that would be affected by the amendment.

c. **Commissioner Questions** – Seabert questioned if this would affect Centre Collective, which it would not. There were no further questions from Commissioners.

Motion by Pattison, seconded by Seabert, to Close Public Hearing.

Motion carried by unanimous roll call vote.

Motion by Pattison, seconded by Seabert, to amend Zoning Ordinance Section 26.13 Ground Floor Residential, subsection 26.13.2. removal of part b. All ground floor structures used for residential purposes shall be located on property which abuts property zoned R-1, R-2, R-3, R-4 or R-5 on at least one side. Motion carried by unanimous roll call vote.

6. UNFINISHED BUSINESS - None

7. REPORTS

- A. Planning and Zoning Administrator Report – Mr. Blair updated the Commission that the Lakeshore private road was approved by City Council. He also gave a West Shore update, stating that it would be unlikely to make it on the August agenda, due to not receiving the revised plans yet. He also updated the Commission on Centre Collective which must meet the conditions set by the Commission before appearing in front of Council.
- B. Planning Commissioner Remarks – Chair Buszka mentioned that the Master Plan is being updated, and there are funds in the budget for possibly updating the Zoning Ordinance. He would like to consider doing a workshop session with Tricia Anderson from Williams & Works as part of gathering a quote from them for the updates. Pattison would like to discuss the meeting schedule at their next meeting. Seabert would like more electric car charge areas looked into. Heneghan questioned when the tri-community planning is coming up to review, because she would like to see more connection with South Haven. She also mentioned the recent decline in cell service being an issue. Mr. Blair will look into these items for her. Seabert asked if the zoning map is being updated, which Mr. Blair is currently working on.

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

9. ADJOURNMENT

Motion by Seabert, seconded by Freeman, to adjourn.