

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

**REGULAR (ORGANIZATIONAL) MEETING,
WEDNESDAY, MAY 18, 2022 – 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*; Regular (Organizational) Meeting, May 18, 2022. (Roll Call Vote)
2. Approval of Minutes (additions/changes/deletions)
 - a. Regular Meeting; April 13, 2022.
 - b. Special Meeting; April 27, 2022.- *Motion to Approve*. (Roll Call Vote)

C. Public Comment (limit 5 minutes please)

D. Communications - Review of public Written Communications.

E. New Business

1. Amendment of Douglas Planning Commission Bylaws
Consideration of amendment(s) to Article 6 Officers – Vice Chair and Secretary, City of the Village of Douglas Planning Commission Bylaws.
- *Motion to Approve* (Roll Call Vote)
2. Election of Officers (City Clerk)
Call for Nomination of Officers pursuant to Article 7, City of the Village of Douglas Planning Commission Bylaws.
 - a. Nomination(s) for Chair
- *Motion to Approve*. (Roll Call Vote)
 - b. Nomination(s) for Vice Chair
- *Motion to Approve*. (Roll Call Vote)
 - c. Nomination(s) for Secretary
- *Motion to Approve*. (Roll Call Vote)
3. Public Hearing; Site Plan Review – Addition, Principal Building;
C-2 General Commercial District. 100 Blue Star Highway (Christine Ferris)
- *Motion to Open Public Hearing* (Roll Call Vote)
 - a. Applicant Presentation
 - b. Public Comments (limit 3 minutes each, please)
 - c. Staff Remarks
 - d. Commissioner Questions- *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote)

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 on-line or by phone.

Join on-line by visiting:

<https://us02web.zoom.us/j/81611453164>

Join by phone by dialing:

+1 (312) 626-6799

Then enter
“Meeting ID”:

816 1145 3164

Those who are hearing impaired and require additional accommodations are encouraged to contact
(269) 857-1438
or
clerk@douglasmi.gov

4. Public Hearing; Site Plan Review – Screening and Site Changes; C-1 Village Center District. 294 W. Center Street (Christopher LaBelle)
 - *Motion to Open Public Hearing* (Roll Call Vote)
 - a. Applicant Presentation
 - b. Public Comments (limit 3 minutes each, please)
 - c. Staff Remarks
 - d. Commissioner Questions
 - *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote)
5. Public Hearing; Site Plan Review – Change in Use (Dwelling, Two-Family), Accessory Structure(s), and site changes; R-3 Neighborhood Conservation District. 36 N. Union Street (Jennifer Klungle)
 - *Motion to Open Public Hearing* (Roll Call Vote)
 - a. Applicant Presentation
 - b. Public Comments (limit 3 minutes each, please)
 - c. Staff Remarks
 - d. Commissioner Questions
 - *Motion to Close Public Hearing, Approve with Conditions* (Roll Call Vote) Public Hearing
6. Public Hearing; Planning Commission Recommendations – Amendment, Zoning Ordinance (City of the Village of Douglas) *Recommendation of amendments to Repeal and Replace Chapter 98: Trees of the City of the Village of Douglas Code of Ordinances.*
 - *Motion to Open Public Hearing* (Roll Call Vote)
 - a. Applicant Presentation
 - b. Public Comments (limit 3 minutes each, please)
 - c. Staff Remarks
 - d. Commissioner Questions
 - *Motion to Close Public Hearing, Approve* (Roll Call Vote)

F. Old Business

Public Hearing (Tabled); Site Plan Review & Waterfront Construction Application (Major) – Accessory Structure(s); Bulkhead/Revetment, Deck(s)/Stairs, and site changes to Sensitive Lands; R-2 Residential District. 156 Lakeshore Drive (Scott/Christina Garberding, Ryan Hall)

- *Motion to Open Public Hearing* (Roll Call Vote)
 - a. Applicant Presentation
 - b. Public Comments (limit 3 minutes each, please)
 - c. Staff Remarks
 - d. Commissioner Questions
- *Motion to Close Public Hearing, Approve with Conditions* (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
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.

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**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 Aalderink
 - 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 Sikkell)

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)

MINUTES
THE CITY OF THE VILLAGE OF DOUGLAS
SPECIAL MEETING OF THE PLANNING COMMISSION
86 W CENTER STREET – DOUGLAS, MI
APRIL 27, 2022 – 7:00 PM

A. Call to Order by chair Buszka at 7:00 p.m.

B. Roll Call: Present – Buszka, Seabert, Pattison, O'Malley, Whitely, Heneghan
Absent – Florian

Approval of the April 27, 2022, meeting agenda.

Motion by Pattison, with support from Seabert, to approve the April 27, 2022, agenda as presented. Motion carried by unanimous roll call vote of those members present.

C. Public Comment – None received

D. Written Comment – Letter received from Joyce Petter, 11 Water St. – Opposing Container to be used at Wade's Bayou.
- Letter received from Marta Petter, 11 Water St. – Opposing Container to be used at Wade's Bayou.

E. New Business

1. Public Hearing: Site Plan Review & Waterfront Construction Application (Major) – Accessory Structures – Bulkhead, Dock(s) / Stairs, and site changes to Sensitive Lands; R-2 Residential District. 156 Lakeshore Drive (Scott/Chrtina Garberding, Ryan Hall)

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

a. Applicant Presentation:

- a. Ryan Hall was present at the meeting; however, he was unaware that he would have to speak on this parcel as he was present for the Sarah Fash application. Mr. Hall was hired to build the beach steps.

b. Public Comments:

There were no comments.

c. Staff Remarks:

Wika address Planning members, these permits were sought during the height of COVID when the State could not keep up with demand. This did not negate responsibility for local ordinances. The State gave directives and people acted on those directives without complying with local ordinances as well. Property owners are not present to speak. Under Section 16.20 Environmental Protection Standards there is presence of sensitive land on the site, 16.202C allows the City to require mitigation measures to replace those resources if disturbed or destroyed. There is a 30' strip from the high watermark that should be maintained

d. Commissioner Comments:

Commissioners questioned if the applicant had at all reached out to Nick? (No)
There are significant areas of critical dunes and high-risk of erosion. An inspection of the site showed the work had been completed, our job is to protect the roadway from erosion and extra care should be given when working along this area. The fact that the work is completed give way to a fine being imposed. All vegetation should be replaced. If the ordinance was followed there would be no problem, each tree and vegetation assist to cease erosion. Disheartening that Planning has no site plan, no way of knowing if any grading was done, no way of determining if vegetation was removed, if this application is tabled can we impose a Stop Work Order on the site?

Motion by Seabert, with support from Whiteley, to close the public hearing. Motion carried by unanimous vote of those members present.

Motion by Pattison, with support from Seabert, to table the application for 156 Lakeshore Drive until such time as all contingencies stated below have been met:

- 1) All permits must be submitted*
- 2) Applicants must meet all City Ordinance requirements*
- 3) A stop work order shall be imposed on the property*
- 4) A complete site plan shall be received*

Motion carried by unanimous vote of those members present.

2. Public Hearing: Site Plan Review & Waterfront Construction Application (Minor) - Accessory Structure and Accessory Use – Outdoor Public Recreation; R-3 Neighborhood Conservation District. 80 E Center Street (City of Douglas)

Motion by Pattison, with support from Whiteley, to open the Public Hearing. Motion carried by unanimous vote of those members present.

- a. Applicant Presentation:
The applicant began his presentation by stating they had won the bid for Wade's Bayou and are proposing to install a larger container type building where the past shed had been. To accommodate the module, move the City owned kayak racks to the other side of the road where the temporary racks are located would be required. The container would be painted with artwork.
- b. Public Comments:
Two letters received in opposition to the structure.
- c. Staff Remarks:
Wikar stated this application is for a temporary structure and Department of Public Works could move the kayak racks if Planning wished.
- d. Commissioner Comments:
Pattison believes the structure needs to be further from the shoreline. She is all for maintaining the view from the waterfront. This is what it is, a shipping container.
O'Malley voiced concerns regarding meeting the setbacks.
Heneghan believes the view is also important and is not in favor of the placement.
Chair Buszka inquired if the structure could be placed temporarily and relocated at a different time?

The applicant, addressing setback concerns, was in agreement he could obtain a shorter version of what was being proposed.

Motion by Seabert, with support from Heneghan, to close the Public Hearing. Motion carried by unanimous vote.

Motion by Seabert, with support from Heneghan, to approve the site plan review for Temporary Accessory Structure located at 80 E Center Street, zoned R-3 Neighborhood Conservation District in the Downtown District, Douglas, Michigan with the following conditions:

- 1) The structure shall be 30' rather than a 40' shipping container, to meet size of parcel. If the container does not fit, then applicant shall use option 2 with the condition of using screening.*
 - 2) The container shall be fitted with cladding consistent with other structure within the district.*
 - 3) The container shall be removed by November 1st, 2022*
 - 4) Location of container shall be for 1 season and then be reviewed*
 - 5) The Public Art must be approved and be consistent with City Ordinances*
- Motion carried by a 5 (yes) to 1(no) vote, Pattison casting the descending vote.*

3. Public Hearing: Site Plan Review & Waterfront Construction Application (Minor) – Addition to Principal Building and Accessory Structures – Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District. 96 Lakeshore Drive (Robert Tighe)

Motion by Seabert, with support from Heneghan, to open the Public Hearing. Motion carried by unanimous vote of those members present.

- a. Applicant Presentation:
Applicant and Architect appeared on zoom, what is currently being proposed is two decks that should be replaced and revitalize some stairs in ill repair. Also, we would repair some decking near the home. Believe we have done our due diligence and met all requirements.
- b. Public Comments:
No public comments
- c. Staff Remarks:
Wikar, the district requires minimum 7 yard setback unless there is a permitted yard encroachment which is approved by waiver through Planning Commission. To the west of this parcel, they're demonstrating a three foot setback for the stairs and deck, so less than 7 feet, this is something that should change.
- d. Commissioner Comments:
The applicant has done their due diligence and we are pleased, thank you. Has the applicant had conversations with EGLE? (Yes) A copy of the response from this agency will be sent to Wikar. Will the retaining wall have work done? The owners have reached out to Soils and Structures for suggestions and repairs. Planning appreciated that the applicant waited to get site plan review prior to beginning this work.

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

Motion by Pattison, with support from Heneghan, to approve the Site Plan Review for Accessory Structures-Deck(s)/Stairs and site changes to Sensitive Lands located at 96 Lakeshore Drive, zoned R-2 Residential District, Douglas, Michigan contingent upon the following:

1. *That any natural vegetation be approved by the City.*
 2. *That the letter received from EGLE requiring no permit be sent to the City Planner*
 3. *Bring plan into compliance with Sect. 16.08*
- Motion carried by unanimous roll call vote of those members present.*

4. Public Hearing: Site Plan Review & Waterfront Construction Application (Major)- Accessory Structures – Bulkheads, Deck(s) Stairs and site changes to Sensitive Lands; R-2 Residential District. 130 Lakeshore Drive (Kevin/Cami Freeman, Mike DeYoung)

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

- a. Applicant Presentation:
Mr. Freeman walked into a bad situation and made it worse. At the time of purchase he was shown a contract by Mr. Dave Barker that permits had been acquired for work on the property.
- b. Public Comments: Sarah Hurley, neighbor, the applicant didn't mention that there was late night work being done late into the night. Disingenuous information that was just heard. The applicant sat on the Planning Commission in Chicago.
- c. Staff:
The work done at 130 Lakeshore was done without permits, there was a stop work order that was not paid attention to by both builders. Planning should look at Section 16.20 for Environmental Protection Standards and also Section 16.21 for Shoreline Protection. A Waterfront Construction application and Site Plan Review application are still needed.
- d. Commission Comments:
Commission questioned why the applicant had not come to the City for permits. Also expressed displeasure that the applicant has caused drainage issues and used non-native plantings. Applicant did inherit a bad situation and make it worse; the dunes are in danger and if they collapse the road collapses. We need specific requirements from the City Planner.

Motion by Seabert, with support from O'Malley to close the public hearing. Public hearing closed by unanimous roll call vote of those members present.

Motion by Seabert, with support from Pattison, to continue the Public Hearing based on the receipt of the following:

1. *Receipt of EGLE review and recommendations*
 2. *Outstanding fees and fines be paid*
 3. *A site plan review application be received*
 4. *Submit landscaping plans*
 5. *Must meet all standards in 16.20 and 16.21 and 24.02*
- Motion carried by unanimous roll call vote of those members present.*

5. Public Hearing: Site Plan Review & Waterfront Construction Application (Minor) Accessory Structures – Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District. 3071 Lakeshore Dr. (Sara Fash, Ryan Hill)

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

- a. Applicant Presentation:
Ryan Hill, builder for Ms. Fash was present to answer questions regarding the proposed build.
- b. Public Communication – George Judd, 3073 Lakeshore Dr. had a couple of questions, the bluff is right at Lakeshore Dr. and concerns are with erosion. Hoping that Engineers are looking at what can shore up Lakeshore, concerns about drainage with Ms. Fash drainage. Drainage from her property has been pushed onto our beach. We would like to see a full audit of Ms. Fash drainage system to make sure her water does not drain onto our beach.
- c. Staff Remarks: Have deficiencies of plans to address. Standards 62.20 and 62.21 do apply, received application forms. Discussed circumstances when you can approve a plan without completeness.
- d. Planning Comments:
Not sure the Builder has any plans that the Commission can make decisions on, we need a complete plan and to see EGLE Plans. See no need to continue when we need so much more.

Motion by Seabert, with support from Whiteley, to close the public hearing. Motion carried by unanimous roll call vote.

Motion by Pattison, with support from Heneghan, to continue the Public Hearing on 3071 Lakeshore at the July meeting. Contingent upon receipt of the following:

- 1) Applicant must adhere and meet Sect. 16.20 and 16.21 of the City Ordinances
- 2) Submit an Engineering plan showing drainage, slope stability, and landscape
- 3) Submit Waterfront Construction and Site Plans

Motion carried by unanimous roll call vote.

6. Public Hearing: Site Plan Review & Waterfront Construction Application (Major)- Accessory Structures – Bulkhead/Revetment, Deck(s)/Stairs and site changes to Sensitive Lands; R-2 Residential District. 144 Lakeshore Drive (Frederick Eagle Royce III)

Motion by Pattison, with support from Seabert, to open the Public Hearing (Roll Call Vote)

- a. Applicant presentation: Sarah Hurley spoke on behalf of Frederick Royce the III. Mr. Royce sued the Batts, 130 Lakeshore Dr. for failing to get a permit for a wall. A settlement was reached, Batts was to pay all expenses for him and Royce. Dave Barker applied 10/20/20 for the permitting with EGLE.
- b. Public Comments - None

- c. Staff Remarks -There has been a lawsuit filed regarding payment of rocks and permitting, however the court order is not dated, not recorded, and does not have a security seal by the magistrate. I think to this point, your application reflects the work that has been done. We need to understand that the shoreline should have a 30' empty strip, have some concerns with the tree being pulled upright. There were a number of things done without permits. Not proposing additional work, we need a zoning plan record and site plan.
- d. Commissioner Questions
Will work be done on the stairs? Will anymore work be com? The plans we see doesn't give us much information.

Motion by Seabert, with support from Whiteley, to close the public hearing. Motion carried by unanimous roll call vote.

Motion by Pattison, with support from Heneghan, to continue the Public Hearing during the June meeting with the following contingencies:

- 1) *A legally binding court order must be presented*
- 2) *Arrange for the City to inspect the work*
- 3) *Must adhere to Section 16.21 of the City Ordinance*
- 4) *Must address the tree issue*
- 5) *Must complete an application with MTS*

Motion carried by unanimous roll call vote.

F. Old Business

- A. Resolution Supporting Amendment of the City of the Village of Douglas Schedule of Fees and Civil Fines.

This resolution was initiated by Kelley Heneghan of the Planning Commission and is recommended to go to the City Council. Chair Buszka read the resolution into the record.

Motion by Pattison, with support from Heneghan that the Douglas Planning Commission approve the Resolution Supporting Amendment of the City of the Village of Douglas Schedule of Fees and Civil Fines. Motion carried by unanimous roll call vote.

G. Reports of Officers, Members, Committees

H. Public Comment

I. Adjournment

Motion by Pattison, with support from Seabert, to adjourn the meeting. Meeting adjourned.

Adopted this ____ day of _____, 2022

Signed _____
Paul Buszka, Planning Commission Chair

To: The Douglas Planning Commission

RE: Park Planning, Schultz Green Berm & Wade's Bayou Plans

I tried to participate in the April 27 Planning meeting, but the wrong meeting code was inadvertently supplied on the agenda, so I wasn't able to participate. The correct code was on the mailed on a postcard but not on the meeting agenda.

So here is what I wanted to say.

Wade's Memorial Park is 1.8 acres and zoned R3 Residential Neighborhood. It's a great park, well used and we love it. It is so fun to see all the visitors to the park for sunrise, fishing, picnicking, strolling, and watching the sun set over the harbor.

But questions I had at the time and still ask of the City and Planning commission.

What is the long-term strategic plan and engineered site plan for Wade's Bayou Memorial Park?

The things I have seen on the list

- View for visitors who visit the park
- Kayak rental concession
- Local rental racks
- Restrooms
- Pavilion
- Concession Stand
- Shopper/fishing dock
- Up to 50 more docks
- Gazebo
- Interactive Art Displays
- Boardwalk
- Parking
- Lighting

To: The Douglas Planning Commission

RE: Park Planning, Schultz Green Berm & Wade's Bayou Plans

Questions I wanted to raise and still raise

1. Where is your engineered long- term plan for the park?
2. Where are your surveys and site plans for review?
3. Can a 1.8 Acre Park accommodate all the wishes?
4. Where is the parking needed for all that you have planned?
5. Where are the restrooms planned for all the visitors, now the first thing you see is a big porta John which is not that inviting?
6. Where is the traffic flow for cars and pedestrians?
7. What is the infrastructure for all you have planned?
8. What are the costs associated and how funded?
9. Where are your setbacks from residential neighbors with required screening?
10. Where are the replacement shade trees for all that have died?
11. How quickly can you complete the Greenway berm over at Schultz Park which is the view from Wade's Bayou and now looks and sounds like an industrial park
12. Lighting – should be dark sky compliant since the park closes at night
13. What are the hours for the park?
14. How will the park be monitored or secured when closed?

Shouldn't there be a plan rather than piece meal things added?

Thank you for your hard work and consideration of my comments and questions.

Marta Petter

110 Butler and 11 N Water Street, Douglas MI



To: Douglas Planning Commission

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

Date: May 18, 2022

**Subject: Organizational Meeting Business -
Amendment of Bylaws, Election of Officers**

Enclosed is a draft version of amendments of the Douglas Planning Commission Bylaws; necessary to reflect changes to Officers, to separate the positions and assign duties for Vice Chair and Secretary, to ensure compliance with the Michigan Planning Enabling Act (MPEA), PA 33 of 2008, and the Michigan Zoning Enabling Act (MZEa), PA 110 of 2006.

The draft amendments shall be effective immediately upon approval by the Douglas Planning Commission, to be followed immediately with the Election of Officers performed by the City Clerk who shall seek a call for nominations from the floor for Chair, Vice Chair, and Secretary, to be sought individually for each office.

It is recommended the Douglas Planning Commission approve amendment of the Douglas Planning Commission Bylaws, and Call for Nominations to initiate Election of Officers.

CITY OF THE VILLAGE OF DOUGLAS

PLANNING COMMISSION

BYLAWS

As Amended:

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

ARTICLE 1 NAME OF COMMISSION

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

ARTICLE 2 AUTHORIZATION

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

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

ARTICLE 3 PURPOSE

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

ARTICLE 4 MEMBERSHIP

Membership shall consist of seven or nine qualified electors of the City of the Village of Douglas, of whom up to three but no more than one-third of the members may be the Mayor, one or more member of City Council, and City Manager. All members shall be appointed by the Mayor, subject to approval by a majority vote of the members of City Council. Member's compensation shall be determined from time to time by the City Council. Members shall be reimbursed for reasonable and necessary expenses incurred in the exercise of their duties.

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

ARTICLE 5 DUTIES AND RESPONSIBILITIES

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

ARTICLE 6 OFFICERS

Section 1 The officers of the Planning Commission shall consist of a Chair ~~and~~ Vice Chair ~~and~~ Secretary.

Section 2 The Chair shall preside at all meetings and hearing of the Planning Commission and shall have duties normally conferred by parliamentary usage on such officers.

Section 3 The Vice Chair ~~Secretary~~ shall act for the Chair in their absence. In the absence of both the Chair and Vice Chair ~~Secretary~~, if a quorum is present, the members shall caucus and appoint a temporary Chair, who shall then preside for that meeting only.

Section 4 The ~~Vice Chair~~ Secretary shall assist with findings of fact, written recommendations, minutes, and records of the Commission.

Meeting minutes from the last regular meeting shall be presented to the commission at the following meeting.

ARTICLE 7 ELECTION OF OFFICERS

- Section 1 An annual organization meeting shall be held each year at the regularly scheduled May meeting of the Commission.
- Section 2 Nominations shall be made from the floor at the annual organizational meeting and election of the officers specified Article 6 shall follow immediately thereafter, as set forth in Section 12.34 of Act 285.
- Section 3 A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one (1) year or until their successor shall take office.
- Section 4 Vacancies in office shall be filled immediately by regular election

ARTICLE 8 STAFF

- Section 1 The Planning and Zoning Administrator shall be appointed by the City Council and shall be charged with the carry out the responsibilities of the Planning and Zoning Administrator as set forth in the Zoning Ordinance.
- Section 2 The City Clerk shall be the primary record keeper for the administration of the Zoning Ordinance and shall receive applications and collect fees submitted pursuant to the Zoning Ordinance. The City Clerk shall further coordinate with the Mayor and/or the Planning Commission Chairperson, the scheduling of Public Hearings, arrange for newspaper publications, and generally coordinate the flow of information between the public, the Council, and Commission members, the Building Inspector, the Planning and Zoning Administrator, the City Attorney, and the City Engineer.
- Section 3 The City Attorney shall assist the City Council and Planning Commission on such legal matters as may be required concerning the implementation, interpretation, and administration of the Zoning Ordinance. The City Attorney shall attend meetings and/or public hearings of the City Council and/or Planning Commission, when requested to do so by the Council, its Mayor, the Planning Commission, or its Chair.
- Section 4 The City Engineer shall assist the City Council and/or the Planning

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

Section 5 The Building Inspector shall be responsible for all on-site inspections during the various phases of construction once commenced following the issuance of a Building Permit. The Building Inspector shall insure that all construction is in compliance with the approved site plans and shall report any violations to the Planning and Zoning Administrator. The Building Inspector shall, when necessary, consult with the City Engineer and/or City Attorney to assure full compliance with the state and local construction code, as well as the Zoning Ordinance.

ARTICLE 9 MEETINGS

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

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

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

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

Section 4 All meetings, or portions of meetings, shall be open to the public. All

meetings will be conducted in accordance with Public Act 267 of 1976, known as the "Open Meeting Act".

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

ARTICLE 10 ORDER OF BUSINESS

The recommended order of business at regular meetings shall include;

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

Section 1 Specific requests or applications received by the Commission prior to the meeting shall be listed under the appropriate heading.

Section 2 A motion from the floor must be made and passed to dispense with any item on the agenda or change the order of the agenda.

ARTICLE 11 PUBLIC HEARINGS

Section 1 In addition to those required by law, the Commission may hold public hearings when it is decided that such hearings will be in the public interest.

Section 2 Subject to the provisions of any applicable State Act and/or County Ordinance, public hearings shall be held on; the adoption or amendment of a Master Plan, the adoption, amendment or consideration of a Special Use permit as authorized by a Zoning Ordinance, or the preliminary approval of a plat subdivision, or Planned Unit Development.

Section 3 A petitioner who seeks to amend the Zoning Ordinance or other plan element shall file a petition with the Planning Commission through the office of the Planning and Zoning Administrator.

Section 4 At a public hearing before the Commission, the petitioner shall first present the facts and arguments in support of the case and those who oppose the petitioner shall follow. The petitioner shall be given time for a rebuttal. There shall be no rebuttal of the rebuttal. To

maintain orderly procedure, each side shall precede without interruption by the other. No record or statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

- Section 5 In the presentation of a case the burden shall be upon the petitioner to supply all information, including charts diagrams, and other exhibits, necessary for a clear understanding of the problem. The Commission may discontinue the hearing when in its judgment the petitioner has not provided sufficient evidence on which to make a determination.
- Section 6 Every person appearing before the Commission shall abide by the order and directions of the Chair. Discourtesy, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the Commission directs. Every person shall state their name, address, and interest in the case at the start of the presentation.
- Section 7 The Commission may continue or postpone the hearing of any case

ARTICLE 12 PLANNED UNIT DEVELOPMENTS

- Section 1 The approval of applications for a planned unit development shall comply with Article 24 and Article 27 of the Zoning Ordinance, as amended.
- Section 2 An application for preliminary development plan approval shall be obtained at the City Clerk's office and shall be submitted by the applicant to the City Clerk along with twelve copies of the application, plus the initial filing fee as set in the Schedule of Fees.
- Section 3 The information requested on the application shall constitute the preliminary development plan and site application shall be returned to the applicant and shall not be accepted until complete.
- Section 4 Upon receipt of the completed application and copies, the City Clerk shall transmit one (1) copy to the City Engineer, and one (1) copy to the City Attorney and shall further make available to each of the Planning Commission members a copy of the application.
- Section 5 Upon receipt of the applications, the City Attorney and City Engineer shall review each application within thirty (30) days from date of receipt. If, after consultation with each other, they agree that the

application is in compliance with the City Ordinance, they shall notify the City Clerk to schedule a public hearing on the application in accordance with Section 27.05 of the Zoning Ordinance.

Section 6 The public hearing shall be held before the Planning Commission. At the public hearing, the applicant shall present his proposed preliminary development plan to the public and shall answer such questions as may be presented to the applicant by the public. The Planning Commission shall further hear the comments of the public concerning the proposed plan. The Planning Commission shall not be obligated to vote on the proposed plan the night of the hearing. The Planning Commission shall receive and consider written recommendations from the City Engineer and City Attorney concerning the proposed preliminary development plan. The Planning Commission may then approve, approve with conditions, or deny the proposed preliminary development plan. Approval must be by majority vote or a quorum of Planning Commission members. At the time the vote is taken, the Planning Commission members should state their reasons or basis for their vote. If a preliminary development plan is approved with conditions, those conditions shall be clearly stated and reduced to writing by the Commission ~~Vice Chair~~ Secretary. If the proposed preliminary development plan is denied, another plan will be considered only after a re-application is filed with the City Clerk.

Section 7 The City Council does not have to approve the development plans in a planned unit development project. If the Planning Commission approves the preliminary plan, the applicant shall then submit a final development plan together with twelve (12) copies thereof to the City Clerk. The Clerk shall transmit a copy of the final development plan to the City Engineer for his recommendations and shall also make the said plan available to the City Attorney, as well as to the members of the Planning Commission.

Section 8 Within thirty (30) days, the City Engineer shall submit his written recommendations and comments as to the proposed final development plan to the City Clerk's office for transmission to the Planning Commission. The Planning Commission shall then review the final development plan at its next available meeting, and shall consider the recommendations of the City Engineer, approve with conditions, or deny the final development plan. Any approval with conditions shall be reduced to writing and shall become a part of the final development plan. No alterations or changes shall be allowed thereafter without re-applying in accordance with the procedure for

the original approval. No approval shall become effective until all fees and charges due the City have been paid.

Section 9 In order to approve the final development plan, the Planning Commission must find that the purpose, objectives, and requirements of Article 27, as amended, of the Zoning Ordinance have been met. The purpose and objectives of the Ordinance are found in Section 27.01 and Section 27.02, as amended. If the plan generally does not meet these objectives, the final development plan should not be approved.

Section 10 After approval of the final development plan by the Planning Commission, a Building Permit will be issued; however, prior to issuance the Planning commission may, at its discretion, require a performance bond, irrevocable letter of credit or certified check be filed with the City Clerk by the applicant to ensure that the development will be executed in accordance with the approval of the final development plan.

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

ARTICLE 13 SPECIAL USE PERMITS

Section 1 Special uses are those uses that are allowed in various zone districts only with special approval of the Planning Commission. Only special uses, which are provided in Article 25 of the Zoning Ordinance, as amended, or elsewhere in the Ordinance, may be considered for approval by the Douglas Planning Commission.

Section 2 A person requesting a special use may obtain an application for the same at the City Clerk's office, and shall submit the application to the City Clerk, together with the application fee.

Section 3 After receiving the application, the City Clerk shall transmit copies of the application to the Planning Commission members. The City Clerk shall then have published in the local newspaper a notice that the special use request has been received. The notice shall contain the information specified in Section 25.02 of the Ordinance, as amended, and shall also be sent by Certified Mail or personally

served on all owners of real property within three hundred (300) feet of the subject property, and to all occupants of all structures within three hundred (300) feet of the subject property as described in Section 25.02 of the Ordinance, as amended. The notice shall be sent or served and published not less than fifteen (15) days prior to the date at which time the application will be considered by the Douglas Planning Commission.

Section 4 It should be noted that a public hearing is not required under the Ordinance unless it is specifically requested by either the Planning commission, the applicant, or a property owner or occupant within three hundred (300) feet of the subject property. Usually, a request for a public hearing will not be made; however, if such a request is made, notice of the public hearing shall be published in the local newspaper and mailed or personally served on all property owners or occupants within three hundred (300) feet of the boundary of the property in question. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing is required. A decision by the Planning Commission on a special land use request shall not be made, however, unless notification of the request for special land use approval, or notification of a public hearing on a special land use request has been given.

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

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

- a. That the proposed use is intended to serve the area or neighborhood where located; and,
- b. That it can be conducted at the proposed location without interfering with the enjoyment of substantial property rights of the other owners in the surrounding vicinity.

- c. It should be noted that all home occupations which are approved as special used are subject to the limitations and conditions set forth in Section 16.04 of the Zoning Ordinance, as amended.

ARTICLE 14 VARIANCES

- Section 1 The Zoning Board of Appeals has jurisdiction over requests for a variance under the Zoning Ordinance.
- Section 2 An application for a request for a variance may be obtained at the City Clerk's office, and shall be submitted to the City Clerk, together with the required filing fee.
- Section 3 Upon receipt of the application for a variance, the City Clerk shall send a copy of the application to the City Attorney and shall transmit one (1) copy to the Chair of the Zoning Board of Appeals.
- Section 4 Upon receipt of the application, the Chair of the Zoning Board of Appeals, in consultation with the City Clerk, shall schedule a date and time for the Zoning Board of Appeals to meet and consider the variance request. Notice of the meeting shall be sent to the applicant and to all property owners and occupants within three hundred (300) feet of the subject property. The notice likewise shall be published in the local newspaper. All notices shall be served and published not less than fifteen (15) days prior to the meeting date of the Zoning Board of Appeals to consider the request.
- Section 5 The Zoning Board of Appeals may grant a variance only in accordance with the standards and requirements as set forth in Section 29.05 of the Zoning Ordinance. Unless all of the requirements and standards can be met, the application for a variance must be denied. Also, if the Zoning Board of Appeals finds that the zoning requirements as written in the Ordinance can be met by the applicant, the application must be denied.
- Section 6 A majority vote of all the members of the Zoning Board of Appeals is required to approve a variance request except that a concurring two-thirds vote of all of the members of the Zoning Board of Appeals shall be required to grant a variance from uses of land permitted in the Zoning Ordinance.

Section 7 The Board of Appeals may grant a variance subject to conditions, which shall be reduced to writing by the City Clerk and set forth on the variance approval. A copy of the approval with conditions shall be transmitted to the applicant by the City Clerk.

Section 8 At the time of taking the vote on the application for a variance, the Board of Appeals members should state their conclusions and basis for their decision. If it appears that a practical hardship is not unique, but is a common hardship on other individuals, it shall transmit such findings to the Planning Commission, who may consider the appropriateness of amending the Zoning Ordinance if they so desire.

ARTICLE 15 REZONING

Section 1 A rezoning request is a request to amend the Zoning Ordinance by changing the present zoning of a given area of land within the City, to a new zone.

Section 2 An application for rezoning shall be obtained from the City Clerk's office and shall be submitted to the City Clerk, together with the required fee. Twelve (12) copies of the application shall be submitted, in addition to the original application.

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

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

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

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

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

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

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

Section 8 A protest petition is valid if it is signed by either the owners of at least twenty (20) per cent of the area of land included in the proposed zoning change; or the owners of at least twenty (20) per cent of the land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included within the proposed zoning change. (Public land is excluded in calculating the twenty (20) per cent land area requirement.)

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

Section 9 Generally speaking, rezoning requests should be granted sparingly and only when the rezoning will not violate the general purposes and intent of the City land use plan on which the existing Zoning Ordinance is based. If the rezoning request will not violate the

general intent and purposes of the land use plan and will be of some benefit to the public as well as the applicant, and where there are compelling reasons for changing the zoning plan, the City may grant the rezoning request.

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

ARTICLE 16 SITE PLAN REVIEW

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

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

Section 3 The applicant shall file the application together with twelve (12) copies with the City Clerk's office and be advised at that time that the applicant will be billed for the City's actual costs in reviewing the application. Upon receipt of the application, the Clerk shall make available copies to the individual commission members, and, if necessary, the City Engineer and/or City Attorney. The application shall also be sent to the Planning and Zoning Administrator for written opinion. Within forty-five (45) days of the filing of the application, the Planning Commission shall review the application and either denies the application or grant approval of the application. If the Planning Commission denies the application, it shall state its reasons for denial. If the Planning Commission requires that the site plan be revised, it shall notify the applicant of revisions which are requested, and the applicant shall then resubmit the site plan with the revisions required.

Section 4 After the site plan has been approved, one (1) copy of the application shall be returned to the applicant by the City Clerk indicating that approval has been granted, and that a Building

Permit may be issued. A copy of the zoning application for the building permit, signed by the Planning and Zoning Administrator will also need to be presented before a permit can be issued.

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

ARTICLE 17 FINAL DISPOSTION OF CASES

- Section 1 The final disposition of any case shall be in the form of an order setting forth the findings and determinations of the Commission together with any modifications, specifications, or limitations which it makes, with reasons, therefore.
- Section 2 The Commission may dismiss a case for lack of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two consecutive meetings, the case shall be dismissed.
- Section 3 A petitioner may not withdraw a case after a roll call vote has been ordered by the Chair.
- Section 4 A case which has been withdrawn by the petitioner shall not again be placed on the docket for consideration within a period of twelve (12) months after the date of withdrawal.

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

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

ARTICLE 18 AMENDMENTS

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

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



To: Douglas Planning Commission

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

Date: May 18, 2022

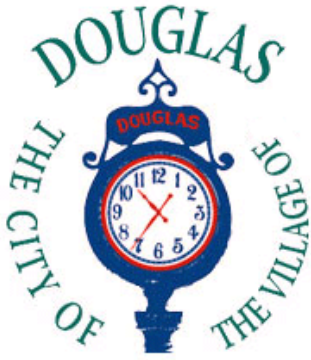
**Subject: Site Plan Review – Addition, Principal Building; Site
Changes, 100 Blue Star Highway (Christine Ferris)**

The City of Douglas has received request to forego consideration of an application for Site Plan Review (“Application”) for 100 Blue Star Highway, located in the C-2 General Commercial District, Douglas, Michigan. Christine Ferris (“Applicant”) has withdrawn application for Site Plan Review approval.

Having received this request after provided public notice for public hearing and publishing the agenda for the Douglas Planning Commission, the Planning and Zoning Administrator recommends the Commission move to cancel the Public Hearing required for compliance with the Site Plan Review standards of Section 24.03.

There is no financial burden assigned to or associated with this action of the Douglas Planning Commission.

It is recommended the Douglas Planning Commission cancel the public hearing scheduled for Site Plan Review for the property, zoned C-2 General Commercial District, located at 100 Blue Star Highway, Douglas, Michigan.



To: Douglas Planning Commission

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

Date: May 18, 2022

**Subject: Site Plan Review – Screening and Site Changes,
294 W. Center Street (Christopher LaBelle)**

The City of Douglas has received request for Site Plan Review (“Application”) for 294 W. Center Street, located in the C-1 Village Center District, Douglas, Michigan. Christopher LaBelle (“Applicant”) seeks to obtain Site Plan Review approval for site changes. This Application requires review by Planning Commission in Public Hearing, for compliance with the Site Plan Review standards of Section 24.03.

Having completed administrative review of the Application, the Planning and Zoning Administrator has provided the enclosed submittals to the Douglas Planning Commission for review, for compliance with the performance standards of the underlying C-1 zoned district and all applicable land use and site standards pursuant to the Zoning Ordinance.

Commissioners shall conduct a public hearing for analysis and findings of facts related to the conformance or non-conformance with Article 10, Section 24.03, and all applicable provisions of the Zoning Ordinance. The Planning Commission shall provide: 1.) approval, 2.) approval with any conditions imposed to meet the standards of the C-1 zone, applicable Use classifications, and Standards of Approval, or 3.) denial. Performance Guarantee may be required by the Planning Commission to ensure compliance to any Conditions of Approval (Section 23.06).

Pursuant to the City of Douglas Schedule of Fees and the Ordinances of the City, the Planning Commission may consider assigning conditions:

- 1. Performance guarantee equal to the cost of proposed site improvements, necessary for compliance with:*
 - i) Section 10.03 Performance Standards and Section 10.04 Off-Street Parking and Loading, C-1 Village Center District;*
 - ii) Section 19.05 Site Development Requirements -Marking/ Designation/ Screening, Off-Street Parking and Loading;*
 - iii) Section 21.01 Landscaping, Fencing, Walls, and Screening;*
- 2. 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.*

It is recommended the Douglas Planning Commission approve with conditions the application for Site Plan Review for site changes to the property, zoned C-1 Village Center District, located at 294 W. Center Street, Douglas, Michigan.



This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

DESCRIPTION

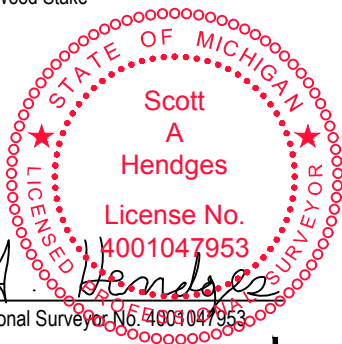
The following premises situated in the City of Douglas, County of Allegan, State of Michigan.

The South 16 rods of the East 10 rods of the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 16, Town 3 North, Range 16 West. described as beginning at a point on the East and West 1/4 line of Section 16 distant due West 1309.74 feet from the central 1/4 corner of Section 16 and proceeding thence due West 165 feet; thence North 00 degrees 01 minutes East 264.00 feet; thence due East 165.00 feet; thence South 00 degrees 01 minutes West 264.00 feet along the West 1/8 line to the point of beginning.

(Warranty Deed recorded in Liber 3802, Page 622, dated December 17, 2013, Allegan County Register of Deeds Office)

LEGEND

- Iron - Found
- Set Wood Stake



By: *Scott A. Hendges*
Scott A. Hendges Licensed Professional Surveyor No. 4001047953

SCALE: 1" = 40' 0' 20' 40' NORTH

Christopher LaBelle
294 W. Center Street
Douglas, MI 49406

294 W. Center Street

DRAWN BY: JR
REV. BY:
REV.:

DATE: 4.12.22
REV. DATE:

PRJ #: 22200549
1 OF 1

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347 Hoover Blvd.
Holland, MI 49423
Ann Arbor, Chicago, Columbus,
Grand Rapids, Indianapolis, St. Louis



To: Douglas Planning Commission

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

Date: May 18, 2022

**Subject: Site Plan Review – Change in Principal Use,
Two-Family Dwelling; Accessory Structure(s) and Site
Changes, 36 N. Union Street (Jennifer Klungle)**

The City of Douglas has received request for Site Plan Review (“Application”) for 36 N. Union Street, located in the R-3 Neighborhood Conservation District, Douglas, Michigan. Jennifer Klungle (“Applicant”) seeks to obtain Site Plan Review approval, for construction of a new accessory structure. This Application requires review by Planning Commission in Public Hearing, for compliance with the Site Plan Review standards of Section 24.03.

Having completed administrative review of the Application, the Planning and Zoning Administrator has provided the enclosed submittals to the Douglas Planning Commission for review, for compliance with the performance standards of the underlying R-3 zoned district, general provisions for accessory structures, and all applicable land use and site standards pursuant to the Zoning Ordinance.

Commissioners shall conduct a public hearing for analysis and findings of facts related to the conformance or non-conformance with Article 6, Section 24.03, and all applicable provisions of the Zoning Ordinance. The Planning Commission shall provide: 1.) approval, 2.) approval with any conditions imposed to meet the standards of the R-3 zone, applicable Use classifications, and Standards of Approval, or 3.) denial. Performance Guarantee may be required by the Planning Commission to ensure compliance to any Conditions of Approval (Section 23.06).

Pursuant to the City of Douglas Schedule of Fees and the Ordinances of the City, the Planning Commission shall consider assigning conditions for:

- 1. Required Site Plan Review fees and penalty for work without permits required/failure to disclose;*
- 2. Any outstanding and required fees associated with registration of Short-Term Rental Unit(s);*
- 3. Performance guarantee equal to the cost of proposed site improvements, necessary for compliance with:*
 - i) Section 6.02 District Summary - District Permitted Uses/Site and Building Placement Standards, R-3 Neighborhood Conservation District;*
 - ii) Section 16.13 Accessory Uses, Buildings, and Structures;*
 - iii) Section 19.05 Site Development Requirements -Marking/ Designation/ Screening, Off-Street Parking and Loading;*
 - iv) Section 21.01 Landscaping, Fencing, Walls, and Screening; and*
- 4. 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.*

It is recommended the Douglas Planning Commission approve with conditions the application for Site Plan Review for Two-Family Dwelling, Accessory Structure(s), and site changes to the property, zoned R-3 Neighborhood Conservation District, located at 36 N. Union Street, Douglas, Michigan.



SAUGATUCK TOWNSHIP FIRE DISTRICT

3342 Blue Star Highway | Saugatuck, MI 49453 | Phone: 269 857-3000 | Fax: 269 857-1228



Occupant Name:	36 N. Union St. - STR	Inspection Date:	10/6/2021
Address:	36 North Union Street	InspectionType:	Complaint
Suite:		Inspected By:	Deputy Chief Chris Mantels
Property Owner:	Jennifer Klungle 703-895-2736 jenofoz@hotmail.com	Contacts:	Tim Hurtman 616-240-6835 timhurtman@yahoo.com

Insp. Result	Location	Code Set	Code
Deficiency		IFC 2015 CHAPTER 10 - MEANS OF EGRESS	1031.3 - Egress Obstructions
Inspector Comments: Obstructions. A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice. ACTION REQUIRED: Several secondary egress windows have been painted shut. Please cut the paint and ensure the windows operate freely prior to having renters occupy the structure again.			

A re-inspection is required. Unless otherwise listed, deficiencies should be corrected no later than **11/5/2021**. Please contact the Fire District at 269-857-3000 or inspections@saugatuckfire.org to schedule the re-inspection after deficiencies have been corrected.

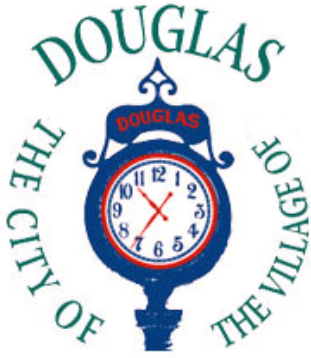
An authorized representative of Saugatuck Township Fire District has observed the above noted deficiencies of the International Fire Code (IFC) on your premises. Failure to remedy the deficiencies within the specified timeframe will subject you to the penalties as prescribed by Section 109 of the IFC. If you do not understand any part of this notice, please contact our office at (269) 857-3000.

Thank you for keeping your business and the community safe.

Inspector:

Deputy Chief Chris Mantels
3425
10/6/2021 8:35:01 AM
Signature valid only in mobile-eyes documents
Deputy Chief Chris Mantels
10/6/2021

Ref: 3425



To: Douglas Planning Commission

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

Date: May 18, 2022

**Subject: Public Hearing - Recommendation of Amendment(s):
Article 2: Definitions, Article 16: General Provisions, Article
21: Landscaping, Buffering, and Fencing, and Article 20,
City of the Village of Douglas Zoning Ordinance; to Repeal
and Replace Chapter 98: Trees, City of the Village of
Douglas Code of Ordinances.
(City of the Village of Douglas)**

The Douglas Planning Commission shall consider in discussion advance copy of draft amendments(s), intended for Public Hearing and Planning Commission Recommendation to City Council to amend Article 2: Definitions, Article 16: General Provisions, Article 21: Landscaping, Buffering, and Fencing, and Article 20 of the Zoning Ordinance. Pursuant to Section 28.06, Commissioners shall consider the draft amendments in a public hearing, providing recommendation to the Planning and Zoning Administrator for Consideration by City Council.

Upon close of this Public Hearing, and Planning Commission Recommendation, the Planning and Zoning Administrator shall make any additional revisions and order legal review of final draft amendments prior scheduling. The Planning and Zoning Administrator shall then facilitate the necessary Notice of Public Hearing(s), to ensure public participation and Consideration by the City Council, pursuant to Section 28.07.

The financial burden associated with this recommended action of the Planning Commission may include cost for additional publication and delivery of legal notice and shall include cost of legal review of the proposed Ordinance Amendments by the City Attorney, prior to Consideration by City Council.

It is recommended the Douglas Planning Commission arrive at findings of fact in a Public Hearing, for Planning Commission Recommendations and proposed amendments to the Douglas Zoning Ordinance for Consideration by City Council, to repeal and replace Chapter 98: Trees, City of the Village of Douglas Code of Ordinances.

CHAPTER 98: TREES

Section

- 98.01 Purpose
- 98.02 Definitions
- 98.03 Tree Board
- 98.04 Trees in the public right-of-way and public property
- 98.05 Protection of trees; permit required for tree removal in public rights-of-way
- 98.06 Tree protection during construction or development
- 98.07 Tree removal on a vacant lot or parcel
- 98.08 Limited lighting of trees on public rights-of-way
- 98.09 Tree replacement program

- 98.99 Penalty

§ 98.01 PURPOSE.

This chapter is intended to regulate the removal of trees from public street rights-of-way in the city, and to preserve, protect and enhance valuable resources entrusted to its citizens. To protect the health, safety and welfare of its citizens, to establish standards limiting the removal of, and insuring the replacement of trees sufficient to safeguard the ecological and esthetic environment necessary for the city. To provide protective regulations against hazardous trees and diseased trees or shrubs; to control activities relative to trees and plantings within the public street rights-of-way of the city; to establish regulations and procedures for the removal of trees located on public street rights-of-way.

(Ord. 05-2011, passed 9-6-2011)

§ 98.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING ENVELOPE. The ground area of a lot or parcel of land enclosed or to be enclosed by the exterior walls or perimeter (foot print) of principal and accessory buildings, and any associated improvements including, but not limited to; pools, decks, patios, walks, tennis courts, driveways and utility services.

DESTROY. To remove (cut down) a protected tree or to perpetrate any intentional act of negligence which will cause a protected tree to decline or die within a period of two years. This shall include but not be limited to: damage inflicted upon the root system of a protected tree by the application of toxic substances, damage by the operation of equipment and vehicles, damage caused by excavation or fill within the drip line of a protected tree, or damage caused by alteration of natural physical conditions.

DIAMETER BREAST HEIGHT (DBH). A tree's diameter in inches measured four and one-half feet above the ground.

DRIP LINE. An imaginary vertical line extending downward from the outermost tips of a tree's branches to the ground.

PROTECTED TREE. A tree that is six inches DBH or greater in size.

TREE. Any self supporting woody plant growing upon the earth which usually provides one main trunk and produces a distinct head with many branches.

TREE PROTECTION ZONE (TPZ). The area between the line extending ten feet beyond the building envelope and the property line.
(Ord. 05-2011, passed 9-6-2011)

§ 98.03 TREE BOARD.

(A) ***Purpose.*** A Tree Board is hereby established for the purpose of regulating the planting, protection, preservation, and removal of trees within the public rights-of-way, and for the purpose of considering appeals from denials of tree removal permit applications and to undertake other responsibilities specified in this chapter,

(B) ***Membership.*** The Tree Board shall consist of the Mayor of the city or the Mayor's designee; one member of the Douglas Advisory Council (DAC) and one member of the community both to be appointed by the Mayor and confirmed by the City Council. The members of the Tree Board may be assisted in their official responsibilities by staff members of the city, including the City Manager, the Superintendent of the Public Works Department and a licensed arborist appointed by the City Council or other appropriate city staff members.

(C) ***Meetings.*** Meetings shall be held at least once quarterly at the discretion of the Committee Chair, with the first meeting held the first full week of January. Meetings shall be subject to the Open Meetings Act.

(D) ***Duties.*** To review the policies and suggest changes to City Council or to Planning Commission, to develop a list of acceptable trees, and to develop rules and guidelines for administrative approvals.
(Ord. 05-2011, passed 9-6-2011)

§ 98.04 TREES IN THE PUBLIC RIGHT-OF-WAY AND PUBLIC PROPERTY.

(A) *Treatment of protected trees.* No tree upon any public right-of-way or public property shall be destroyed, pruned, girdled, broken, bent, wounded or have notices or signs tacked upon without the consent of the City Manager under the direction of the Tree Board.

(B) *Planting of trees or shrubs.* No person shall climb or walk upon the branches of a protected tree in any public right-of-way or public property while wearing spurs or other climbing attire unless such person is in the permitted act of removing or maintaining a tree. No trees or shrubs shall be planted upon any public right-of-way or public property without the consent of the City Manager. No trees shall be planted at public expense upon private property unless a public easement has been granted in a form acceptable to the city.

(Ord. 05-2011, passed 9-6-2011) Penalty, see § 98.99

§ 98.05 PROTECTION OF TREES; PERMIT REQUIRED FOR TREE REMOVAL IN PUBLIC RIGHTS-OF-WAY.

(A) *Purpose.* The tree canopy contributes to the visual character of the city and trees are important natural resources and assets of the city. Therefore, every effort must be made to ensure that only the minimum numbers of protected trees are removed prior to construction of new structures, or alterations/additions to existing structures and in other approved circumstances. It is the intent of this chapter that a permit should not be granted for the removal of a protected tree where a reasonable alternative design solution exists that is consistent with the use of the property.

(B) *Permit required.* A Tree removal permit shall be required for and prior to the removal, relocation, or destruction of any tree located within any public street right-of-way; provided, however, that no such permit shall be required in order for the city to remove or otherwise affect any tree located within a public street right-of-way, and the city retains its authority with respect to public street rights-of-way, irrespective of the provisions of this chapter.

(C) *Application for permit.* A person seeking a tree removal permit for the removal, relocation or destruction of a tree within a public street right-of-way, shall complete a tree removal permit application and submit the application to the Zoning Administrator. The applicant shall also prepare and submit to the Administrator, a site plan including at least the following information:

(1) The tree or trees that are proposed to be removed, relocated or destroyed. Such trees shall also be identified by written description or by a photograph. The location and general description of the other protected trees within the adjacent street right-of-way that are proposed to remain undisturbed shall also be stated; and

(2) A description of any grade changes or other changes within the street right-of-way that may occur as a result of the proposed tree removal, if such changes or results will have an adverse effect on any trees remaining in that part of the street right-of-way adjacent to the applicant's property.

(D) *Approval of permit.* The Zoning Administrator shall grant and approve a tree removal permit upon finding that all of the following requirements are satisfied:

(1) The applicant has submitted a site plan or other information satisfactorily demonstrating that the number of trees and the particular trees proposed to be removed are the minimum number needed to be removed in order to achieve the results sought by the applicant;

(2) The applicant has satisfactorily demonstrated that harm or other negative impacts to the remaining trees on that part of the street right-of-way adjacent to the applicant's property will be minimized or avoided;

(3) There are no desirable, prudent or reasonably feasible alternatives whereby the desired results could be achieved, other than the removal, relocation or destruction of the trees indicated by the applicant;

(4) The tree or trees proposed for removal, relocation or destruction need to be removed for at least one of the following reasons:

(a) They are a safety hazard;

(b) They are interfering with or obscuring the clear vision of motor vehicle drivers;

(c) They are likely to injure, damage or disrupt persons, property or utility service; and/or

(d) They are preventing or substantially obstructing reasonable access to a lot or parcel of land;

(5) The proposed tree removal would not materially increase the risk of flooding or erosion on the property or on adjacent property, nor adversely affect a wetland or watercourse; and

(6) In the case of proposed removal of a protected tree for reasonable access to an existing or proposed building or other improvement, there is no feasible alternative location for the proposed access without resulting in unnecessary hardship on the part of the applicant.

(E) The Zoning Administrator may include reasonable terms and conditions in any tree removal permit, in order to ensure that the intent of this chapter will be fulfilled and to minimize damage to, encroachment upon, or interference with other trees within the public street right-of-way.

(F) *Appeal of denial of permit.* In the event that a permit applicant is aggrieved by the denial of a tree removal permit, or by the approval of a permit but with conditions with which the applicant disagrees, the applicant may appeal such action by the Zoning Administrator to the Tree Board.

(1) The applicant shall file such appeal in writing, stating the action complained of and the reasons and grounds for which the applicant believes that the action should be reversed, amended or modified.

(2) The completed application for the appeal shall be filed with the Zoning Administrator, who shall forward it to the Tree Board. The Tree Board shall convene within a reasonable time to consider the appeal. Any such meeting by the Tree Board shall be subject to the provisions of the Michigan Open Meetings Act.

(3) At a meeting, the Tree Board shall consider the appeal filed by the applicant. The Tree Board shall provide the applicant an opportunity to comment on the appeal. The Tree Board may consider the matter at subsequent meetings.

(4) The appeal shall be determined by majority affirmative vote of the regular, voting members of the Tree Board who are present and voting. The decision by the Tree Board in such a case shall constitute the final decision by the city with respect to the application for the tree removal permit. (Ord. 05-2011, passed 9-6-2011)

§ 98.06 TREE PROTECTION DURING CONSTRUCTION OR DEVELOPMENT.

(A) While removing trees for construction or development the owner shall take all reasonably necessary precautions to protect the remaining protected trees.

(B) Neither a property owner nor its agent shall cause or allow any construction or development activity to occur within the drip line of a protected tree, nor shall any solvents, building materials, vehicles, construction equipment, soil deposits, fill or other harmful materials be allowed to be placed, kept, parked or stored within the drip line of the trees. (Ord. 05-2011, passed 9-6-2011) Penalty, see § 98.99

§ 98.07 TREE REMOVAL ON A VACANT LOT OR PARCEL.

On any lot or parcel where construction or development is not proposed, a tree removal permit shall be required prior to the removal of any protected tree in accordance with § 98.05. (Ord. 05-2011, passed 9-6-2011)

§ 98.08 LIMITED LIGHTING OF TREES ON PUBLIC RIGHTS-OF-WAY.

Trees located in the public street rights-of-way or otherwise on public property shall not be decorated with strings of lights placed or maintained on or within them, nor shall such trees otherwise be lighted by other types of lighting placed on or within the trees; provided, however, that during the annual holiday season lights in observance of the season may be placed on such trees, in a manner that will not harm or damage the trees, but they shall not be placed on the trees earlier than November 1 and they shall be removed from the trees not later than the following March 31; but provided further, that such lights placed on trees in the public street rights-of-way in observance of the annual holiday season may remain on the trees after March 31 if approved by the Tree Board, subject to terms and conditions imposed by the Tree Board, and if the lights are placed only on or around the tree trunk, not the crown of the tree, and if the tree will not be harmed or damaged thereby.

(Ord. 05-2011, passed 9-6-2011) Penalty, see § 98.99

§ 98.09 TREE REPLACEMENT PROGRAM.

It is the intent of the city to maintain the numbers and the character of its trees; therefore, each tree lost in its public right-of-ways or public properties shall be replaced by an appropriate tree.

(A) Replacement trees shall measure no less than three inches in diameter as measured from six inches above the ground level.

(B) Trees lost by age, disease or by acts of nature shall be replaced as soon as possible under the direction of the Tree Board.

(C) Where a tree is lost within the public right-of-way or public property by negligent or intentional vandalism, the person, vehicle owner, or agent responsible shall be charged for the value of an equally sized replacement. If such a replacement is not available locally, the value of the tree will be computed from the State Forestry and Shade Tree "evaluation formula" and the responsible person shall be invoiced that amount to compensate for costs of removal and planting of a replacement.

(Ord. 05-2011, passed 9-6-2011)

§ 98.99 PENALTY.

(A) *Municipal civil infraction.* A violation of any term or provision of this chapter shall be a municipal civil infraction. The procedures for the issuance of municipal civil infraction citations and other matters pertaining to the issuance thereof shall be as stated in §§ 34.01 through 34.07 of the city code.

(B) The fine payable upon admission or determination of responsibility by a person served with a municipal civil infraction citation, for a violation of this chapter, shall be as stated in § 34.06 of the city code.

(C) The persons authorized under § 34.02 to issue municipal civil infraction citations shall be authorized to issue such citations for violations of this chapter.
(Ord. 05-2011, passed 9-6-2011)



To: Douglas Planning Commission

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

Date: May 18, 2022

**Subject: Public Hearing (Tabled) - Site Plan Review &
Waterfront Construction Application (Major) –
Accessory Structure(s) – Bulkhead, Deck(s)/Stairs
and Site Changes to Sensitive Lands; R-2 Residential
District. 156 Lakeshore Drive (Scott/Christina
Garberding, Ryan Hall)**

The City of Douglas has tabled public hearing and Site Plan Review and Waterfront Construction Application (“Application(s)”) for 156 Lakeshore Drive, located in the R-2 Residential District, Douglas, Michigan. Scott and Christina Garberding, property owners, and Ryan Hall (“Applicant”) seek to obtain Site Plan Review approval for new Accessory Structure(s) including bulkhead, deck(s), and stairs constructed without permits.

The Planning and Zoning Administrator recommends the Douglas Planning Commission initiate the public hearing to continue it to a future date to allow the Applicant additional time to provided site plans, consistent with the standards of Section 24.04 of the Zoning Ordinance, to accompany the Waterfront Construction Application for Accessory Structures considered "Major", for compliance with Chapter 151 of the City of the Village of Douglas Code of Ordinances.

Pursuant to the City of Douglas Schedule of Fees and Ordinances of the City, the Applicant shall remit payment of any required Land Use applications fees and penalties for work performed without permits. The Planning Commission shall require payment of dues and may recommend escrow and performance guarantee to the City, equal to the estimated cost of site improvements required and necessary for compliance with any Conditions of Approval, as assigned by the Planning Commission.

It is recommended the Douglas Planning Commission continue the public hearing for Site Plan Review and Findings of Fact regarding Application for Waterfront Construction - "Major", for Accessory Structures located at 156 Lakeshore Drive, zoned R-2 Residential District, in Douglas, Michigan.