

**THE CITY OF THE VILLAGE OF DOUGLAS
REGULAR MEETING OF THE PLANNING COMMISSION
DOUGLAS CITY HALL - 86 W. CENTER STREET, DOUGLAS, MI
WEDNESDAY, NOVEMBER 8TH, 2017 - 7:00 P.M.**

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Changes/Additions/Deletions** - Motion to approve the Planning Commission Agenda of November 8, 2017 as presented (or as amended by the Planning Commission)
- 4. Approval of Minutes:** Motion to approve the Planning Commission minutes of Wednesday, October 11, 2017.
- 5. Written Communications**
- 6. Public Comment related to agenda items only** (limit 2 minutes per person)
- 7. New Business:**
- 8. Old Business:**
 - A. Chicken Ordinance Recommendation**
 - B. Medical Marijuana Ordinance Review**
- 9. Hear from the Audience** (Limit of 5 minutes for general comments)
- 10. Staff Report**
- 11. Commissioner Comments**
- 12. Adjournment**

Please Note: The City of the Village of Douglas is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Jean E. Neve, City Clerk (269-857-1438) promptly to allow the City of the Village of Douglas to make reasonable accommodations for those persons.

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DOUGLAS CITY HALL- 86 W CENTER STREET, DOUGLAS, MI
WEDNESDAY, OCTOBER 11, 2017- 7:00 P.M.

MINUTES

1. **Call to Order:** Chairperson Burdick called the meeting to order at 7:04 P.M.
2. **Roll Call:** Members present: Kenny, Barrone, Sapita, Burdick, Heneghan, Pattison
Members absent: Tischleder
Also present: Lisa Imus, city planner
3. **Agenda Changes/Additions/Deletions**
Motion by Kenny with support from Heneghan to approve the Planning Commission Agenda of October 11, 2017 as presented.
Motion carried by unanimous voice vote.
4. **Approval of Minutes**
Motion by Kenny with support from Sapita to approve the Planning Commission minutes of Wednesday, September 13, 2017 as presented.
Motion carried by unanimous voice vote.
5. **Written Communications: None**
6. **Public Comment**
Ronna Alexander of 265 Water Street thanked members for their work on the chicken ordinance and stated that her property no longer complies with their proposed ordinance.
7. **New Business: None**
8. **Old Business**
 - A. **Chicken Ordinance Recommendation**
Imus presented the proposed ordinance. Members went through ordinance and made changes. Imus read Barrone's written responses and concerns. Members had concerns about side yards not being allowed. Pattison concerned with waste disposal and residents' concerns. Imus will make updates and changes to ordinance. Members agreed to include side yard if visibly screened from any road or street and adjacent properties.
Motion by Kenny with support from Barrone to table until next meeting.
Motion carried by unanimous voice vote.

B. Medical Marijuana Recommendation to City Council

Imus explained that council wants a recommendation from Planning Commission on what direction they should take. Members agreed that they would like to wait for the state to issue regulations and then will look at them to make Douglas comply. Jerry Griffin spoke on behalf his client who is in the business. Kim Yob also spoke and suggested Douglas communicate with Saugatuck Township and Saugatuck city. Members will start process of working through ordinance at next meeting. Imus will submit memo to council.

Motion by Sapita with support from Pattison that staff begin to draft of a Medical Marijuana Ordinance that would allow for a Medical Marijuana Provisioning Center and a Medical Marijuana Transportation Center within the City of the Village of Douglas, however formal action to approve such an ordinance would not be submitted for final review and adoption until the State of Michigan creates regulations that clarify a local communities ability to regulate environmental impacts (waste disposal, chemical storage, emission control); safety and security standards, marketing and advertising restrictions and signage regulation parameters.

Motion carried by unanimous voice vote.

9. Hear from the Audience: None

10. Staff Report: None

11. Commissioner Comments

Members thanked audience members Griffen and Yob for their input.

12. Adjournment

Motion by Kenny with support from Sapita to adjourn meeting. Meeting adjourned at 9:28 P.M.

Chapter 92 Section 3 - CHICKENS

92.30. - Generally.

(A) Any one applicant residing in a single family detached residence in a residentially zoned district property, in a single-family detached structure, after obtaining a permit from the city, may keep not more than four (4) hen (female) chickens for personal use only and not for any business or commercial use. No Chickens are allowed on a multi-family dwelling lot.

(B) Notwithstanding this section, private restrictions on the use of property shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, neighborhood association by-laws, and covenant deeds.

(C) Chickens may be kept as family pets or to lay eggs or for meat for personal consumption only.

(D) Slaughtering of any chickens on the property is prohibited.

Sec 92.30-5 – Definitions.

(A) “Chicken” means *Gallus gallus domesticus*. This definition does not include roosters or other fowl, such as, but not limited to, peacocks, turkeys, or waterfowl.

(B) “Chicken coop” means an enclosed structure for housing chickens that provides shelter from the elements.

(C) “Chicken pen” means an enclosed outside yard for keeping chickens.

(D) “Rooster” means a male chicken.

Sec. 92.31. - Chicken Permits.

Any person wanting to keep chickens within the City shall first apply for and obtain a permit from the City Manager or his/her designee, before that person may legally keep chickens within the City. Regulations pertaining to permits shall be as follows:

(A) Any person applying for a permit to keep chickens within the City shall submit a permit application on a form promulgated by the City Manager or his/her designee, and shall pay an application fee established by resolution of the City Council. Application components shall include applicant/owner’s name, address, phone number, email, zoning

review application with site plan; confirmation of receipt of the CDC/backyard chicken flyer # CS274178A, and other relevant information.

(B) If the applicant is not the owner of the real property on which he or she wants to keep chickens, the applicant must provide the written consent of the owner of the real property and a copy of the signed lease if it is less than 1 year. Without such written consent, the permit application may not be granted.

(C) Once a completed application form, application fee, and written consent of the owner of the real property have been submitted to the City Manager or his/her designee, the City shall within ten (10) business days send written notice of the application for a permit to keep chickens to the following:

1. The physical property address of all adjacent real properties. For purposes of this subsection, "adjacent real properties" shall include all properties sharing a common lot line with the real property on which chickens are proposed to be kept, but shall not include properties sharing only a common corner point, without footage on a common lot line.
2. The address of record for the owner of all adjacent real properties, if that address of record is different from the physical property address.

(D) If the City Manager or his/her designee receives an objection to the issuance of a permit from any person required to be notified of the permit application, within twenty-one (21) days from mailing the written notice of the permit application, then the permit shall not be granted, with no right of appeal.

(E) If the City Manager or his/her designee receives no objections to the issuance of a permit from any person required to be notified of the permit application, within the appropriate time period as specified above, he or she shall review the permit application in light of the following factors:

1. The size of the lot on which chickens are proposed to be kept;
2. The adequacy of applicant's plans for housing and confining the chickens; and
3. Other factors relevant to the applicant's particular circumstances.

(F) If the City Manager or his/her designee grants the request for the permit, he/she shall do so in writing, which writing shall state the property address at which chickens may be

kept, as well as the number of chickens allowed to be kept, and any other conditions of the permit to keep chickens.

(G) If the City Manager or his/her designee denies the request for the permit, he/she shall do so in writing, which writing shall state the reasons for such denial.

(H) If the City Manager or his/her designee denies the request for the permit, the provisions of City Code Section 29.08 regarding appeals shall apply. If the denial was due to an objection from a neighboring property owner, then no appeal process is available.

(I) An initial permit shall be valid for a period of one (1) year. If, in the judgment of the City Manager or his/her designee, the permittee has abided by all ordinance provisions and permit conditions, and has not created a nuisance to the owners or occupants of adjacent properties or the neighborhood, the permit may be renewed for multiple one (1) year periods

Each renewal may include an on-site inspection and neighbor notification. If objections to a permit request are received from neighbors in subsequent years after the first year, objections must be substantiated and be in violation of the ordinance to trigger a permit denial. No permit issued pursuant to this ordinance shall remain valid past the date on which this ordinance either expires or is repealed, whichever is earlier.

(J) Any permit may be suspended or revoked by the City Manager or his/her designee, by written notice to the permit holder, upon a finding that the permittee has violated applicable City ordinance provisions or permit conditions.

(K) A permit as described above is personal to the applicant. Such a permit may not be transferred to another individual. If ownership of the underlying real property on which the chickens are kept is transferred, the permit does not run with the land, and a person desiring to keep chickens on the property must apply for a new permit.

Sec. 92.32. - Licensing and inspections.

(A) Completed applications shall be submitted to Douglas City Hall along with the fee which shall be set by resolution of the City Council and made a part of the regular fee schedule of the city. Approved permit holders shall schedule an inspection within 30 days of permit issuance. Failure to schedule an inspection shall result in an automatic revocation of the permit. If an inspection identifies noncompliance with any of the requirements set forth in this section, the permit holder shall have 15 days to achieve compliance with the requirements or the zoning

administrator may revoke the permit or issue a civil infraction under the City of the Village of Douglas Code. The City of Douglas may perform reasonable and periodic inspections.

Sec. 92.33. - Structure.

(A) Chickens shall be contained and kept in a fully enclosed structure, known as a “coop” or a fenced enclosure, known as a “pen”, at all times. Fenced enclosures shall conform to all of the requirements of Chapter 138, Article III Division 2 of the Zoning Code, except that the fence material may be wire mesh with openings no larger than one (1) inch. A chicken coop shall be constructed of durable materials and shall be property maintained.

(B) A chicken “coop” will be considered to be an accessory structure and must meet all requirements of Section 16.13 of the Zoning Code. Prior to construction an approved zoning review permit must be on file with the building and code enforcement department. Permit application shall include any structural or plat drawings or other information required by the department. The department shall issue a permit where the application is in compliance with all requirements, regulations and ordinances of the city.

(C) A “coop” or “pen” shall be detached from the residential dwelling and be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The fully enclosed structure and fenced enclosure shall meet the following additional requirements:

(1) The fully enclosed structure and fenced enclosure shall be setback a minimum of ten feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest set-back of any neighboring dwelling.

(2) Chickens shall be kept in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line set-back and the side lot line set-back to the points where the set-back lines intersect. A side yard will be allowed if all of the pens and/or coups are screened from any street or adjacent properties. An adjacent neighbor can waive the screening requirement if the request is put in writing to the City.

(3) No enclosed structure “coop” or fenced enclosure “pen” shall be located within any side or rear yard setback area.

(4) Any enclosed structure shall be a maximum of eight feet in height and shall not exceed a total of 80 square feet.

(5) The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials are prohibited.

(D) All structures and enclosures for the keeping of chickens shall be constructed with a rat wall or similar block foundation to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure. If the coop is mobile, the structural design must be approved by City staff.

(E) All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.

(F) No offensive odors shall be allowed to emanate more than 10' from a coop or pen.

(G) Any portable coops must meet the same performance standards as stationary coops.

Sec. 92.34. - Violation—Penalty.

A person who violates or fails to comply with the provisions of this chapter is responsible for a municipal civil infraction and subject to the civil fines set forth in the schedule of civil fines in § 34.06 and any other relief that may be imposed by the court. Each act of violation and each day upon which the violation occurs shall constitute a separate violation. (1995 Code, § 14-1) (Ord. 45, passed 4-21-1969; Am. Ord. 149, passed 8-10-1998)

Sec. 92.35. - Pilot Program.

A Pilot Program is hereby established which shall continue for a pilot period of one (1) year from the effective date of this ordinance, unless the City Council takes legislative action to discontinue the pilot program or amend or extend this article before the end of the pilot period. During the pilot period, the City will limit the number of annual permits issued and outstanding to a maximum of five (5), and permits will be available on a first come, first served basis.