

# Memo

**To:** Planning Commission/DDA Members  
**From:** Julie Durkin, Zoning Administrator  
**Date:** August 7, 2023  
**Re:** Zoning Administrator's Report

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**Permits & Code Enforcement:** Please note the following since my last report:

- \* 6 Land Use Permits were issued (2 sheds, solar panels, generator, fence replacement & new single-family on Mower)
- \* 62 Waivers were issued – most were for re-roof due to the hail storm we experienced
- \* 2 ROW Permits issued (driveway & sewer line)

## Planning Commission:

### Old Business:

1. Changes to the Sign Ordinance: I understand that there was not a lot of input from Council regarding the proposed language, but there were several comments regarding the temporary signage for businesses which I would like to address.
  - A) Within our current ordinance, the temporary signage that we are talking about to promote sales, now hiring, grand re-opening, etc. is NOT allowed at all. My proposal was to allow this type of signage but to limit it to two times per year while limiting the number and size of the signage. There was some discussion to allow this type of signage without limitation. I would highly recommend not allowing carte blanche to put up any type, size, number, etc. any time a business feels so inclined. That is opening a door to some trouble in my opinion. This could include anything from the typical yard sign to inflatables, wood signs, A-frames, banners, pennants, flags, changeable letter signs, signs on trailers, signs that exceed the allowable square footage, etc. with no way to regulate them at all. The intended purpose is to ensure that they do not become visual distractions, clutter or pose potential safety issues while still allowing our businesses the ability to advertise.



- B) Concerns about enforcement: Currently, there is a trend to put up multiple signs in front of businesses at any given time. It is difficult to enforce as they pop up one by one. If we start from square one and notify all businesses of the new regulations and fairly enforce across the board, it will be much easier as they do "pop up". If we require a permit & nominal fee, I think that we can limit these signs to two weeks (or more as the Commission/Council wishes to consider) out of the year rather than year around. It could possibly give us some type of leverage if it is being abused as well. This will allow a record of when they are put up and need to be taken down as well as notifying them of the requirement of a permit, type, number and size as well as when/if they are allowed other signs within that given year. Again, in my opinion, this would make enforcement easier.

This issue is one that faces every community across the country. There are several communities that I have looked at that have similar ordinances to what I am suggesting which is the following:

- 1) In all districts, the Zoning Administrator may allow one temporary freestanding, wall, or hanging sign per business to be erected two times per calendar year for a period not to exceed seven consecutive days subject to the following:
  - a. comply with all requirements pertaining to height and area for the zoning district in which the sign is located, but shall not exceed a surface area of 25 square feet for a single face sign and 50 square feet for a double face sign
  - b. Shall be made of water-resistant materials
  - c. Shall not be located in a public right-of-way and located and designed to avoid interference with or distraction to vehicular and pedestrian traffic.
  - d. Streamers, flags, etc. are strictly prohibited.

The options are: a) Remove my suggestion entirely and leave the current language, which is to not allow temporary signage at all with the exception of one time for a new business, b) adjust the suggested language c) recommend approval of the new language as submitted or d) amend the language to allow unlimited temporary signs (or more specific language if you desire).

The second similar issue deals with special event signage. I still would like to see language to address special events such as school functions, church activities and civic activities. The suggested language is as follows:

- 1) One temporary sign is allowed on the proposed site for the promotion of a special event or activity at a church, non-profit or educational institution but shall not exceed a surface area of 25 square feet for a single face sign and 50 square feet for a double face sign. The sign shall be displayed for not more than two weeks prior to the event or activity and must be removed within 24 hours of the conclusion of the event or activity.

Additional off-premises signs may be erected on private property only, with property owner permission. Signs may not be placed within the road right-of-way or within areas used for clear vision at intersections or commercial driveways. These signs shall not exceed six square feet and 4 feet tall and must be removed within 24 hours of the conclusion of the event.

We have discussed the other aspects of the proposed amendment. I would suggest that we schedule a public hearing for the proposed language for the September 6<sup>th</sup> (Wednesday) regular Planning Commission meeting.

2. Final Site Plan Review – McFarland's Tree Service: Included in your packet are the Engineer's and Planner's Review of the final site plan. As you will recall, at the last meeting, the request was tabled to allow the applicant time to address the concerns of the Engineer and Planner. It appears that most of these items have been addressed. Some items to be considered when reviewing the plans and documents:
  - The applicant has indicated that curb side trash pick-up will be sufficient and all containers will be kept within the out building. No dumpster is being proposed.
  - The waiver of the sidewalk requirement along Dexter has been granted by Village Council with the condition that they agree to install the required sidewalk across the subject Property, at the Owners' cost, when, and if, the Village determines such sidewalk is needed, including when connecting sidewalks become available to this property. Lucie is requesting that the future sidewalk be delineated and noted on the final drawings.
  - The existing building on the SE corner of the site is within the 20' setback and appears to be over the property line. The building is an existing non-conformity, however the applicant is required to provide an agreement with the property owner to the south based on that encroachment.
  - The proposed ramp at the front of the existing building is within the 25' setback. Given the location of the existing house and front porch already within the setback, the Commission should acknowledge the addition of the concrete ramp within the 25' setback as required by ADA.

If the Planning Commission finds that the applicant has met the requirements to proceed, I would suggest the following motion:

Finding that the applicant has met the requirements of Section 152.391 thru 152.393, The Planning Commission approves the Final Site Plan #SPR-002-2023 for Shane and Angela Black aka McFarland's Tree Service at 425 S. Dexter (Parcel #4714-23-400-015) for a Tree Service Business, Landscape Nursery, Farmer's Market and Equipment and Vehicle Storage contingent upon the following:

- ❖ Revise driveway material to reflect the aggregate base layer to be "MDOT 21AA Limestone"
- ❖ Verify an adequate buffer has been provided from the point source discharge to the northern property line and that a permit through EGLE is not required. Verify flow as required by the Village Engineer
- ❖ Clarification on the total number of parking spaces
- ❖ Meet the requirements for the impervious drainage and increased runoff resulting from the roof area and update calculations to reflect the changes in flow as required by the Village Engineer
- ❖ Provide required Performance Guarantees including amounts, types and terms as required by Village Zoning Ordinance
- ❖ Provide maintenance agreement for the entire stormwater system
- ❖ Update sidewalk waiver on the plans and notate the future sidewalk on final drawings.
- ❖ Update existing contours on the plans
- ❖ All work within the Village requiring soil erosion and sedimentation control shall comply with Livingston County requirements
- ❖ While the Commission acknowledges the encroachment of the porch and concrete ramp into the 25' front setback and the building at the southeast corner of the property into the 20' side yard setback based on the existing structures and conditions, the applicant is required to provide an agreement with adjacent property owner to the south for the encroachment of the existing garage onto their property.
- ❖ All exterior material finishes and colors including light fixtures shall be reviewed and approved by the Zoning Administrator and Village Planner

#### **New Business:**

1. Final Site Plan Review – Lakeland Knoll: The following actions have taken place to date:
  - a. Planning Commission Review & recommendation for approval of Preliminary Site Plan and Special Use Approval for Open Space Development including Public Hearing – July 8, 2020
  - b. Village Council Approved with conditions the Preliminary Site Plan & Special Use for Open Space Development – July 27, 2020
  - c. One Year extension granted – September 13, 2021
  - d. One Year extension granted – August 8, 2022

Mr. Marshall Blau of Progressive Properties has submitted the Final Site Plan for review including the Master Deed and Condominium Bylaws of Lakeland Knoll and other associated documentation. Included for your consideration is both the Village Engineer's and Village Planner's Review. Mr. Blau will be present at the meeting and speak briefly, but will wait to make a formal presentation at the public hearing in September. I would expect we will have some interested public. There is a lot of information being put forth. Please take the time over the next month to review all of the documents and be prepared to ask your questions at our September meeting.

According to Section 152.351 (L)(1) Planning Commission action. The review of the final residential open space development plan shall be noticed for public hearing in the same manner as a rezoning before the Planning Commission, and otherwise acted upon by the Planning Commission, as provided by law. If the Commission wishes to proceed, the appropriate action would be to set a public hearing for September 6, 2023 after which a recommendation to the Village Council should be considered.

#### **DDA:**

1. Economic Development Discussion: I hope everyone enjoyed the presentation/discussion with the Economic Development Council representatives. From that discussion, we can identify steps needed to improve downtown and assist our business community and more importantly make our downtown a more viable place to do business for both the residents and business owners alike.

Positive	Negative
Accessible store fronts	Lack of Energy (motivation) of business owners
Available space	Diversification of businesses
proximity to recreation/bike paths	occupation rates
available parking	supporting business
Putnam Square & planned activities	unwillingness to participate in functions
	lack of participation at the DDA level/lack of input
Positive steps being taken	Improvements Needed
Making façade grants available	More energetic/active Board
Re-certification of Redevelopment Ready	*Possibly look at splitting PC & DDA to encourage business participation
*Can assist w/business recruitment	*Become more active in civic events as representatives
*Can assist w/identifying needed types of business	Possibly hold business forum to allow owners to voice problems/concerns
Newsletters	*Lack of direction & energy will accomplish nothing
*Keep business informed of upcoming activities	
*Welcome new businesses	
*Provide latest opportunities for funding/training, etc.	
*Reminder that the DDA is there to support them	
Engage assistance from EDC Livingston County	
*Can assist w/business recruitment	

We can identify the pros and cons, but progress can only be made with a plan of action. That can consist of:

1. Continue to look at expanding the DDA Boundaries
2. Complete remaining steps for recertification as Redevelopment Ready (Julie)
3. Tap into resources through EDC/Ann Arbor Spark
4. Wayfinding signage (planned for this budget year)
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

2. DDA Payables:

- On this month's payables, you will see two charges from Econo Print for the Spring/Summer banners. Unfortunately, when the banners were ordered, I was unaware that there are actually two different sizes. In the past, Econo Print had only printed the smaller sizes while another company had been used for the standard banners that have been used for the past several years (no size notes in the file). It was discovered when the DPW crew went to install them that not all of them would fit with the existing hardware. Many of the poles have fixed hardware that cannot be moved. Econo Print did work with us to get the correct size at a discounted price. Hopefully, we can find an alternative use for the banners that cannot be installed on the poles.
- The benches and planters downtown have been repaired and powder coated. With the funds available, 7 benches and 10 planters were complete to stay within the authorized expenditure.

Unfortunately, the company did change the pricing after the initial conversation and the only other company available was a greater distance which did not make it feasible for us to deliver the items for maintenance or pay for delivery costs. That being said, we still have 5 benches and approximately 12 planters that will need to be done within the next couple years.

- Included in the packet is a pre-audit revenue and expenditure report for the period ending 6/30/23. It should also be noted that as of June 30<sup>th</sup>, the ending fund balance for the DDA is \$291,009.

3. EV Charging Signage Update: I had hoped that the signage would be installed by now. I received notification this past week that there is a production issue with the decorative poles. We are now looking at installation of the poles 9/1 with completion 9/5.