

# 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, Vice Chair and Secretary. The 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, 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 shall act for the Chair in their absence. In the absence of both the Chair and Vice Chair, 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 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 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 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 is 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.


*Motion: Pattison, Seibert*

YEAS: 7 NAYS: 0 ABST: 0; Bylaws Declared: Adopted, May 5, 2022.

Certified By:

  
Paul Buszka, Chair  
Douglas Planning Commission

July 6, 2022  
Date:

  
Pam Aalderink, City Clerk  
City of the Village of Douglas

July 6 2022  
Date: