

CITY OF SOUTHGATE PLANNING COMMISSION AGENDA

MONDAY, JUNE 12TH 2023
7:00 pm

I. CALL TO ORDER

II. ROLL CALL

Anderson, Clark, Crawford, Codrington, Gawlik, Godbout, Nemeth, Orman,
Yoos

III. MINUTES

1. Minutes of regular Planning Commission Meeting dated May 8th, 2023

IV. ADMINISTRATIVE REPORTS

V. PUBLIC HEARINGS

1. **Case PC-03-2023** -Vacant, Allen Road - Conditional Rezoning

VI. NEW BUSINESS

1. **Case PC-03-2023** -Vacant, Allen Road - Conditional Rezoning
2. **Multi-Family Rental Housing Certification Ordinance**
3. **Electronic Message Signs (EMS) Memo - Dated May 9, 2023**
4. **Section 1298.18, Sign Ordinance**

VII. OLD BUSINESS

VIII. ANNOUNCEMENTS

IX. ADJOURNMENT

NEXT MEETING
July 10, 2023

City of Southgate
Planning Commission Informal Meeting

May 8, 2023

This meeting of the Planning Commission was held in the Municipal Caucus Room, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, May 8, 2023 and called to order by Chairperson Ed Gawlik, at 6:30 p.m.

PRESENT: Ed Gawlik, Linda Clark, James Yoos, Eric Codrington, Patricia Anderson, Leticia Crawford, Jerry Orman, Mark Nemeth

ABSENT: Chad Godbout (excused)

ALSO PRESENT: Plan Consultant Alissa Starling, City Attorney Ed Zelenek, Building Official Tim Leach, City Administrator Dan Marsh, Council Member Ayers-Reiss

A public hearing and Conditional Use Site Plan Approval of Taystee Burger will be discussed at the meeting. The applicant is proposing to develop a restaurant and gas station with an attached retail space on two parcels at 12961 Dix Toledo in the C-2, General Commercial district. We recommend approval with a few minor conditions.

The Oasis Senior Living Planned Development Site Plan Review will be discussed for a final approval. They are proposing a 60,613 sq. ft. building with (2) courtyards and (2) outdoor areas. The property is 4.72 acres and will contain seventy-nine (79) units.

City Council approved the rezoning of this property from C-2 General Commercial to PD, Planned Development on March 1, 2023. We recommend approval of this project.

Will discuss the Sign Ordinances changes.

The meeting ended at 7:03 p.m.

City of Southgate
Planning Commission Meeting
May 8, 2023

This meeting of the Planning Commission was held in the Municipal Council Chambers, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, May 8, 2023 and called to order by Chairperson Ed Gawlik, at 7:05 p.m.

PRESENT: Ed Gawlik, Linda Clark, James Yoos, Patricia Anderson, Jerry Orman, Leticia Crawford, Mark Nemeth, Eric Codrington

ABSENT: Chad Godbout, (excused)

ALSO PRESENT: Plan Consultant Alissa Starling, City Attorney Ed Zelenek, Building Official Tim Leach, City Administrator Dan Marsh, Council Member Ayers-Reiss

Minutes:

The first order of business is approval of the minutes from the April 10, 2023 Planning Commission meeting.

Moved by Anderson, supported by Clark, that the minutes of the Planning Commission Meeting dated April 10, 2023 be approved. MOTION APPROVED UNANIMOUSLY.

Administrative Reports:

City Administrator Marsh stated the announcement of details on the Southgate Tower project have been postponed but the work is still moving along.

Public Hearings:

1. Taystee Burger – Conditional Use, Site Plan Review. PC 02-2023.

A PUBLIC HEARING WAS HELD FOR TAYSTEE BURGER, 12961 DIX TOLEDO ROAD, FAST FOOD AND DRIVE THROUGH ESTABLISHMENT.

Public Notices were mailed out.

Moved by Anderson, supported by Clark, to open this public hearing.

The applicant is proposing to develop a restaurant and gas station with an attached retail space on two parcels at 12961 Dix Toledo in the C-2, General Commercial district. We recommend approval with a few minor conditions.

No public comments were received.

Moved by Crawford, supported by Orman, to close this public hearing.

New Business:

1. Oasis Senior Living, 11555 Allen Road, Planned Development (PD) Site Plan Review. PC 01-2023.

Applicant Tahir Khan, Oasis Senior Living, 11555 Allen Road, proposing a 60,613 sq. ft. building with (2) courtyards and (2) outdoor areas. The property is 4.72 acres and will contain seventy-nine (79) units.

City Council approved the rezoning of this property from C-2 General Commercial to PD, Planned Development on March 1, 2023.

We recommend approval of the proposed Planned Development with conditions being discussed.

Sarah Ross, P.E. was present representing the Oasis Senior Living, stating City Officials have been great to work with on this project, very excited to develop this in Southgate. All issues from the City will be addressed.

Moved by Nemeth, supported by Orman, to approve the Oasis Senior Living, 11555 Allen Road, Planned Development (PD) Site Plan Review. PC 01-2023. MOTION CARRIED UNANIMOUSLY.

2. Taystee Burger –Conditional Use, Site Plan Review.

Moved by Anderson, supported by Clark, to recommend City Council approve Taystee Burger, Conditional Use Site Plan Review, with conditions. PC 02-2023. MOTION CARRIED UNANIMOUSLY.

Moved by Anderson, supported by Clark, to revise the previous motion to approving Taystee Burger Conditional Use Site Plan Review, PC 02-2023, without going to City Council, with the following conditions:

- 1. Provide all maneuvering land and assess point dimensions.**
- 2. Obtain approval for sign from City of Southgate Building Department.**
- 3. We defer comment on stormwater and grading to City Engineer.**
- 4. Provide Photometric plan, including cut sheet of proposed lighting.**

MOTIN CARRIED UNANIMOUSLY.

3. Section 1298.18 Sign Ordinance, Section 3 – Permitted Signs.

Planner Starling stated a few minor changes need to be made. Will discuss at the next meeting. Getting closer to a final copy for review.

Old Business:

None.

Announcements:

None.

Adjournment:

Moved by Yoos, supported by Nemeth, that this meeting of the Planning Commission be adjourned at 7:25 p.m. MOTION APPROVED UNANIMOUSLY.

Ed Gawlik
Chairperson, Planning Commission
as

CITY OF SOUTHGATE

PLANNING COMMISSION RESOLUTION

At a meeting of the Southgate Planning Commission called to order by Ed Gawlik on May 8, 2023 at 7:05 p.m. the following resolution was offered:

Moved by Anderson, supported by Clark, to revise the previous motion to approving Taystee Burger Conditional Use Site Plan Review, PC 02-2023, without going to City Council, with the following conditions:

- 1. Provide all maneuvering land and assess point dimensions.**
- 2. Obtain approval for sign from City of Southgate Building Department.**
- 3. We defer comment on stormwater and grading to City Engineer.**
- 4. Provide Photometric plan, including cut sheet of proposed lighting.**

MOTIN CARRIED UNANIMOUSLY.

I, Ed Gawlik, Chairperson of the Southgate Planning Commission, do hereby certify that the foregoing is a true, correct, and complete copy of a resolution adopted by the Southgate Planning Commission at a meeting held on May 8, 2023.

Chairperson

cc: Plan Consultant, City Administrator, Building Department, City Council, Clerk, File, Attorneys

CITY OF SOUTHGATE

PLANNING COMMISSION RESOLUTION

At a meeting of the Southgate Planning Commission called to order by Ed Gawlik on May 8, 2023 at 7:05 p.m. the following resolution was offered:

Moved by Nemeth, supported by Orman, to approve the Oasis Senior Living, 11555 Allen Road, Planned Development (PD) Site Plan Review. PC 01-2023. MOTION CARRIED UNANIMOUSLY.

I, Ed Gawlik, Chairperson of the Southgate Planning Commission, do hereby certify that the foregoing is a true, correct, and complete copy of a resolution adopted by the Southgate Planning Commission at a meeting held on May 8, 2023.

Chairperson

cc: Plan Consultant, City Administrator, Building Department, City Council, Clerk, File, Attorneys

RETURN TO:
Clerk's Office
City of Southgate
14400 Dix-Toledo
Southgate, MI 48195

Form No. 01

Case No. PO 02-2023

Date Received 5-4-2023

CITY OF SOUTHGATE APPLICATION FOR PLANNING COMMISSION REVIEW

Concerning a request to be heard before the Southgate Planning Commission on the following:

TO BE COMPLETED BY THE APPLICANT:

Owner/Applicant	Agent
Name <u>Nex Gen Group, LLC</u> <u>Superior Allen, LLC</u>	Name <u>Jdisanto@sbeglobal.net</u> <u>JOE DISANTO</u>
Address <u>570 Central St</u> <u>Wyandotte MI 48192</u> (City) (State) (Zip)	Address <u>570 Central</u> <u>WYANDOTTE MI 48192</u> (City) (State) (Zip)
Telephone <u>734-341-4873</u>	Telephone <u>734-341-4873</u>

Information regarding the site:

Street Address: VACANT - SOUTHEAST CORNER OF ALLEN/SUPERIOR
Major Cross Streets: ALLEN/SUPERIOR
Parcel / Lot No.: LOTS 41, 42, 43 SHOEMAKERS FARM SUB
Acreage: _____ Dimensions of Parcel / Lot: 170' Frontage: 270'
Current Zoning (please circle): RE (R-1) R-1A R-1B RM RO C-1 C-2 C-3 M-1 MH PD P-1
Current Use: VACANT LAND

Requested action:

☒ Rezoning

Requested District: RM

☐ Conditional Use Approval

Requested Use: MULTI FAMILY - SEVEN
UNITS, ATTACHED GARAGE
#1350 # EACH

☐ Site Plan Review

☐ Plat Review

☐ Other

Please Specify _____

Information regarding request:

I hereby request a hearing before this body to:

(Please supply detailed information. For example, why you are requesting the proposed action, a complete description of the project, how the request is compatible with adjacent land uses and zoning districts, how the request is in compliance with the goals, policies, and future land use plan of the City of Southgate Master Plan, any information you feel is pertinent to your application, etc. Feel free to attach additional documents to this application if it will help describe your project or if you need more room than is provided below.)

WE REQUEST CONDITIONAL REZONING TO RM
TO ALLOW FOR SEVEN ATTACHED RANCH UNITS
EACH UNIT WILL BE 1350 SQFT, TWO BEDROOM, ATTACHED
GARAGE ON A SLAB. FULL BRICK. THE REZONING
REQUEST WILL ALLOW FOR A TRANSITION FROM
THE HIGH ROAD CORRIDOR TO LOW DENSITY
HOUSING.

A SKETCH CLEARLY DEPICTING THE REQUEST MUST BE ATTACHED TO THIS APPLICATION FOR IT TO BE VALID. FOR SITE PLAN REVIEW, A SITE PLAN MEETING THE REQUIREMENTS OF SECTION 1298.07 MUST BE ATTACHED.

The Applicant / Agent must appear before the Planning Commission on _____
(Date)

THE OWNER OF THE PROPERTY DESCRIBED ON THIS APPLICATION AND THAT ALL STATEMENTS
HEREIN AND IN THE DOCUMENTS SUBMITTED ARE TRUE.

Signature – Owner / Agent: _____ Date: _____

To review your application properly, Planning Commission members may need access to the property in question. Please initial if permission is given for property access. INITIALS _____

Fees must be paid at the same time this application is submitted to the City.

OFFICE USE:

Date Received: _____

Received By: _____
(Staff's Name)

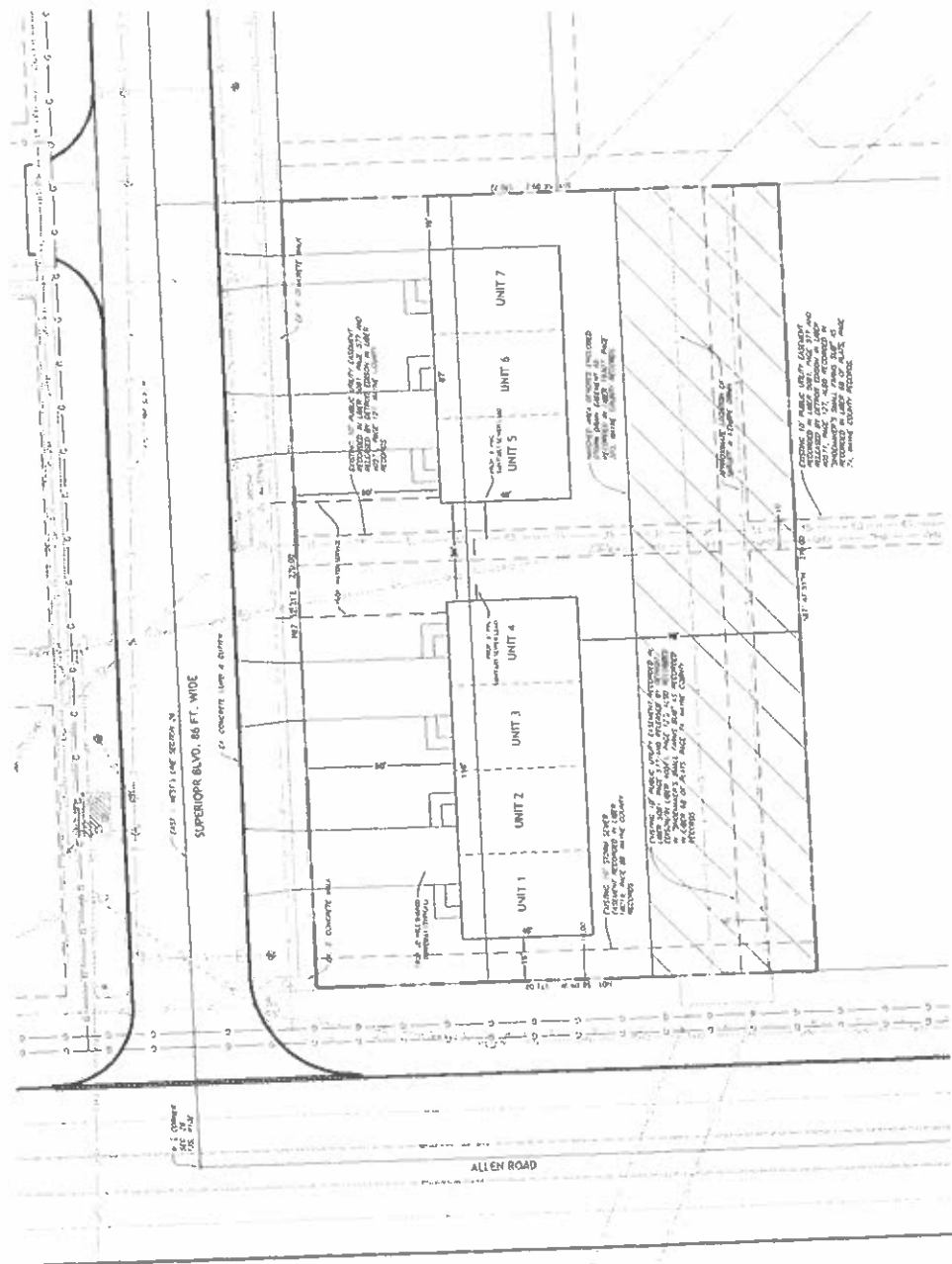
Fee Charged: _____

Check No.: _____

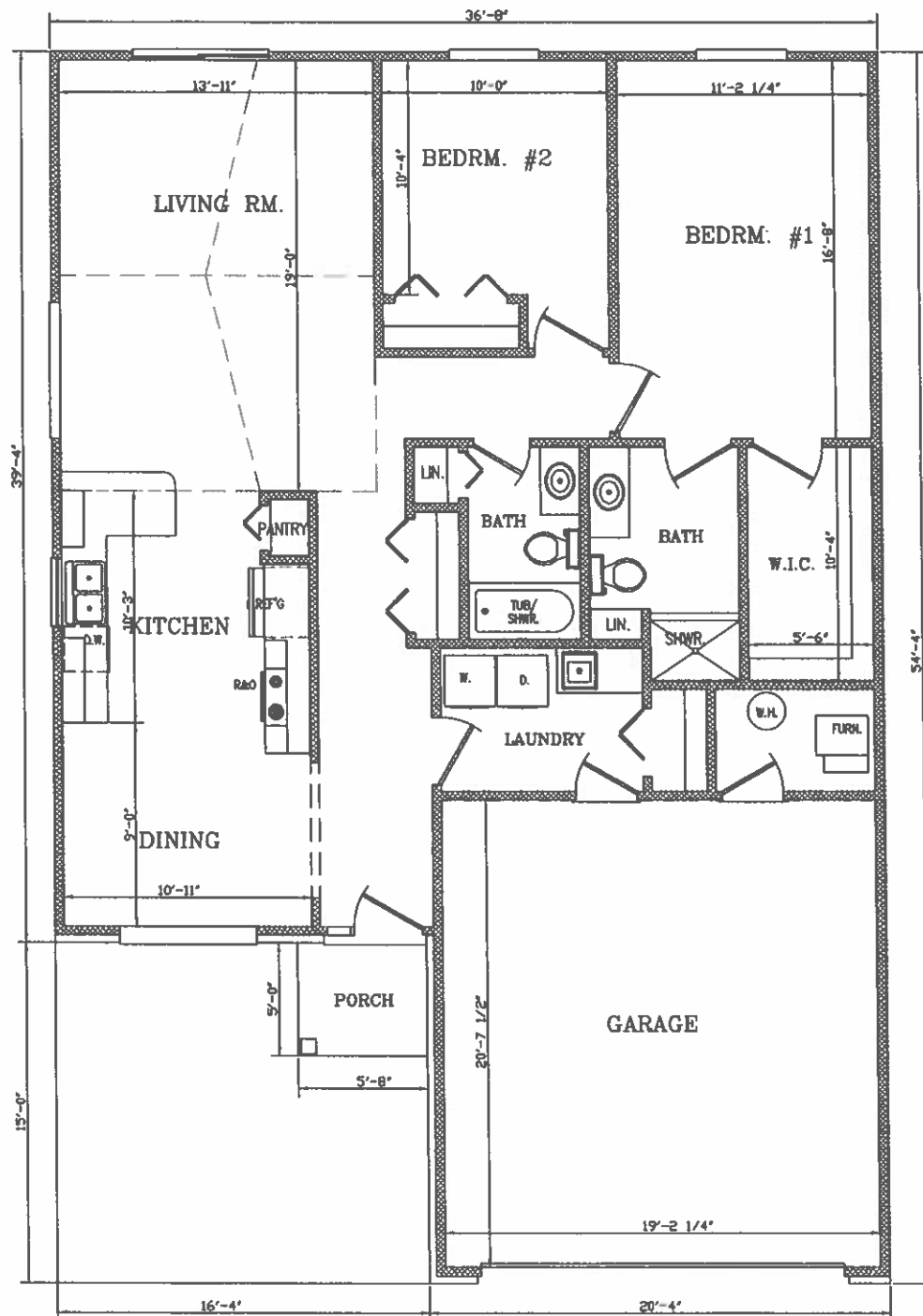
Receipt No.: _____



UNIT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

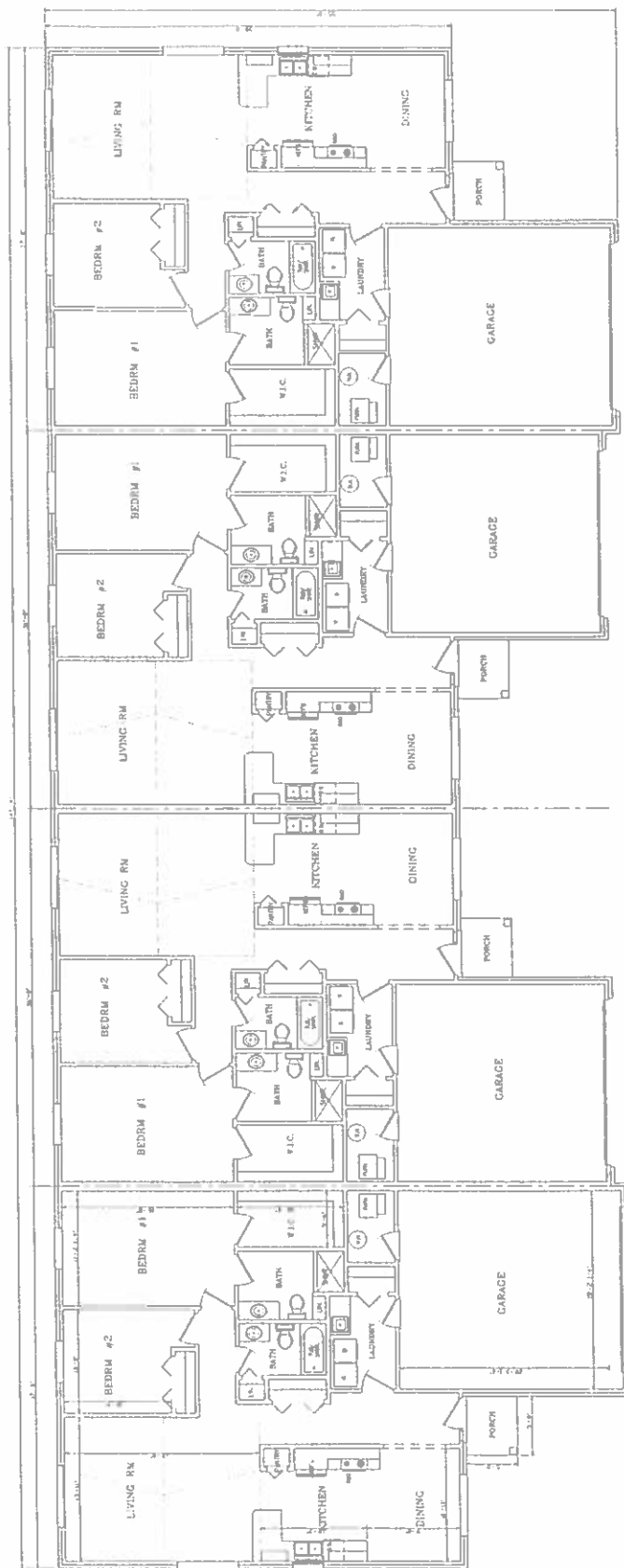


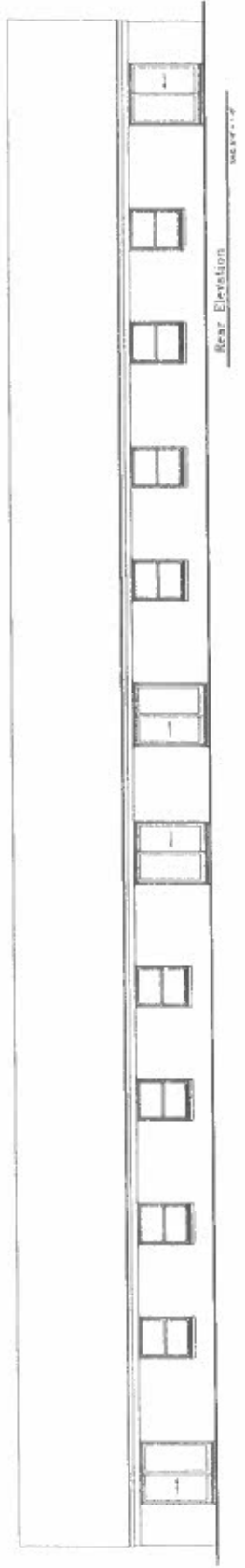
ALLEN ROAD

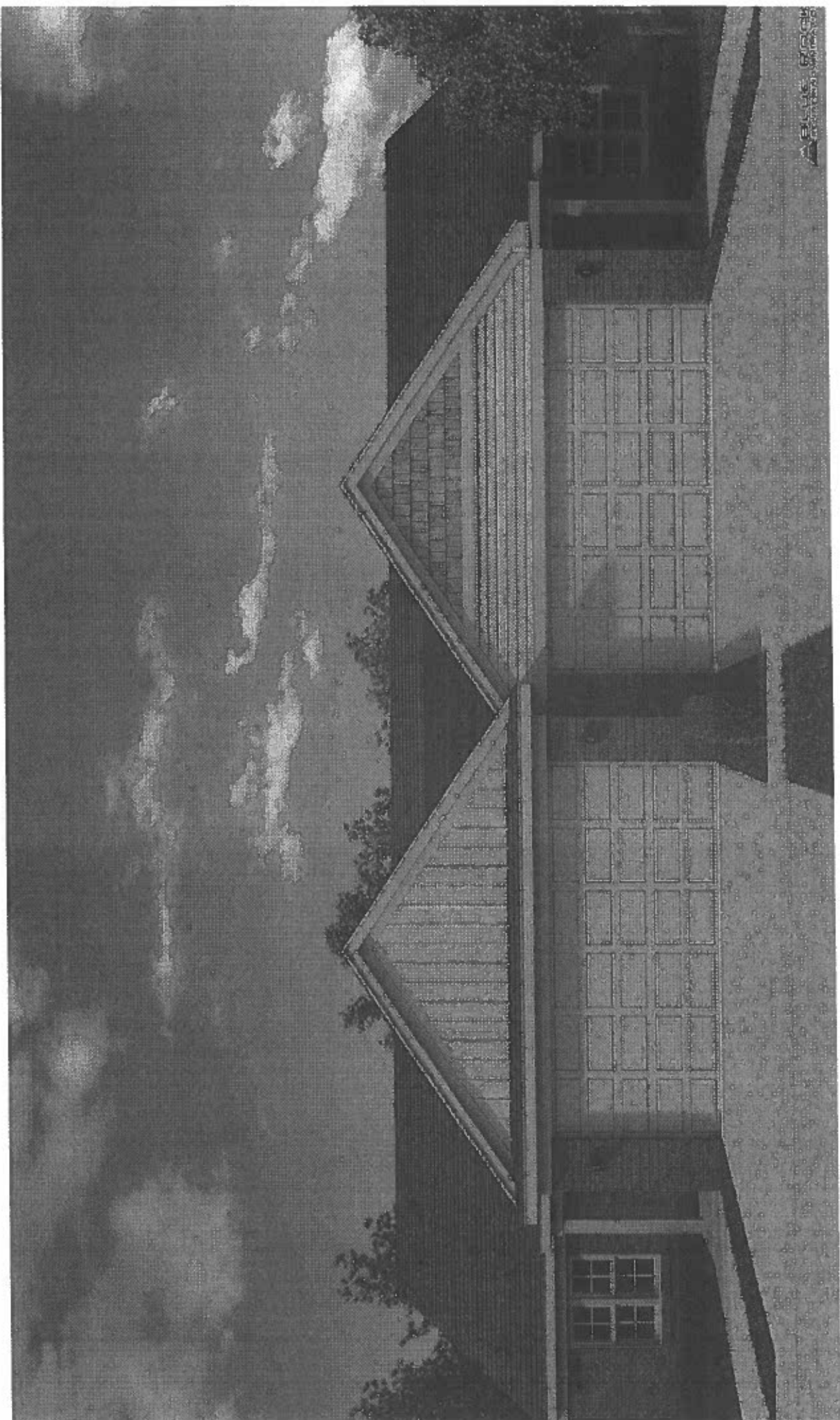


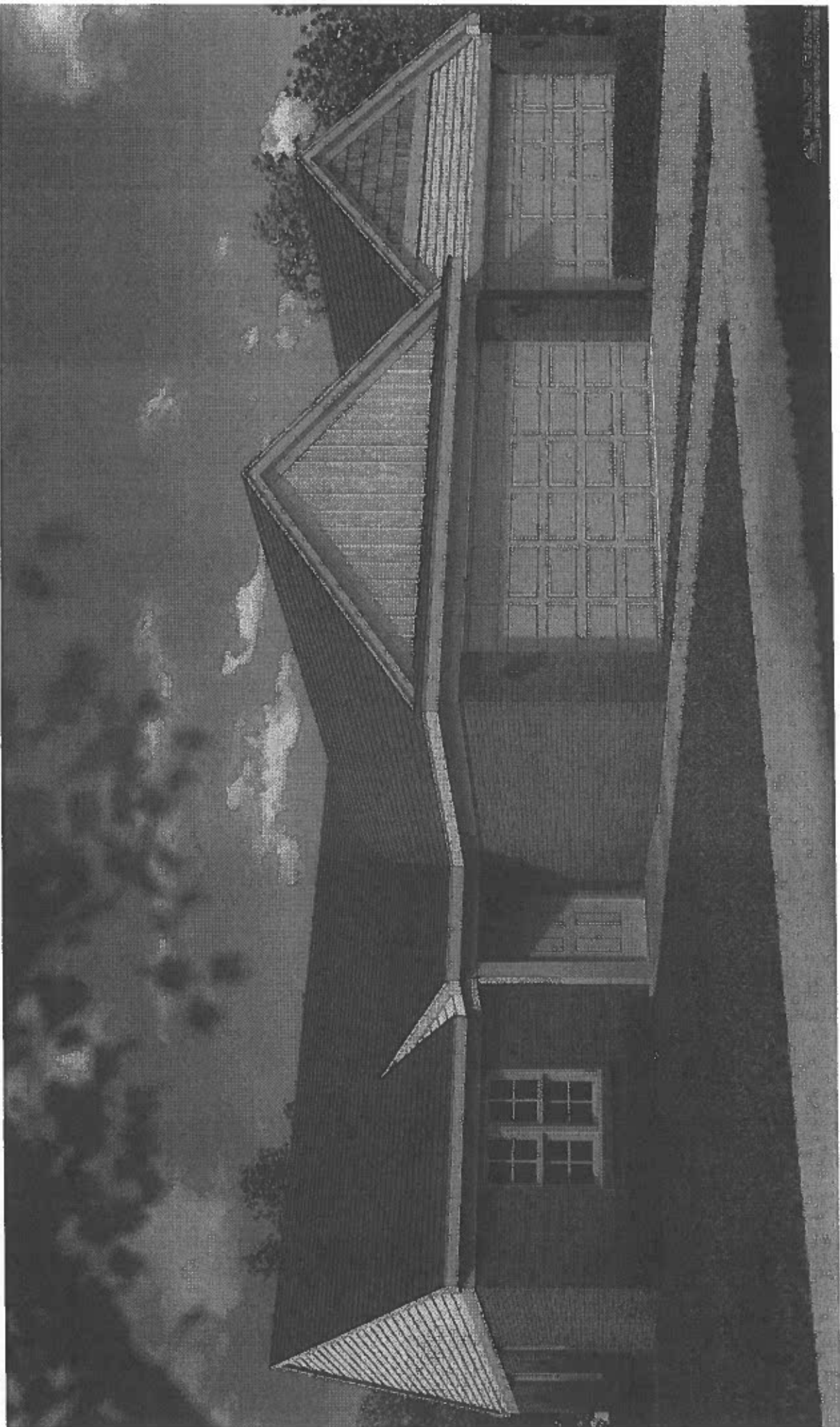
Floor Plan
1,315 Sq. Ft.

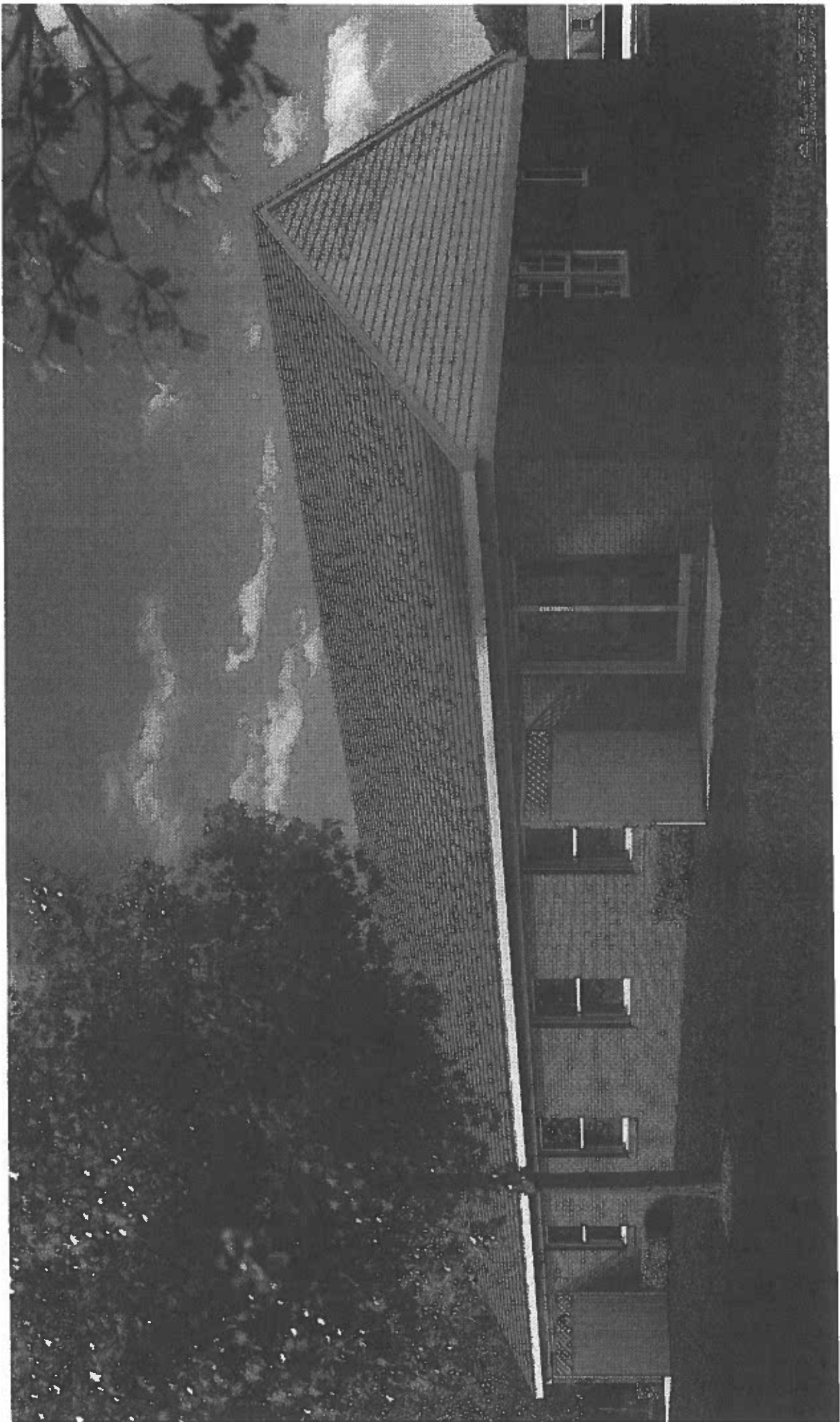
FLOOR PLAN

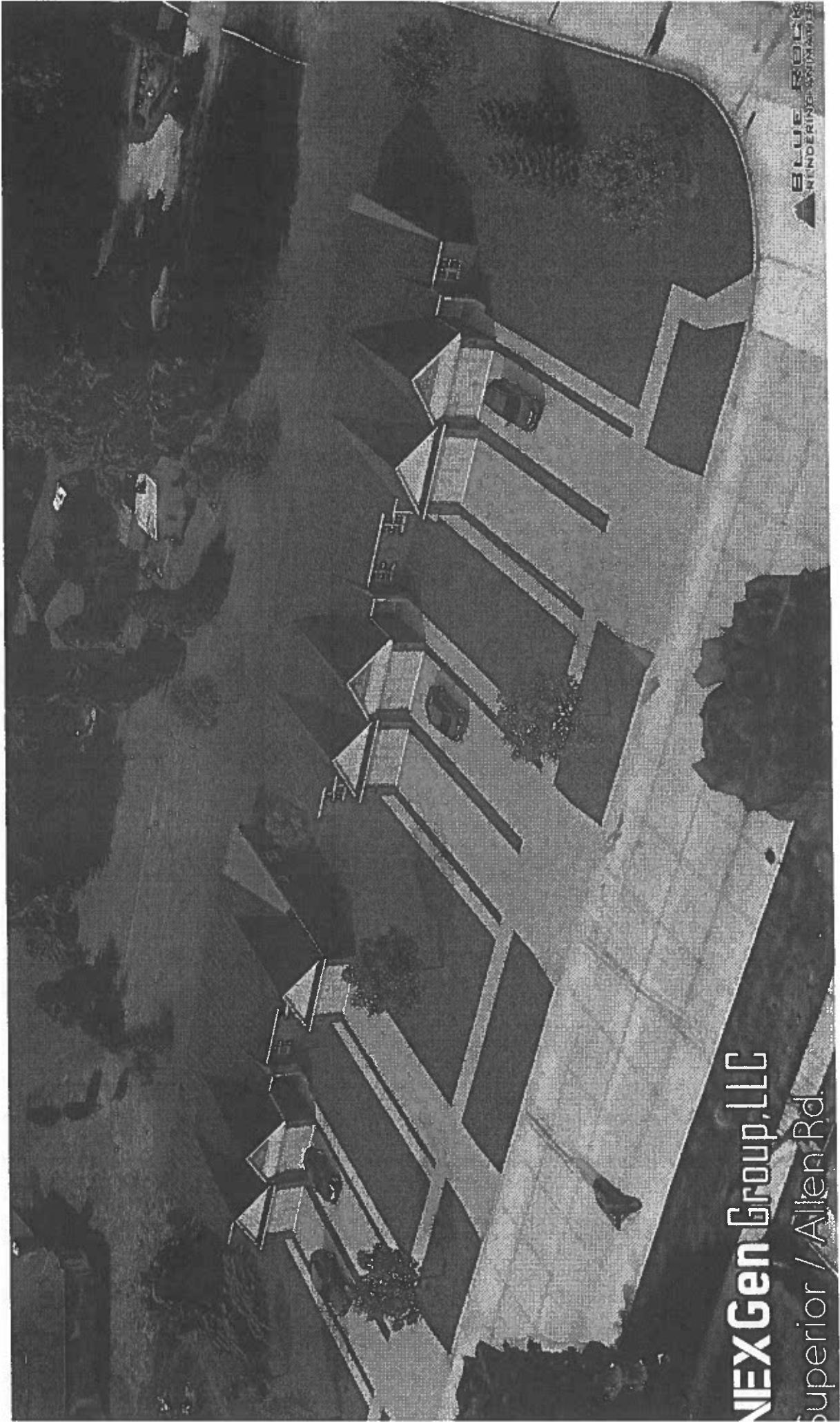








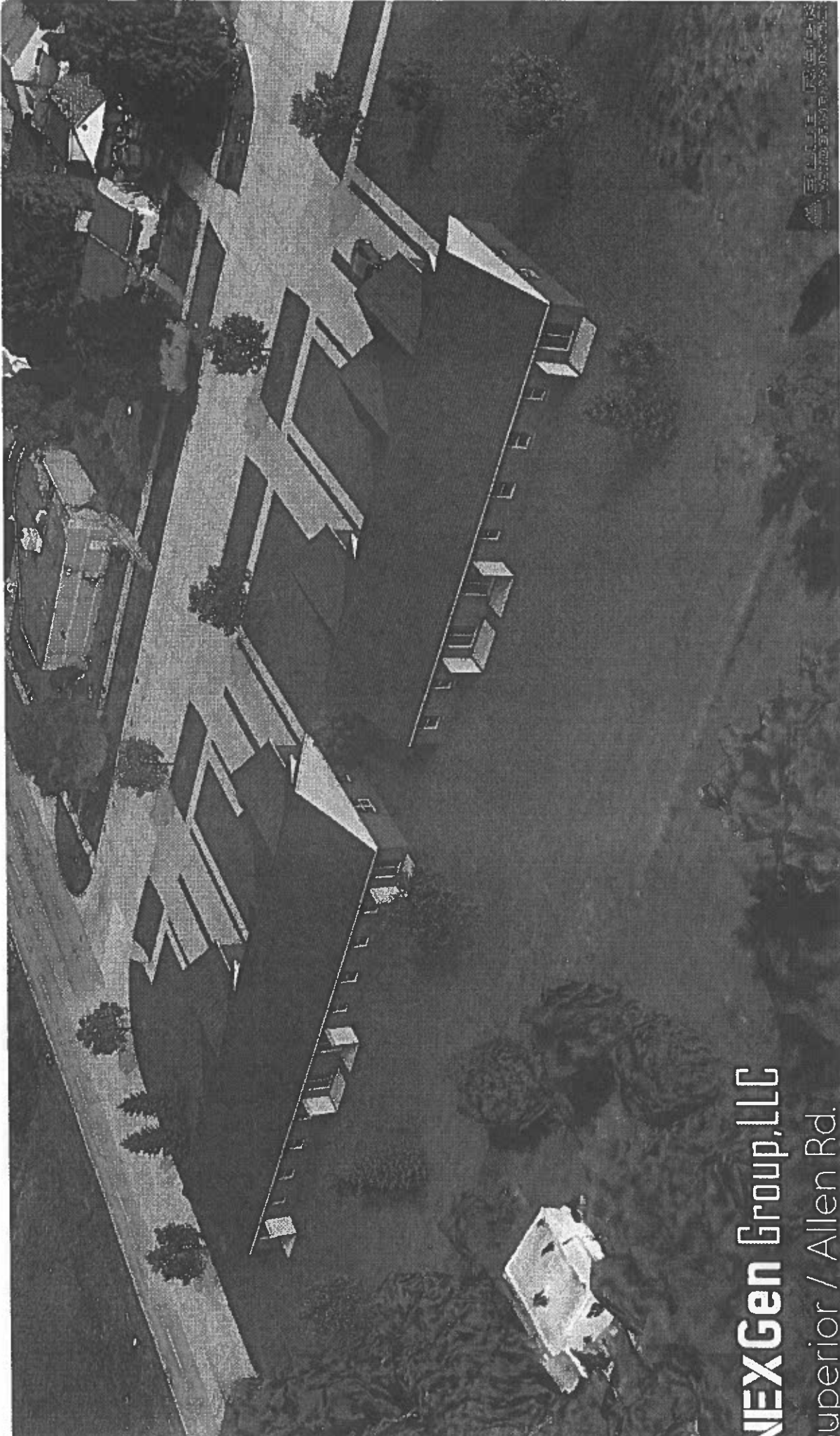




NEXGen Group, LLC

Superior / Allen Rd.

BLUE ROCK
ENGINEERING & ARCHITECTURE



NEXGen Group, LLC

Superior / Allen Rd.

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Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

**REZONING ANALYSIS
FOR
THE CITY OF SOUTHGATE**

Date: May 16, 2023

Applicant: NexGen Group LLC.
Superior Allen LLC

Address: 570 Central St.
Wyandotte, Michigan 48192

Location: 14005 Allen Road
Southeast corner of Allen Road and Superior Road

Parcel Identification Numbers:

Parcel ID Number	Size
Lot 41: 53015020041000	0.35 acres
Lot 42: 53015020042000	0.35 "
Lot 43: 53015020043000	0.35 "

Size of Property: Each parcel is comprised of 0.35 acres for a total of 1.05 acres.

Current Zoning: R1B One-Family Residential District.

Action Requested: Approval of Conditional Rezoning to RM Multiple Family Residential District.

The City of Southgate received a petition (Case #02-2023) to rezone three vacant parcels at Southeast corner of Allen Road and Superior Road (14050 Allen Road). The three (3) vacant parcels, which are zoned R1B zoning district, and located at the southeast corner Allen Road and Superior Boulevard. All parcels are adjacent and comprise 1.05 acres or 45,738 square feet. The applicant seeks to develop the existing vacant parcels into seven (7) attached multi-family units. Each unit is proposed for 1,350 square feet of space and a two (2) car garage.

The applicant is requesting approval for the rezoning from R1B to RM Multi-Family rezoning through the conditional rezoning process that requires the applicant to submit in writing voluntary conditions for the development. A detailed final site plan will be required if the zoning change is approved.

The conditions voluntarily offered by the applicant are currently in handwritten form and should be submitted in a legal format for recording and contain all details. The voluntary conditions appear below.

1. Development of a vacant parcel with a total acreage of 1.05 acres.

2. Seven (7) attached ranch units, all brick, two (2) bedrooms each.
3. 1,350 square feet for each unit, on concrete slab with garage,
4. All units to front on Superior Boulevard.
5. Typical front elevation is depicted with the front door/porch, two (2) garages side by side; one (1) per unit. Each garage is for two (2) cars.

Location

Figure 1. Aerial View of Property



Source: Wayne County Parcel Viewer

Figure 2. Aerial Close up of Property



Figure 3. Aerial Image of Property



Source: Google Earth Pro, 2022

ADJACENT ZONING, LAND USE, AND MASTER PLAN

Surrounding zoning, existing land uses, and Future Land Use designated by the Master Plan are summarized in the table below.

Table 1. Zoning, Existing Land Use, Future Land Use

	Existing Land Use	Surrounding Zoning	Future Land Use
Site	Vacant	R1B 7,200 sq. ft. lots. (RM requested zoning has no minimum lot size.)	Single-family detached <10,000 square feet
North	BP Gas Station/Liquor Store	C-2	General Business
East	Single-family detached	R1 10,000 sq. ft. lots	Single-Family detached <10,000 square feet
West	Single-family attached Act I Condominiums/portion of I-75 Interchange	City of Taylor RM-1 Multiple-Family Residential District	City of Taylor Medium Intensity Residential- Attached condo's, townhouses, apartment buildings.
South	Single-family detached	R1B 7,200 sq. ft. lots.	Single-Family detached <10,000 square feet

The Master Plan/Future Land Use Map designates the subject parcel as Single-Family Detached (Lots <10,000 square feet). This land use category includes single-family detached structures used as a permanent dwelling, and accessory structures, such as garages, that are related to the units. Lot sizes generally total less than 10,000 square feet and are characterized by a more traditional urban neighborhood density. Single-Family Detached land uses comprise the vast majority of residential types planned within the city.

Goal 3 of the City of Southgate Master Plan is to “Promote Southgate as a community for life-long living” and an objective “Encourage the development of residential types which provide services and amenities for an aging or disabled population including independent, assisted, and convalescent living options.”

Further, on page 59 in the Market Assessment within the Master Plan reads, “The goal of the future land use plan, with respect to housing, is to promote a diversity of lot sizes, housing types, and housing prices. This will ensure that current and prospective residents have home choices within the city favorable to their changing economic status and situation.”

The property's rezoning to RM would align with the above goal and the intent for Future Land Use. It also aligns with City goals of diversity of housing and provides a transition for the residential use and the medium density uses to the west and commercial uses to the north.

Summary of Findings: *The subject parcel is currently zoned R1B. The City of Southgate's Master Plan designates the future land use of the subject properties comparable to the same zoning classification of R1B; however, the proposed rezoning to RM and subsequent use of the property as single story attached multi-family development align with the city's long-term vision.*

ANALYSIS OF EXISTING ZONING

The intent statements of the current and proposed zoning district, per Chapters 1268 (R1B) and 1272 (RM) of the City of Southgate Zoning Ordinance are provided below.

Current Zoning ~ R-1B, One-Family Residential District: *The R1B District, as are all the One-Family Residential Districts, are designed to be the most restrictive of the Residential Districts. The intent is to provide for an environment of predominantly moderate density, one-family detached dwellings, along with other residentially related facilities which serve the residents in the one-family districts.*

Requested Zoning ~ RM, Multiple-Family Residential: *RM Multiple-Family Residential Districts are designed to provide sites for multifamily dwelling structures and related uses which will generally serve as zones of transition between the nonresidential districts and lower-density single-family districts. The RM Multiple-Family Residential District is further provided to serve the limited needs for the apartment type of unit in an otherwise moderate density, single-family community.*

Summary of Findings: *Although the subject properties are zoned R1B to allow for moderate density single-family detached homes, one of the goals of the Master Plan is to provide for a diversity of housing for all stages of life. In addition, good planning practice requires flexibility to provide a smooth transition of land uses, in this case, to provide a denser form of housing that buffers the single-family homes in the area from the higher densities to the west and commercial uses to the north. At this corner, the RM Multiple Family District is appropriate since it does the two items mentioned above, 1. A diversity of housing and 2. A smooth land use transition.*

REZONING CONSIDERATIONS

In reviewing an application for a rezoning of land, the Planning Commission shall consider the following:

- Whether the rezoning is consistent with the policies and uses proposed in the City of Southgate Master Plan.

CWA Findings: *The proposed rezoning is consistent with the policies and uses proposed in the Master Plan. While the property's future land use classification differs (Single-Family Detached) from the proposed use and requested zoning, we find it is compatible with the surrounding land use and will provide a buffer between medium density uses to the west in the City of Taylor, and commercial use to the north.*

- Whether all the uses offered as part of the conditions to the rezoning, or if no specific uses are indicated, all the uses allowed under the proposed zoning district would be compatible with other zones and uses in the surrounding area.

CWA Findings: *The applicant has proposed a specific use, seven (7) attached single-family units on a 1.05-acre parcel. The use of a medium density residential use, as a transitional land use, is preferred over others, such as commercial or a higher density multiple family use. Therefore, we find the proposed use of the seven (7) attached single story units to be compatible and appropriate at this location.*

- Whether any public services and facilities would be adversely impacted by development, or a use allowed under the requested rezoning; and

CWA Findings: *This information was not provided; however, we would defer the review of public facilities and services to the City Engineer.*

- Whether the uses allowed under the proposed rezoning or offered under the conditional rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

CWA Findings: *As stated above, the land's current zoning is for single-family detached units; however, given the developmental potential of this corner for non-residential use, we recommend the proposed attached residential units as the best alternative.*

RECOMMENDATION

We recommend approval of the requested rezoning from R1B One Family Residential to RM Multiple Family Residential based on the voluntary proposal and conditions voluntarily offered by the applicant.

John Enos, Vice President
AICP

**CITY OF SOUTHGATE
WAYNE COUNTY, MICHIGAN**

ORDINANCE NO. XX

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES BY AMENDING
PART FOURTEEN – BUILDING AND HOUSING CODE, TITLE TWO – BUILDING
STANDARDS, TO ADD NEW CHAPTER 1423 ENTITLED “MULTIFAMILY
HOUSING CERTIFICATION” TO THE CITY OF SOUTHGATE CODE OF
ORDINANCES.**

The City of Southgate ordains:

The City of Southgate Code of Ordinances, Part Fourteen, Title Two, is hereby amended by adding **Chapter 1433** entitled, “**Multifamily Housing Certification**” to read as follows:

Sec. 1423.01 – Purpose.

The purpose of this article is to establish certain responsibilities and duties of landlords and tenants essential to make such dwellings safe, sanitary, and fit for human habitation, to provide for registration with the Building Department, to provide for biennial property maintenance inspections, to require a certificate of compliance issued by the Building Department in order to occupy residential rental dwellings, and to designate penalties for violations of this chapter. Further, the purposes of this article are:

- (a) to ensure that all non-owner-occupied multifamily housing units are being maintained in conformance with all applicable building and safety codes, rules, and regulations for the protection of the public health and safety of the residents of the rental units and the community;
- (b) to proactively identify blighted and deteriorated rental housing stock and to ensure the rehabilitation or abatement of rental properties that do not meet minimum building and housing code standards, exterior maintenance standards, fire code standards, and site maintenance standards all in an attempt to create and maintain a healthy, safe and crime and nuisance free environment to further preserve and enhance the quality of life for the residents of the City living in multifamily dwellings, as well as the community as a whole;
- (c) to regulate multifamily housing through registration, inspection, and certification to protect the public health, safety, and welfare, and to achieve the goals of this Chapter; and
- (d) to assist the City with information to provide more adequate police, fire, and emergency protection; more equal and equitable real and personal property taxation; better efficiency

and economy in furnishing public utility services; and more comprehensive and informed planning and zoning for uses of land and structures within the City.

Sec. 1423.02 – Definitions.

The following words and phrases shall have the following meanings respectively given to them in this article:

Apartment means an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by common stair landing or walkway. Apartments are typically rented to the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also known as garden apartments or flats.

Apartment complex means one or more parcels of land containing a group of multifamily structures owned or managed by the same person or entity. Apartment complexes typically provide parking lots and other site amenities for tenants and guests.

Building Code means Chapter 1420, as amended, of the Code of Ordinances of Southgate, Michigan.

Building Official means the City employee or his/her designee responsible for conducting inspections under the building code, rental inspection guidelines, and property maintenance code for residential rental structures and residential rental units.

Certificate of compliance means a certificate issued by the City's Building Department indicating that the residential rental structure or dwelling unit identified on the certificate complies with all the applicable provisions of this code and other applicable state laws and City ordinances, particularly the property maintenance code and the fire prevention code.

Certificate of compliance incentive bonus means an additional twelve (12) months period of time that a certificate of compliance is valid.

Department means the City of Southgate Building Department.

Dwelling means a building or portion thereof which is used exclusively as a residence and provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Duplex dwelling means a detached building, designed exclusively for, and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each family.

Fee means a monetary fee determined from time to time by City Council resolution.

Initial phase-in period means the period from the effective date of this Chapter through completion of the first inspection cycle, a duration of approximately two (2) years, during which time all multifamily residential rental structures and residential rental units in existence on the effective date of this article shall be required to be inspected and issued a Certificate of Compliance. It shall be permissible for a tenant to continue to occupy an existing residential rental unit during the initial phase-in period barring any order of the Building Official or Fire Marshal to the contrary.

Inspection guidelines means the provisions of Chapter 1422 of the Southgate City Code entitled International Property Maintenance Code.

Lease means any written or oral agreement that sets forth conditions concerning the use and occupancy of residential rental structures or residential rental units between an owner and tenant.

Life/safety code violation means any physical condition or violation of the City's property maintenance code, fire code, building code, mechanical code, electrical code, plumbing code, blight ordinance, or county, state and federal health and safety regulations that, in the opinion of the Building Official or Fire Marshal, poses an immediate threat to the life, health, and safety of occupants of a structure or the general public.

Multifamily accessory facility means a common hallway or stairs, mechanical room, boiler room, laundry room, storage area, recreation facility, or other similar facility located within a multifamily structure or on the property of one or more multifamily structures.

Multifamily structure means a building consisting of three or more dwellings.

Owner means a person or entity with legal or possessory interest in a dwelling unit.

Registration means submittal of an official City application form and fee to the Building Department reporting ownership of a multifamily residential rental structure including all required data and information regarding said structure, dwellings, and accessory facilities contained within said structure, and upon said premises, and including the Responsible Local Agent where applicable.

Rent means the consideration paid for the right to use and possess property, examples of which include, but are not limited to, the payment of money, the payment of taxes, the payment of utilities, the exchange of goods or services, the performance of home improvements or routine maintenance, the occupancy of a dwelling to maintain security, a form of employment compensation, the bartered or discounted exchange(s) of merchandise or services, labor, and the like.

Responsible local agent means an individual person, corporation, partnership, or other legal entity that represents the owner and/or manages a residential rental structure and its residential rental units on behalf of the owner. The responsible local agent must have a place of business or

residence in the United States within fifty (50) miles of the Southgate City limits. The responsible local agent shall be designated by the owner as responsible for operating such premises in compliance with all the provisions of the City codes and ordinances. The owner may act as the responsible local agent provided that the owner resides or has a place of business in the United States within fifty (50) miles of the Southgate City limits.

Temporary certificate of compliance means a certificate issued for a residential rental structure or unit, following an inspection, which is found to be in substantial compliance with the Code and which, in the opinion of the building official, has no life/safety code violations. Such certificate shall state any remaining violations to be corrected and the date it expires. A reasonable extension may be granted at the discretion of the department. Failure by the owner to correct the violations within the specified time shall constitute a violation of this article.

Tenant means the person, under a lease or who pays rent, entitled to the use and occupancy of a dwelling unit or any portion thereof.

Sec. 1423.03 – Registration of multifamily residential rental structures required.

No person shall engage, or be engaged, in the operation, rental or leasing of a multifamily residential rental unit without first registering the residential rental structure and reporting all residential rental units and accessory facilities, if any, contained therein with the City in the manner provided herein.

- (a) The owner of any existing multifamily residential rental structure(s) shall register each such structure with the City within 30 days of the effective date of this article.
- (b) All newly constructed multifamily residential rental structures shall be registered concurrently with the issuance of a certificate of occupancy by the City. Newly constructed multifamily residential rental structures shall not be assessed a registration fee.
- (c) Structures not subject to the provisions of this article on the effective date of this article that later become multifamily residential rental structures shall immediately be registered and comply with all other provisions of this article prior to occupancy.
- (d) The registration shall include a description of all residential rental dwelling units and accessory facilities, if any, within each structure and upon said premises.
- (e) One registration is required for each structure even though multiple units occupied by multiple individuals may be contained within the structure.
 - 1) Duplex dwellings shall require one registration.
 - 2) Each multifamily structure/building shall require one registration.
- (f) The registration of one multifamily residential rental structure shall not relieve the owner from the necessity of registering all other multifamily residential rental structures that he/she/it owns in the City.

Sec. 1423.04 – Responsible local agent.

An owner of a multifamily residential rental structure may designate a person or entity as the responsible local agent. If the owner of a multifamily residential rental structure resides more than fifty (50) miles from the City of Southgate or outside of the United States, the owner shall designate a person or entity as the responsible local agent.

The responsible local agent shall maintain a place of business or residence in the United States within fifty (50) miles of the City of Southgate and shall be responsible for operating and providing access to the multifamily residential rental structure or residential rental unit.

All official notices and correspondence from the City related to administration of this article may be issued to the responsible local agent, and any notice or correspondence so issued shall be deemed to have been issued upon the owner.

Sec. 1423.05 – Registration forms.

(a) Application for registration shall be made on a form supplied by the City and filed with the Building Department and shall include the following information:

- 1) The address of the structure, type of structure, number of dwelling units, whether an owner occupies any portion of the structure, and the amount of monthly rent to be collected from all sources for each dwelling unit at the time of registration.
- 2) The individual owner's name, birthdate, driver's license number, address, phone number, and email address. No post office box shall be accepted as a legal address, however, may be accepted as a mailing address upon written request of the owner.
- 3) If the owner is a corporation, the registration shall include the corporate name, Michigan corporate entity number, name and mailing address of the resident agent, corporate mailing address, phone number, and email address.
- 4) The owner's signature or alternate method of conveying consent by a person or entity lawfully authorized to do so representing the owner or owner's estate.
- 5) If applicable, the designation of a responsible local agent, the agent's birthdate if an individual, driver's license number if an individual, mailing address, phone number, and email address.
- 6) The responsible local agent's signature (if applicable).
- 7) The registration shall include the unit number and description of each dwelling unit, the number of separate exterior dwelling entrances, and all multifamily accessory facilities as requested on the form.
- 8) A registration fee as established by City Council resolution.

(b) The owner shall provide a site plan or drawing showing details of the property including locations of structures, parking areas and accessory facilities on the site, and a complete layout of each building showing building addresses, dwelling unit numbers and floor plans.

Sec. 1423.06 – Certificate of compliance required.

- (a) The Department shall provide for the systematic inspection of all multifamily residential rental structures, residential rental units, and multifamily accessory facilities, which are subject to provisions of this article for the purpose of determining whether the structures, units, and facilities comply with all applicable City codes and with provisions of this article. Those structures, units, and facilities that are determined to be in compliance shall be issued a certificate of compliance.
 - 1) The exterior building/grounds and each interior dwelling unit of duplex dwellings shall require separate certificates of compliance.
 - 2) The exterior building/grounds of each multifamily structure, each multifamily accessory facility, and each residential rental unit within a multifamily structure shall require separate certificates of compliance.
- (b) An owner shall provide the Department with a certificate of insurance, issued by an insurance company, that certifies that the structure(s) and unit(s) is insured against structural loss or damage, including, but not limited to, fire damage. The certificate of insurance shall state the name of each person named on the policy and its expiration date. The certificate of insurance shall be in force at the time a certificate of compliance is issued or at the time a renewed certificate of compliance is issued.
- (c) No person or entity, either the owner or the owner's responsible local agent, shall rent or lease a residential rental unit unless that owner or agent has first obtained valid certificates of compliance from the Department except during the limited period of time until the unit is first inspected during the initial phase-in period of this article. For new construction the original certificate of occupancy shall serve as the certificate of compliance for a period of 24 months, after which the owners of said units shall apply for a standard biennial certificate of compliance renewal. Structures not subject to the provisions of this article on the effective date of this article that later become residential rental structures shall be registered, obtain a certificate of compliance, and comply with all other provisions of this article prior to occupancy of any dwelling unit.

Sec. 1423.07 – Issuance of certificate of compliance.

- (a) A certificate of compliance shall not be issued until all cited code violations have been corrected and approved, and until all fees have been paid in full.
- (b) A certificate of compliance shall be issued on the condition that the subject structure, unit, or facility remain in compliance with the City's property maintenance code and all other applicable ordinances and laws. If, after certification, the Department determines that violations exist, the certificate may be temporarily suspended as to the affected areas or the full certificate may be revoked, and the areas of violation may be ordered vacated until the subject structure, unit, or facility is brought into compliance.

Sec. 1423.08 – Term and renewal.

- (a) *Registration* of a residential rental structure shall be valid for as long as ownership or designation of a responsible local agent remains unchanged.
- (b) *Certificates of compliance* shall be renewed on a biennial basis and are valid until the expiration date recorded on the certificate of compliance unless administratively extended, suspended, or revoked by the Department. The period of time the certificate is valid shall begin on the date of the scheduled first inspection and shall expire at midnight on 24 months following issuance. If an owner or agent cancels or fails to appear for a scheduled inspection or takes an unreasonable period of time to correct code violations, the time delay to certify the structure or unit shall not serve to extend the period of time the certificate is valid. The date of issuance and expiration shall be recorded on the certificate. It is the duty of the owner or responsible local agent of the subject property to arrange for the inspection necessary for the renewal of the certificate of compliance at least 60 days prior to its expiration.
- (c) Any owner or responsible local agent shall be afforded the opportunity to earn a *certificate of compliance incentive bonus* that extends the period of time a certificate of compliance is valid from 24 months to 36 months. An additional twelve (12) months bonus time shall be granted under the following conditions:
 - 1) no life/safety code violations are cited during an initial inspection
 - 2) no more than four (4) non-life/safety code violations are cited during an initial inspection
 - 3) all cited code violations are corrected by the time of the first re-inspection
 - 4) there are no outstanding fees, fines, or taxes owed on the property
 - 5) all required permits have been obtained for work done within the structure
- (d) If an owner or responsible local agent fails to arrange for the inspection necessary to renew the certificate of compliance at least 60 days prior to its expiration, the Department shall schedule the inspection and send notification to the owner or responsible local agent.
- (e) The department may, in the absence of any life/safety code violations, administratively extend the expiration date of a certificate of compliance of any residential rental unit due to circumstances beyond the control of an owner or responsible local agent including, but not limited to, the department's inability to perform an inspection in a timely manner.

Sec. 1423.09 – Transfer of Ownership or Responsible Local Agent.

- (a) Certificates of compliance shall be transferable when the ownership of a multifamily residential rental structure changes provided that all certificates of compliance required for the property are valid at the time of transfer.
- (b) It shall be the duty of the new owner to immediately register with the Department consistent with Sec. 1423.03 and pay a fee established by the City.
- (c) It shall be unlawful for the owner of any multifamily residential rental structure or residential rental unit, who has received a notice of violation of any code or ordinance of the City for that location, including zoning violations, building code violations, violations of rental

inspection guidelines, fire code, or nuisance code violations, to transfer, convey, sell, including by land contract, ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee, vendee, or transferee a copy of any notice of violation and shall have furnished to the Department a signed and notarized statement from the grantee, vendee, or transferee acknowledging receipt of such notice of violation and acknowledging legal responsibility for correction of the violation.

- (d) An owner may at any time designate a new responsible local agent to replace the responsible local agent, if any, on file with the department by submitting a form provided by the department and paying a fee established by the City.

Sec. 1423.10 – Initial Inspections.

- (a) The Department shall schedule initial inspections, at its discretion, of multifamily residential rental structures, units, and accessory facilities which are subject to provisions of this article to determine if the structures and units qualify for a certificate of compliance. The owner or responsible local agent of the property shall receive prior notice of the Department's intent to inspect; the owner may voluntarily waive the notice period and consent to an inspection at an earlier date. The owner shall provide to the tenant(s) a minimum of 72 hours written notice of the Department's intent to inspect the unit he/she occupies.
- (b) Inspection fees established by the City shall be paid in full prior to the date of inspection.
- (c) After the initial phase-in period, all residential rental structures, units, and accessory facilities which are subject to provisions of this article shall be required to be inspected at not less than 24-month intervals nor more than 36-month intervals unless adjusted by the Department.
- (d) The Department shall inspect multifamily residential rental structures, units, or accessory facilities pursuant to any of the following circumstances:
 - 1) Upon receipt of a new rental registration application for a structure that was not previously registered.
 - 2) Upon receipt of any certificate of compliance renewal request for any structure, unit, or accessory facility that has been previously certified.
 - 3) Upon receipt of a complaint from an owner or tenant that a structure, unit, or accessory facility is in violation of the property maintenance ordinance or any other ordinance or code of the City of Southgate, or is in violation of Michigan's housing law, Section 125.401 et seq. of the Michigan Compiled Laws.
 - 4) Upon receipt of a report or a referral from the Southgate Police Department, Department of Public Works, Fire Department, other law enforcement agency, public agency or department, or any individual indicating that the premises may be in violation of this article. The request shall be based on the personal knowledge of the person making the report.
 - 5) If an exterior survey of the premises gives the building official probable cause to believe that the premises is in violation of this article.
 - 6) Upon receipt of information that the multifamily residential rental structure is not registered with the City as required by this chapter.

- (e) If entry to a multifamily residential rental structure, unit, or accessory facility requiring inspection is refused, the Building Official and/or their designee shall have recourse to the remedies provided by law to secure entry, including but not limited to obtaining a warrant for an administrative search. Inspections shall be limited to only the areas necessary to ascertain compliance with applicable ordinances, codes, and state law. Every reasonable effort shall be made to obtain consent to voluntarily enter the premises for the purpose of conducting a property maintenance inspection.

Sec. 1423.11 – Reinspection required; presumptions.

- (a) *Reinspections required.* An owner or responsible local agent who is provided with written notice of a code violation or violations, shall correct the code violations within the period of time specified in the notice of violations. Failure to correct a code violation within the specified period of time constitutes a nuisance per se and may result in the residential rental structure or residential rental unit being posted for non-compliance with the City's property maintenance code and/or any other applicable codes or regulations.
- (b) *Failure to have property timely reinspected.* Following inspection and notice of violations, should the owner, the owner's responsible local agent, or the person responsible for the structure fail to facilitate a reinspection prior to the date specified for correction of the violations or by any extended date granted by the department, it shall be presumed that any violations in the notice of violations that have not been previously reinspected and approved have not been corrected and the owner or responsible local agent shall be responsible for failing to repair those violations as if they had not been corrected.
- (c) *Inability to conduct reinspection.* Should the department not be able to gain entry to a residential rental structure or residential rental unit for a scheduled reinspection then it shall be presumed that any violations in the notice of violations that have not been previously reinspected and approved have not been corrected and the owner or responsible local agent shall be responsible for failing to repair those violations as if they had not been corrected.

Sec. 1423.12 – Notice of intent to inspect.

If the owner or the owner's responsible local agent shall not register a residential rental structure or apply for a certificate of compliance for a residential rental structure, unit, or accessory facility, the department will send notice of its intent to inspect the subject structure, unit(s), and/or accessory facilities to the owner or responsible local agent at the mailing address of record with the Assessor's Office for the property owner and the mailing address provided on the registration form if different. Owners or responsible local agents shall have 14 days from the date of mailing to submit the completed registration forms, fees, and request for inspection appointment.

Sec. 1423.13 – Inspection guidelines and property maintenance standards.

The inspection guidelines and property maintenance standards required by this article shall be governed by those guidelines set forth in Chapter 1422 of the Southgate City Code entitled International Property Maintenance Code.

Sec. 1423.14 – Notices and Orders

- (a) Official notices and orders issued pursuant to this article, including but not limited to inspection scheduling notices, inspection reports, notices of code violations, and invoices, shall be served upon the owner or designated responsible local agent by first class mail to the address reported on the registration form, in person, or by email to the email address reported on the registration form upon written consent of the owner or agent.
- (b) Whenever the Building Official or his/her designee determines that there has been a violation of any section of this article, he/she shall give notice of such alleged violation and order for correction of the violation as provided for in the International Property Maintenance Code, Chapter 1422 of the Code of Ordinances.

Sec. 1423.15 – Appeal Process

- (a) Appeal of Applicability of the Article.
 - 1) If the owner or responsible local agent disagrees with the opinion of the Building Official or his/her designee as to whether the subject property is subject to provisions of this Chapter other than the International Property Maintenance Code, the owner or responsible local agent may appeal to the City Council.
 - 2) Any owner or responsible local agent requesting such an appeal shall file a written request therefor to the Building Department within ten (10) days after the date of the opinion of the Building Official. The appeal shall be made in writing and mailed, or hand delivered to the Building Department.
 - 3) As soon as practical, the City Council shall fix a time, date and place for a hearing and provide notice of the same to the owner or responsible local agent ten (10) days before the scheduled hearing date.
 - 4) The City Council shall hear evidence and testimony by City Departments and other concerned individuals regarding the appeal. The owner or responsible local agent, and/or their representatives, shall be allowed to present evidence and testimony at the hearing on the issues that are the subject of the appeal. After the hearing, the City Council shall decide by Resolution whether the subject structure or dwelling shall be regulated pursuant to provisions of this article. The decision of the City Council shall be final and shall be binding on the owner, responsible local agent, tenant, and the City.
 - 5) The owner may appeal the final decision of the City Council to the Washtenaw County Circuit Court within 21 days of the date of the final decision.
- (b) Appeal of Notice of Violation of the International Property Maintenance Code.
 - 1) If the owner or responsible local agent disagrees with the opinion of the Building Official or his/her designee as to the existence of an alleged violation, or the period of time that will be reasonably required to correct the alleged violation as set forth in the notice of violation, the owner or responsible local agent may appeal as provided

for in the International Property Maintenance Code, Chapter 1422 of the Code of Ordinances.

Sec 1423.16 – Fees.

- (a) Reasonable fees to receive and process registrations, to schedule and conduct inspections and reinspections, to invoice and collect fees, to issue certificates of compliance, and for other miscellaneous requirements to administer this chapter shall be established by resolution adopted by the City Council and shall be placed on file and made available to the public by the City Clerk's Office.
- (b) A fee will be charged when an inspector is unable to conduct an inspection because the person responsible for facilitating access was not present to do so, when the inspector is effectively locked out of the area to be inspected, when an inspection is canceled less than 72 hours prior to its scheduled date/time of occurrence, and when an administrative search warrant is necessary to facilitate an inspection.

Sec. 1423.17 – Right to examine certificate of compliance; registry of certificate holders.

- (a) The owner or responsible local agent shall provide a copy of a valid certificate of compliance to the tenant or prospective tenant upon request.
- (b) The Building Department shall maintain a registry of all multifamily residential rental structures and residential rental units that have been granted valid certificates of compliance or have had a certificate of compliance denied, suspended, or revoked. Such registry shall be available for public inspection.

Sec. 1423.18 – Harassment.

- (a) Any owner or responsible local agent who harasses or threatens a tenant or person who pays rent with loss of occupancy because of filing a verified complaint shall be responsible for a municipal civil infraction.
- (b) Any tenant or person who pays rent who shall maliciously or frivolously cause an inspection to be made for the purpose of harassing any individual, owner or responsible local agent, corporation, or governmental agency when no violation is present shall be responsible for a municipal civil infraction.
- (c) Building Officials and/or his/her designees shall not be harassed, stalked, threatened, hindered, assaulted, or otherwise interfered with in the performance of their duties. Notwithstanding any other section in this article, a violation of this subsection shall be a municipal civil infraction.

Sec. 1423.19 – Penalties.

- (a) Any person who shall violate the provisions of this Chapter, or who shall fail to comply with any of the requirements thereof, shall be guilty of a municipal civil infraction. A separate offense shall be deemed committed each day during or on which a violation or

noncompliance occurs or continues. The enforcing agency for the City shall be the Building Department.

(b) The civil fines payable to the City's Municipal Ordinance Violations Bureau for admissions of responsibility shall be as follows:

- 1) \$100 for a first offense.
- 2) \$300 for a second repeat offense within two years.
- 3) \$500 for a third and each subsequent repeat offense within two years.



Carlisle | Wortman
ASSOCIATES, INC.

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TO: City of Southgate Planning Commission
FROM: Alissa Starling, City Planner
DATE: May 9, 2023
RE: Sign Ordinance

A sign ordinance can help a municipality reduce the visual clutter of signage and distractions to motorists and enhance (or diminish) the streetscape aesthetic. It also can help protect, establish, or improve community identity.

Electronic message signs display information such as traffic updates, emergency alerts, or public service announcements. They have been used as a medium to convey messages for years; however, only in the last decade or so have they begun to permeate local signage and, in doing so, have received criticism on various grounds. Some of the common complaints of electronic message signs are:

- (1) **Distraction.** Electronic message signs can distract drivers, especially when displaying non-essential or irrelevant information. This distraction can increase the risk of accidents, mainly when drivers read the signs instead of focusing on the road ahead.
- (2) **Light pollution.** Electronic message signs can emit bright lights that can be a source of light pollution, especially at night. The excessive glare can be a nuisance to nearby residents and wildlife.
- (3) **Maintenance costs.** Electronic message signs require maintenance to keep them functioning correctly. This maintenance can be costly and time-consuming, especially if the signs are in hard-to-reach areas or need specialized equipment for repair.
- (4) **Environmental impact.** Electronic message signs require electricity, contributing to greenhouse gas emissions and energy consumption. Additionally, the manufacturing process and disposal of electronic message signs can have a significant environmental impact.
- (5) **Privacy concerns.** Electronic message signs may collect data, such as the number of vehicles passing by, the time of day, and the traffic speed. This data collection can raise privacy concerns, especially if the data is shared or used for purposes beyond its intended use.

It's worth noting that these criticisms are not universal and may vary depending on the specific context and application of electronic message signs. The job of the Planning Commission is to draft ordinance language that (to the best of its ability) balances the benefits of electronic message signs with the needs and concerns of the community and the

Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice-President*

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Laura K. Kreps, *Principal* Paul Montagno, *Principal* Megan Masson-Minock, *Principal*

environment. The following are the parameters that regulation can consider when drafting an electronic sign ordinance:

- (1) **Size and placement.** Zoning regulations may limit the size and placement of electronic message signs, particularly in residential or historic areas where they can be deemed inappropriate or distracting.
- (2) **Signage density.** Zoning regulations may also restrict the number of electronic messages installed within a given area. Regulating density in an ordinance can help to prevent an overabundance of signs, contributing to visual clutter and can be a distraction for drivers.
- (3) **Community objections.** Zoning regulations may consider objections from the community regarding the installation of electronic message signs. Residents and business owners may express concerns about the impact of the signs on property values, aesthetics, or quality of life.
- (4) **Safety concerns.** Zoning regulations may also consider safety concerns related to installing electronic message signs. For example, signs that are placed too close to intersections or are too bright can be a distraction to drivers, leading to safety risks.

Electronic Message Sign ordinances from surrounding Downriver communities, including Wyandotte, Riverview, Ecorse, Trenton, and Taylor, are compiled below for your review. Please assess the following ordinances based on what you feel fits best in aesthetics and identity for the City of Southgate. Remember, this ordinance will serve as the basis for the City to review signs for the foreseeable future. Consider what you'd like the City to look like in twenty years and all possible implications.

Please feel free to reach out if you have any questions - I look forward to discussing this further at the next Planning Commission meeting.

Wyandotte, Michigan

Ground signs.

1. There shall be no more than one sign.
2. Such signs shall be set back from the lot line at least one-third of the distance from the lot line to the nearest building, but need not be set back more than ten feet from the property line.
3. No sign shall exceed 30 square feet in area, for each sign face of such sign, unless the sign is located more than 50 feet behind the property line, then said sign may be increased by five additional square feet for each additional ten feet of setback, but in no event shall such sign exceed 50 square feet in area for each sign face of such sign.
4. Illumination of signs shall be permitted.
5. An electronic changeable message sign shall be limited to the electronic display of a non-flashing or non-moving message that shall remain unchanged for at least five continuous seconds before it is replaced by another message. Electronic changeable messages shall be part of the total square footage of display area permitted for the sign even if the message is contained in a separate cabinet, except the face of the message shall not consume more than 60% of the total permitted display area of the sign.

Riverview, Michigan

Section 17.08 Electronic Message Sign Standards.

Electronic message signs shall be permitted within the OS, B-1, B-2, B-3, M-1 and M-2 zoning districts. Such sign must be freestanding. Such sign shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

- A. An electronic message sign is permitted and regulated as a ground sign per Section 17.07. Wall signs are prohibited.
- B. A maximum of one (1) electronic message sign is permitted per property, business or business center occupied by multiple businesses, uses or buildings.
- C. The electronic display shall not flash, pulse or scroll.
- D. The frequency of the message change shall:
- E. Not exceed once every ten (10) seconds.
- F. Be completed in one (1) second.
- G. Occur simultaneously over the entire face of the electronic message sign.
- H. The maximum area of all electronic message signs shall not exceed fifty percent (50%) of the total permitted sign area.
- I. The maximum elevation of an electronic message sign shall not exceed six (6) feet. Such sign shall be setback ordinance requirements inclusive of the sign structure. Signs advertising fuel prices shall not exceed twelve (12) feet in elevation. Elevations are measured from grade level to top of sign structure.
- J. The width of an electronic sign shall not exceed eight (8) feet.

Table 1. Permitted Intensity Levels

INTENSITY LEVEL (NITS)		
COLOR	DAYTIME	NIGHTTIME
Red Only	3,150	1,125
Green Only	6,300	2,250
Amber Only	4,690	1,675
Full Color	7,000	2,500

- K. No sign shall orient to face a residentially zoned property.
- L. No advertising of products, services or similar sold or located off-premise is permitted.
- M. The intensity of the display on any variable electronic message sign shall not exceed the levels specified in **Table 1**.
- N. Prior to issuing a permit for an electronic message sign, applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the chart above, and the intensity level is protected from end-user manipulation by password-protected software or other method deemed appropriate by the Department. The characters on any variable electronic message sign must be lighted against a darker or less luminous background.
- O. The property owner and sign operator shall provide contact information for a person that is available to promptly turn off the variable electronic message sign after a malfunction. The

property owner and sign operator shall correct the malfunction or remove power to the sign within twenty-four (24) hours of a request by the City of Riverview.

- P. A sign base and side supports shall be installed. The top of the base shall be set a minimum one (1) foot above grade level. The base and side supports shall be faced with material matching the texture and color of the principal building.
- Q. An electronic message sign shall be required to be shut off between the hours of 10:00 p.m. or the closing time of normal business hours, whichever is later, and 7:00 a.m. or the opening of business hours, whichever is earlier.
- R. Signs which constitute nonconforming uses under Section 18.17 of this Ordinance, or as to which variance(s) has/have been granted for sign size, height, location, or number, must be eliminated or brought into conformity with all currently applicable ordinance limits prior to the issuance of a variable electronic message sign permit for the business, business center, and/or regional center to which such nonconforming sign(s) pertain(s).
- S. An electronic message sign which does not comply with the provisions of this subsection shall not be permitted in any zoning district in the City.

Ecorse, Michigan

6.5.11. - Electronic message signs.

Electronic message signs are subject to the following regulations in addition to all other requirements established in this section:

- 1. Definition. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.
- 2. Regulations.
 - a. Sign type. Electronic message signs are permitted in the form of freestanding and wall signs.
 - b. Height. Electronic message signs shall have the same height limits as freestanding or wall signs for a given district or use.
 - c. Area. Electronic message signs shall not exceed thirty (30) percent of the total sign area of a freestanding or wall sign for a given district or use.
 - d. Maximum number. The maximum number of electronic message signs per parcel shall be limited to one. Electronic message signs occupying both sides of a free standing sign shall be counted as one electronic message sign.
 - e. Message display.
 - i. Electronic message signs that contain animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
 - ii. The content of an electronic message sign shall transition by changing instantly, with no transition graphics, such as fading in or out.

- iii. Each message shall be of the same light intensity.
 - iv. All messages shall have a dark background with light message content.
 - v. The message shall not change at an interval less than thirty (30) seconds.
 - vi. Electronic message signs shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- f. The addition of an electronic message sign into an existing conforming sign shall require a land use permit. The addition of an electronic message sign into an existing nonconforming sign shall be prohibited.

Trenton, Michigan

Sec. 110-632.4. Sign standards/illumination.

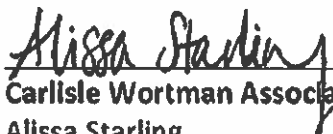
- A. Illuminated or illumination refers to lighting of a sign by any type of artificial light, whether by emission or reflection. In all zoning districts all sign illumination shall adhere to the following requirement and/or the International Dark Sky Association standards (<http://www.darksky.org/>) whichever is more restrictive in terms of Standards/Illumination:
- (1) Electrical requirements pertaining to signs shall be in accordance with the State of Michigan Electrical Code.
 - (2) If illuminated, sign shall be illuminated only by the following means:
 - a. By an external, steady, stationary light of reasonable intensity, shielded and directed solely by the sign.
 - b. By whiter interior light.
 - (3) To prevent glare, illuminated signs shall not emit more than 5,000 nits in full daylight and 100 nits between dusk and dawn. All illuminated electronic signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance with City Code or other applicable law, the interface that programs an electronic sign shall be made available to city staff for inspection upon request. If the interface is not or cannot be made available upon the city's request, the sign shall cease operation until the city has been provided proof of compliance. Regardless of any other requirement, illuminated signs shall not project light that exceeds $\frac{1}{100}$ of a foot candle above the ambient light at any property line bordering any residential zoning district, as defined in the Zoning Ordinance.
 - (4) Changeable copy signs.
 - a. The changeable copy portion of a sign shall not exceed 50 percent of the area of the sign and shall not exceed 30 square feet per sign and 15 square feet per sign face.
 - b. Scrolling or traveling of a message on changeable copy is prohibited.
 - c. Changeable copy shall not change more than once every one minute.

- d. Changeable copy shall not and shall not appear to flash, undulate, pulse, blink, expand, contract, bounce, rotate, spin, twist, or otherwise move.
- (5) Digital billboards.
 - a. should not display moving or flashing images (or lighting) or
 - b. change in a way that produces an impression of movement
 - c. Transition Time between images should be instantaneous.
- (6) LED shall be no more than 20 percent of any sign.

Taylor, Michigan

Changeable message signs.

- a. Electronic reader boards shall not be allowed within 300 feet of an intersection or interchange of collector or arterial streets.
- b. Electronic reader boards shall have a minimum separation distance of 100 feet from any other electronic reader board.
- c. Minimum duration of any message shall be a 30 seconds.
- d. The message shall only consist of letters and logos.
- e. Signs which convey the appearance of movement or animation of message or picture in any form shall not be permitted. Scrolling or flashing shall not be permitted.
- f. When any part of the message display is not working properly, the use of the electronic reader board will be discontinued until the repairs are made.
- g. Electronic reader board displays shall have a black background.



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