

VILLAGE OF DECATUR
PLANNING
COMMISSION
REGULAR MEETING
AGENDA

Thursday
September 22,
2022



VILLAGE OF DECATUR – PLANNING COMMISSION

REGULAR MEETING

Thursday, September 22, 2022 – 1:00PM

Village Hall – 114 N. Phelps Street, Decatur, MI 49045

1:00 PM Planning Commission Meeting (Action to be taken by the Commission on the following agenda items)

Note: Please be courteous and turn cell phones off during the meeting.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL (Excused Absences, if Any)**

4. **PUBLIC COMMENT**

5. **APPROVAL OF AGENDA**

5A - Approval of the Regular Meeting Agenda for September 22, 2022

6. **APPROVAL OF MINUTES**

6A - Approval of the Minutes of the Regular Meeting of August 25, 2022

7. **PUBLIC HEARING**

7A – Request to hold a public hearing regarding application from the Decatur-Hamilton Fire Department, to rezone parcel 80-43-085-024-50 from R-1 Single Family Residential to B-2 General Business.

7B – Request to hold a public hearing regarding application for text amendment to the following Zoning Codes; Amendment to Article 2 – Definitions for Child Care Facility’(Family; Group Center) ‘Care Home;’ and Foster Care Facility (Small Group; Large Group), Amendments to Article 5, Section 8 – Land Use and Base Zoning District Table of the Village Zoning Ordinance to identify “Child Care Facility ‘(Family; Group; Center); ‘Care Home’; and Foster Care Facility (Small Group; Large Group) as a Permitted Use or a Special Land Use within the R-1 and/or R-2 Residential Districts.

8. **UNFINISHED BUSINESS**

9. **NEW BUSINESS**

10. **PLANNING COMMISSION COMMENTS**

11. **ADJOURNMENT**

PLEASE NOTE

AUDIENCE PARTICIPATION:

In addition to addressing the Planning Commission during public hearings and under “Public Comment,” members of the audience may address the Chairperson, please limit your comments to three minutes or less per item. Please step up to the podium and state your name and address.

The proposed process for items listed under agenda items above shall be as follows:

1. Announcement of the agenda item by the Chairperson.
 2. Verbal report provided by staff.
 3. The Chairperson asks Commission members if they have any questions for staff to clarify the staff report.
 4. Motion is made by a Commission member and seconded by another Commission member.
 5. The chairperson calls on Commission members to discuss the motion if Commission members wish to discuss.
 6. Chairperson calls for a vote on the item after discussion has occurred.
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Village of Decatur
Planning Commission Regular Meeting Minutes
Thursday, August 25, 2022, at 1:00 P.M
Village Hall, 114 N. Phelps Street
Decatur, MI 49045

I. **Call to Order**

Rex called the meeting to order at 1:00 p.m.

II. **Pledge of Allegiance**

III. **Roll Call**

Trustee Mike Verran, Commission Member Janet Moelaart, Cindy Pachner, Pat Muscovalley (excused), Chairman Blaine Rex, Village Manager Tapper, Village Planner Rebecca Harvey.

Village Manager Tapper, noted Commission member Patricia Muscovalley did submit resignation letter. It should be noted Muscovalley did indicate her door would be open to returning.

IV. **Public Comment**

None

V. **Approval of Agenda**

Moelaart offered a motion with support from Verran to approve the agenda for August 25, 2022, as presented, motion passed 4-0.

VI. **Approval of Minutes**

Moelaart offered a motion with support from Verran to approve the meeting minutes from May 19, 2022, as presented, motion passed 4-0.

VII. **Public Hearing**

Verran offered a motion with support from Moelaart to close the regular session and enter into a public hearing to receive comments regarding the application from the Decatur-Hamilton Fire/QR Department for a request for rezoning of parcel 80-43-085-024-50 at 1:05, motion passed 4-0.

Village Planner, Rebecca Harvey provide the PC Members with a finding of facts report. Applicant seeks approval to have the subject property rezoned from R-1 District to the B-1 District. Discussion ensued regarding bullet points 1 – 7. Items for the PC to consider are; will the rezoning further the comprehensive planning goals of the Village, will the rezoning correct an inequitable situation created by the Zoning Ordinance, is the proposed rezoning consistent with the surround zoning/land use, is the proposed rezoning consistent with the trends in land development in the area.

Let the record show, no public comment was offered or received.

Verran offered a motion with support from Moelaart to postpone the public hearing until Thursday, September 22, 2022 regarding the application from the Decatur-Hamilton Fire/QR Department for a request for rezoning of parcel 80-43-085-024-50 at 1:18 and re-enter the regular, motion passed 4-0.

Village Manager Tapper offered continued discussion regarding the application for rezoning. After review of the Village Planner’s find of facts report, it was discussed to review the Village of Decatur, Sign Ordinance with regards to the R-1 and B-1 districts.

VIII. **Unfinished Business**

Village Manager Tapper, to discuss the Master Plan updates with both Decatur and Hamilton Township Supervisors.

IX. **New Business**

Village Manager Tapper reported the Village Council was asking the Planning Commission to review the Parking Ordinance along with Ordinance 184. Both Ordinances are in need of review. The reports were provided to the PC in the agenda packet.

X. **Planning Commission Comments**

Village Manager Tapper offered a discussion regarding amendments to the Zoning Ordinance specifically to address AFC (Adult Foster Care) homes and or HFA (Homes For the Aged). The Village currently has received an application for a planned development in the R-1 zoning district. The consensus of the PC was to allow staff to develop an outline of the proposed amendments and to move forward with scheduling the public hearing for the

text amendment for the Thursday, September 22, 2022, meeting. Staff provided to the PC the following timeline of events; September 2, 2022, public notice to the local paper for public distribution on the proposed text amendments, PC agenda & packets will be available to PC members September 19, 2022.

XI. **Adjournment**

Rex offered a motion with support from Moelaart to adjourn the meeting at 1:58 p.m., motion passed 4-0.

Minutes submitted by: Shantel Pentland, Administrative Assistant

**VILLAGE OF DECATUR
VAN BUREN COUNTY, MICHIGAN**

NOTICE OF PUBLIC HEARING AND PLANNING COMMISSION MEETING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN AND ALL OTHER INTERESTED PARTIES.

PLEASE TAKE NOTICE that a Public Hearing/Special Meeting will be held by the Village of Decatur Planning Commission on Thursday, September 22, 2022 at 1:00 p.m. at the Decatur Village Hall located at 114 North Phelps Street within the Village.

PLEASE TAKE NOTICE that the item(s) to be considered at this Public Hearing include, in brief, the following:

1. Amendment to Article 2 – Definitions, of the Village Zoning Ordinance, to add definitions for ‘Child Care Facility’ (Family; Group; Center); ‘Care Home’; and Foster Care Facility (Small Group; Large Group).
2. Amendment to Article 5, Section 8 – Land Use and Base Zoning District Table, of the Village Zoning Ordinance, to identify ‘Child Care Facility’ (Family; Group; Center); ‘Care Home’; and Foster Care Facility (Small Group; Large Group) as a Permitted Use or a Special Land Use within the R-1 and/or R-2 Residential Districts.
3. Amendment to Section 20 – Signage, of the Village Zoning Ordinance, to amend the sign standards regarding sign size (Table 8-4); prohibited signs (Section I.); sign setbacks and height requirements (Section J.); and sign illumination (Section K.).
4. Such other and further matters as may properly come before the Planning Commission for this meeting.

PLEASE TAKE FURTHER NOTICE that the draft amendments to the Zoning Ordinance can be reviewed at the office of the Village Clerk during regular business hours of regular business days and will also be available at the time and place of the hearing.

PLEASE TAKE FURTHER NOTICE that written comments will be taken from any interested person concerning the draft amendments to the Zoning Ordinance at the email address of the Village Clerk, at any time during regular business hours up to 12:00 p.m. on the date of the hearing and will further be received by the Planning Commission at the time of said hearing.

PLEASE TAKE FURTHER NOTICE that the Village of Decatur Planning Commission and Village Council reserve the right to make changes in the proposed text amendments at or following the public hearing.

The Village of Decatur will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon four (4) days' notice to the Village Clerk.

VILLAGE OF DECATUR PLANNING COMMISSION

Megan Duncan, Village Clerk

Decatur Village Hall

114 North Phelps St.

Decatur, MI 49045



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Planning Commission
FROM: Rebecca Harvey, Village Planner
REVIEWED BY: Christopher Tapper, Village Manager
DATE: September 20, 2022

SUBJECT: Text Amendment – Section 42-183 - Signs

Action Requested:

Amend sign ordinance to allow for an illuminated sign for the Fire Department located within the R-1 District.

Review:

The following sign standards currently apply:

- The R-1 District allows 1 – 32 sq ft freestanding sign; 1 – 32 sq ft wall sign
- Illuminated signs are not allowed in the residential districts
- No sign may contain ‘flashing or intermittent lights’, except time/date/weather

Options for Zoning Ordinance Amendment:

- **Option 1:** amend the Ordinance to allow ‘changeable copy signs’ in the Village; this option may be of interest if there are currently unlawful or lawful nonconforming ‘changeable copy signs’ in the Village.

Section 42-183 – Signage

- (m) Any allowed sign may include a manual or electronic changeable copy sign or electronic graphic display sign, subject to compliance with the following requirements:
- (1) The area of a changeable copy sign shall be included in the maximum sign area limitation. The area of a changeable copy sign or graphic display sign shall not exceed 50 percent of the maximum allowed sign area. Only one changeable copy sign or graphic display sign shall be allowed per lot.



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

- (2) A changeable copy sign shall not change its message more frequently than once every 12 seconds.
 - (3) The message of a changeable copy sign shall, when changing, appear only in its entirety. The message shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.
 - (4) A changeable copy sign shall not display full white copy between sunset and sunrise and otherwise shall not feature a brightness level deemed to be a distraction or injurious to the vision of motorists, as determined by the village. The changeable copy sign shall be equipped with an ambient light sensor to regulate sign brightness.
- **Option 2:** amend the Ordinance to allow ‘changeable copy signs’ in the Village as a special land use; this option would allow the Planning Commission to consider site specific conditions and surrounding zoning/land use for each ‘changeable copy sign’ proposal.

Section 42-183 – Signage

- (m) Any allowed sign may include a manual or electronic changeable copy sign or electronic graphic display sign as a special land use, subject to compliance with the following requirements:
 - (1) The area of a changeable copy sign shall be included in the maximum sign area limitation. The area of a changeable copy sign or graphic display sign shall not exceed 50 percent of the maximum allowed sign area. Only one changeable copy sign or graphic display sign shall be allowed per lot.
 - (2) A changeable copy sign shall not change its message more frequently than once every 12 seconds.
 - (3) The message of a changeable copy sign shall, when changing, appear only in its entirety. The message shall not appear to flash, move from the center of the sign outward, move from the corners of the sign inward or demonstrate any other unusual movement, oscillation or method of appearance.
 - (4) A changeable copy sign shall not display full white copy between sunset and sunrise and otherwise shall not feature a brightness level deemed to be a distraction or injurious to the vision of motorists, as determined by the village.



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

The changeable copy sign shall be equipped with an ambient light sensor to regulate sign brightness.

- **Option 3:** amend the Ordinance to exempt ‘public buildings’ from the illumination standards of Subsection (1); this would allow ‘changeable copy signs’ with no limitations, but only for ‘public buildings’.
- **Option 4:** amend the Ordinance to exempt ‘public buildings’ from the illumination standard of Subsection (1) (3); this would allow a ‘public building’ sign to be illuminated in any district . . . but would continue to prohibit changeable copy signs within the Village.
- If Option 1 or 2 are selected, Article 2 – Definitions should also be amended to include the following sub-definition under ‘Sign’:

CHANGEABLE COPY SIGN. A sign on which the message is changed manually or automatically through the use of electronic display technology.



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Planning Commission
FROM: Rebecca Harvey, Village Planner
REVIEWED BY: Christopher Tapper, Village Manager
DATE: September 20, 2022

SUBJECT: Text Amendment Request

Action Requested:

Amend the Zoning Ordinance so as to allow a 'home for the aged' (HFA) in the R-1 District.

Review:

- A 'home for the aged' (HFA) is typically/often regulated in zoning ordinances as 'housing for the elderly', 'assisted living facilities' and/or 'nursing homes'.
- The Village of Decatur Zoning Ordinance does not specifically allow for any such use, however, the following use options are present:
 - A 'lodging house' (defined to mean 'a building/place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by pre arrangement for definite periods) for compensation, for 3 or more, but not to exceed 12, individuals' . . . is a Permitted Use within the R-2 District;

[This could be construed to include a 'home for the aged', though there is a maximum density of 12 individuals . . . and it is currently allowed only in the R-2 District.]

and,

- A 'Planned Development' use option is allowed within all zoning districts . . . which could also possibly be construed to allow a 'home for the aged'.

[It would require a cumbersome application of the PD option . . . and I'm not sure it would work . . . but it may be a possibility.]



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

- Or, the Village could entertain amending the Zoning Ordinance to specifically allow a ‘home for the aged’ as either a permitted or special land use . . in a specified zoning district(s).
 - Generally, a ‘home for the aged’ (or ‘housing for the elderly or those requiring assisted care, including convalescent or nursing homes’) is regulated without limits on the number of residents allowed.
 - It is generally allowed as a special land use.
 - It is generally allowed in medium or high density residential districts . . being considered similar in character to multiple-family and similar type uses.

[It is likely the Village will find the R-2 District to be the most appropriate (given the density allowed). . which would then require the applicant to proceed with a rezoning request for the subject site.]

- The following amendments to the Zoning Ordinance can be considered:

- [Amend Article 2 – Definitions to add:](#)

[CARE HOME: Includes rest and nursing homes, convalescent homes and homes for the aged; established to render nursing care for chronic or convalescent patients but excludes facilities for care of active or violent patients such as feeble-minded or mental patients, epileptics, alcoholics, senile psychotics, or drug addicts.](#)

[Amend Section 8 – Land Use and Base Zoning District Table 5.1 to add ‘Care Homes’ as a SLU in the R-2 District.](#)

- In considering the request related to a ‘home for the aged’, it was further observed that the Zoning Ordinance is also currently silent with respect to ‘child day care homes’ and ‘foster care facilities’ . . which are required by the Michigan Zoning Enabling Act to be addressed.
 - Specifically, the MZEA states . . *‘A state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones . . and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.’*



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

- The Act then defines 'state licensed residential facility' as: *'a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act (1979 PA 218 (400.701-400.737) or 1973 PA 116 (722.111-722.128), and provides residential services for 6 or fewer individuals under 24-hour supervision or care.'*
- In response to the MZEA requirements, the following amendments to the Zoning Ordinance are proposed

- Amend Article 2 – Definitions to add:

CHILD CARE FACILITY: A facility for the care of children under 18 years of age, as licensed and/or registered and regulated by the State under Public Act 116 of 1973, as amended, and the associated standards and rules promulgated by the State. Such facilities shall be further defined as follows:

CHILD DAY CARE CENTER: A facility, other than a private home, in which one or more children are given care and supervision for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a child care center.

FAMILY DAY CARE HOME: A private home which is the bona fide private residence of the operator of the family day care home and in which one but fewer than seven minor children (or such other increased capacity number of minor children permissible under State Law) are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

GROUP DAY CARE HOME: A private home which is the bona fide private residence of the operator of the group day care home and in which more than six but not more than 12 minor children (or such other increased capacity number of minor children permissible under State Law) are given care and supervision for



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

FOSTER CARE (LARGE GROUP) FACILITY: A residential facility registered or licensed and regulated by the State under Public Act 218 of 1979, as amended, or under Public Act 116 of 1973, as amended, which provides resident services, supervision and care for six or fewer persons 24 hours per day.

FOSTER CARE (SMALL GROUP) FACILITY: A residential facility registered or licensed and regulated by the State under Public Act 218 of 1979, as amended, or under Public Act 116 of 1973, as amended, which provides resident services, supervision and care for seven to 20 persons 24 hours per day.

- Amend Section 8 – Land Use and Base Zoning District Table 5.1 to add the following:
 - ‘Family Day Care Home’ as a Permitted Use in the R-1 and R-2 Districts
 - ‘Group Day Care Home’ as a SLU in the R-1 and R-2 Districts
 - ‘Child Day Care Center’ as a SLU in the R-2 District
 - ‘Foster Care (Small Group) Facility’ as a Permitted Use in the R-1 and R-2 Districts
 - ‘Foster Care (Large Group) Facility’ as a SLU in the R-2 District

- Amend Article 4 – Special Use Permit to add the following special land use standards for ‘child care facilities’ and ‘foster care facilities’:

Section – Child Care Facilities

- a) Each child care facility shall be duly licensed or registered by the State of Michigan Department of Social Services (DSS) continuously and for all times it is operating as a child care facility. Any child care facility whose license or certificate of registration by the State of Michigan is no longer valid and/or which has been revoked or denied or refused by the DSS shall immediately lose its status and authorization to continue to operate.

- b) Buildings and lots used for child care facilities shall conform to all state, DSS, and local requirements, rules, and standards.



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

- c) Each child care facility shall provide, equip, and maintain on the premises the minimum square feet of indoor floor space and outdoor play area as required by the DSS. An applicant for a group child care home or child care center or day care center shall submit to the Planning Commission sufficient information and documentation regarding the maximum number of children allowed and the amount of indoor floor space and outdoor play area required by the DSS for the proposed child care facility prior to obtaining a special land use permit or site plan approval to operate within the Township.
- d) The lot occupied by any child care facility shall have a fence which shall be not less than four feet but not more than six feet in height and which shall completely enclose the outdoor area where the minor children play or congregate, except that interior fences within a mobile home park shall not exceed 36 inches in height. However, the provisions of this subsection shall not apply to family child care homes.
- e) A group child care home licensed or registered under Michigan Public Act 116 of 1973 shall be issued a special land use permit if the group child care home meets the following standards:
 - 1) A group child care home shall comply with all the requirements set forth in subsections a)-d) above.
 - 2) A group child care home shall be located not closer than 1,500 feet to any of the following:
 - a. Another licensed group child care home, or
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Michigan Public Act 218 of 1979, being Section 400.701 to 400.737 of the Michigan Compiled Laws, or
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, Michigan Public Act 698 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws, or
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - 3) The property containing a group child care home shall be maintained in a manner which is consistent with the visible characteristics of the neighborhood.



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

- 4) The operation of a group child care home shall not exceed 16 hours of operation during a 24-hour period.
- 5) A group child care home operator shall provide one off-street parking space for each employee. These parking spaces shall be in addition to the off-street parking facilities serving the residents of the home. These off-street parking spaces shall be located on the lot in such a manner as to provide unblocked automobile access from the street to the required residential off-street parking facilities.
- 6) The subsequent establishment of any of the facilities listed in subsection e)2) a.-d. of this Section, within 1,500 feet of the licensed or registered group child care home will not affect any subsequent special land use permit renewal, pertaining to the group child care home.
- 7) The distances specified in subsections 2) and 6) above shall be measured along a road, street, or place maintained by this state or a political subdivision of this state and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.
- 8) An applicant for a group child care home shall submit to the Planning Commission a to-scale rendering which shows the dimensions of the zoning lot, setbacks of all structures on the lot, the proposed location of the fencing, the proposed parking arrangement, and any other features relevant to the application for special land use approval.

Section – Foster Care Facilities

- a) Foster care facilities serving more than six residents shall not be considered a single family dwelling.
- b) Foster care facilities shall, as a condition of Special Land Use approval, at all times maintain all valid state and local licenses.
- c) A foster care facility shall not be located within 1500 feet of any other foster care facility.
- d) All outdoor lighting shall be established so as to prevent light from glaring onto adjoining properties.
- e) All off-street parking shall be in accordance with Section Article 5. and shall satisfy peak parking needs.



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

- f) A landscape buffer shall be provided along all property lines that abut a less intense land use and around the perimeters of all parking areas visible from adjacent properties or streets.
- g) The foster care facility shall maintain the property consistent with the visible characteristics of the surrounding area.