PLANNING COMMISSION
CITY OF THE VILLAGE OF DOUGLAS
CITY HALL - 86 W. CENTER STREET, DOUGLAS, MI

REGULAR MEETING

WEDNESDAY, AUGUST 11, 2021 – 7:00 PM

AGENDA

A. Call to Order – Remote Special Meeting Procedures

B. Roll Call

1. Approval of Agenda (additions/changes/deletions)

   -*Motion to Approve;* August 11, 2021. (Roll Call Vote)

2. Approval of Minutes (additions/changes/deletions)

   - *Motion to Approve;* July 14, 2021. (Roll Call Vote)

C. Public Comment (limit 5 minutes please)

D. Communications

E. New Business

1. Nomination & Election of Officers (City Clerk);

   Chair to call for Clerk to assist in the facilitation of nomination from the floor, for assignment of Commissioners to Officer (Chair, Vice Chair/Secretary) roles/duties.

   -*Motion to Call for Nominations, Elect Officers* (Simple Majority, Roll Call Vote)

2. Initiation of Audit, "Our Douglas Vision" Master Plan;

   Review of Community Elements (Economic Development, Housing & Neighborhoods, People, Arts & Culture, and Waterfront) Goals and Objectives.

   -*Motion to Consider* (Roll Call Vote)

F. Old Business

Discussion of Amendments - Article 22, City of the Village of Douglas Zoning Ordinance; to repeal and replace Section 16.26 Signs and Village of Douglas Sign Ordinance 111-D.

Review of Exempt Signs; Prohibited Signs; General Regulations; Permits and Fees; Clarification; Fees; Penalties, Remedies, and Enforcement; Appeals.

- *Motion to Consider* (Roll Call Vote)

G. Reports of Officers, Members, Committees - Planning & Zoning Administrator (N. Wikar)

H. Public Comment (limit 5 minutes please)

I. Adjournment

CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MI - POSTED THIS 9TH DAY OF AUGUST, 2021

NOTICE

REMOTE MEETING

This meeting is being held in-person with option for remote attendance and electronic participation.

ACCESS INSTRUCTIONS

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

Join online by visiting:

https://us02web.zoom.us/j/81178849350

Join by phone by dialing:

+1 (312) 626-6799

Then enter "Meeting ID":

811 7884 9350

Those who are hearing impaired and require additional accommodations are encouraged to contact **(269) 857-1438** or **clerk@ci.douglas.mi.us** as soon as possible.

CITY OF THE VILLAGE OF DOUGLAS
REMOTE MEETING SPECIAL PROCEDURES

The following guidelines shall be in-place to assist and manage public attendance and participation in remote (online and telephone), electronic meetings of the City of the Village of Douglas, Michigan.

1. City Staff shall be available to assist the public to make reasonable accommodations for those with disabilities and/or the hearing impairment to attend and participate without impediment.
2. For the purpose of carrying-out remote meetings, a staff member will act as "administrator" to manage all content, access, video, audio, chat, "gesturing," recording, visual, and screensharing controls.
3. For the purposes of preserving the agenda and integrity of the meeting, the meeting "administrator" shall assist the chairperson in moderating audio/microphone controls of participants, building a speaker list of those wishing to comment while limiting public microphone access to "public comment"/"public participation" periods of the meeting, as published.
4. Online attendees/participants shall indicate their desire to speak on an agenda item or topic by using "gesturing" controls (i.e. Raise Hand, Thumbs Up, etc.), using the chat window, or by voice. All microphones will be temporarily unmuted for a brief period of time at the beginning of all "public comment"/"public participation" periods of the meeting so those joining by telephone or those participants who are audio-restricted may indicate they would like to be added to the speaker list. The chairperson and meeting "administrator" will share the responsibility of building and managing the speaker list, recognizing each speaker individually, and toggling microphone controls so all speakers on the list may be heard.
5. Lewd, profane, hostile, aggressive, racist/discriminatory, disruptive, or otherwise obstructive behavior by attendees/participants will not be tolerated. The City and meeting "administrator" reserves the right to warn, limit, restrict, and remove any content or participants in violation of this directive.
6. All "public comment"/"public participation" periods of the meeting will be concluded after the chairperson/meeting "administrator" has:
    a. exhausted the speaker list
    b. responded to any outstanding "gesturing"
    c. answered any outstanding requests to speak as indicated in the chat window, and
    d. after a final call for any additional or remaining public comments as indicated by voice. All microphones will again be temporarily unmuted at that time.
7. The City shall record and make available to the public, in a reasonable time frame, all content of all remote meetings of Council and public boards/commissions for the public record, online, and at individual request in electronic format.

THE CITY OF THE VILLAGE OF DOUGLAS
REGULAR MEETING OF THE PLANNING COMMISSION
86 W CENTER ST. – DOUGLAS, MI 49406
JULY 14, 2021 – 7:00 P.M.

A. **Call to Order** by Chair Pattison

B. **Roll Call**: Members Present – Buszka, McWebb, McIntyre, Seabert, Pattison
Members Absent - Heneghan

1. Approval of the July 14, 2021 Agenda
Motion by Seabert, with support from McWebb, to approve the July 14, 2021, meeting agenda. Motion carried by roll call vote.

2. Approval of the Minutes
- April 14, 2021, Meeting Minutes
Motion by Seabert, with support from McIntyre, to approve the April 14, 2021, meeting minutes. Motion carried by roll call vote.
- May 12, 2021, Meeting Minutes.
Motion by Seabert, with support from Buszka, to approve the May 12, 2021, meeting minutes. Motion carried by roll call vote.

C. **Public Comments** (limit of 5 minutes) – No comments received

D. **Communications**
1. Tom Bredeman
2. Jeff Kerr
3. Dorchen/Matin

E. **New Business**
1. Public Hearing: Site Plan Review – Demolition/Construction, Single-Family Residence and Accessory Building, 3075 Lakeshore Drive. (David Janks)

Motion by Seabert, with support from Buszka, to open the Public Hearing. Motion carried by roll call vote.

This is a Site Plan Review, 3075 Lakeshore Drive (PPN: 03-59-017-099-60). Application for demolition and waterfront construction – single family residence and accessory building.

a. Applicant Presentation

David Janks explained he was not sure why he was appearing before the Planning Commission; his lots was not going to be split and the build meets all guidelines. Janks also explained that much of the stormwater issues in Felker's could have been avoided if the city would have paid closer attention.

- Attorney Peter Rhodes, representing the Bredeman family spoke regarding an approval from the Planning Commission that does not hinder the flow of water onto the Bredeman property.

- Tracy Shaffroth, Water St. resident expressed concerns for the new build does not degrade the road.
- Tom Bredemann explained the mantra of his family, which anything done to the property should benefit the neighbors as well.
-George Judd, Lakeshore resident, concerned with Lakeshore Dr. and erosion due to high traffic from trucks.

Wikar thanked those who spoke and explained why the applicant was present at this meeting. He requested the commissioners remain focused on the main request.
- Planning Discussion:
Has there been any determination by EGLE? Is there a staging plan to keep everything away from the wetlands? Would the owner commit to having his contractor properly dispose or reveal if asbestos is present? Is there a current basement? If so, it is not shown in the plans and would raise the height of the build. Upon receipt of answers to their questions, the following motion was made:

Motion by Seabert, with support from McIntyre, to close the Public Hearing. Motion carried by roll call vote.

Motion by McIntyre, with support from Seabert, to approve the Application for Site Plan Review, with any necessary Conditions of Approval, for 3075 Lakeshore Drive, located in Douglas, Michigan – with finding s of fact pursuant to Section 24.03 of the Douglas Zoning Ordinance and to make any necessary recommendations to City Council to ensure conformance with the Code of Ordinance of the City. The following are the conditions associated with the approval:

1. *The applicant must provide a performance guarantee in the form of a bond to the City equal to the contract cost of demolition, amended a necessary for compliance with any Conditions of Approval, as assigned,*

2. *Provide proof of insurance certificate naming the City of Douglas as additional insured, for $1 million general liability, and $1 million auto: and,*

3. *Be subject to any fees, liens, assessments imposed by City Council at the recommendation of the Commission as a final action and response to recovery of $1,676.70 in expenses incurred by the City for services rendered by the City Engineer resultant in Fall of 2020 at the Lakeshore Drive ROW/Lake Michigan Shoreline by the Applicant without permits.*

4. *In view of potential non-compliance with the bulk regulations of the R-2 Zoning District, the applicant shall provide the Zoning Administrator with*

cut and fill estimates and stormwater runoff calculations with a view to a mutually agreed modification of building placement so as to comply with the requirements of the Zoning Ordinance, and

5. *Recommend road construction survey by Kalamazoo Lake Sewer and Water Authority, Allegan County Road Commission, and the City of Douglas be completed for demolition and construction truck usage.*

F. Old Business

1. Discussion of Amendments – Article 20, City of the Village of Douglas Zoning Ordinance; to Repeal and Replace Section 16.29 Environmental Protection Standards, Section 16.30 Shorelines, and Chapter 98 Trees and Chapter 151 Waterfront Construction, of the Code of Ordinances.

   Motion by McIntyre, with support from McWebb, to work on these amendments with the intent to schedule an October Public Hearing if at the end of September, the amendments have been completed. Motion carried by roll call vote.

2. Discussion of Amendments – Article 22, City of the Village of Douglas Zoning Ordinance; to repeal and replace Section 16.26 Signs and Village of Douglas Sign Ordinance 111-D.

   Discussion: How does Planning accomplish this task so readers can understand it? Will it be contingent on easements? There are some address discrepancies. Recommendation that a provision fee for existing signs be assessed.

   Motion by Buszka, with support from Seabert, to recommend the City Council repeal and replace Section 16.26 Signs and Village of Douglas Sign Ordinance 111-D with the amended language to include clarification on appropriate rights of way applicable to different sections in the ordinance, and to clarify the assessment procedure for existing non-conforming signs, to be considered at a public hearing. Motion carried by roll call vote.

G. Reports of Officers, Members, Committees

H. Public Comment (limit 5 minutes)

I. Adjournment

Motion by Seabert, with support from Buszka, to adjourn the meeting.

CITY OF THE VILLAGE OF DOUGLAS

Signed: _____ Date: _____
Louise Pattison, Chair

Signed: _____ Date: _____
Pamela Aalderink, City Clerk

Certification of Minutes

I hereby certify that the attached is a true and correct copy of the minutes of a regular meeting of the City Council of the City of the Village of Douglas held on_____. I further certify that the meeting was duly called and that a quorum was present.

_____ _____
Pamela Aalderink, City Clerk **Date**

To: **Douglas Planning Commission**

From: **Nicholas Wikar**
Planning and Zoning Administrator

Date: **August 6, 2021**

Subject: **Nomination and Election of Officers**

Pursuant to Article 7, Section 4 of the Douglas Planning Commission Bylaws, as amended April 14, 2021, vacancies in office shall be filled immediately by regular election. The City Clerk shall assist in the nomination and election of Officers, achieved through simple majority roll call vote.

There is no financial burden associated with this recommended action of the Planning Commission.

It is recommended the Douglas Planning Commission consider Nomination and Election of Officers, to fill any vacancies in office for the Chair and Vice Chair/Secretary.

To: **Douglas Planning Commission**

From: **Nicholas Wikar**
Planning and Zoning Administrator

Date: **August 6, 2021**

Subject: **Initiation of Audit, "Our Douglas Vision" Master Plan - Review of Community Elements Goals and Objectives**

Planning Commissioners shall consider the Goals and Objectives for each Community Element of the "Our Douglas Vision" Master Plan: Economic Development; Housing & Neighborhoods; People, Arts & Culture; Waterfront; Transportation and Mobility. City Staff has prepared a survey for Commissioners to review the Goals and Objectives for completeness, and to isolate and prioritize elements of the Master Plan for immediate action by the Administration.

Following consideration of these items and the survey, the Commission shall then assess the Action Plan of the City, and consider the burden of work upon Staff, scheduling Public Hearing(s) for a later date, to ensure public participation and recommendation of amendment of the "Our Douglas Vision" Master Plan to City Council, pursuant to the Michigan Planning Enabling Act.

There is no financial burden associated with this recommended action of the Planning Commission at this time.

It is recommended the Douglas Planning Commission consider the Goals and Objectives of each Community Element and the Action Plan of the City of the Village of Douglas, as outlined in the "Our Douglas Vision" Master Plan.

Goal 1

Douglas will grow in a strategic and deliberate manner, careful to respect the scale of existing development and surrounding context.

Objectives

1. Invest and focus on economic development along Blue Star Highway at Washington, the Miro Property and the Douglas waterfront/ marina area.

2. Identify building types appropriate for each land use category.

3. Allow for more flexibility of building types and building heights within the downtown core to help off-set land and development costs, while ensuring compatibility with the surrounding neighborhood.

4. Create a form-based code to regulate building types within downtown Douglas.

5. Manage growth though in-fill development, and ensure that existing utilities meet present needs before additional growth is permitted.

Goal 2

Douglas will leverage private future development opportunities to enhance public spaces and connectivity.

Objectives

1. Secure a public marina.

2. Improve pedestrian access and walkways along the riverfront and Douglas Harbor.

3. Expand current Beach to Bayou development of the trail and the uses adjacent to the trail.

4. Provide a connected loop from the Beach to Bayou trail to Wiley Road and north along Water Street.

5. Create a food truck ordinance that allows for food trucks on City-owned property within the downtown core and in other areas (perhaps Douglas Beach, and city parks) to add vitality and create synergy during times of day and times of the year when options are limited.

Goal 3

Douglas will anticipate development opportunities to ensure future economic growth remains consistent with the feel and character of the community.

Objectives

1. Seek ways to expand the tourist season (especially the shoulder months of April and October) through new and diversified industries and events.

2. Market Douglas as being entrepreneur-friendly, with small business incubators and high-speed internet infrastructure in the Downtown area.

3. Continue to celebrate Douglas as a LGBTQ+ friendly community with an availability of social, lifestyle, and entertainment opportunities.

4. Work with owners of vacant buildings downtown to explore the potential of window treatments, signage or other temporary installations

Strategic Direction

HOUSING AND NEIGHBORHOODS

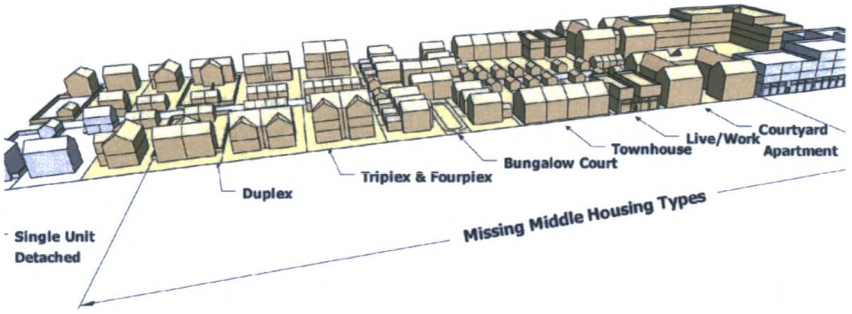
Create inclusive and inviting residential areas for seasonal and permanent homeowners and renters.

Community Values

- We value connected, walkable, neighborhoods that feature a variety of housing types.
- We value people of all ages, backgrounds and lifestyles who wish to reside in our community.
- We seek to build our community through strong neighborhoods reflecting a diversity of housings types and opportunities for all.
- We value parks and recreation amenities, located within close proximity to neighborhoods, and connected to those neighborhoods via bike trails and sidewalks.

Goal 1

Douglas will facilitate the development of a diversity of housing types to meet the needs of current and projected future populations.



Objectives

1. Integrate mixed-use live/work spaces into existing buildings in Downtown Douglas, provided that ground floor uses remain active.

2. Ensure that owner-occupied and rental housing is available and affordable in new master-planned development projects.

3. Encourage housing communities for "aging in place" and housing communities that are LGBTQ+ friendly, featuring a range of lifestyle amenities.

4. Ensure housing stock is inclusive of all age groups and attractive to the younger demographic.

5. Amend the non-conforming section of the zoning ordinance to allow rebuilding on existing footprint as administrative approval.

Goal 2

Douglas will diversify its housing stock to encourage more people to seek long term, permanent residency within the City.

Objectives

1. Explore opportunities for a senior housing complex featuring services and amenities geared towards active adults including: recreation, arts and health services, along with banking, shopping and other service-based industries.

2. Allow accessory dwelling units by right in R-1, R-2 and R-4 zoning districts.

3. Facilitate infill housing through density standards and unit size allowances.

4. Ensure existing housing stock is adequately served by utilities, and water pressure is sufficient to maintain public safety requirements.

5. Allow for "missing middle" housing types within walking distance to the city center and Douglas Elementary school to facilitate walkability.

Goal 3

Douglas will be a connected community through safe off-street walking and biking facilities and through the provision and maintenance of parks and recreation facilities.

Objectives

1. Require sidewalks for all new development within the City.

2. Consider a sidewalk installation and maintenance strategy for streets within ½-mile of downtown Douglas and Douglas Elementary School.

3. Complete the Beach to Bayou trail and Blue Star Highway pathway.

4. Enhance Washington Street to accommodate a marked pedestrian route from Downtown Douglas/Center Street north to Blue Star Highway.

5. Continue to invest in and maintain parks and recreation facilities.

Goal 1

Douglas will increase diversity by attracting people of varying ages, professions, backgrounds and incomes to the community.

Objectives

1. Update community technology throughout Douglas to include Wi-Fi internet availability in public spaces.

2. Continue to invest in annual events, festivals and attractions, helping to make Douglas a four-season city.

3. Allow temporary events and pop-up activities on vacant parcels within downtown Douglas, through a free temporary permit program requiring permission of the property owner.

Goal 2

Douglas will strive to become an attractive community for families and provide needed family-based services and opportunities.

Objectives

1. Develop a new library with high-tech connectivity.

2. Create pet-friendly businesses and public spaces.

3. Collaborate with the City of Saugatuck, County, and adjacent Townships to create a regional calendar of events to facilitate public involvement and avoid duplication of services and events.

Goal 1

Douglas will enable balanced preservation, enhancement and redevelopment of the waterfront for business, housing and recreational uses.

Objectives

1. Preserve views and access to the waterfront.

2. Allow a mix of medium density commercial and residential development on North Kalamazoo Harbor integrated with public space and access to the waterfront.

3. Re-envision Douglas Harbor by improving the entry through signage and landscaping, enhance parking by designating spaces and using pervious paving materials, build a focal point at the terminus of Center Street and connect the Bayou other community parks and public spaces through a waterfront perimeter trail.

4. Maintain the quiet, non-motorized recreation use of South Kalamazoo Harbor and Veteran's Park by encouraging passive recreation such as fishing docks, picnicking, public boat docks and kayak/canoe boat launches.

Goal 2

Douglas will require the provision of public spaces and public access to the North Kalamazoo Harbor and along Douglas Harbor as conditions of potential future redevelopment.

Objectives

1. Treat the waterfront as a public frontage, requiring public access easements and trail (or boardwalk) with any new development or redevelopment project.

2. Enhance the public parking area adjacent to the Blue Star Highway underpass at Washington as a community gathering space for access to the water through underpass lighting, seating, landscaping and pervious paving.

Goal 3

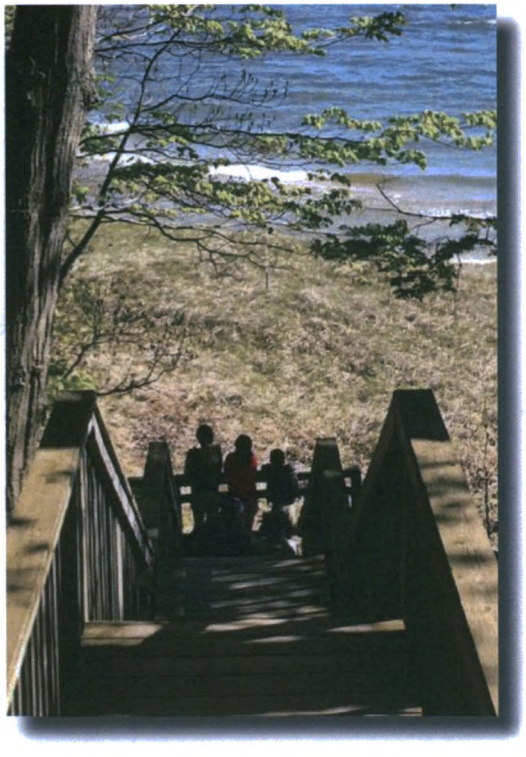
Douglas will focus on the environmental remediation of the waterfront and protect the shore for passive recreation uses.

Objectives

1. Douglas will utilize a thoughtful mix of public and private investment to generate long term sustainable revenues and funding sources to address environmental remediation, dredging and expansion of public access to the waterfront.

Goal 4

Douglas Beach will enhance access for residents and visitors alike.



Objectives

1. Place signage at Douglas beach to prohibit non-beach user parking.

2. Add bike parking at Douglas Beach.

3. Add an emergency telephone at the Douglas Beach since no life guard is on duty.

Goal 1

Douglas will design and build safe, complete streets to offer multi-modal transportation options.

Objectives

1. Develop a street design manual.

2. Adopt a "pedestrian-first" philosophy whereby design decisions prioritize pedestrian safety and well-being as they are the most vulnerable users of street space.

3. Redesign the Center and Blue Star Highway intersection to minimize the crosswalk distance and eliminate the right turn lane, from Center to Blue Star, in both directions.

4. Add mid-block crossings at St. Peter's, Union Street and Main Street.

5. Complete the sidewalk network along the north side of Blue Star Highway from the bridge to St. Peter's church.

6. Consider a temporary protected bike lane (perhaps as a one or two-year pilot project) on Blue Star Highway from the Saugatuck gateway to Center Street.

Goal 2

Douglas will accommodate and manage parking in all forms.

Objectives

1. Amend the zoning ordinance to reduce parking requirements for retail and office uses so they are consistent with 2016 parking demands.

2. Amend the zoning ordinance to require bicycle parking as a percent of total vehicular parking required.

3. Create a parking wayfinding program to encourage parking along city streets and in city-owned lots.

4. Review the general law ordinances for overnight on-street parking considering there may be more residential uses in the downtown needing off-premise parking.

5. Establish a policy related to parking within parkways.

Action Plan

Strong Local Economy

Action	Key Implementation Tasks	Responsible Agency	Timeframe
Economic Revitalization	1. Pursue acquisition or work with owners to lease storefronts of vacant or underutilized properties for development or temporary activity space.	City Council, DDA, Planning Commission	Long-Term
	2. Allow food trucks downtown.		Short-Term
	3. Encourage pop-up businesses on vacant lots.		Short-Term
	4. Allow public art exhibits within public property.		Short-Term
	5. Expand parks and recreation offerings as means to attract and retain residents.		Short-Term
Building Use and Design	1. Allow building heights up to three stories (third story set back at least 20')	Planning Commission, City Council	Mid-Term
	2. Update the Zoning Ordinance and implement a form-based code and storefront design requirements		Short-Term
	3. Eliminate parking requirements for new commercial buildings located downtown		Mid-Term
	4. Design recessed doorways for future commercial buildings to improve pedestrian flow		Long-Term
	5. Add focal points at end of streets and alleyways		Mid/Long-Term

Short-Term: 0-6 Months Mid-Term: 1 year+ Long-Term: Ongoing

Action	Key Implementation Tasks	Responsible Agency	Timeframe
Waterfront			
Waterfront Enhancement	1. Create focal point at Douglas Harbor 2. Remove City repository 3. Enhance pedestrian connections to waterfront (Washington Street, Water Street and Center Street) 4. Construct continuous multi-use trail from Douglas Harbor to Blue Star Highway underpass 5. Add tactical placement of signage, wayfinding and visual cues to waterfront	DPW, City Council, DDA, Planning Commission	Mid/Long-Term Mid/Long-Term Mid/Long-Term Mid/Long-Term Mid/Long-Term
Blue Star Highway Underpass Activation	1. Enhance lighting and signage 2. Add permanent benches 3. Add public art murals	City Council	Mid-Term Mid-Term Mid-Term

Short-Term: 0-6 Months Mid-Term: 1 year+ Long-Term: Ongoing

Transportation and Mobility

Action	Key Implementation Tasks	Responsible Agency	Timeframe
Blue Star / Center Intersection	1. Construct "bump-outs" at the intersection as a means for traffic-calming and shortening pedestrian crosswalks 2. Resurface crosswalks with raised pavement markings 3. Construct landscaped medians / pedestrian islands along Blue Star Highway and Center Street	City Council, DPW, Planning Commission, City Engineer	Long-Term Long-Term Long-Term
Pedestrian Accessibility	1. Add crossings along Blue Star Highway to St. Peter's Drive, Union Street and Main Street 2. Add pedestrian walkway along Washington Street 3. Complete the Beach to Bayou Trail	City Council, DPW, Planning Commission, City Engineer	Long-Term Long-Term Mid/Long-Term
Alternative Transit	1. Add bike racks, bike sharing facilities and/or repair stations Downtown 2. Implement a shuttle system to transport residents/visitors between Downtown and Douglas Beach	DDA, Planning Commission, City Council	Short-Term Long-Term

Short-Term: 0-6 Months Mid-Term: 1 year+ Long-Term: Ongoing

To: **Douglas Planning Commission**

From: **Nicholas Wikar**
Planning and Zoning Administrator

Date: **August 6, 2021**

Subject: **Discussion of Amendments – Article 22, City of the Village of Douglas Zoning Ordinance; to Repeal and Replace Section 16.26 Signs and Village of Douglas Sign Ordinance 111-D (Continued)**

The Douglas Planning Commission shall make recommendation to City Council following public hearing occurring no sooner than September 2021, for amendment to Article 22 of the City of the Village of Douglas Zoning Ordinance to repeal and replace Section 16.26 Signs and Village of Douglas Sign Ordinance 111-D.

Planning Commissioners shall review draft amendment language to clarify and correct provisions related to Exempt Signs; Prohibited Signs; General Regulations; Permits and Fees; Clarification; Fees; Penalties, Remedies, and Enforcement; and Appeals.

There is no financial burden associated with this recommended action of the Planning Commission at this time.

It is recommended the Douglas Planning Commission continue discussion of draft language, as proposed, in continued consideration of Article 22 of the Zoning Ordinance, for recommendation to City Council to repeal and replace Section 16.26 Signs and Village of Douglas Sign Ordinance 111-D.

ARTICLE 22:
SIGNS

Section 22.01 Intent

The City of the Village of Douglas finds that signs and outdoor advertising are necessary to the commerce, health, safety, and general welfare of the public. Further it finds that failure to regulate the size, height, number, location and construction of signs within the City of the Village of Douglas may lead to poor identification of individual - businesses, deterioration of the appearance of the ~~Village~~City, a decline in property values, and may create safety hazards to the public. The purpose of this Ordinance is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting effective advertising and identification. It is further intended through the provisions contained herein to:

1) Give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives.
2) Reflect the primary purpose of signage as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
3) Promote signs that are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.
4) Avoid excessive property and use signing in order to give each use optimum visibility to passer-by traffic and if possible, to prevent ~~one~~ a sign from blocking the view of another sign.
5) Place and size signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
6) Protect the character of the ~~Village~~ City by encouraging the design of institutional, business, and industrial signs that reflect the ~~Village's~~ City's favorable environment as a permanent and seasonal home community.
7) Maintain and enhance economic stability by retaining aesthetic appeal to tourists and visitors and encouraging sign design practices that will complement the ~~Village~~City's character and natural environment.

Section 22.02 Signs ~~T~~to Have Permits:

1) Permit Required. A Sign Permit shall be required ~~pursuant to Section 3 (2)~~ for the erection, construction, alteration or replacement of any sign; except as hereinafter provided, and all such signs shall be approved ~~,~~ by ~~–~~ the Planning and Zoning Administrator if, following review of an application, the proposed sign or signs are found to conform to the requirements of this Ordinance and all related Ordinances, including but not limited to the City of the Village of Douglas Zoning Ordinance, as well as the applicable Building and Electrical Codes.
2) Sign Permits. The Planning and Zoning Administrator shall maintain a supply of application forms for sign permits contemn space for the information needed to

ascertain conformance with this Ordinance and a supply of sign permits that specify that signs meeting the requirements of this Ordinance may be erected in the approved locations.

Section 22.03 Exempt Signs

1) The following signs, upon review and determination by the Planning and Zoning Administrator as to number, size, materials, and placement, may be exempted from the sign permit requirements of Section ~~6.020~~22.05 and ~~7.0~~22.06, provided such signs are otherwise in conformance with this Ordinance:
    a) Political advertising related to a candidate running for office or a proposition up for public vote on a sign up to four (4) square feet in size for not more than thirty (30) days before an election. There is no limit on the number of political advertising signs, provided their placement conforms with all requirements of this Ordinance and the Douglas Zoning Ordinance, and further provided, all political advertising signs must be removed within ten (10) days ~~of~~ after an election. Not more than one (1) sign up to four (4) square feet in size may be placed on a lot or parcel for an indefinite period if the sign carries a political or other message unrelated to an upcoming election and has a message which is protected by the First Amendment to the U.S. Constitution.
    b) Changeable message signs that do not exceed eighteen (18) square feet, for churches, public or semi-public institutions and/or schools in any zoning district.
    c) Signs required by Federal or State agencies in connection with federal or state grant projects and programs in any zoning district.
    d) Street name signs, municipal signs in the public interest, route markers and other public traffic control signs, signs established by or approved by state, county, or township units of government when necessary for giving proper directions or otherwise safeguarding the public, in any district. Such signs shall conform to standard shapes, sizes, color, lettering, and other specifications (including location) as set forth in the Michigan Manual of Uniform Traffic Control, where applicable, and said signs, upon review of the Planning and Zoning Administrator, may be erected in the right-of-way in any zoning district.
    e) Non-advertising signs erected by any organization, person, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards such as but not limited to; caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district, provided the sign size limitations of this Ordinance are observed.
    f) Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, etc.) provided the sign size limitations of this Ordinance are observed.
    g) Non-advertising signs demarking an historically significant place, building or area when sanctioned by national, state or local historic agencies, provided the sign size limitations of this Ordinance are observed.

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h) Temporary ~~real estate~~ signs advertising personal property and/or real estate for lease, rent, or sale, not exceeding six (6) square feet ~~advertising a premise as being for lease, rent, or sale~~. It shall be removed within seven (7) days of the consummation of sale or lease transaction, or within six ~~({~~6~~})~~ months of the initial placement, whichever event occurs first. Such signs shall not obstruct traffic, or vision, or be hazardous to the public. In any non-residential zone, the maximum permitted size may be thirty-two (32) square feet.

i) Integral - Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure. ·

j) Private Traffic Direction - Signs directing traffic movement onto a premise or within a premise, not exceeding three (3) square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the other provisions of this Ordinance regulating illumination of signs. Horizontal directional signs painted on paved areas are exempted from these standards.

k) A maximum of three (3) signs of two (2) square feet each advertising a garage or yard sa~~l~~fe may be erected on the day of the sa~~l~~fe and must be removed promptly at the conclusion of the sale. Such signs shall not obstruct traffic, vision, or be hazardous to the public.

l) Celebration or holiday banners in any district when limited to not more than two (2) per lot and displayed not more than four (4)~~}~~ weeks prior to the celebration or holiday and removed within seven (7) days following the celebration or holiday.

m) ~~Multi-business~~Wayfinding and Municipal ~~d~~ Directional ~~s~~Signs as provided in Section ~~13.0~~22.12.

n~~5~~) Temporary ~~A~~advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights, or other devices with similar characteristics~~, except~~ when used ~~temporarily~~ for periods not to exceed fifteen (15) days to announce charitable or civic events, the opening of a new type of business, or use by a new owner. ~~Exceptions include:~~

o) Uniform municipal/community seasonal banners, n~~N~~ational flags or symbolic flags of any institutions to a maximum of three (3) per lot with the height of flagpoles limited to thirty-five (35) feet~~; temporary banners announcing charitable or civic events;~~. ~~uniform community seasonal banners.~~

Section 22.04 Prohibited Signs

1) Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature signs.
2) Signs affixed to or painted on trees, rocks, shrubs or similar natural features.

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

4) Signs utilizing vehicles, trucks, vans, or other wheeled devices, or tripod or sandwich board signs, unless such signs are used for periods of less than seven (7) consecutive days in any ninety (90~~}~~) day period or unless such signs have been approved by the Planning and Zoning Administrator as meeting a special purpose need and/or as being appropriate for the particular use.

~~5) Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner. Exceptions include: National flags or symbolic flags of any institutions to a maximum of three (3) per lot with the height of flagpoles limited to thirty five (35) feet; temporary banners announcing charitable or civic events; uniform community seasonal banners.~~

~~6~~5) Signs which overhang, encroach, are placed, or extend into a dedicated public right-of-way, ~~other than projecting signs in the Village Center Commercial District as approved by the Village Council. Any signs which trespass upon the public right-of-way do not qualify as nonconforming signs. Such signs shall be considered an illegal nonconforming use and shall be re- moved on or before January 1, 2008~~ unless permitted in Section 22.06 or otherwise approved by revocable license agreement by ~~the Village~~City Council.

~~7~~6) Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground and are located so as to constitute a safety hazard to vehicle traffic. The Planning and Zoning Administrator may rule on the hazard potential of any proposed sign structure and shall prohibit such sign or a modification upon finding the presence of a safety hazard.

~~8~~7) Signs which advertise a use that no longer occupies the premises, and has not so occupied its premises for sixty (60) days. The message portion of said sign shall be removed by the owner or person responsible for the placement of the sign. The structure of said sign, if it is conforming, shall not be required to be removed. This sixty (60)-day provision shall not apply to a seasonal business that regularly occupies and returns to the premises.

~~9~~8) Signs which are roof-mounted. A facade shall be considered part of the roof. Any portion of the structure of a building above the eaves shall be considered roof for the purpose of this section.

~~10~~9) Any portable, "A-frame", 'T-frame or inverted "T" signs with spider legs, with or without wheels where lettering can be changed, rearranged or altered without changing the face of the sign, except as provided in Section ~~9.00~~22.08.

~~11~~10) Plastic faced, interior lighted signs in any district except the C-2 ~~and C-2A zone~~ district~~s~~.

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Section 22.05 Permitted On-Premises Signs ~~i~~In Residential Districts:

1) A single on-premise sign shall be permitted on lots in Residential Districts as defined in the Douglas Zoning Ordinance, subject to the fallowing restrictions:
   a) Signs no larger than six (6) square feet in area shall be permitted for any of the following purposes:
      1. Sale or lease of personal property. However such a sign shall be removed within seven (7) days of the consummation of said sale or lease or within six (6) months of the initial placement, whichever event occurs first. Such signs shall not obstruct traffic, or vision, or be hazardous to the public.
      2. Identification of a use permitted by right (except for dwellings, see Section· ~~6.0~~22.05(d) ~~below~~), special use permit or a nonconforming nonresidential use
      3. Identification of a temporary use (of thirty (30) days or less} except as provided for temporary real estate offices in subsection b. following.

   b) Signs advertising new subdivisions or, major developments may be permitted by the Planning and Zoning Administrator ~~—~~for no more than one (1) year, provided they do not exceed sixty-four (64) square feet in area.
   c) Public Institutions and churches permitted in residential districts shall comply with these same provisions. ~~See also Section 4.0(1)(c).~~
   d) Identification signs for residences and for home occupations, except for Bed and Breakfasts as provided herein:
      1. May be attached to the structure or in the front yard.
      2. Shall be set back at least 15 feet from the right-of-way and all property lines.
      3. Shall not exceed two (2) square feet.
      4. May not exceed four (4) feet in height.
      5. May not be illuminated after 8 PM and all illumination shall have the lighting directed towards the ground with a shield to prevent light from being directed upwards.
      6. The sign may announce only the name and occupation of a building occupant, or the buildings name.
   e) One (1) sign per street frontage, each not exceeding twelve (12) square feet in area designating an apartment complex or building, or multiple family or group housing complex, with a maximum height of four (4) feet above the ground, in the case of a free- standing sign, which may be either non-illuminated or illuminated non-flashing, provided the direct source of light is shielded in such a manner that it is not visible from the street or any adjoining residential property, and that said source of light shall be of a warm, non-glare type.

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f) All of the signs permitted in the residential districts shall be set back fifteen (15) feet from all property lines. Exemptions from this requirement, only, may be granted by the Planning and Zoning Administrator upon a written finding that compliance is impossible due to property and building configuration.

g) Illumination, if used, shall not be blinking, fluctuating, or moving. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property line in any direction, except by indirect reflection.

Section 22.06 On-Premises Signs ~~I~~in Commercial ~~O~~or Industrial Districts:

1) Signs shall be permitted in Commercial and Industrial Districts as defined in the Douglas Zoning Ordinance subject to the following restrictions:
   a) Signs shall pertain exclusively to the business carried on within the building or on the premises.
   b) Signs shall be placed flat against the main building or parallel to the building on a canopy and may face only the public street or parking areas as part of the development. Signs shall not project above the roof line or cornice.
   c) Signs painted or affixed to a building shall not exceed ~~tel1'~~ ten (10) percent of the surface. area of the building face to which attached.
   d) Signs may be illuminated, but no flashing or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties
   e) Ground Support or Pylon Signs shall:
      1. Not obstruct a clear view of traffic. .
      2. Not exceed one (1) per property frontage, regardless of the number of businesses, except as provided in Section ~~20~~22.06 ~~7~~(3)(c).
   f) Changeable Message Boards: Are permitted in place of an identification sign or a freestanding sign, but the total area allotted to signs shall remain the same whether a wall sign or a freestanding sign.
2) On-premises signs within all Commercial and Industrial zoned districts shall comply with the following requirements and restrictions:
   a) Identity sign(s) may be allowed on any exposed side of a building.
   b) A business may use one (1) exposed side as the primary front. The sign area for the primary front shall be based on one~~- and~~ and-one-half (1 ½) square feet per lineal foot of building or one-half (½) square foot per lineal foot of lot frontage whichever is smaller. Ribbon type signs including individual letters, may be utilized across the primary face of the building provided the maximum height does not exceed thirty-six (36) inches. All other signs on the building shall be on the basis of one (1) square foot per lineal foot of building frontage or one-half (½) square foot per lineal foot of lot frontage whichever is smaller. Except, as provided in Section

~~7.0~~22.06(1)(c), total sign area on any exposed building face shall not exceed ten (10) percent of the area of that face.

c) All signs, except as otherwise specified, shall be flat signs attached and parallel to the face of any building wall and shall not extend farther than fifteen (15) inches from the face of the building upon which it is attached, provided, however, that where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be less than ten (10) feet above a public sidewalk and fifteen (15) feet above a public street or alley,~~..~~ except one (1) sign per public entrance, nor more than two (2) square feet in area may be~~:~~ affixed to the underside of a canopy or marquee provided it shall be at least eight (8) feet above the sidewalk.

d) Projecting Signs are allowed in the ~~Village Center~~C-1 Commercial District provided that they do not exceed ten (10) square feet in total area; do not exceed the height of the building to which it is attached; is properly supported and, if the projecting sign overhangs over or into the public right-of-way, a revocable sign license agreement must be approved by the ~~Village~~ City Council.

e) Where a building is not closer than a distance of twenty-five (25) feet from the primary street right-of-way, one (1) identity sign (either pylon or ground supported) may be permitted. When located in such a manner that no part extends beyond the property lines. When the use is located on, and has clearly defined entrances on two separate street frontages, each frontage is eligible for an identity sign as provided for in this section. As provided in this section, the total, sign and supporting structure may have a maximum height of thirty (30) feet in any district adjacent to or fronting on B~~l~~ue Star Highway, and sixteen (16) in any district adjacent to or fronting on any other street or road.

f~~)~~ Gasoline service stations, motels, public or service garages, new and used car lots, garden shops, eating establishments and other similar uses which may be defined as highway-oriented or outdoor merchandising enterprises, and are located adjacent to Blue Star Highway, are permitted one (1~~)~~ identity sign (either pylon or ground supported) in addition to the allowed wall sign or building mounted sign. The sign cannot exceed thirty ~~({~~30) feet in height. The pylon or ground signs provided for in this Section, however, shall not be allowed when the businesses mentioned in this Section are located in a defined "Business Center". ·

g) No sign shall obstruct or interfere with traffic or be hazardous to the public.

h) Temporary signs, indicating service, products, trade information or other information (not including signs that are a part of dispensing equipment) shall not exceed six (6) square feet in the aggregate and shall not be located closer than ten (10) feet from any street or alley property line. Said sign may be in place for no more than thirty (30) days.

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3) Sign Area. The following maximum sign area shall apply to all free standing, ground support, or pylon signs allowed as provided in this section:
   a) For those signs in zones adjacent to and/or fronting on Blue Star Highway:
      1. Single business or use: Fifty-four (54) square feet.
      2. Business Center: Seventy-two (72) square feet.
   b) For those signs in zones adjacent to and/or fronting on any other street.
      1. Single business or use: Thirty-two (32) square feet.
      2. Business Center: Forty-eight (48) square feet.
   c) Additional special provisions: A Business Center only, if it has at least four hundred (400) feet of frontage on one (1) street, in single ownership, and:1s at least two (2) acres in size, may have a single sign of eighty (80) square feet. Or in lieu of that, two (2) signs of fifty-four (54) square feet, as long as the two signs are located at least 250 feet apart on the frontage.

Section 22.07 Signs Not ~~t~~To Constitute ~~A~~a Traffic o~~O~~r Fire Hazard:

1) Traffic Hazard: No sign shalt be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", “danger” or any word, phrase, symbol or character in such manner s to interfere with. mislead or confuse traffic.
2) Fire Hazard: No-sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

Section 22.08 Portable ~~O~~or Movable Signs:

Any free-standing sign not permanently anchored or secured to either a building or the ground, including but not limited to sandwich style, A frame, T frame, or inverted T shaped structures, including those signs mounted on wheeled trailers, shall be permitted only in accordance with the following provisions:

1) Use: Portable signs are permitted for grand openings, advertising charitable or community-related events and the like, but may not be used on residential property. Being temporary in nature, such portable signs may be permitted for a period not to exceed thirty (30) days
2) Lighting: Light shall shine only upon the premises, and shall not spill over the property line- in any direction, except by indirect reflection. In addition, no flashing or colored lights will be allowed.
3) Placement: All portable signs shall be located no closer than ten (10) feet to the street right-of-way line.
4) Size: Any portable signs shall not exceed thirty-two (32) square feet in area.

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5) Number. Only one (1) portable sign may be established on a property.
6) Parked Vehicle as Sign: No vehicles shall be parked or displayed in such a way so as to be used as a sign.
7) Sign Permit Required. ~~- No charge~~

Section 22.09 Off-Premise Sign

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 ~~XXV~~ 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 ~~Village~~ City limits and the North ~~Village~~ City Limits, or directly adjacent to the 1-196 Expressway.

b) Size and spacing requirements for all off-premise signs along Blue Star Highway shall be as follows:

1. Overall sign area = 50 sq. ft.
2. Maximum sign height = 10 ft.
3. Maximum sign width = 10 ft.
4. Maximum sign structure height = 25 ft.
5. Spacing between signs = 300 ft. minimum

c) Off-premises signs shall not block any permitted on-premises sign.

d) Size and spacing requirements for off-premise signs along I-196 shall be as follows:

1. 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 ~~Village~~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.
2. Billboards and other off-premise signs shall be located not closer than one~~-~~hundred (100~~)~~) feet from a street or road right-of-way and two~~-~~hundred (200) feet from any street or road rights-of-way which intersect.
3. Overall sign area =~~-~~ 300 sq. ft.
4. Maximum sign height = 20 ft.
5. Maximum sign width = 20 ft.

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6. Maximum sign structure height = 20 ft.

e) Off-premise signs may be illuminated providing, however, that said source of illumination is not visible beyond the lot lines of the parcel upon which the structure is located and shall be directed downward.

f) 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.

g) 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 22.10 Existing Nonconforming Signs:

It is the intent of this Section to permit the continuance of a lawful use ~~(see Section 5(6)~~ of any sign or outdoor advertising structure existing at the effective date of adoption of this ~~Section~~Ordinance, although such sign or outdoor advertising structure may not conform with the provisions ~~of this Section~~herein. It is the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the City of the Village of Douglas shall be subject to the following requirements:

1) Structural Changes: The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this ~~Article~~ Section for the use it is intended, except as otherwise-provided for.

2) If a nonconforming sign is destroyed it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ~~Article~~Section, and the remnants of the former sign structure shall be cleared from the land or building on which it was supported. For purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the damaged sign.

3) The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off- premise sign under circumstances where such a sign would not be allowed). However, if the name of the business or organization changes, the face of the sign may be changed only as provided in ~~subsection~~ Section 22.10(1) ~~above~~.

4) If a nonconforming sign, other than an off-premise sign- advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign and its independent supporting structure shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party hav, ting such control over such sign.

5) Any other provisions of this Ordinance notwithstanding, anall signs which are erected or are in place on the effective date of the Ordinance, but which do not comply with the provisions of this Ordinance, shall be brought into compliance within ten (10) years from the effective date of this Ordinance; except thatand signs in nonconformance with the City of the Village of Douglas sign regulations, Ordinance 111, adopted January 1987, shall be brought intodemonstrate compliance and conformance with these provisions by one year from the effective date of this Ordinanceupon application for Sign Permit resultant of any desired or necessary changes, alterations, substitution, repair, replacement, and other maintenance.

6) Alteration, Erection, or Placement of Signs: No person, firm, corporation, partnership. or other legal entity, shall alter, enlarge, or erect a sign except in accordance with the provisions of this Ordinance. Nonconforming signs, however, may be repaired, repainted, or improved within the ten (10) year grace period (see subsection 5 above), however, they may not be enlarged beyond their existing size.

Section 22.11 Nonconforming Signs Located iIn tThe Right-Of-Way:

1) Any signs existing in the public right-of-way of the City of the Village of Douglas, on the effective date of this Ordinance which on or before January 1, 2008 do not have a revocable license agreement with the Village City Council are, under Section 5(6), illegal nonconforming signs and are to be removed or relocated to come into compliance with the provisions of this Ordinance.

2) The owner of any signs existing in the public right-of-way of the City of the Village of Douglas, on the effective date of this Ordinance which do not have a revocable license agreement with the Village City Council shall within sixty (60) days of notice by the Village City provide the Village City Council with proof of liability insurance with sufficient policy limits, naming the City of the Village of Douglas as an additional named insured thereby indemnifying the Village City for any liability, loss, costs, damages or expenses that may be paid by the Village City to persons as a result of damage to persons or their property due to the placement of the sign in the right-of-way.

3) Failure to provide this insurance, or any lapse in the coverage provided therein, or failure to enter into a revocable license agreement by January 1, 2008 may result in-the Village City taking actions, as provided in this Ordinance and by any other lawful enforcement provisions, to abate said sign, including its immediate removal.

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4) The ~~Village~~ City Council may, at its discretion, review any sign effected by this ~~Section~~ Ordinance on a case~~-~~by~~-~~case basis to consider extenuating health, safety and public welfare factors which may cause the requirement for immediate compliance with the Ordinance to be extended.

Section 22.12 Wayfinding and ~~Multi-Business~~ Municipal Directional Signs

The City of the Village of Douglas may provide space, select the theme, provide, if available, lighting for, and maintain in good condition the base structure for wayfinding or ~~multi~~ municipal non-business directional signs~~. at the following locations:~~

~~a. Intersection of Wiley and Blue Star.~~
~~b. Intersection of Ferry and Center~~
~~c. Intersection of Center and Blue Star~~
~~d. Intersection of Lakeshore and Center~~

~~Business owners will be responsible for purchase and upkeep of their individual signs, size limited to 8" high X 48" long slats.~~

Section 22.13 General Regulations

The following general regulations shall apply to all signs:

a) The construction and materials used in all signs shall conform to State Construction (Building) Code.

b) All signs shall be maintained in good repair in terms of structure and appearance. Any sign which is applicable to a business which has been discontinued shall be eliminated by the property owner within sixty (60) days after said discontinuance, except as provided for seasonal uses as noted in Section ~~5(8)~~22.04(7).~~-~~ This provision shall not apply to a conforming independent sign structure.

c) An electric permit, to be issued by the Building Inspector, shall be required for any electrical installation in connection with any sign installation.

d) All permits issued under this Ordinance shall be void if the sign for which it is issued is not erected or placed within three (3) months from date of issuance.

Section 22.14 Permits a~~A~~nd Fees

No signs except those specifically exempted under Section ~~4~~22.0~~3~~ of this Ordinance shall be erected or placed without first obtaining a sign permit from the ~~Village~~ Planning and Zoning Administrator. Applications to install either temporary or permanent signs shall be on the ~~Village~~ Sign Permit Application form and may be obtained from the ~~Village~~ City Clerk. A sign may be erected or placed after payment of the required permit fee and issuance of the permit evidencing compliance with this Ordinance. If the Planning and Zoning Administrator finds that the proposed sign is not in compliance with the Ordinance, the deficiencies shall be described on the application and it shall be returned to the applicant. The applicant may submit an amended application to the Planning and Zoning

Administrator showing compliance with the Ordinance, and the Planning and Zoning Administrator shall then proceed to issue a permit. No additional fee shall be charged when an amended application is submitted to the Planning and Zoning Administrator.

Section 22.15 Clarification

Any person seeking a determination as to whether a proposed sign is exempt under Section 422.03 shall request in writing a determination of status from the ~~Village~~ Planning and Zoning Administrator, who shall issue a letter of determination in response thereto. The Planning and Zoning Administrator may consult with the ~~Village~~City ~~attorney~~ Attorney concerning matters of determination under this Section if, in his discretion, he or she feels it appropriate or necessary to do so. The Planning and Zoning Administrator shall maintain a permanent file of any letters of determination so issued.

Section 22.16 Fees

Permit fees shalt be established by the ~~Village~~ City Council and shall be set forth in the ~~Village~~ City "Schedule of Fees".

Section 22.17 Penalties, Remedies, ~~a~~And Enforcement

The Planning and Zoning Administrator of the City of the Village of Douglas shall be responsible for the administration of this Ordinance. Failure of any person to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person(s) who violate this Ordinance or fail to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred ($500.00) dollars or imprisoned for not more than 90 days, or both. Each day such violation continues shall be considered a separate offense.

1) All penalties remedies, and enforcement relative to the provisions of this Ordinance shall be in accordance with the applicable provisions this Ordinance.

2) The person upon whom notice to abate a non-permitted sign is served, shall have five (5) days from receipt of said notice to abate the same. Upon failure of the person to comply or apply to the City of the Village of Douglas, or it~~'~~s designated agent in writing, the ~~Village~~ City shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. These costs shall then be assessed against the property owner.

Section 22.18 Appeals

Any person, corporation, partnership, or other legal entity, which feels aggrieved by a decision of the Planning and Zoning Administrator or Planning Commission shall have the right of appeal to the City of the Village of Douglas Zoning Board of Appeals~~Council~~.

12/10/19 mtg

CITY OF THE VILLAGE OF DOUGLAS SIGN ORDINANCE DRAFT December 2019

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CITY OF THE VILLAGE OF DOUGLAS SIGN ORDINANCE

ARTICLE I.

Sec. 1.1 Intent & Purpose

The City of the Village of Douglas is both a year-round and a resort community with an economic base that relies heavily on tourism. To preserve the town as a desirable community in which to live, vacation and do business, a visually attractive built environment is of significant importance and the regulation of signs is one method of achieving this.

The Douglas City Council hereby enacts this Ordinance to fairly regulate and control the time, placement, manner, and maintenance of signs within the City of the Village of Douglas and to provide penalties for violations of such regulations. The provisions herein contained are intended to promote the general welfare and protect the health and safety of the general public while further enhancing the built environment and promoting the continued well-being of the community. This Ordinance shall be known as the "Douglas Sign Ordinance."

The City of the Village of Douglas finds that signs and outdoor communications are necessary to the commerce, health, safety and general welfare of the public. It further finds that regulation of the size, height, number, location and construction of signs within the City of the Village of Douglas is conducive to maintaining the appearance of the City, property values and public safety, and to identifying individual businesses. The purpose of this ordinance is to comprehensively regulate signs and outdoor communications in a manner that enhances the effectiveness of all public communication and advertising while minimizing its impact on the visual environment and user enjoyment of public spaces.

The City intends through the provisions contained herein to:

(A) Maximize the value of commercial signage as a means of locating and identifying commercial establishments providing goods and services, while, at the same time, discouraging the use of commercial signage to sell goods and services.

(B) Encourage the construction of commercial signs of high-quality materials which are aesthetically pleasing and are compatible with their natural surroundings and with the buildings they identify.

(C) Avoid the creation of a distracting atmosphere which can result when businesses compete for attention through the use of commercial advertising signs.

(D) Protect, preserve and enhance the unique aesthetic character, beauty and small town charm of Douglas, and thereby encourage the continued economic development within the community.

(E) Improve pedestrian and traffic safety and eliminate physical and visual clutter caused by signs

which compete for the attention of pedestrian and vehicular traffic.

(F) Further the objectives of the City's Master Plan.

These regulations take into consideration the total available communications network in the community including, but not limited to, cable and broadcast television and radio; electronic mail and information services; newspapers; magazines; direct mailing, trade publications and catalogs; telephone solicitation, door-to-door solicitation; artworks and artistic performances; and public demonstrations, parades, rallies, marches, and pickets.

ARTICLE II

Sec. 2.1 Applicability and Provisions

(A) A sign may be erected, placed, established, painted, created or maintained in the City of Douglas only in conformance with the standards, procedures, exemptions and other requirements of this Ordinance.

(B) Notwithstanding any other provision of this Ordinance, no sign shall be subject to any limitation based on the content of the message contained on such sign.

(C) All signs shall comply with applicable building and electrical code requirements.

(D) Per International Building Code (IBC) Section 1609.1, applications for new freestanding signs with faces larger than forty (40) square feet shall include wind load calculations stamped and signed by a certified engineer stating that the sign can withstand winds of up to 130 miles per hour.

(E) Noncommercial signs shall be allowed in all zoning districts and may be substituted for any sign expressly allowed under this Ordinance. Noncommercial signs shall be subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are substituted.

Lisa wants OUT not clear

ARTICLE III

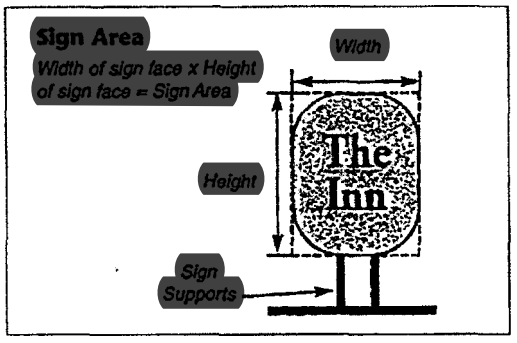
Sec. 3.1 Definitions

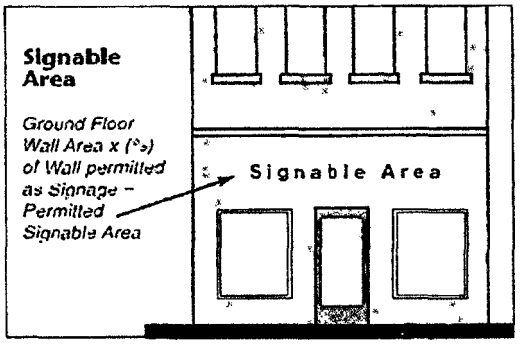
For purposes of this Ordinance, the following words shall have the meanings respectively ascribed to them, except where the context clearly indicates a different meaning:

Abandoned Conforming Sign. A sign pertaining to a business, lessee, owner, product, or activity that has not been available upon the premises where such sign is displayed for a period of one year or longer and which otherwise conforms to the requirements of this Ordinance.

PAGES 4-8 (ARTICLE III, SECTION 3.1) REMOVED - PREVIOUSLY REVIEWED BY PLANNING COMMISSION 04-14-2021.

an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. That portion of the sign supports or uprights that exceed in surface area 60% of the total permitted sign area and is visibly parallel to the sign face shall require approval of the Planning Commission as part of a special-condition sign. Both sides of a sign structure may be used for sign purposes, provided the sides have a one hundred and eighty (180)-degree, back-to-back relationship. In the case of a broken sign (a sign with letters individually mounted to a wall), the total surface area shall be measured by multiplying the horizontal distance between the outer edges of the two (2) furthermost letters by the maximum vertical height of any letters in the sign.





Sign Face. The portion of a sign upon, against, or through which the message is displayed.

Sign Supports or Uprights. A non-illuminated structure that is used to brace, support, or hold a free-standing sign.

Swooper. A type of removable sign intended to act as a banner, but move as a flag.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Trailered Sign. A temporary or permanent sign mounted on a trailer or other wheeled device.

Unattended Sign. Any sign that is not hand-held or carried by a person.

Wall Sign. A sign that is attached, mounted, or painted directly onto a building wall.

Warning Sign. Any sign that alerts persons to safety hazards or potential hazards.

Window Area. The area of a window as measured by the maximum height and maximum width of the window glass, including glass windows in doors.

Window Sign. A sign that is either affixed to or within three (3) feet of a door or window interior.

Sec. 3.2 Zoning References.

For purposes of this Ordinance, "lot," "lot line," "front yard," and similar words shall be as defined in

the City of the Village of Douglas Zoning Ordinance.

Sec. 3.3 Illustrations.

The illustrations contained herein are for convenience purposes only. In the event that a conflict arises between the meaning of any text and its corresponding illustration, the text shall control.

ARTICLE IV.

GENERAL PROVISIONS

Sec. 4.1 Provisions Applicable to All Districts.

The following provisions shall apply to all districts within the City:

(A) **Pre-existing Nonconforming Signs.** Any permanent sign that conformed with a sign ordinance in effect at the time said sign was installed or constructed, and which was installed per an approved sign permit may be maintained, subject to the provisions herein contained. See Article X.

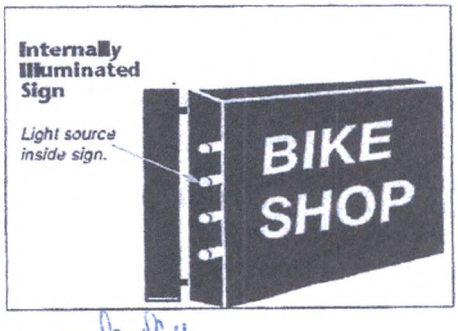
(B) **Sign Construction and Assembly.** The entire sign shall be made of materials that maintain an integral character, rather than an assemblage of different sign types and materials. Changeable-message signs shall be an integral part of the face of any free-standing sign if applicable.

(C) **Sign Installation.** No sign shall be placed, displayed, or installed upon property without the consent of the property owner. Wall-mounted signs, overhanging signs, and projecting nameplates shall be thoroughly secured to a building by metal anchors, bolts, supports, rods, or braces and shall comply with building code requirements for wind loads, snow loads, and dead loads. Independently-mounted letters, figures, or similar message elements shall be safely and securely attached to the sign face and building wall.

(D) **Sign Maintenance.** Signs shall be maintained at all times in a clearly legible and safe condition and shall be kept in good repair. Lighting for a sign shall be maintained in working order.

(E) Illumination of any Sign.

(1) Exterior lighting shall be provided from an external light source attached to the sign and directed only to the face of the sign. Sign light sources shall not exceed 150 watts per sign face and shall be shielded in order to prevent visible glare to passing motorists and shall not be directed so as to trespass or



move signs to ZBA

decide ZBA/PC issue

put dark sky in Z.O.

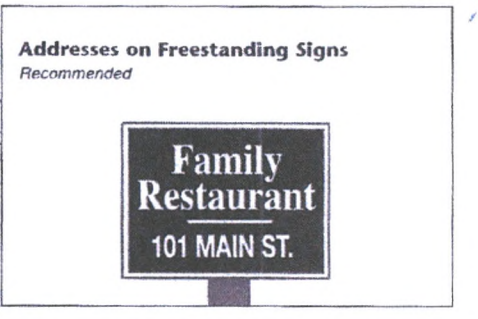
add dark sky fix for LED

encroach in or upon neighboring properties.

(2) Interior illumination is only permitted for individual numbers, letters, or logos on a sign. All illumination shall be steady and stationary in source and intensity.

(3) Neon signs not exceeding 25% of the inside window area shall be permitted only as a special condition sign following review of the Planning Commission (See Article IX).

(F) **Address Sign.** One (1) address sign shall be placed at the main entrance to each principal structure on any property such that same is plainly legible and visible from the street fronting the property, to assist ambulance, police and fire protection response.



Wall-mounted address signs shall not exceed two (2) square feet in surface area, and at least one such sign shall show the numerical address of the premises and shall be visible from the street for which the address applies. Address signs identifying a business shall have a minimum height of six (6) inches.

Residential address signs shall have a minimum height of four (4) inches. Address numbers shall have a minimum width of one-half inch and shall be Arabic numbers or English alphabet letters contrasted with their background to enhance visibility; provided, however, that at least part of the address display shall be numerical. Free-standing address signs may be provided at single-family residences, not to exceed two (2)-square feet in area and five (5) feet in height. Commercial, industrial, institutional, and multi-family uses are encouraged ~~to~~ include an address sign or signs on any free- standing sign on the lot as well.

Beachfront Residential address signage

(G) **Sign in or Over a Right-of-Way.** The placement of any sign that projects more than forty-two (42) inches from the building and overhangs a public right-of- way shall be prohibited unless approved by the governmental unit having jurisdiction over that right- of-way and upon satisfaction of all requirements in this Ordinance and the City Code. All signs encroaching upon a right of way shall be subject to a Revocable Sign Agreement as provided by the City of Douglas. Such signs shall meet the requirements of the Revocable Sign Agreement, and shall meet the sign standards of the applicable zoning district, be located outside of the clear sight area, and shall not encroach upon any City of Douglas non-motorized trails, which include the Blue Star Trail and the Beach to Bayou trail.

(H) **Signs, awnings, mansards, canopies, or marquees** over a public sidewalk may not project more than five (5) feet from the building to which they are attached and must be a minimum of seven feet, six inches, higher than the sidewalk grade, for projections of 12 inches or more. Temporary signs (such as real estate, political event, and residential event signs) shall not be placed in the public right-of-way.

(I) **Obstructions to any Door, Window, Sidewalk, or Fire Escape.** No sign shall be erected, located, or maintained so as to prevent ingress or egress from any door, window, sidewalk, or fire escape.

(J) **Sign Constituting a Traffic Hazard.** No sign shall be placed, displayed, or illuminated so as to obstruct or impair driver vision. A sign shall not obstruct the view of any official traffic sign, traffic signal, or traffic marking. Signs that, by reason of their location, shape, size, or color, can be confused with an official traffic sign, signal, or marking, shall not be permitted. Signs which use beacons, spotlights, or searchlights visible from public rights-of-way are prohibited.

(K) **Abandoned Sign.** Abandoned signs shall be removed in accordance with their status as to conformity. Where such signs are nonconforming in size, or height, or other features, they shall be removed within 90 days. Where the sign is conforming but abandoned, they shall be removed after one year. Any abandoned conforming sign or abandoned nonconforming sign or sign structure may be removed by the City at the expense of the property owner.

(L) **Sign Constituting a Public Nuisance.** If a sign is determined to be a public nuisance, as defined in Chapter 95 of the City of the Village of Douglas Code of Ordinances, it shall be abated in accordance with the procedures provided in Chapter 95.

ARTICLE V. PROHIBITED SIGNS

Sec. 5.1 Signs Prohibited.

The following interior and exterior signs are prohibited in all districts, except as otherwise provided in this Ordinance:

(1) Signs which incorporate, in any manner, flashing or moving lights or lettering.

(2) Phosphorescent signs.

(3) Dynamic Displays as defined in Section 3.1 (22). This section does not prohibit barber poles designated as historic signs, nor official community informational kiosks.

(4) Roof-mounted signs or any sign which projects above any portion of a roof.

(5) Signs painted, posted, or mounted on public utilities or telephone or utility poles.

(6) Any sign or sign structure that the City determines is structurally unsafe.

(7) Interactive signs. This section does not prohibit official community informational kiosks.

(8) Motion or sound activated signs with speaker box.

(9) Off-premise signs unless approved as a special condition sign by the Planning Commission pursuant to Article IX of this Ordinance.

(10) Permanent window signs on upper stories of buildings.

(11) Any sign, decal, image or symbol which covers more than twenty (20%) (OR 10%??) of the total area of any window.

(12) Streamers, pennants, spinners, or balloons.

(13) Signs within the right-of-way, unless approved via Revocable Sign Agreement, pursuant to Section 4.1, G.

ARTICLE VI.

PERMITTED TEMPORARY SIGNS

Sec. 6.1 Permitted Temporary Signs in All Districts.

The following non-illuminated, temporary signs are permitted in all districts:

(1) **Real Estate Signs.** A single real estate sign that is free-standing in a private yard, or mounted on a private building wall, shall be permitted on the property intended to be rented, leased, and/or sold, provided that the sign is removed within fifteen (15) days after the sale, lease, or rental of the property.

A wall-mounted real estate sign shall be permitted with the area restrictions noted below and only mounted to the ground floor wall of a building. Window signs are permitted as twenty-percent (20%) or less of the window area, only in lieu of a free-standing sign and limited to one window sign per building wall.

For the purpose of publicizing a property open house, both on-premise and off-premise signs are permitted to be displayed only during the hours of the open house. Off-Premise signs advertising an open house for a specific property shall be limited to two (2) and shall not be displayed, placed, or mounted in the public right-of-way or on public property.

Only one real estate sign shall be permitted per lot or parcel. Where a corner lot is for sale, a single real estate sign shall be placed on the corner of the site. Real estate signs shall be built

and installed in accordance with the following schedule:

Table 1: REAL ESTATE SIGNS

ZONING DISTRICT	NUMBER OF SIGNS	MAXIMUM HEIGHT IN FEET	MAXIMUM SIGN AREA IN SQ. FT.
R-1, R-2, R-3, R-4, R-5, R-6	One (1) per property	Six (6)	Six (6)
C-1, C-2, LI	One (1) per property	Six (6)	Six (6), for split listings, up to eight (8) square feet shall be provided, allowing for up to four (4) square feet per listing agent.

(2) **Construction Signs.** A single construction sign for each development project shall be permitted on a construction site per lot or project. Such a sign shall be removed by the owner or lesseeof the property within thirty (30) days of the final inspection of the building or site by the City's building department. Such signs shall have a maximum height and area in accordance with the following schedule:

Table 2: CONSTRUCTION SIGNS (Freestanding ONLY)

TYPE OF CONSTRUCTION	NUMBER OF SIGNS	MAXIMUM HEIGHT IN FEET*	MAXIMUM SIGN AREA IN SQ. FT.
Single-Family	One (1) per lot or project	Four (4)	Six (6), thirty-two (32) permitted if more than five homes being built
Multi-Family	One (1) per lot or project, for developments with more than 4 buildings, an additional sign shall be permitted	Six (6)	Thirty-two (32)
Commercial and Industrial	One (1) per lot or project	Six (6)	Thirty-two (32), and may be divided into up to six (6) signs of four (4) square feet in area.

(3) **Residential Event Signs.** For publicizing a single event such as a garage sale, yard sale, estate sale, or moving sale, residential-event signs, not to exceed six (6) square feet or six (6) feet in height, are permitted for a period not to exceed seven (7) days in a ninety (90) day period. Off- premise residential-event signs shall not be displayed, placed, or mounted on public property.

(4) **Political Event Signs.** Political-event signs are permitted on private property only and shall not exceed six (6)-square feet in area and four (4) feet in height. Political-event signs shall be removed within forty-eight (48) hours following the political event to which the sign pertains.

(5) **Promotional Event Signs-Community.** Promotional-event signs that provide directions to a community event in the City, which is determined to have a community benefit, may be permitted for a period not to exceed seven (7) consecutive days. Signs for public events shall not exceed six (6) square feet in area and six (6) feet in height. Up to six (6) signs are permitted. Signs shall not be located within a right-of-way, unless permitted by the government unit having jurisdiction over such right-of- way. Signs on private property not owned by the applicant, shall have written permission by the property owner. Promotional-event signs shall be removed within 48 hours after the event that they identify.

(7) **Attended, Signs.** Attended signs such as hand-held political placards and demonstration pickets shall be permitted, subject to all applicable local, state, and federal laws. Such signs shall not exceed six (6) square feet in area.

(8) **Promotional Event Sign or Banner.** A temporary sign or banner advertising short-term sales, promotions, or special events on private property and regulated by Section 8.1(3).

(9) Removable Signs.

(a) **Swoopers.** The following shall apply:

(1) Only one (1) swooper per business shall be permitted within the front yard in the C-2 district when the property does not contain a freestanding sign within the right-of-way. For businesses with an approved Revocable Sign Agreement for a freestanding sign in the right- of-way, a swooper shall not be permitted.

(2) A swooper shall be located in the front yard.

(3) A swooper shall be displayed during the hours of operation only.

(b) **~~Promotional Flags.~~** Banner Flags displayed on the exterior of a building, or in the adjacent yard area.

(1) Only one promotional flag shall be permitted per establishment.

(2) Promotional flags shall be displayed during the hours of operation only.

(3) Promotional flags must clear 7'6" if they project into the right-of-way and above a public walkway.

(4) Promotional flags which are attached to a building shall not exceed six (6) square feet in size.

(5) No promotional flag shall be larger than six (6) square feet in size.

(6) Not more than one promotional flag shall be placed in the yard area of any property or parcel, ~~except that the Zoning Administrator may approve up to one additional flag where the property has frontage on Blue Star Highway and the principal building on site is set back 100 feet or more from the Blue Star right of way.~~

(7) All promotional flags or shall be secured in such a manner to handle wind shear and severe weather, or shall be taken indoors.

(8) No promotional flags shall be installed in the public right of way without a permit for temporary signage from the Zoning Administrator which indicates the approved size and location of the flag. Not more than one flag per property may be placed within the right of way.

(c) **Sandwich-Board Signs.** Permitted only as required in Article VIII.

ARTICLE VII.

PERMANENT SIGNS

Sec. 7.1 Permitted Permanent Signs.

The following permanent signs are permitted in all districts, subject to the restrictions herein contained and shall not require permits:

(1) **Governmental Signs.** Governmental signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule, or regulation.

(2) **Flags or Emblems.** Flags or emblems, provided that the height of any flagpole shall not exceed thirty (35) feet. Parcels having fewer than one hundred (100) primary street-frontage feet shall be permitted one permanent flagpole, and parcels having more than one hundred (100) feet of primary street frontage shall be permitted one permanent flagpole for each one

hundred (100) feet of primary street frontage, not to exceed a maximum of three (3) flagpoles. Temporary displays for periods not exceeding seven (7) days in any ninety (90)-day period may exceed this standard.

(3) **Commemorative Signs.** Commemorative signs such as cornerstones, historical markers, memorial plaques or tablets, and the like.

(4) **Warning Signs.** Warning signs such as "No Trespassing," "No Hunting," "Danger," and "Beware of Dog," not exceeding two (2)-square feet in area and no more than one (1) sign per two hundred (200) feet of property frontage.

(5) **Permanent Window Signs.** A business shall be permitted interior signs (including neon) that occupy not more than ten percent (10%) of the total window area of the first-floor level in C-1, C-2, and L-1 districts. The total permanent window signage for a building shall not exceed ten (10) square feet. Neon signs exceeding 10 percent (10%) of the window area shall be reviewed as special-condition signs (Article IX).). [section 4.1.(E)(3) says that all neon signs are permitted only as a special condition sign following review of the planning commission]

(6) **Neighborhood Identification Sign.** A neighborhood identification sign shall be permitted at the entry or gateway to the neighborhood and shall not exceed 48 square feet in area nor 6 feet in height.

ARTICLE VIII.

SIGNS REQUIRING A PERMIT

Sec. 8.1 On-Premise Signs.

The following on-premise signs may be erected, altered, or relocated in accordance with the regulations of this section and subject to the permit requirements of Article XI.

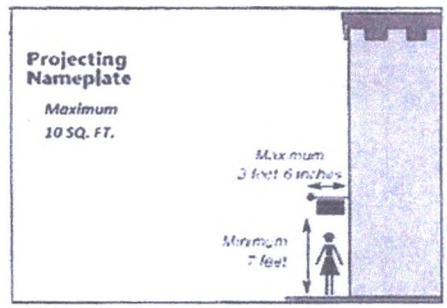
(1) **Projecting Nameplate Signs.** One projecting nameplate sign shall be allowed for each ground-floor use that fronts a public right-of-way or alley and one projecting nameplate sign shall be allowed for each below-ground-floor use that has direct access to a public right-of-way or alley, subject to the following conditions:

(a) The projecting nameplate shall not extend beyond three feet, six inches (3'6") from the building wall;

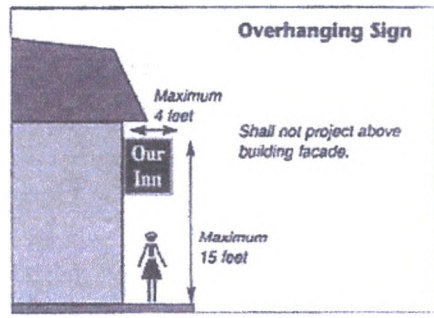
(b) The projecting nameplate shall not be internally illuminated;

(c) Projecting nameplates may be permitted in the C-1, C-2 districts only; and

(d) Projecting name plates shall be a minimum of 7' 6" feet above finished grade and a maximum of 10 feet above finished grade. No projecting nameplate shall be larger than ten (10) square feet in size. [inconsistent with Article IV (H) which requires signs a minimum of 7'6" above grade]



(2) **Overhanging Signs.** One Overhanging Sign per commercial building shall only be permitted in the C-1 and C-2 districts where a lot does not or cannot (due to setback restrictions) have a free- standing sign. Projecting nameplates meeting the area and height requirements of Article VIII, section 8.1 (1) may be substituted for the overhanging sign, provided that there is only one (1) such nameplate per ground-floor use, or per use below ground with direct access to a public right-of-way.



(a) Height and area of overhanging signs are restricted according to the following schedule:

Table 3: OVERHANGING SIGNS

ZONING DISTRICT	NUMBER OF SIGNS	MIN. HEIGHT IN FEET	MAX. HEIGHT IN FEET	MAXIMUM AREA IN SQ. FT.
C-1	One (1) per ground floor use	Nine (9) when within a public right-of-way 15' when over private	Fifteen (15)	Ten (10)
C-2	One (1) per ground floor use	Nine (9) when within a public right-of-way 15' when over private	Fifteen (15)	Twelve (12)

(b) No part of an overhanging sign shall exceed the height of the building facade or extend more than forty-eight (48) inches in depth from the building facade.

(c) Such signs shall not be mounted on the corner of a building or be closer than four (4) feet from the corner of the building.

(3) Promotional Event Sign or Banner

Signs or banners for advertising short term sales, promotions or special events, are allowed on private property within the City of Douglas only under the following conditions:

(a) A permit shall be required to display any promotional event sign or banner.

The permit application shall specify dates of display and a mock-up of the proposed sign or banner and placement.

(b) Display period cannot exceed 14 days in a 120-day period.

(c) Promotional event signs or banners of non-profit organizations such as museums, churches and public service organizations that use the signs or banners to inform the public of a pubic exhibition or public event, may be permitted by the Planning Commission, upon application, to be displayed up to two weeks before and during the public exhibition or event and must be removed within two (2) days after the end of the public exhibition or event.

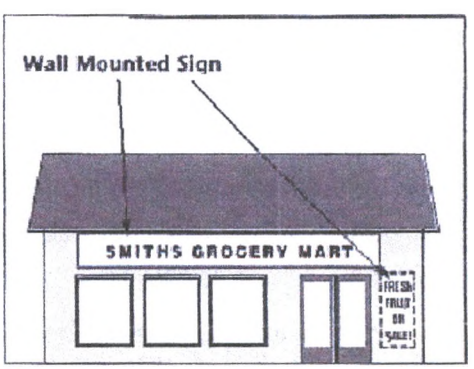
(d) A promotional event sign or banner, shall not exceed thirty-two (32) square feet or 20 feet in length; sign may be double-sided.

(e) No more than two (2) signs or banners shall be displayed on any property or parcel at one time and shall not be placed within the twenty foot (20') clear vision corner zone as that term is used in section 16.31 of the Zoning Ordinance.

(f) If building mounted, signs or banners shall be flat against the wall and shall not project above the roof line. If ground-mounted, the top of the sign or banner shall be no more than eight (8) feet above ground level.

(g) Promotional event signs or banners shall be removed within forty-eight (48) hours of the conclusion of the event.

(4) **Wall-Mounted Signs.** Wall-Mounted signs shall be permitted in all districts, subject to the following restrictions:



(a) Such signs shall be mounted such that no part of the sign is higher than the height of the facade of the building upon which it is mounted.

(b) Dwelling-unit structures or home occupations shall be limited to one sign and three (3)- square feet.

(c) The wall-mounted sign area for non-profit institutional uses located in residential

zones shall be limited to ten percent (10%) of the front facade and five percent (5%) of the side or rear facades.

(d) The total area of all wall-mounted signs in commercial districts shall be restricted according to the following schedule:

Table 4: AREA OF WALL MOUNTED SIGNS

ZONING DISTRICT	% OF GROUND FLOOR WALL AREA ON FRONT FAÇADE	% OF GROUND FLOOR WALL AREA ON REAR FAÇADE	% OF GROUND FLOOR WALL AREA ON SIDE FACADES
C-1	15%	10%	5%
C-2	15%	10%	10%
LI	20%	10%	10%

(e) One wall mounted sign shall be permitted per establishment per façade facing a public street, alley or parking area.

(f) Changeable-message-area signs (where permitted) are permitted only on those facades that front directly on a public right-of-way or parking area. Changeable-message signs shall not exceed the maximum height of windows or doors on the first-floor facade.

(g) In the C-1 District, buildings are permitted a maximum of one changeable-message-area sign per building entrance, not to exceed three square feet in size, to provide upper floor directories, restaurant menus, and the like. In the C-2 District, buildings are permitted a maximum of one changeable message area sign per building entrance, not to exceed six square feet in size.

(h) Awning signs shall be counted toward the allowable maximum wall-mounted sign area.

(5) **On-premise, Free-standing Signs.** On-premise, free-standing signs, where the building has a front-yard setback of at least ten (10) feet, shall be limited to one such sign per lot in the front- yard area of the lot.

(7) Free-standing signs identifying a multi-family residential complex or subdivision in any district shall be restricted to a maximum area of thirty two (32)-square feet and a maximum height of six (6) feet.

shall not exceed 48 square feet in area nor 6 feet in height.used for developemnt

The area and height of free-standing signs identifying a business or service are restricted according to the following schedule:

Table 5: FREESTANDING SIGNS (with a front yard setback of 10' minimum)

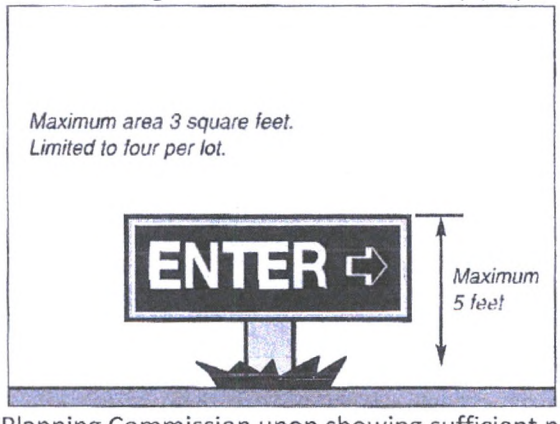
ZONING DISTRICT	MAX. HEIGHT IN FEET	MAX. SIGN AREA IN SQ. FT.
C-1	Eight (8)	Twenty four (24)
C-2	Twelve (12)	Thirty two (32)
L I	Fifteen (15)	Forty (40)

(a) All free-standing signs may have up to 100% of the sign face in fixed-message area. Such free-standing signs shall have a maximum changeable-message area in accordance with the following schedule:

Table 6: FREESTANDING SIGNS – CHANGEABLE MESSAGE

ZONING DISTRICT	MAX. % SIGN FACE IN CHANGEABLE MESSAGE
C-1	Not permitted
C-2	50%
LI	50%

(6) **Directional Signs.** Up to four (4) directional signs shall be permitted per lot, and each directional sign shall not exceed three (3) square feet in area and a maximum height of five (5) feet. , Such signs are to be displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking-area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like. Any additional directional sign, not exceeding three (3) square feet in surface area, may be permitted subject to the approval of the Planning Commission upon showing sufficient need.



(7) **Sandwich boards.** Sandwich board signs shall be permitted in the C-1, and C-2 districts only,

on private or public property, subject to the following conditions:

(a) One sandwich board sign is permitted per each ground-floor business. All such signs shall be subject to review and approval by the Zoning Administrator prior to placement, in accordance with these standards.

(b) A business shall be permitted to display a sandwich board sign year round, during the business hours of the business displaying the sign.

(c) Sandwich board signs shall not exceed six (6)-square feet in area and four (4) feet in height.

(d) Sandwich board signs on private property shall not obstruct doorways.

(e) Sandwich board signs on a public right-of-way/sidewalk shall be kept within twenty-four (24) inches of the building face and within six (6) feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal. Where a business does not have direct frontage upon Center Street, the Planning Commission may approve the minimum exception necessary to the standards of subsection (7)(e) to allow for the reasonable promotion of a business within the C-1 District.

(f) The appearance and construction of the sandwich board sign shall be compatible with the permanent sign on the building in which the business being advertised is located.

Article IX.

Signs Requiring Review

Sec. 9.1 Left Intentionally Blank

Sec. 9.2 Special-Condition Signs.

(1) Signs may be permitted by special review or exception, as special-condition signs, upon approval by the Planning Commission, as provided below:

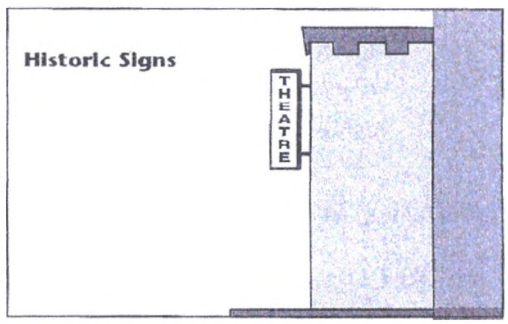
(a) Community-service signs with particular consideration given for shared individual signs identifying more than one service club or civic organization.

(b) Off-premise, directional signs of fewer than or equal to three (3)- square feet that pertain to a public-service institution (such as hospitals, schools, etc.).

(c) Directory signs that do not exceed the maximum restrictions by type of sign for wall-mounted or free-standing signs in the district where the property is located. Businesses identified on such signs shall each have an equal portion of the sign area. The Planning Commission may require that a directory sign identify more businesses

or services in order to minimize the total number of signs.

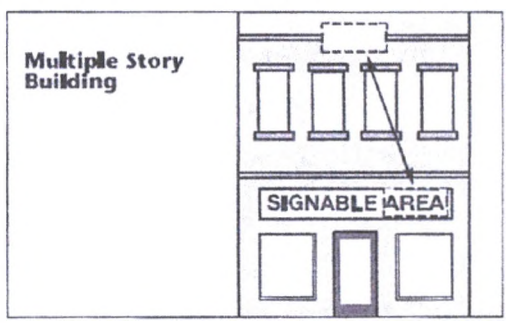
(d) Historic signs may be maintained, restored, or renovated subject to review of the sign and historic designation.



(e) Wall-mounted signs above the first floor of a multiple-story building.

(f) Exterior neon signs exceeding three (3)-square feet and interior window neon signs exceeding twenty-five percent (25%) of the window area shall be subject to review and approval.

(g) Unique conditions may permit greater sign height or area in individual cases where the Planning Commission determines that unique site conditions such as unusual site or building size, shape or topography; deep building setbacks; building facades obscured from the street, a non-conforming use; building facade limitations, etc. warrant such an exception.



(h) The size, location, and/or placement of all signs in subsections (a)-(g) shall also be reviewed in accordance with the standards set forth in section 11.1(5).

(2) Procedures and Considerations for Special-Condition Signs.

(a) Special-condition signs shall be reviewed as to size, location, placement, etc. with consideration of the standards as set forth in section 11.1(5).

(b) The Planning Commission may impose conditions necessary to protect the public health, safety, and welfare of the community.

(c) In no case shall a sign have more than twenty-five percent (25%) greater sign area or twenty five percent (25%) greater sign height than allowed in the applicable sign provisions pertaining to a sign.

(d) Where deemed necessary, the Planning Commission may require a petitioner to install a mock-up of a proposed sign to assist with evaluation of the proposed height or area exception.

(e) Public notice of the time, date, and place of an appeal of a sign review decision made by the Planning Commission shall be provided in advance of the meeting during which the appeal will be considered.

(3) **Signs Regulated by the Highway Advertising Act of 1972.**

Notwithstanding the foregoing, it is not the intent of this ordinance to place additional restrictions on signs in an "adjacent area" next to an interstate highway, freeway, or primary highway as that term is defined by the Highway Advertising Act of 1972, MCL 253.301 et. seq.

ARTICLE X. NONCONFORMING SIGNS

Sec. 10.1 Alteration or Re-Establishment of Non-Conforming Signs.

Any existing sign on the effective date of the ordinance from which this chapter is derived or any amendment hereto, which does not at that time comply with all of the provisions hereof, including any amendment:

(a) Shall not be changed to another type of sign which is not in compliance with this chapter.

(b) Shall not have any changes made in the words or symbols used to the message displayed on the sign unless the sign is designed for periodic change of message.

(c) Shall not be structurally altered so as to prolong the life of the sign or so to change the shape, size, type, or design of the sign.

(d) Shall not have its face or faces changed unless the sign is brought into conformance with the requirements of this chapter, or unless the sign is an off-premises sign or billboard constructed to permit a change of face.

(e) Shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer.

(f) Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the building official.

(g) Shall not ever be placed, maintained or displayed by someone other than the person who owned the premises on the date of adoption of the ordinance from which this chapter is derived.

(h) Shall not be placed, maintained, or displayed by any person on or after May 1, 2023.

Sec. 10.2 Condemnation of Non-Conforming Signs.

Upon approval of City Council, pursuant to applicable law, the City may acquire by condemnation an interest in privately-owned nonconforming signs for the purpose of

removal of such nonconforming signs to promote the public health, safety, and welfare of the City and its inhabitants. Just compensation, as defined by applicable law, shall be paid any owners for residual value of a nonconforming sign that is condemned pursuant to this section.

ARTICLE XI.

ADMINISTRATION AND ENFORCEMENT

Sec. 11.1 Generally

(1) **Authority for Administration and Enforcement.** The Zoning Administrator and/or Department of Public Safety shall administer and enforce the provisions of this Ordinance.

(2) **Procedures for Review and Permitting.** No sign identified in Articles VIII or IX shall be erected, altered, or relocated unless approved by the City, pursuant to the provisions of this Ordinance and the following:

(a) **Permits Required.** Signs identified in Articles VIII and IX shall require permits for installation.

(b) **Review.** All signs subject to review shall be reviewed by staff, except as otherwise required by this Ordinance. Where a petitioner is not satisfied with a decision of staff, it may be appealed to the full Planning Commission.

(3) **Permits Not Required.** All other signs permitted in this Ordinance shall not require permits, but shall be regulated as provided in this Ordinance.

(4) **Servicing and Repair.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for periodic message changes for changeable-message signs, but not including changes to a sign requiring a new permanent face.

(5) Application for Sign Permit.

A completed application for a sign permit shall contain or be accompanied by the following:

(a) **Sign Location Drawing.** Distance measured in feet and inches from the sign in relation to nearby buildings, sidewalks, street curbs, structures, other on-site signs, and property lines shall be shown.

(b) Sign Elevation Drawing.

(1) Height of the sign above the ground and support structure(s).

establishing the setback, location, and placement of signs:

(a) Relationship of the sign to surrounding properties and rights-of-way:

(1) Compatibility with adjacent land uses and signs.

(2) Visibility of neighboring signs or buildings.

(3) Visibility and legibility of the sign for pedestrian and vehicular traffic.

(4) Lighting trespass impacts.

(b) Relationship of the sign to features on the site of the sign installation:

(1) Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.

(2) Compatibility of the sign with the size, location, and character of the principal building(s) on-site.

(3) Impact of the sign upon on-site vehicular and pedestrian circulation.

(c) Impact of the sign upon the Douglas townscape:

(1) Impact of the sign upon views of prominent natural features such as Kalamazoo Lake and Lake Michigan, etc.

(2) Impact of the sign upon views of the Douglas skyline and its environs.

(3) Impact of the sign upon parks and public spaces.

(4) Impact of the sign upon historic buildings or properties.

(d) Impacts of the sign upon public safety:

(1) Visibility of traffic-safety devices.

(2) Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.

(3) Impacts of sign lighting upon vehicular traffic.

(4) The safety of the placement of the sign.

(e) Consistent with the intent and purposes per Section 1.1 of this Ordinance. Impacts of the sign upon public safety:

(1) Visibility of traffic-safety devices.

(2) Area and dimensions of sign surface.

(3) Lettering of the sign shall be graphically shown to scale as it will appear on the erected sign, shall be in the style of the finished sign, and shall be illustrated to approximate the size and weight of the lettering of the final constructed sign.

(4) Materials and colors to be used on the sign face and support structures shall be labeled.

(5) Method of illumination, if any, shall be shown. In the case of internally-illuminated signs, the drawing shall identify which part of the sign is translucent and which part is opaque.

(c) **Load Calculations.** If deemed necessary by the Zoning Administrator structural calculations must certify that a sign is designed to withstand snow load, dead load, and wind load in accordance with applicable City, State, and Federal regulations.

(d) **Registered Seal.** At the discretion of the Zoning Administrator, for public-safety concerns, the application shall bear the certificate or seal of a registered architect or engineer as a condition precedent to the issuance of the permit.

(e) **Certificate of Insurance.** The Zoning Administrator may require an applicant to obtain a certificate of insurance for installation of free-standing or overhanging signs.

(f) **Location Staking.** With two stakes erected to designate the vertical height and located at the horizontal limits of the sign structure, the proposed location of free-standing signs shall be identified by an applicant prior to review by the City.

(g) **Graphic Illustration.** The Zoning Administrator or Planning Commission may require photographs, markings on buildings, mockups, spec sheets, catalogs, or other necessary illustrations in order to evaluate a proposed sign and its impacts.

(h) **Other Information.** The City may require additional information to show full compliance with this and all other applicable laws.

(i) **Permit Fee.** A permit application fee must be paid in connection with all applications for sign permits, in accordance with the City's schedule of fees.

(j) **Expiration of Permit.** All permits issued for the erection of a sign shall expire, unless authorized work commenced within six (6) months after issuance of the permit.

(6) Standards for Sign Review.

In reviewing an application for a sign permit, the Zoning Administrator and the Planning Commission may consider the following standards as a basis for approving a sign permit and

(2) Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.

(3) Impacts of sign lighting upon vehicular traffic.

(4) The safety of the placement of the sign.

(7) **Interpretation and Conflict.** The standards and provisions of this Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Ordinance imposes a higher standard than required by other regulations, ordinances or rules, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. When the provision of any other statute imposes higher standards, the provisions of such statutes shall govern. Where it is alleged by a petitioner that there is an error in interpretation of this Ordinance by the Zoning Administrator, the Zoning Board of Appeals shall review such an appeal.

(8) Municipal Civil Infractions.

(a) Any person, firm or corporation violating any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to the City of Douglas Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions, for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the City of Douglas Municipal Civil Infraction Ordinance, and other applicable laws).

(b) Repeat offenses under this Ordinance shall be subject to increased fines, as provided by the City of Douglas Municipal Civil Infraction Ordinance, as amended from time to time.

(c) Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this Ordinance shall not exempt the offender from meeting the requirements of this Ordinance.

(d) The Zoning Administrator or the City Manager's designee (as defined by the Municipal Civil Infraction Ordinance, as amended) are hereby designated as the Authorized City Officials to issue municipal civil infraction citations for violations of this Ordinance.

(e) A violation of this Ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the City may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

(9) **Public Nuisance and Health Hazard.** Any sign constituting an immediate hazard to health and safety shall be deemed a nuisance and may be removed by the City at the sign owner's expense.

(10) **Impoundment of Illegal Temporary Signs.** Illegal temporary signs that are on display at any time more than twenty-four (24) hours after notice to the property owner may be impounded by the City.

Sec. 11.2 Appeals to Sign Board of Appeals

(1) Sign Board of Appeals.

The Douglas Zoning Board of Appeals shall act as the Douglas Sign Board of Appeals to hear appeals under the sign ordinance.

(2) Right of Appeal.

Any person aggrieved by notice or order of the Zoning Administrator and/or the Planning Commission issued in connection with any alleged violation of the provisions of this sign ordinance may file with the sign board of appeals a petition setting forth their reasons for contesting the notice or order.

(3) Petition Filing.

Such petition shall be filed within ten days after the notice or order is served on the petitioner. The petition shall be accompanied by a fee which has been set by resolution of city council.

(4) Time and place of hearing; notice of hearing.

Within 45 days after a valid petition, the sign board of appeals shall conduct a hearing. The zoning administer shall set the time and place of said hearing, and at least ten days prior to the hearing date serve the petitioner and the sign board of appeals with written notice thereof.

(5) Action by sign board of appeals.

(a) The sign board of appeals shall have the power to modify or reverse, wholly or partly, the notice or order, and may grant an extension of time for the performance of any act required of not more than three additional months, where the sign board of appeals finds that there is practical difficulty or undue hardship connected with the performance of requirements of the sign ordinance, and that such extension is in harmony with the general purpose of this ordinance to secure the public health, safety and welfare.

(b) The sign board of appeals shall return a decision upon each case within 60 days after

a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Notwithstanding the foregoing sentence, the board may, in appropriate cases, be permitted an extension of time after hearing the case, in which to make its decision, provided such an extension shall not exceed 30 days. Any decision of the board shall not become final until the expiration of five days from the date of entry of such order unless the board shall find that the immediate effect of the order is necessary for the preservation of the property or personal rights and shall so certify on the record.

c. The concurring vote of three members of the board of appeals shall be necessary to reverse wholly or partly or modify any order, requirement, decision or determination of the Zoning Administrator and/or the planning commission or to decide in favor of the applicant any matter upon which they are required to pass or to effect any variation of this ordinance.

d. After a variance has been denied in whole or in part by the board, then such application shall not be resubmitted for a period of one year from the date of the last denial. However, a denied variance may be reconsidered by the board when, in the opinion of the zoning administrator, or the board, newly discovered evidence or changed conditions warrant such reconsideration.

(6). Scope of appeal hearing.

At the appeal hearing, the petition shall be given an opportunity to show cause why the notice or order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.

(7). Stay.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator and/or the planning commission certifies to the sign board of appeals, after the notice of appeal shall have been filed, that by reason of the facts stated in the certificate, an emergency exists, in which case the proceedings shall not be stayed, except by circuit court order.

(8) Variances.

(a) A variance may be allowed by the sign board of appeals only in cases involving practical difficulties or unnecessary hardships when the evidence in the official record of the appeal supports all the following affirmative findings:

(1) That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

(2) That the alleged hardships and practical difficulties, or both which will result from a failure to grant a variance, include substantially more than mere inconvenience, or mere inability to attain a higher financial return.

(3) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose or general intent and purpose of this chapter.

The above findings of fact shall be made by the sign board of appeals, which is empowered to grant a variance without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the records of the proceedings of the board.

(b) Nothing contained herein shall be construed to empower the sign board of appeals to substantially change the terms of this ordinance, or to significantly add to the types of signs permitted on any premises.

(9) Appeal Procedures.

(a) The sign board of appeals shall give due notice of all hearings to all owners of record of real property within 300 feet of the premises in question; such notice shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll.

(b) All persons pursuing an appeal shall be required to appear in person or to be represented by a duly authorized agent.

(c) The sign board of appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:

(1) The relevant administrative records and administrative orders issued herein relating to the appeal.

(2) A notice of appeal.

(3) Such documents exhibits, photographs, or written reports as may be submitted to the board for its consideration.

(d) The requisite written findings of fact, the conditions attached, the decisions and orders by the sign board of appeals in disposition of the appeal shall be signed by the secretary of the board.

ARTICLE XII. SEVERANCE CLAUSE Sec. 12.1

The sections and subsections of this Ordinance shall be deemed to be severable and should any section, subsection, paragraph, or provision hereof be declared by a court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XIII. VESTED RIGHT Sec. 13.1

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign or signs, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protections of public health, safety and welfare.

DRAFT December 2019