

**City of Alma  
Planning Commission Minutes  
January 4, 2021**

Ripley called the regular meeting of the Alma Planning Commission to order at 6:04 PM on January 4<sup>th</sup>, 2021 on the Zoom video conferencing platform.

Present: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler, and Therrien

Absent: None

Others Present: Aeric Ripley, City of Alma Zoning Administrator

A motion was offered at 6:06 PM by Pitts and supported by Wheeler to approve the minutes of the Regular Planning Commission meeting held on November 2, 2020.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler, and Therrien

No: None

**Alma College Small Group Housing** – Annual renewal of the Special Use Permit allowing the operation of multiple small group housing units operated by Alma College through 2021.

A presentation was given by Ripley who reports that Hale inspected the units as he does annually. Hale reported that the property remains in better than average condition and that no violations were issued, or corrections required for the 2020 calendar year. Ripley added that no complaints were received regarding the housing units regarding refuse, waste collection or blight.

A motion was offered at 6:09 PM by Mapes and supported by Wheeler to approve the receipt of the report.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

**Alma Sign Ordinance** -- In 2016 the Supreme Court decided on a case regarding how signage may be regulated in a community. Commissioners were invited to view a presentation by the Michigan Association of Code Enforcement Officials prior to attending the meeting. At the time of this meeting, the presentation was available online at:

[https://www.youtube.com/watch?v=aE5dIXD\\_XDQ&feature=youtu.be](https://www.youtube.com/watch?v=aE5dIXD_XDQ&feature=youtu.be)

A presentation was given by Ripley. The presentation is a synopsis of what is no longer allowed with regards to the regulation of signage. Ripley stated that our current ordinance has several provisions that are no longer allowed. Ayers inquired as to how this relates to the issues the city faced with sign regulation in 2019. Ripley replied that the changes enacted prevent our regulation from distinguishing between types of signs such as real estate, commercial, personal expression and home occupation signage. If the disallowed exemptions were removed from our ordinance the remainder would not allow for any type of signage in residential districts. Ripley commented that new provisions do not allow for the specific regulation of political signs and that political signs may not be regulated separate from other signage. The allowed areas of regulation focus on time, place and manner of a sign. Revising the ordinance for commercial districts should be straight forward, but in residential districts it will be more difficult.

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Ripley commented that political sign regulation will be the most difficult as the expression of political speech is a right afforded to all citizens and our sign ordinance cannot restrict that right. This means that limiting to a single sign in residential districts is likely not feasible. Ripley also commented that the content of a sign may not be regulated in most cases.

Hale added that the biggest issue with our current ordinance is that it is written from the premise that you first identify the type of sign and the district that it resides within as the regulations are organized by type and district. However, the changes required prevent the classification by type. All signs must be regulated the same way within a given district. (time, place and manner) The aspects of how a sign is constructed, what setbacks are required, and how long a sign can remain on the property are all permissible to regulate. In addition, it is permissible to define signs as permanent and temporary and regulate those two types of signs differently. It is unlawful to allow for one type of sign and disallow another type of sign, such as allowing for real estate sales signage, but disallowing other commercial signs provided they both meet the requirements regarding time, place and manner. As political speech cannot be forbidden and we cannot delineate between political signs and other types of signage, it is likely that signage of some form must be allowed in all districts and that during a political campaign, multiple signs should be allowed. Hale reiterated that ordinance may not distinguish between signs of expression, such as "I Love Alma Panthers" and a commercial sign advertising sales or services.

Schooley added that the provisions of what is allowed on a sign under our freedom of speech is very broad. A sign is now a sign and regulating on content is no longer acceptable.

Ripley added that in his opinion, political signs are the most controversial within the community when it comes to multiple temporary signs. Ripley suggested consulting legal counsel regarding increasing the number of allowed signs during a political cycle and reducing that to a smaller number after its conclusion. Ripley is concerned that this could escalate feuds between neighbors and that there will be an adjustment period.

Mapes asked for confirmation that these changes stem from the 2016 Supreme Court case. Hale confirmed that this was correct. Mapes suggested that other communities have likely adjusted their ordinances to comply and asked that we use ordinances from comparable communities as a guide.

Schooley added that it is his indication that the majority of communities are at the same stage we are in responding to the changes and that many communities had not altered their ordinances until facing a legal challenge.

Mapes suggested taking the time to allow others to advance the issue further.

Ripley suggested we start by striking the disallowed language from the current ordinance, the addition of some suggested changes and reviewing the document at our next meeting so that we better

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understand where we currently stand and proceed with some options to consider. Our sign ordinance doesn't currently allow for personal expression signs in residential districts and it is clear from the sign discussion in 2019, that we should be providing that right to our citizens. Since that date, we have not enforced that provision of the ordinance, but we should bring our ordinance in line with our practices.

Ayers added there is confusion over the provisions disallowing the installation of a sign within the city right away along the edge of the street.

Hale replied that the case heard by the Supreme Court upheld a municipality's right to regulate signage of all types on public property, such as the city's right of ways and public parks. It is recommended that, though implied, this be specifically addressed in the modified sign ordinance.

Mapes and Schooley suggested that signs be disallowed on all public land.

Hale and Ripley suggested that the wording disallow all signs not specifically granted by the city. This would allow for signs to be erected by the municipality such as wayfinding signs and signs for other temporary signage.

Ayers commented that the banner that is erected above Superior street advertising the annual Christmas Celebration is a good example of such as sign that should be permitted on public property.

Ripley and Schooley commented that recodification of our ordinances is due soon and this would be a good time to have legal review of the proposed ordinance.

Mapes inquired as to our rights to govern offensive language displayed on signs.

Schooley replied that recent incidents have generated guidelines from our legal counsel regarding this issue and that the right of expression is much broader than most assume.

Ripley gave the example of a previous issue of the Confederate Battle Flag being displayed in the window of a home and that though the flag was removed, it was with the understanding that it is protected as speech.

Ripley agreed that our next step would be to create a redline copy of the ordinance and proceed with discussion at a future meeting.

Hale commented that once the unconstitutional language is removed, the remainder would be much more restrictive than the current ordinance. For instance, striking the language removes most of the sign exceptions in the ordinance. A good example would be that the resulting ordinance would prohibit real estate sales signs within residential districts, which is likely an unintended consequence.

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Mapes suggested the temporary elimination of the entire ordinance until a new version could be drafted.

Ripley commented that there are a lot of provisions in the ordinance we are not currently enforcing. Mapes added that we lack the budget to enforce many of the provisions.

Hale commented, that while possible, the elimination of the entire ordinance would remove important safety provisions regarding signage in our business districts.

Mapes inquired if neighborhood covenants or associations could regulate signs in specific defined areas differently than in the rest of the city.

Hale replied that it is allowed to assign differing regulations to separate zoning districts.

Ripley clarified that he was unsure, but it should be possible to require additional restrictions set by condominium associates such as the condominium community of Gemstone Fields or through deed restrictions.

Ayers clarified that such restrictions are not enforceable unless filed with the county.

Hale added that any additional restrictions would likely have the same restrictions as the city for the provisional restrictions added.

Ayers commented that such an issue would be resolved through a court challenge.

Wheeler inquired if MACEO has plans to issue unified guidelines for drafting an ordinance.

Hale replied that they have not and would be unlikely to as community standards of their membership vary greatly. Hale offered to reach out to comparable communities for solutions they have enacted or are proposing.

Wheeler commented that it is inadvisable to strike the ordinance entirely, even on a temporary basis, as it creates a "free for all" situation.

Ayers inquired if there was any other business to discuss. Ripley replied that there was not.

Mapes inquired about community involvement regarding the Master Plan. With current pandemic restrictions, community involvement may be difficult. He asked if it would be possible to delay the enactment of the Master Plan until more community guidance could be gathered.

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Ripley and Schooley commented that this may be possible. In the interim, we will explore options on how best to gather this input in the current circumstances.

A motion was made by Wheeler and supported by Pitts to adjourn the meeting at 6:38 PM.

Yes: Ayers, Mapes, Pitts, Schooley, Richter, Wheeler and Therrien

No: None

Respectfully submitted,

A handwritten signature in cursive script that reads "Aaron K. Hale". The signature is written in black ink and is positioned above the printed name.

Aaron K. Hale  
Planning Commission Recording Secretary