

**To:** City Council

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

**Date:** June 6, 2022

**Subject:** Ordinance to Repeal and Replace Sign Ordinance 111-D;  
Amend City of the Village of Douglas Zoning Ordinance,  
Article 2: Definitions; and Article 16: General Provisions;  
and create Article 22: Signs, Flags, and Banners  
(Ordinance 05-2022)

The City of the Village of Douglas City Council shall consider Planning Commission Recommendations to create Article 22: Signs, Flags, and Banners and amend Article 2: Definitions and Article 16: General Provisions, of the Zoning Ordinance. Pursuant to Section 28.07, Council shall consider the April 13, 2022 Findings of Fact and recommendations in a first reading.

The Planning and Zoning Administrator has prepared draft amendments, as recommended by the Douglas Planning Commission to replace existing sign provisions in the Sign Ordinance, Village of Douglas Ordinance 111-D, for review by the City Attorney and consideration by City Council in a second reading and public hearing.

*There is limited financial burden associated with legal review, publication, and codification of Ordinance amendments.*

**It is recommended City Council consider repeal and replacement of the Sign Ordinance, Village of Douglas Ordinance 111-D, in a Public Hearing June 20, 2022, to create Article 22: Signs, Flags, and Banners; and amend Article 2: Definitions and Article 16: General Provisions of the Zoning Ordinance in the City of the Village of Douglas, Michigan**

PLANNING COMMISSION  
CITY OF THE VILLAGE OF DOUGLAS  
CITY HALL – 86 W. CENTER STREET, DOUGLAS, MI  
REGULAR MEETING, WEDNESDAY, APRIL 13, 2022 – 7:00 PM  
<https://us02web.zoom.us/j/83008110298>

A. Call to Order by Chair Buszka

B. Roll Call: Present – Buszka, Heneghan, O’Malley, Pattison, Seabert, Whiteley  
Absent/Excused – Florian  
Also Present – City Planner Wikar, City Clerk Alderink

1. Approval of Agenda:

*Motion by Pattison, with support from Seabert, to approve the April 13, 2022, agenda. Motion carried by unanimous roll call vote of those present.*

2. Approval of Minutes

*Motion by Pattison, with support from O’Malley, to approve the February 9, 2022, minutes. Motion carried by unanimous roll call vote of those present.*

C. Public Comments:

1. Vicky Cobb, Saugatuck Resident – Representing Isabelle’s. Request Planning not restrict the use of temporary signs and sandwich boards. These are the way customers are attracted to the business.

D. Communications: None

E. New Business

1. Public Hearing: Site Plan Review & Special Use Permit Application – Residential Use of an Accessory Building; R-3 Neighborhood Conservation District. 44 Ellis Street (Jerry Johnson, Kate Krauss)

*Motion by Pattison, with support from Heneghan to Open the Public Hearing. Motion carried by unanimous roll call vote of those present.*

a. Applicant Presentation – The applicant has proposed the construction of a single-family home with garage, the garage will have living quarters above. The applicant intends to live in the home and rent out the garage living quarters.

b. Public Comments – Brian May, neighbor to the property, in opposition to the request to build a home and rental in a single-family residential zone.

Bridget McCormick stands in agreement with Mr. May, not opposed to rentals but opposed to the possibility of renting both home and garage apartment.

- c. Staff Remarks – The accessory building under our zoning ordinance is permitted to have a residential use as long as it is joined with a special use application permit. Both buildings meet the standards of the ordinance, there should be no reason for Planning Commission to deny the request. In addition to the landscape drainage and grading plan, one thing that I am going to require administratively is the construction of a sidewalk at the right of way that is not currently mentioned in their plans.
- d. Commissioner Questions – Could the City limit occupancy? (No, occupancy is limited by the Fire Dept.) The homeowner would have to apply for a short-term rental for the accessory building. Questions on why Planning did not receive a floor plan for the apartment area, what is the width of the driveway, and parking. A site plan review does not address the interior of a building.

*Motion by Pattison, with support from Seabert, to Close the Public Hearing. Motion carried by unanimous roll call vote of those present.*

*Motion by Pattison, with support from Seabert, to approve with conditions the Site Plan Review for Construction of a Single-Family Dwelling and Accessory Building, with Special Use Permit for Residential Use of an Accessory Building, zoned R-3 Neighborhood Conservation District, located at 44 Ellis Street; for analysis and findings of facts related to the conformance with Section 25.03 and Section 24.03 of the Zoning Ordinance, with the following conditions:*

- a. The applicant must install a sidewalk at the right of way.*
- b. The applicant must register the garage apartment as a short-term rental.*

*Motion carried by unanimous roll call vote of those present.*

- 2. Public Hearing: Site Plan Review – Accessory Structure; C-1 Village Center District. 22 E. Center Street (Kimberly Bale)

Motion by Pattison, with support from Heneghan, to Open the Public Hearing. Motion carried by unanimous roll call vote of those present.

- a. Applicant Presentation – Applicant request for an outside bar in the side yard. The intent is not to increase the occupancy, but to upgrade the aesthetics. A drawing of the pergola was presented to Mr. Wikar.
- b. Public Comments – No comments received
- c. Staff Remarks – The proposed site plan for this application meets the requirements. There is an issue with the accessory structure which would stand on a separate parcel. Certain Zoning provisions state that no accessory structure can be built on any on parcel prior to a principal building, one condition assigned should be a submission of a land division application that would be processed by the city combining the two parcels. Addressing non-compliance issues for the property, conditions could include screening of storage in the outdoor space, screening between commercial and residential uses. Recommendation is to have an improved plan that reflects fencing nearest the alleyway.

Prior to this meeting, members of the public have expressed concerns with noise and screening, the largest concerns pertain to the screening.

- d. Commissioner Questions – How and where will the electrical to the bar be run? Will there be cameras installed to the outside bar area for security purposes?

*Motion by O'Malley, with support from Whitely to Close the Public Hearing. Motion carried by unanimous roll call vote of those present.*

*Motion by Pattison, with support from Seabert, to approve with conditions the application for Site Plan Review for Accessory Structure, zoned C-1 Village Center District, located at 22 E. Center Street, Douglas, Michigan. Approved with the following conditions:*

- a. *Payment of fees pursuant to Article 17 Land Division Regulations, for Declaration of Consolidation to ensure compliance with Section 16.13 Accessory Uses, Buildings, and Structures.*
- b. *Performance guarantee equal to the cost of proposed site improvements, necessary for compliance with:*
  - i) *Section 10.03 Performance Standards, C-1 Village District*
  - ii) *Section 19.05 Site Development Requirements- Marking/Designation/Screening, Off-Street Parking and Loading*
  - iii) *Section 21.02 Landscaping, Fencing, Walls, and Screening*
- c. *Recommend to City Council Abatement by the City if the Applicant shall fail to act, pursuant to §95.40 of the City of the Village of Douglas Code of Ordinances.*

*Motion carried by unanimous roll call vote of those present.*

3. Public Hearing: Site Plan Review & Special Use Permit Application – Residential Use of an Accessory Building; R-3 Neighborhood Conservation District. 70 Washington Street (Mike Nolan, Bill Sikkel)

*Motion by Pattison, with support from Seabert, to Open Public Hearing. Motion carried by unanimous roll call vote of those present.*

- a. Applicant Presentation – Applicant is planning to consolidate lots 45 and 46 into a single lot to allow for the accessory building. There is already a sidewalk on the east side. Parking will not be a problem.
- b. Public Comments – Scott Habermehl, Wall St., has dealt with rental properties around his home, extreme noise, stolen property, people in his home that he has never seen before, and fires. Occupancy is often over the allowable limits.
- c. Staff Remarks – There has been a long-standing compliance issue at this property. Issues needing to be addressed, parking, sidewalk, and fence, these all can be conditions for approval. The property owner does acknowledge the fees and penalties are appropriate. There is also an easement, the fencing should not conflict with that easement.

- d. Commissioner Questions – Appreciation towards the applicant who is willing to pay the fees associated with the structure completion without a permit. Doing work without a permit has become a reoccurring situation lately. We are watching Douglas turn into Short-Term rental heaven, is there nothing we can do to stop this? Chair Buszka requested Planning look into what can be done to address the short-term rental issue.

*Motion by Seabert, with support from Heneghan, to Close the Public Hearing. Motion carried by unanimous roll call vote of those present.*

*Motion by Heneghan, with support from Seabert, to approve with conditions the Special Use Permit Application and Site Plan Review for Residential Use of an Accessory Building, zoned R-3 Neighborhood Conservation District, located at 70 N. Washington Street: for analysis and findings of fact related to the conformance with Section 25.03 and Section 24.03 of the Zoning Ordinance. Motion carried by unanimous roll call vote of those present.*

- 4. Public Hearing: Site Plan Review & Special Use Permit Application – Residential Use of an Accessory Building: R-3 Neighborhood Conservation District. 93 Randolph Street (Scott Fraser, James Hudgins)

*Motion by O'Malley, with support from Seabert, to Open the Public Hearing. Motion carried by unanimous roll call vote of those present.*

- a. Applicant Presentation- No applicant was present.
- b. Public Comments- No comments
- c. Staff Remarks- This is a non-conforming proposal for some improvements to the site that include the addition of an assessor building that is for residential use. It is intended to be a guest house with parking. The applicant also requests an additional accessory structure, a swimming pool. The applicant is below their maximum lot coverage, conform with all setback requirements.
- d. Commissioner Questions- Concerns regarding the pool and fencing, and short-term rental use. The standards for the breezeway must exist. Parking is sufficient. The plans are so small they can barely be read.

*Motion by Seabert, with support from Heneghan, to Close the Public Hearing. Motion carried by unanimous roll call vote of those present.*

*Motion by Pattison, with support from Seabert, to approve with conditions, the Site Plan Review & Special Use of an Accessory Building: R-3 Neighborhood Conservation District for 93 Randolph St. Conditional upon:*

- a. A set of plans large scale plans be submitted.
- b. Approval of fence waiver

- c. *If guest cottage is used as a short-term rental, it must be registered with the city.*
- d. *Assure the pool location is revised to conform with required setbacks for an accessory structure.*
- e. *Assure the number of accessory structures is less than or equal to that permitted.*

*Motion carried by unanimous roll call vote of those present.*

**F. Old Business**

**Public Hearing – Proposal for Amendment(s) to Article 2: Definitions; Article 16: General Provisions; and Article 22; City of the Village of Douglas Zoning Ordinance to Repeal and Replace Sign Ordinance 111-D. (City of the Village of Douglas)**  
**Consideration of an application to amend the Zoning Ordinance pursuant to Article 28, for Recommendation to City Council.**

*Motion by Pattison, with support from Heneghan, to Open the Public Hearing. Motion carried by unanimous roll call vote of those present.*

**Commissioners were presented with a hard copy of the recommendations to repeal and replace sign Ordinance 111-D. City Planner Wikar will make any additional revisions and order legal review of the final draft amendments prior to scheduling.**

*Motion by Pattison, with support from Whitely to Close the Public Hearing. Motion carried by unanimous roll call vote of those present.*


*Motion by Pattison, with support from Heneghan, to recommend to City Council to repeal and replace Article 2: Definitions, Article 16: General Provisions, and Article 22 of the Zoning Ordinance. Motion carried by unanimous roll call vote of those present.*

- G. Reports of Officers, Members, Committees – Planning & Zoning Administrator (N. Wikar)  
 Notice of Special Meeting of the Douglas Planning Commission, 7:00 PM, Wednesday, April 27, 2022. Scheduled for review of land used applications requiring Site Plan Review for Waterfront Construction (Minor and Major)  
 Wikar reported the next meeting will have six Public Hearings, recommended members brush up on this section of the Zoning Ordinance.

- H. Public Comment- None

- I. Adjournment- Motion by Seabert, with support from O'Malley, to adjourn the meeting. Meeting adjourned by gavel of the Chair. (10:30 PM)

Adopted on this 2<sup>nd</sup> day of June, 2022

Signed:   
 Paul Buszka, Planning Commission Chair

## **Section 2.02 Definitions Beginning with the Letter "A":**

*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.

*ABANDONED NONCONFORMING SIGN.* A nonconforming 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 90 days or longer.

*ACCESSORY SIGN.* An on-premises sign that is on an accessory structure.

*ACCESSORY USE, BUILDING OR STRUCTURE.* A use, building or structure **such as a shed, garage, refrigeration cooler and/or freezer, or gas pump**, which is clearly incidental to, not attached to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal **structure or use of a lot or parcel** to which it is related. **Accessory structures do not include natural features, fences, lamps, lamp posts, or free-standing signs.**

*ADDRESS SIGN.* A sign identifying a numerical designation commonly used to indicate the location of a building on a street or right-of-way.

*ATTENDED SIGN.* A non-commercial sign that is hand-held or carried by a person such as a placard, picket, or poster.

*AWNING.* A roof like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

*AWNING SIGN.* A sign that is part of or attached to the surface of an awning.

## **Section 2.03 Definitions Beginning with the Letter "B":**

*BANNER.* A flexible sign made of natural, synthetic, or plastic material used to call attention to a business, land use or product, service, or activity; however, not including pennants or flags as defined.

*BILLBOARD.* A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premises sign" or "outdoor advertising structure." Such sign is subject to the requirements of PA 106 of 1972, as amended, as well as to the provisions of this Ordinance. See Off-Premises Sign.

*BULLETIN OR MENU BOARDS.* Printed or handwritten messages that announce an event held on the premises or sample restaurant menus attached to a bulletin board in a

*weatherproof enclosure.*

*BUSINESS CENTER. A group of four or more contiguous businesses sharing common private parking and entrance facilities; a single building with three (3) or more tenants; a single building with multiple uses or aspects to its trade; a "plaza" type use with three (3) or more tenants; or an industrial subdivision developed as a planned complex.*

#### **Section 2.04 Definitions Beginning with the Letter "C":**

*CANOPY. A horizontal, roof-like shelter or structure the same as an awning, except that it is attached to a building and may be suspended, cantilevered, or pole-supported, but cannot be periodically retracted.*

*CANOPY SIGN. A sign that is part of or attached to the surface of a canopy.*

*CHANGEABLE-MESSAGE AREA. That portion of a sign that displays characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. The changeable-message area shall be in a subordinate location to the fixed-message area and shall not have a white or yellow background.*

*CHANGEABLE MESSAGE SIGN. A sign which identifies an institution, business or organization on the premises of which it is located, and which contains the name of the institution, business or organization, or names of individuals connected with it, and general announcements of events, activities, products, prices or similar information occurring or available on the premises.*

*COMMERCIAL SIGN. Any sign that identifies, advertises, or directs attention to a business or is intended to induce the purchase of goods, property, or services.*

*COMMUNITY BANNER. A temporary banner erected over a City right-of-way, with approval by the City, identifying an event for public purpose.*

*COMMUNITY EVENT. A charitable, educational, or public event.*

*COMMUNITY-SERVICE SIGN. A temporary sign that identifies non-profit associations or corporations, including service clubs.*

*CONSTRUCTION SIGN. A temporary, free-standing or wall sign erected on property to advise the public of the design, construction, location, management, financing, and/or leasing of a building or buildings under construction or renovation.*

#### **Section 2.05 Definitions Beginning with the Letter "D":**

*DIRECTIONAL SIGN. A sign that directs the location of or route to a use or occupancy.*

*DIRECTORY SIGN. A sign that displays the names and locations of at least five (5)*



*businesses, as well as the locations of related customer-convenience services and facilities.*

*DYNAMIC DISPLAY. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LCD or other monitors, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.*

### **Section 2.06 Definitions Beginning with the Letter "E":**

*EXTERIOR-BUSINESS SIGN. A sign located outside a building.*

*EXTERNALLY ILLUMINATED SIGN. A sign that is illuminated by a light source that is outside the face of the sign.*

### **Section 2.07 Definitions Beginning with the Letter "F":**

*FIXED-MESSAGE AREA. That portion of a permitted sign that is used for a permanent message, such as the name of a business or organization, or its principal service or product.*

*FLAG. A sign made of fabric or other natural, synthetic, or plastic materials having a distinctive size, color and design used as a symbol or emblem generally displayed or mounted on a pole.*

*FLASHING SIGN. Any lighted or electrical sign which gives out light or varying intensities of light in sudden, intermittent bursts.*

*FREE-STANDING SIGN OR GROUND SIGN. A non-portable sign supported by permanent uprights or supports in the ground advertising the name of the establishment and/or goods and services available on the lot which is not attached to the principal or an accessory structure; it includes ground support and pylon signs.*

### **Section 2.08 Definitions Beginning with the Letter "G":**

*GRAPHICS. Including, but not limited to, any mosaic, mural, painting, or graphic-art technique constructed, molded, painted, etched, or otherwise placed onto a building or structure.*

*GROUND SUPPORT SIGN. A sign supported by upright(s) in the ground surface. See definition for Free-Standing Sign or Ground Sign.*

*GROUND-FLOOR WALL AREA. For purposes of this Ordinance, the ground-floor wall area is the width of the wall multiplied by an assumed standard ground- floor height of twelve (12) feet on the wall that the sign is placed, if there is a setback or variation in the building wall, the width of the wall section upon which the sign is placed is what should be used to calculate the allowable ground floor area. In no case can the total sign areas combined exceed what is allowed on the longest wall, nor can the dimensions of the longest wall be used for sign area allowance on a shorter wall.*

### **Section 2.09 Definitions Beginning with the Letter "H":**

*HEIGHT, SIGN OR SIGN STRUCTURE. The vertical distance of a sign measured from the average finished grade level within ten (10) feet of the horizontal limits of the sign structure to the top of the sign structure, including any framework.*

*HIGHWAY ORIENTED SIGN. Any sign pertaining to a business which derives most of its business from the highway motorist.*

*HISTORIC SIGN. A sign located on a building or site that is determined by the City's Planning Commission to be of historic merit and significance and is an integral element to the historic character of the building or site. Particular consideration shall be given to historic signs on buildings that are listed on the National Register of Historic Places.*

### **Section 2.10 Definitions Beginning with the Letter "I":**

*IDENTITY SIGN. Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises, or a combination of these.*

*ILLUMINATED SIGN. Any sign that has characters, letters, figures, or designs, illuminated by electric lights or luminous tubes as part of the sign.*

*INTERACTIVE SIGN. A sign mounted on a building wall, structure, or in a window that is interactive or utilizes touch screens to relay the sign message and is accessed or manipulated from the public right-of-way.*

*INTERNALLY-ILLUMINATED SIGN. A sign that is lighted by a source inside the sign face, behind the sign face, or otherwise back-lighting the sign face or message. Only letters, numerals, and logos may be of translucent material to allow internal lighting to reveal the message of the sign. The background shall be opaque. Individual internally-illuminated letters, commonly known as channel signs or dimensional lettering, are permitted.*

### **Section 2.14 Definitions Beginning with the Letter "M":**

*MANSARD. A roof having two (2) slopes with the lower slope much steeper than the*

*upper slope. The lower slope is oriented on a vertical axis and therefore is visible as a part of the building facade. The mansard cap is a version of this roof that often is applied to only one facade on the building, particularly one-story commercial structures. Fascia roofs and Parapet walls shall be regulated as a mansard for purposes of this Ordinance.*

*MARQUEE. A specialized, fixed or retractable fabric-covered awning or rigid framework shelter supported by permanent ground posts and attached to extend and project over the entrance of a business or building.*

*MARQUEE SIGN. Any sign attached to or hung from a marquee or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.*

*MONUMENT SIGN. A sign where the base of the sign structure is on the ground or a maximum of twelve (12) inches above the adjacent grade.*

### **Section 2.15 Definitions Beginning with the Letter "N":**

*NEON SIGN. A sign constructed of thin, visible, molded tubes containing a gas for illumination.*

*NONCOMMERCIAL SIGN. A sign that is not related to or connected with trade or commerce in general.*

*NONCONFORMING SIGN. Any sign that does not conform to the requirements of this Ordinance.*

### **Section 2.16 Definitions Beginning with the Letter "O":**

*OFF-PREMISE SIGN. Any sign other than on-premises signs located on property that displays a message pertaining to a business, service, good, activity or profession that is not located on the same property as the sign.*

*ON-PREMISE SIGN. A sign with a message that relates to or advertises a business, services, goods, activity, facilities, events, attractions, or profession lawfully being conducted, sold, or offered on the same premises where the sign or signs are located.*

*OPAQUE. A level of illumination measured directly on the surface of an interior lit sign that does not exceed three (3) foot candles.*

*OVERHANGING SIGN. A fixed-message sign that is affixed to any part of a building (but not as a marquee), where the sign surface is perpendicular to the building wall, and the sign is oriented toward viewing by vehicular traffic. Such signs are distinguished from projecting nameplates/signs based upon restrictions in size and height, and the type of zoning districts in which they are permitted.*

### **Section 2.17 Definitions Beginning with the Letter "P":**

*PENNANTS, SPINNERS, AND STREAMERS.* A small, often triangular, tapering flag, wheel, or article of material used in multitudes and mounted-to or suspended from a device, rope, wire, or string as designed to move with the wind in a free- flying manner as a to call attention to a land use or activity.

*PERMANENT SIGN.* A sign of a durable material anchored or secured to a building, accessory structure, or the ground, that is not temporary and has a vertical sign face.

*POLITICAL EVENT SIGN.* A temporary, unattended exempt sign pertaining to an official city, school district, county, state, or federal election or referendum.

*PORTABLE SIGN.* A sign not permanently affixed, anchored, or secured to the ground or to a structure, including trailered signs, tripods, menu and sandwich- board signs.

*PROJECTING NAMEPLATE OR SIGN.* A fixed-message sign other than a flat wall sign typically indicating the name of a residence or business, which projects from and is anchored to and supported by the building or structure, perpendicular to the wall and oriented toward pedestrians in size and location.

*PROMOTIONAL FLAG OR EVENT SIGN.* A temporary off-premises sign, including banners and scoopers in districts zoned for commercial uses, implanted in a yard or curb lawn area advertising short-term sales, promotions, and other non-commercial community or private events.

*PYLON SIGN.* A display sign supported by an upright in the ground surface. See definition for Free-Standing Sign or Ground Sign.

### **Section 2.19 Definitions Beginning with the Letter "R":**

*REAL ESTATE SIGN.* A temporary sign placed upon property advertising that the particular property is for sale, lease, or rent.

*REMOVABLE SIGN.* A temporary sign that shall be removed at the end of business hours.

*RESIDENTIAL EVENT SIGN.* A sign located in a district zoned for residential uses, identifying a permissible event at a residence, such as a garage sale, yard sale, birthday party, etc..

*ROOF SIGN.* A sign located on, mounted to or above the roof and/or the eaves of any building.

### **Section 2.20 Definitions Beginning with the Letter "S":**

*SANDWICH-BOARD SIGN.* A professionally designed, custom-constructed portable sign, also known as a "tent" sign, that is displayed seasonally and temporarily at a storefront.

*SIGN. Any words, writing, lettering/letters, parts of letters, figures, numerals, design(s), pictorial representation, illustration, decoration, emblem, symbol, trade names, trademark, phrases, sentences, emblems, marks, or devices -illuminating or otherwise, and any combination thereof, intended to attract attention to or make known any place, subject, person, firm, corporation, performance, article, machine, or merchandise whatsoever; painted, printed, or constructed and displayed in any manner whatsoever out-of-doors for recognized advertising or identification purposes of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any street and/or within three (3) feet of a window interior that attracts attention to the subject thereof is written, printed, painted, projected, constructed, illuminated. If any building, parcel of land, structure-whether supporting a sign or otherwise, in whole or in part is used as or has the characteristics of a sign (providing means for identification, advertisement, announcement, expression, or decoration) and is visible from a street, right-of-way, sidewalk, alley, park, or other public property placed or displayed upon, it shall be considered a sign.*

*SIGN AREA. The entire sign area, in square feet, within a circle, triangle, or parallelogram or other shaped sign face enclosing the extreme limits and maximum dimensions of the advertising representation, emblem or any figure of similar character, together with sign components including any frame or other material or other color or open spaces or voids forming an integral part of the display 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.*

- 1. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from another, the area of the sign shall be taken as the area of one (1) face, if the two (2) faces are of equal area or the area of the larger face if the two (2) faces are of unequal area.*
- 2. Where a sign consists solely of lettering painted on a wall, awning, canopy, or roof, any blank area which is more than ten percent (10%) of the area of the sign as otherwise computed shall be disregarded.*
- 3. In the case of 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) furthestmost 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 HEIGHT. Maximum heights shall be measured from the existing grade or sidewalk to the highest edge of the sign surface or its projecting structure.*

*SIGN STRUCTURE. The independent supporting framework, including the sign face, if said structure and face has none of the features as described under "Sign", above. 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.*

*SIGN SUPPORTS OR UPRIGHTS. A non-illuminated structure that is used to brace, support, or hold a free-standing sign. 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.*

*SWOOPER. A type of removable sign intended to act as a banner but move as a flag.*

### **Section 2.21 Definitions Beginning with the Letter "T":**

*TEMPORARY SIGN. A sign not constructed or intended for long term use and which is not permanently affixed to a building, a vehicle, the ground or other structure, including but not limited to, devices such as strings of lights, balloons, flags, search lights, twirling or sandwich signs, sidewalk or curb signs, signs mounted on or affixed to trailers, motorized vehicles, or wheels of any type.*

*TRAILERED SIGN. A temporary or permanent sign mounted on a trailer or other wheeled device.*

### **Section 2.22 Definitions Beginning with the letter "U"**

*UNATTENDED SIGN. any sign that is not hand-held or carried by a person.*

### **Section 2.24 Definitions Beginning with the Letters "W"**

*WALL SIGN. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than fifteen (15) inches at all points.*

*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.*

### **Section 16.26 Sign Regulation**

*The following general regulations shall apply to the erection, construction, alteration or replacement of any sign pursuant to Article 22, as provided herein:*

- a. *Zoning Review Application and Sign Permit Application with fee required. The Planning and Zoning Administrator shall review applications for conformance with this Ordinance, and shall approve, approve with condition, or deny sign permits. Unless defined herein as an exempt sign type or unregulated change of content upon a legal sign face, no sign or sign structure shall be installed or otherwise physically altered without permit.*
- b. *The construction and materials used in all signs shall conform to State Construction (Building) Code.*
- c. *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. This provision shall not apply to a conforming independent sign structure.*
- d. *An electric permit, to be issued by the Building Inspector, shall be required for any electrical installation in connection with any sign installation.*

*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.*

**ARTICLE 22:  
SIGNS, FLAGS, AND BANNERS**

**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 City, a decline in property values, and may create safety hazards to the public. The purpose of this Article 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 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 City by encouraging the design of institutional, business, and industrial signs that reflect the 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 City's character and natural environment.*

**Section 22.02 Exempt Signs**

- 1) Upon determination by the Planning and Zoning Administrator, signs may be exempted from the permit requirements of Section 16.26:
  - a) First Amendment. Sign, banner, flag, or display of symbolic, political, or other protected "free speech" message unrelated to an upcoming election.*
  - b) Political Advertising. Temporary signs related to a political candidate, office, or proposition intended for public vote in a scheduled, upcoming election.*
  - c) Government Project. Temporary signs required by Federal, State, or municipal agencies in connection with publicly subsidized or grant-funded projects and programs.**



- d) Traffic Control. Signs approved and established by State or municipal units of government pursuant to the Michigan Manual of Uniform Traffic Control.
  - e) Historic. Sign, placard, monument, or other marker officially sanctioned and sited by national, state, or local historic agencies.
  - f) Integral. Non-commercial commemorative citation, name, or date made permanent in the construction and aesthetic of a building or structure facade.
  - g) Wayfinding. Uniform community-specific directional signs as approved, established, and maintained by municipal units of government for access to public facilities and amenities.
  - h) Street Pole Banner. Uniform seasonal community banners attached to and/or between municipal streetlighting fixtures, utility poles, and/or facilities not available for commercial or private use, lease, or hire.
  - i) Commemorative Signs. Exempt pursuant to Sec. 205d, MCL PA 218 of 2020.
- 2) At their discretion, the Planning and Zoning Administrator may consult with the City Attorney concerning matters of determination and compliance under this Section. Upon complaint, petition, or Zoning Review Application, letters of determination shall be issued and maintained in a permanent file by the Planning and Zoning Administrator.
- 3) Signs determined exempt from permit pursuant to this Section shall conform with all number, size, material, and placement limitations pursuant to Section 22.11.

**Section 22.03 Illumination of Signs:**

An Illuminated Sign shall be in accordance with the provisions of this Ordinance, as well as all applicable Building and Electrical Codes. An electric permit, to be issued by the Building Inspector, shall be required for any electrical installation in connection with illumination of any sign installation.

- 1) Internally-Illuminated Signs.
  - a) Emitted light 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.
- 2) Externally-Illuminated Signs.
  - a) An external source of light shall be of a warm, non-glare type.
  - b) Lighting fixtures shall be directional and mounted to the sign structure to shed light toward the ground.
  - c) The source of external illumination shall be shielded to prevent light from being directed upwards, into traffic, onto an adjacent street, and any adjoining property.
- 3) Illumination Waivers Allowed. Alternative or custom illumination design may be permissible by waiver as provided herein, subject to Planning Commission approval, pursuant to Article 24 and applicable Special Use Standards (Article 26).
  - a) Internal-illumination signs programmed or timed to alternate, move, or fluctuate may be permissible in commercial districts when determined to not constitute a hazard or nuisance.

- b) *External-illumination signs in commercial districts may incorporate neon or simulated neon (flexible LED/fiber optic), subject to all other standards herein.*
- c) *Pursuant to this Section, signs in residential districts may be externally illuminated any hour between 7:00AM - 8:00PM, unless otherwise extended by waiver.*
- 4) *Prohibited Sign Illumination.*
  - a) *An illuminated sign shall not flash, blink, or pulsate intensity.*
  - b) *Dynamic Display or otherwise unfiltered LCD/LED display panels are prohibited in all districts.*

#### **Section 22.04 Signs in Residential Districts:**

A single on-premise sign shall be permitted on lots in Residential Districts as defined in the Douglas Zoning Ordinance, subject to the following restrictions:

- a) Signs 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 22.05(d)), 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.
- c) Public Institutions and churches permitted in residential districts shall comply with these same provisions.
- d) Identification signs for residences and for home occupations:
  1. May be attached to the structure or in the front yard.
  2. Shall conform to all required setbacks from the rights-of-way and all property lines.
  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 designating an apartment complex or building, or multiple family or group housing complex.
- f) Exemptions from setback requirements in residential districts, may only be granted by the Planning and Zoning Administrator upon a written finding that compliance is impossible due to property and building configuration.

**Section 22.05 Signs in the C-1 Village Center District:**

- 1) *Permanent, on-premises signs in the C-1 Commercial District are subject to Site Plan Approval Standards (Article 24), and applicable Special Use Standards (Article 26).*
  - a) *The total number, maximum sign area, and height shall comply with the standards set forth by sign type, pursuant to Section 22.11.*
  - b) *Sign faces on any portion of the structure of a building facade extending above a mansard, flat roof, or the eaves of a roof shall be considered a Roof Sign and part of the roof. No roof sign or sign structure may exceed the maximum allowable building height, total.*
  - c) *A Projecting Nameplate or Sign which is attached to a building or supported to overhang, encroach upon, are placed within, or extend into a dedicated public right-of-way shall be approved by the Planning Commission for recommendation to City Council, conditional to revocable license agreement.*
- 2) *Legal Temporary Signs. Sandwich board signs may be used in the C-1 Village Center District for periods consistent with hours of operation and shall be removed each day at close of business. A limit of one (1) two-sided (2-sided) sandwich board sign, sign face area not to exceed the standards set forth in Section 22.11, may be used per frontage and shall not require permit or revocable license agreement, so long as they do not result in violation, nuisance, or an obstruction of streets or sidewalks.*

**Section 22.06 Signs in the C-2 General Commercial & L-1 Light 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 ten (10) percent of the surface area of the building face to which attached.
  - d) 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 22.06(3)(c).
  - e) 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) Where a building meets the required setbacks, 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.
  - c) 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 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".

**Section 22.07 Signs Not to Constitute a Hazard:**

- 1) ***Fire Hazard:** No sign shall be erected or maintained in a manner that prevents 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.*
- 2) ***Shear Hazard:** No sign or sign structure shall be erected or maintained in unsafe manner, without compliance with applicable building code requirements. Applications for freestanding signs with faces larger than forty (40) square feet shall include wind load calculations stamped and signed by certified engineer stating that the sign can withstand winds up to 130 miles per hour, pursuant to International Building Code (IBC) Section 1609.1.*
- 3) ***Traffic Hazard:** No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision pursuant to Section 16.31; 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 as to interfere with, mislead or confuse traffic.*

**Section 22.08 Temporary or Portable Signs:**

*Any free-standing sign not permanently anchored or secured to either a building or the ground shall be considered a Temporary Sign and prohibited, unless specifically defined within Article 2 and otherwise regulated within this Section as a legal or exempt temporary sign type. Legal temporary or portable signs are permissible only in accordance with the following provisions:*

- 1) *Off-premises temporary or portable signs advertising private/household sales or public/private may be eligible for Sign Permit in all zoning districts.*
- 2) *Legal temporary or portable signs that are not otherwise exempted herein shall for be permitted for a period not to exceed thirty (30) days, and conform to the maximum number, area, and height, as well as the minimum setbacks from property boundaries and rights-of-way, as provided by sign type and district in Section 22.11.*
- 3) *No vehicles shall be parked or displayed in such a way to be used as a sign.*
- 4) *Temporary signs, indicating commercial service, products, trade information or other information shall not be permissible.*
- 5) *Douglas residents and licensed businesses/organizations shall be exempt from Section 22.08(1).*

### **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 25 of the City of the Village of Douglas Zoning Ordinance.

- 1) Off-premises signs shall comply with the following requirements and restrictions:
  - a) Off-premises signs shall be prohibited, except on those parcels of property zoned for Commercial or Industrial use which lie directly adjacent to the Blue Star Highway between the South City limits and the North City Limits, or directly adjacent to the 1-196 Expressway.
  - b) Off-premises signs shall not block any permitted on-premises sign.
  - c) Size and spacing requirements for off-premise signs along I-196 shall be not more than one (1) billboard or other off-premises sign shall be located per linear mile of I-196, regardless of the fact that such billboard may be located on different sides of the subject highway. Linear separation shall be limited to the boundaries of the City. V-type structures shall be considered as two billboards and a double-faced (back-to-back) structure shall be considered one (1) billboard. The required minimum distance between permitted off-premises signs shall be that distance measured on a direct line from sign to sign.
  - d) Off-premise signs shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of structure and preservation of structure with paint or other surface finishing material. If an off-premise sign is not maintained, written notice of any disrepair shall be issued by the Planning and Zoning Administrator to the owner of said structure. If the disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.

- e) The off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which normally can be expected to occur in the vicinity.

### **Section 22.10 Flag Poles:**

Not more than three (3) flag poles may be erected on any lot. The maximum permitted height of any flag pole is thirty-five (35) feet.

### **Section 22.11 Wayfinding and 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 municipal non-business directional signs.

### **Section 22.12 Nonconforming Signs:**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure that may not conform with the provisions herein. Nonconforming signs and sign structures shall not be enlarged, expanded or extended without review and waiver granted by the Planning Commission. Illegal nonconforming signs and sign 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 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 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 Section 22.10(1).
- 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 having such control over such sign.

- 5) Any other provisions of this Ordinance notwithstanding, all 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, and signs in nonconformance with the City of the Village of Douglas sign regulations, shall demonstrate compliance and conformance with these provisions upon 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, be repaired, repainted, or improved, however, they may not be enlarged beyond their existing size.
- 7) Any signs existing in the public right-of-way of the City of the Village of Douglas, which do not have a revocable license agreement with the City Council, are illegal nonconforming signs and are to be removed or relocated to come into compliance with the provisions of this Ordinance.
- 8) 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 City Council shall within sixty (60) days of notice by the City provide the 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 City for any liability, loss, costs, damages or expenses that may be paid by the 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.
- 9) Failure to provide this insurance, or any lapse in the coverage provided therein, or failure to enter into a revocable license agreement may result in the City taking actions, as provided in this Ordinance and by any other lawful enforcement provisions, to abate said sign, including its immediate removal.
- 10) The City Council may, at its discretion, review any sign effected by this Section 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.

**Sign Limitations:**

**[RESERVED FOR FUTURE USE - TABLE OF SIGN REGULATIONS]**