

RULES AND PROCEDURES
SIGN WAIVER AND ADJUSTMENT HEARINGS
Planning and Development Department

**City of Detroit
Planning and Development Department
Sign Waiver and Adjustment Hearings
Rules and Procedures**

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RULES AND PROCEDURES

City of Detroit Planning and Development Department Sign Waiver and Adjustment Hearing Rules and Procedures

PART 1. GENERAL.

1.1. Issuing Body and Title.

These Rules and Procedures are promulgated by the City of Detroit’s Planning and Development Department pursuant to Section 2-111 of the 2012 Detroit City Charter and Section 4-4-22 of the 2019 Detroit City Code, as amended, and may be referred to as the “Sign Waiver and Adjustment Hearing Rules and Procedures.”

1.2. Effective Date and Publication.

In accordance with Section 2-111 of the 2012 Detroit City Charter, these Rules and Procedures, and any subsequent amendments, shall become effective upon publication in a daily newspaper of general circulation. All effective Rules and Procedures shall be printed and made available to the public. Copies of these Rules and Procedures shall be made available at the Planning and Development Department, the Building Safety, Engineering, and Environmental Department, the City Clerk’s Office, the Department of Neighborhoods District Offices, and at branches of the Detroit Public Library.

1.3. Scope of Rules and Procedures.

These Rules and Procedures shall apply to the conduct of all Sign Waiver and Adjustment Hearings (“Hearings”) before the Planning and Development Department Director, or designee (“Administrator”). In the absence of a specific rule governing the conduct of an issue pertaining to any aspect of a Hearing, the Administrator shall have the discretion to make a determination on the issue to the extent that it does not prejudice or affect the substantial rights of the Petitioner.

1.4. Amendment of Rules and Procedures.

These Rules and Procedures shall be subject to amendment by the Director of the Planning and Development Department in accordance with Section 2-111 of the 2012 Detroit City Charter.

1.5. Supremacy of Federal and State Law, the City Charter and the City Code.

Nothing in these Rules and Procedures shall act to override, restrict, or relax the procedural requirements of any applicable provision of the laws of the United States or of the State of Michigan, the 2012 Detroit City Charter, or the 2019 Detroit City Code. In the event that these Rules and Procedures conflict with any such provision, Federal or Michigan law, the City Charter, or the City Code shall control, as applicable.

1.6. Number.

Words used in the singular also apply to the plural, where appropriate.

1.7. Computation of Time.

In computing a period of time following an act or event under these Rules and Procedures, the day of the act or event is not included. Where the last day of the period falls on a Saturday, Sunday, legal holiday, or on a day that the Planning and Development Department is officially closed, the period runs until the end of the next day that is not a Saturday, Sunday, legal holiday, or day that the Planning and Development Department is officially closed.

PART 2. THE SIGN WAIVER AND ADJUSTMENT HEARING PROCESS.

2.1. Jurisdiction.

Pursuant to Chapter 4 of the 2019 Detroit City Code, the Director of the Planning and Development Department, or designee, shall have exclusive jurisdiction over all Hearings.

2.2. Commencement of Sign Waiver and Adjustment Hearing Proceedings.

The Hearing process commences upon the submission by the Petitioner of a completed application for waiver and adjustment, and payment of the application fee. Upon a finding that the application is complete and within the scope of waivers or adjustments that are permissible under Chapter 4 of the 2019 Detroit City Code, the Administrator shall set a date for a Hearing regarding such Petition and issue public notice thereof.

2.3 Public Notice of Sign Waiver and Adjustment Hearing Proceeding.

Public advisement of a Sign Waiver and Adjustment Hearing shall be issued by the Administrator in the manner provided for in Section 4-4-22 of the 2019 Detroit City Code.

2.4 Hearing pursuant to Open Meetings Act

Each Hearing shall be conducted pursuant to the requirements of the Michigan Open Meetings Act, MCL 15.261, *et seq.* In the event of overcrowding, the Administrator may limit the number of persons allowed in a hearing room at one time in the interest of due process and safety of the parties.

2.5. Acceptance of comment.

The Administrator shall accept, and keep as part of its official record of each Hearing, any written comment, document, report, or other written information that is timely submitted by the Petitioner, the City Planning Commission or any other City Department or agency, or any member of the public or other source, prior to the conclusion of the Hearing.

2.6. Questions by the Administrative Hearing Officer.

The Administrator may ask questions of the Petitioner the City Planning Commission or any other City Department or agency, or any member of the public or other source, in its sole discretion, to ensure the clarity and completeness of the record for the Hearing.

2.7. Representation and Appearances.

Petitioners may represent themselves, or may be represented by an authorized agent at their own expense, at any Proceeding. An authorized agent may, but need not, be a licensed attorney. If the Petitioner or any other party is represented by an attorney, such attorney must file a written and signed appearance with the Administrator. The filing of an appearance shall constitute an affirmative representation, under penalty of law, by the attorney signing the appearance that he or she has been duly authorized by the petitioner to act on the petitioners behalf. “Proceeding” in this section includes all activities pertaining to a particular Petition, including the Hearing and all pre- and post-Hearing matters.

2.8. Professionalism.

The Hearings shall be conducted in a professional manner. The Hearing process is not adversarial and shall not be conducted as such.

2.9. Ruling and Orders.

Not later than fifteen (15) business days following the Sign Waiver and Adjustment Hearing, the Administrator shall issue a written decision regarding the petition, and shall distribute such decision to the Petitioner and any attendee of the Hearing who has so requested. The Administrator’s decision shall be considered final immediately upon distribution.

2.10. Adjournments.

The Administrator may adjourn a Hearing upon a finding of good cause to a date to be determined by the Administrator. Lack of preparation shall not be grounds for an adjournment. If the Administrator determines the date upon which an adjourned Hearing will recommence during a Hearing, then no new notice will be required in advance of such date. The Petitioner shall pay a fee for adjournment in accordance with the Planning and Development Department Fee Schedule prior to the date upon which the Hearing will recommence.

2.11. Interpreters.

The Department shall provide interpreter services for a Hearing upon request by a Petitioner or any member of the public who intends to attend the Hearing. The request for interpreter services shall be made to the City of Detroit Human Rights Department (also referenced as the Department of Civil Rights, Inclusion & Opportunity) no later than seven (7) days before

the date of the Hearing. Interpreters shall be sworn-in and shall swear or affirm that he or she will provide an accurate translation of the proceedings.

2.12. Disruptive Behavior.

The Administrator may order the removal of any person who is causing or contributing, or has caused or contributed to, a disruption during a Hearing. Any noise from cell phones or other electric devices, shall be considered disruptive behavior by the person using or having the electronic device.

PART 3. RECORD OF PROCEEDINGS.

3.1. Official Recording.

The Administrator shall cause each Hearing to be recorded by electronic or stenographic means to preserve the information presented. Such recording shall be included in the official record of the Hearing.

3.2. Official Record.

The Administrator shall keep an official record for each Hearing, which shall contain copies of (1) the Petition, (2) written comment, document, report, or other written information that is timely submitted by the Petitioner, any City Department or agency, or any member of the public or other source, (3) the Official Recording of the Hearing, and (4) the Administrator's decision regarding the Petition, among other written or otherwise recorded information that is reasonably pertinent to the Petition and associated Hearing.

PART 4. APPEALS.

4.1. Appeal of Final Decisions and Orders to the Department of Appeals and Hearings.

A final decision by the Administrator pertaining to any Petition may, be appealed to Department of Appeals and Hearings in accordance with Chapter 4 of the 2019 Detroit City Code and the rules of procedure of the Department of Appeals and Hearings.

PART 5. MISCELLANEOUS MATTERS.

5.1. Forms.

The Administrator shall create and make available forms for the use by the petitioner for the application of Sign Adjustment and Waiver Hearings. The use of such forms is required unless otherwise permitted by the Administrator.