

COUNCIL PROCEEDINGS
Regular Meeting
April 10, 2017

CALL TO ORDER: By Mayor Lewis on Monday, April 10, 2017, at 7:00 p.m.

PRESENT: Council members Bahmer, Ridge, Johnston, Sanders, Mitchell, Russo, Mayor Lewis and City Clerk Terpstra.

The invocation was offered by Mayor Lewis followed by the Pledge of Allegiance.

APPROVAL OF MINUTES REGULAR SESSION MEETING OF MARCH 27, 2017: Council member Ridge moved, supported by Mitchell to approve the regular session meeting minutes of March 27, 2017 as presented. Carried. 7 Yes. 0 No.

ABSENT: None.

PUBLIC HEARINGS:

PUBLIC HEARING CDBG GRANT – 401 N. COCHRAN:

Opened: 7:02 P.M.

Community Development Director Myrkle stated that the Community Development Block Grant is for the property located at 401 N. Cochran, owned by Precedent Properties. The grant will be used for a feasibility and market study for the project.

Closed: 7:08 P.M.

PUBLIC HEARING CDBG GRANT – 120 W. LOVETT:

Opened: 7:08 P.M.

Community Development Director Myrkle stated that the Community Development Block Grant is for the property located at 120 W. Lovett, also known as Beach Market. This grant will be used for the renovation of the property, concrete repair, roof repair and upgrading of the bathroom. The Friends of Beach Market, Rotary and Lions Clubs will be partnering together to raise funds to create a roofed in area over the market.

Closed: 7:18 P.M.

PUBLIC COMMENT: Don Sovey, 106 Kensington Ct., spoke of the Certificate of Achievement awarded to the City from the GFOA. He stated that staff should be commended for receiving this as it is the highest form of recognition that can be achieved by a governmental entity. Charlotte has received this recognition for the past nineteen years.

Ben Phlegar, 425 Horatio, stated that he is concerned with the 5-2 vote on the bond issue. He feels that it would be hard to explain to the voters if none of the O-I money is used towards the streets. He feels that not using the money is the same as not having it.

APPROVAL OF AGENDA: Mayor Pro-Tem Sanders moved, supported by Johnston to approve the agenda with the addition of adding to 13a to set a public hearing for May 8, 2017. Carried. 7 Yes. 0 No.

SPECIAL PRESENTATIONS: None.

EXPEDITED RESOLUTIONS AND ORDINANCES

A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-37 TO AUTHORIZE CDBG GRANT 401 N. COCHRAN:

RESOLUTION NO. 2017-37

**A RESOLUTION TO AUTHORIZE THE SUBMITTAL OF A
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

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FOR THE 401 NORTH COCHRAN PLANNING STUDY

WHEREAS, the City of Charlotte has been invited by the Michigan Strategic Fund to submit a CDBG application in the amount of \$21,250; and

WHEREAS, the City of Charlotte desires to use the CDBG funds for the 401 N. Cochran Planning Study; *and*

WHEREAS, the City of Charlotte commits to providing staff time and resources necessary to administer the grant; and

WHEREAS, the proposed project is consistent with the local community development plan as described in the Application; and

WHEREAS, at least 51% of the beneficiaries of the proposed project will be low and moderate income persons; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated and will not be obligated prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte hereby designates the Mayor as the Certifying Officer, the person authorized to certify the Michigan CDBG Application, and the person authorized to sign the Grant Agreement and payment requests.

Council member Russo moved, supported by Mitchell to approve Resolution No. 2017-37 to authorize CDBG Grant 401 N. Cochran as presented. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-38 TO AUTHORIZE CDBG GRANT 120 W. LOVETT – BEACH MARKET:

RESOLUTION NO. 2017-38

A RESOLUTION TO AUTHORIZE THE SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN SUPPORT OF THE BEACH MARKET RENOVATION PROJECT

WHEREAS, the City of Charlotte has been invited by the Michigan Strategic Fund to submit a CDBG application in the amount of \$200,000; and

WHEREAS, the City of Charlotte desires to use the CDBG funds for the Beach Market Renovation Project; and

WHEREAS, the City of Charlotte commits local funds from its Parking Lot Fund in the amount of \$200,000; and

WHEREAS, the proposed project is consistent with the local community development plan as described in the Application; and

WHEREAS, the proposed project will clearly eliminate objectively determinable signs of blight and will be strictly limited to eliminating specific instances of blight outside a defined Slum or Blighted Area; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated and will not be obligated prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to incur costs from the Michigan Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte hereby designates the Mayor as the Certifying Officer, the person authorized to certify the Michigan CDBG Application, and the person authorized to sign the Grant Agreement and payment requests.

Council member Russo moved, supported by Johnston to approve Resolution No. 2017-38 to authorize CDBG Grant 120 W. Lovett – Beach Market as presented. Carried. 7 Yes. 0 No.

C. CONSIDER APPROVAL OF RESOLUTION NO. 2017-35 REGARDING PAYMENT OF CLAIMS & ACCOUNTS: APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:

RESOLUTION NO. 2017-35

A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY FOR APRIL 10, 2017

WHEREAS, Section 7.7 (B) of the City Charter requires Council approval for the expenditure of city funds; and

WHEREAS, the March 31, 2017 payroll totaled \$201,016.29; and

WHEREAS, the April 10, 2017 claims total \$144,631.17;

THEREFORE, BE IT RESOLVED that the City Council approves claims and accounts for April 10, 2017 in the amount of \$345,647.46.

Mayor Pro-Tem Sanders moved, supported by Mitchell to approve Resolution 2017-35 for expenditures of the City for April 10, 2017 as presented. Carried. 7 Yes. 0 No.

ACTION ITEMS – RESOLUTIONS AND ORDINANCES:

A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-29 TO SELL PROPERTY TO MICHELS CORPORATION:

RESOLUTION NO. 2017-29

A RESOLUTION TO APPROVE A PURCHASE AGREEMENT BETWEEN THE CITY AND 2000 PSTK HOLDINGS LLC FOR THE SALE OF A 3.29 ACRE PARCEL ON PACKARD HIGHWAY IN THE COMBS INDUSTRIAL PARK

WHEREAS, the City owns a parcel of property located on Packard Highway in the Combs Industrial Park legally described as follows:

COM 502.2 FT W OF S 1/4 COR; W 287.31 FT; N 0D 10' 08" W 500 FT; E 287.31 FT; S 500 FT TO POB. SEC 6, T2N,R4W, CITY OF CHARLOTTE. 3.30 ACRES SEC.6, T2N,R4W, CITY OF CHARLOTTE 1988 T.I.F.A. SPLIT ON 05/04/1999 FROM 200-006-300-210-00; and

WHEREAS, the City has received an offer to purchase said parcel for \$38,000 from 2000 PSTK Holdings LLC which offer is contained in a proposed purchase agreement dated February 23, 2017; and

WHEREAS, the City finds that the property is not needed for corporate or public purposes; and

WHEREAS, the City Attorney has reviewed the proposed purchase agreement and has approved it as to form;

THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the execution of the proposed purchase agreement and such other actions as are necessary to complete the sale of Parcel #200-006-300-210-01 in accordance with its provisions.

Councilmember Bahmer moved, supported by Ridge to approve the second reading and adoption of Resolution No. 2017-29 to sell property to Michels Corporation as presented. Carried. 7 Yes. 0 No.

B. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-27 ESTABLISHING A STREET IMPROVEMENT PLAN:

RESOLUTION NO. 2017-27 V.6

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A RESOLUTION TO APPROVE A PROGRAM OF STREET IMPROVEMENT PROJECTS IN THE CITY OF CHARLOTTE FOR 2017 THROUGH 2022

WHEREAS, Council has received a schedule of proposed street reconstruction and rehabilitation projects for the 2017 through 2022 construction seasons which formed the basis for the document entitled “Major Street Cash Flow v. 6”; and

WHEREAS, Council has approved Resolution 2017-15 authorizing staff to proceed with plans for the reconstruction in 2017 of E. Lovett Street from Cochran Avenue to Washington Street; and

WHEREAS, the schedule of projects in Major Street Cash Flow v. 6 provides for reconstruction of the following streets during the associated construction seasons:

Lincoln Street from Lawrence Avenue to Seminary Street...2018
State Street from Seminary Street to Shepherd Street...2018
West Lovett Street from Cochran Avenue to Sheldon Street...2019
West Harris Street from Cochran Avenue to Sheldon Street...2021
East Harris Street from Cochran Avenue to Lansing Road...2022

; and

WHEREAS, City staff has proposed the following rehabilitation projects for 2017:

East McClure Street from Cochran Avenue to Washington Street
South Sheldon Street from Lawrence Avenue to Seminary Street
Independence Boulevard from Beech Street to Courthouse Drive

; and

WHEREAS, additional rehabilitation projects will be proposed for subsequent years passed on an annual survey of street conditions;

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the proposed program of street reconstruction and rehabilitation projects and authorizes staff to commence actions necessary to undertaking said projects and to pursue the development of a ballot proposal request voter approval for the issuance of \$2

million in unlimited tax general obligation bonds to be used for the Lincoln-State street reconstruction project in 2018.

Discussion was held among council regarding the use of the Owens Brockway money and how much of that will be spent on the roads.

Council member Ridge moved, supported by Johnston to approve the second reading and adoption of Resolution No. 2017-27 establishing a street improvement plan as presented. Denied. 5 No. (Mitchell, Sanders, Bahmer, Russo, Lewis) 2 Yes. (Ridge, Johnston)

C. CONSIDER APPROVAL OF THE SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-31 TO AUTHORIZE PURCHASE OF THREE RADAR SPEED DETECTION UNITS:

RESOLUTION NO. 2017-31

A RESOLUTION TO AUTHORIZE A CONTRACT WITH STALKER RADAR APPLIED CONCEPTS, INC FOR PURCHASE OF THREE IN CAR RADAR SPEED DETECTION UNITS

WHEREAS, this purchase was identified last year for replacement of dated single antenna K Band radars purchased in 2004.

WHEREAS, the current duty radars are experiencing wear and age issues that require repair, and do not have the capability of upgrade to the more reliable dual antenna Ka Band, with moving and stationary modes and opposite direction capability,

WHEREAS, three bids were solicited, with each being listed as accepted State Contract bids,

WHEREAS, Kustom Radar State Contract bid for three (3) units at \$5529.00, Decatur Radar State Contract bid for three (3) units at \$5400.00 and Stalker Radar State Contract bid for three (3) units at \$5457.00 with negotiated extra year

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warranty on each unit (3yr instead of 2yr) at no extra cost (a \$175 dollar value per unit) and free shipping.

WHEREAS, the Stalker Radar dual antenna Ka Band has been in use with the Eaton County Sheriff’s Office for over a year now, with no maintenance issues as installed in like vehicles and like usage, and meets the current needs of the Charlotte Police Department and its compliance with radar use in State Law and gives consistent equipment used for purposes of Court hearings,

WHEREAS, for the FY16-17, this purchase was originally budgeted in Capital Outlay for this equipment at \$7,000 for 4 units. We will now save \$1543.00 this year over the original estimated expenditure,

THEREFORE LET IT BE RESOLVED that the City enter into a contract and purchase agreement with Stalker Radar Applied Concepts, Inc, to provide the above mentioned radar units as quoted with extended warranty and shipping at no cost at the State contract Bid of \$5457.00.

Council member Russo moved, supported by Mitchell to approve the second reading and adoption of Resolution No. 2017-31 to authorize purchase of three radar speed detection units as presented. Carried. 7 Yes. 0 No.

D. CONSIDER APPROVAL OF THE SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-32 TO AUTHORIZE AGREEMENT FOR I.T. SERVICES BETWEEN OAKLAND COUNTY AND THE CITY OF CHARLOTTE :

RESOLUTION NO. 2017-32

A RESOLUTION TO APPROVE AN AGREEMENT FOR I.T. SERVICES BETWEEN OAKLAND COUNTY AND THE CITY OF CHARLOTTE

WHEREAS, Pursuant to Public Act 280, P.A. of 1995 (MCL §129.221-129.224), the City Council has the authority to authorize acceptance of payments by financial transaction devices (e.g. credit cards, debit cards); and

WHEREAS, the City Council has determined that the acceptance of payments by financial transaction device would be a convenience for the residents of Charlotte; and

WHEREAS, the Finance Department has researched various third party credit card vendors; and

WHEREAS, Oakland County’s G2G Cloud Solution was developed to improve government services by sharing technology with other government agencies, thereby reducing the cost of government; and

WHEREAS, the Finance Department has determined that contracting with Oakland County for I.T. Services for credit card processing is the most efficient and cost effective means for the city to accept credit cards,

THEREFORE, BE IT RESOLVED that the City Council authorizes the Finance Director to enter into an agreement with Oakland County to provide third party credit card verification and payment processing services.

Mayor Pro-Tem Sanders moved, supported by Russo to approve the second reading of Resolution No. 2017-32 to authorize agreement between Oakland County and the City of Charlotte as presented. Carried. 7 Yes. 0 No.

E. CONSIDER APPROVAL OF SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-33 TO AUTHORIZE CONSTRUCTION OF AN ADDITION TO KARDELL HALL ON FAIRGROUND PROPERTY:

RESOLUTION NO. 2017-33

A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF AN ADDITION TO KARDELL HALL ON THE FAIRGROUND PROPERTY

WHEREAS, the City is the owner of a parcel of property commonly known as the Eaton County Fairground, which property is leased by the City to the Eaton County 4-H Agricultural Society; and

WHEREAS, the aforementioned lease contains the following language: “Prior written approval of the Landlord is required before the Tenant may erect new buildings, fixtures, and structures on the property”; and

WHEREAS, the Agricultural Society wishes to construct a 16-foot by 50-foot addition and a new entrance structure to the west side of the Fairground building known as Kardell Hall so as to provide better storage for tables and chairs and the like; and

WHEREAS, the City finds that the construction of the addition will have no adverse impact on Kardell Hall or the Fairground and will not negatively affect the City’s interest in the property;

THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the construction of the addition and entrance structure herein described.

Council member Ridge moved, supported by Johnston to approve the second reading and adoption of Resolution No. 2017-33 to authorize construction of an addition to Kardell Hall on fairground property as presented. Carried. 7 Yes. 0 No.

INTRODUCTION OF RESOLUTIONS AND ORDINANCES:

A. CONSIDER APPROVAL FIRST READING OF ORDINANCE TO AMEND CHAPTER 46 SOLICITORS AND CANVASSERS TO RENAME PEDDLERS:

AN ORDINANCE TO AMEND CHAPTER 46: SOLICITORS AND

CANVASSERS, BY RENAMING THE CHAPTER PEDDLERS, BY REMOVING ANY REFERENCES TO CANVASSERS BY AMENDING SECTION 46-1 AND BY AMENDING SECTIONS 46-2 THROUGH 46-5 BY CHANGING THE NAME SOLICITOR TO PEDDLER, AND DELETING SECTIONS 46-6 AND 46-7.

THE CITY OF CHARLOTTE ORDAINS:

Chapter 46 - Solicitors and Canvassers - of the Code of the City of Charlotte is hereby amended as follows:

1. Chapter 46: SOLICITORS AND CANVASSERS, is hereby renamed PEDDLERS.

2. Sections 46-1 through 46-5 of Chapter 46: SOLICITORS AND CANVASSERS, of the Code of the City of Charlotte is amended to read as follows:

ARTICLE I, Peddlers

§ 46-1 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

PEDDLER. Any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, books, or magazines, personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or

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performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. This definition includes any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for immediate or future delivery.

(1993 Code, § 46-1)

Cross reference:

Definitions and rules of construction generally, see § 1-2

§ 46-2 PEDDLER'S LICENSE – REQUIRED; POLICE CHIEF CERTIFICATION.

(A) No person shall engage in the business of a peddler within the city without first obtaining a license therefor. No such license shall be granted except upon certification of the Chief of Police or his designee.

(B) In all cases where the certification of the Police Chief is required prior to the issuance of any license by the City Clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character.

(C) The phrase GOOD MORAL CHARACTER, when used in this chapter for the purpose of licensing, shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.

(D) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability and is likely to serve the public in a fair, honest and open manner, that he is rehabilitated or that the substance of the former offense is not reasonably related to the

occupation or profession for which he seeks to be licensed.

(E) The following criminal records shall not be used, examined or requested by the city in a determination of good moral character:

(1) Records of an arrest not followed by a conviction;

(2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;

(3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest and open manner;

(4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

(F) When a person is found to be unqualified for a license because of a lack of good moral character or similar criteria, the person shall be furnished by the City Clerk with a statement to that effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the Council if he has relevant evidence not previously considered regarding his qualifications.

(1993 Code, § 46-2)

Statutory reference:

Similar provisions, see M.C.L.A. §§ 338.41 et seq.

§ 46-3 SAME – APPLICATION.

The peddler's license application shall furnish the following information:

(1) Name and description of the applicant;

(2) Permanent home address and telephone number and full local address of the applicant;

(3) Driver's license, automobile make and automobile license number;

(4) A brief description of the nature of the business and the goods to be sold;

(5) The length of time for which the right to do business is desired;

(6) The place where the goods or property proposed to be sold or orders

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taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;

(7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2 inches by 2 inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(1993 Code, § 46-3)

§ 46-4 SAME – FEES.

The fees for a peddler's license shall be \$5 per day, \$10 per week, \$25 per month, or \$50 per year. This fee may be changed by resolution of the City Council from time to time. No fee for a peddler's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the City Manager for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within 6 months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the City Manager may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The City Manager shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the City Manager shall have the power to base the fee upon a percentage of gross sales or any other method which will ensure that the fee

assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed. Should the City Manager determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of the applicant's business in the city or at the end of each 3 month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any 1 license year shall be required after the licensee shall have paid an amount equal to the annual license fee.

(1993 Code, § 46-4)

§ 46-5 RESIDENTIAL PEDDLING PROHIBITED.

(A) It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether peddlers shall be, or shall not be, invited to their respective residences.

(B) Notice of the refusal of invitation to peddlers, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO PEDDLERS INVITED"

(C) The card so exhibited shall constitute sufficient notice to any peddler of the determination by the occupant of the residence of the information contained thereon.

(1993 Code, § 46-5)

3. Sections 46-6 and 46-7 of Chapter 46: SOLICITORS AND CANVASSERS, of the Code of the City of Charlotte are hereby deleted and of no further force and effect.

Council member Johnston moved, supported by Russo to approve the first reading of ordinance to amend Chapter 46 Solicitors and

Canvassers to rename peddlers as presented above. Carried. 7 Yes. 0 No.

B. CONSIDER APPROVAL OF FIRST READING OF RESOLUTION NO. 2017-36 TO SELL COMBS PARK PROPERTY TO ALRO STEEL :

RESOLUTION NO. 2017-36

RESOLUTION TO APPROVE A PURCHASE AGREEMENT BETWEEN THE CITY AND ALRO STEEL CORPORATION FOR THE SALE OF 3.85 ACRES IN THE COMBS INDUSTRIAL PARK

WHEREAS, the City owns parcels of property located in the Combs Industrial Park, described as Additional Area #1, Additional Area #2, Additional Area #3, and Additional Area #4 in the attached Exhibit “A,” and
WHEREAS, the City has received an offer to purchase said parcel for \$38,500 from Alro Steel Corporation which offer is contained in a proposed purchase agreement dated February 23, 2017; and
WHEREAS, the City finds that the property is not needed for corporate or public purposes; and
WHEREAS, the City Attorney has reviewed the proposed purchase agreement and has approved it as to form;
THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the execution of the proposed purchase agreement and such other actions as are necessary to complete the sale of Additional Area #1, Additional Area #2, Additional Area #3 and Additional Area #4 as described in attached Exhibit “A” in accordance with its provisions.

Council member Bahmer moved, supported by Johnston to approve the first reading of Resolution No. 2017-36 to sell Combs Park property to Alro Steel as presented. Carried. 7 Yes. 0 No.

C. CONSIDER APPROVAL OF THE FIRST READING OF ORDINANCE TO AMEND ZONING ORDINANCE DEFINING FRONT AND REAR YARD SETBACKS AND SET PUBLIC HEARING FOR MAY 2, 2017 PLANNING COMMISSION:

AN ORDINANCE TO AMEND CHAPTER 82 ZONING BY AMENDING SECTION 82-4 DEFINITIONS TO CLARIFY THE MEANING OF “FRONT YARD” AND “REAR YARD.”

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. PURPOSE. The purpose of this ordinance is to clarify the meaning of the terms “FRONT YARD” and “REAR YARD” as applied to corner lots.

SECTION 2. Section 82-4 Conditional Uses of the Code of the City of Charlotte is hereby amended to read as follows:
§ 82-4 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ACCESSORY USE or ACCESSORY. A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When **ACCESSORY** is used in this text, it shall have the same meaning as **ACCESSORY USE**. An **ACCESSORY USE** includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers;

(2) Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence or their guests;

(3) Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure;

(4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays;

(5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;

(6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;

(7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;

(8) Uses clearly incidental to a main use, such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex;

(9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;

(10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located;

(11) Common household gardening in a residential district when located only in the rear yard and/or nonrequired side yard areas;

(12) Solar panels, wind generators, television reception antennas, satellite dish antennas and air conditioning units.

ADULT ENTERTAINMENT BUSINESS. One or a combination of more than one of the following types of businesses: adult bookstore, adult cabaret, or adult motion picture theater.

(1) **ADULT BOOKSTORE.** An establishment as defined in § [15-26](#) of this Code.

(2) **ADULT CABARET.** An establishment as defined in § [15-26](#) of this Code.

(3) **ADULT MOTION PICTURE THEATER.** An establishment as defined in § [15-26](#) of this Code.

(4) **SUBSTANTIAL PORTION.** A use or activity accounts for more than 20% of any one or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

(5) **SPECIFIED ANATOMICAL AREAS.** Any one or more of the following:

(a) Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(6) **SPECIFIED SEXUAL ACTIVITIES.** Any one or more of the following:

(a) The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) Human sex acts, normal or perverted, actual or simulated, including but not limited to, intercourse, oral copulation, and sodomy;

(c) Human masturbation, actual or simulated;

(d) Human excretory functions, as part of or as related to, any of the activities described above; and

(e) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS. Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as **ALTERED** or **RECONSTRUCTED**.

APARTMENT, EFFICIENCY. A dwelling unit consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities.

APARTMENTS. A suite of rooms in a multiple-family building, arranged and intended for use as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

ARCADE. A building or structure, or any part thereof, which is devoted to the commercial use of amusement devices, pinball machines, electronic tables featuring pool, billiards, bowling, basketball, football, or the like, or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations, and the like, automatic sport devices or tables or similar activities for hire, or for amusement.

ARCHITECTURAL FEATURES. Steps, window sills, belt courses, brick and/or wrought iron wing walls, chimneys, architraves or pediments.

AUTOMOBILE REPAIR, MAJOR. The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and painting of automobiles.

AUTOMOBILE REPAIR, MINOR. Repairs other than major repair, including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.

BASEMENT. That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story. (See Appendix A).

BED AND BREAKFAST OPERATIONS. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, and a use in which transient guests are provided a sleeping room and board in return for payment.

BERM, OBSCURING. An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this chapter.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake,

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river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARD. The Zoning Board of Appeals as established under this chapter.

BUILDING. Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING HEIGHT. The vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, and the mean height between the eaves and the ridge for gable, hip and gambrel roofs. Penthouses, towers, cupolas, steeples, antennas and other roof structures used only for mechanical operation of the building shall not be included as the height of the building. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See [Appendix A.](#))

BUILDING LINE. A line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line. (See [Appendix A.](#))

BUILDING, MAIN OR PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

CONDOMINIUM DEFINITIONS. The following definitions are related to condominiums.

(1) **CONDOMINIUM ACT.** Public Act 59 of 1978, being M.C.L.A. §§ 559.101 *et seq.*, as amended.

(2) **CONDOMINIUM DOCUMENTS.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

(3) **CONDOMINIUM SUBDIVISION PLAN.** The drawings and information prepared in accordance with § 66 of the Condominium Act.

(4) **CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

(5) **CONSOLIDATING MASTER DEED.** The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

(6) **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the Condominium Act.

(7) **CONVERSION CONDOMINIUM.** A condominium project containing condominium units, some or all of which were occupied before

the filing of a notice of taking reservations under § 7 of the Condominium Act.

(8) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added in accordance with this chapter and the Condominium Act.

(9) **MASTER DEED.** The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the project, and all other information required by § 8 of the Condominium Act.

(10) **NOTICE OF PROPOSED ACTION.** The notice required by § 71 of the Condominium Act, to be filed with the city and other agencies.

(11) **SITE CONDOMINIUM.** A development concept for a condominium development containing residential, commercial, office, industrial or other structures for uses permitted in the zoning district in which it is located, in which each co-owner owns exclusive rights in a condominium unit, as described in the master deed.

(12) **YARDS, CONDOMINIUM SUBDIVISIONS.**

(a) **FRONT YARD SETBACK.** Equal to the distance between the front yard area line and the condominium dwelling.

(b) **REAR YARD SETBACK.** Equal to the distance between the rear yard area line and the condominium dwelling.

(c) **SIDE YARD SETBACK.** Equal to the distance between the side yard area line and the condominium dwelling.

CONDOMINIUM SUBDIVISION. A method of subdivision where land ownership of sites is regulated by the Condominium Act, as opposed to the Subdivision Control Act of 1967 (M.C.L.A. §§ 560.101 *et*

seq.). **CONDOMINIUM SUBDIVISION** shall be equivalent to the term **SUBDIVISION** as used in this zoning chapter and the city subdivision regulations.

CONDOMINIUM SUBDIVISION PLAN. The site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the land.

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

DAY CARE CENTER. A group facility for more than six children which gives care to children away from their homes.

DAY CARE HOME (FAMILY). A one-family dwelling which receives not more than six children for care during the day.

DAY CARE HOME FOR ELDERLY ADULTS. A one-family dwelling which receives not more than six elderly or infirmed adults, for care during the day.

DAY CARE HOME (GROUP). A one-family dwelling which receives not more than 12 children for care during the day.

DEVELOPMENT. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT. A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-IN. An establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

DRIVE-THROUGH. An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carrying out and consumption or use after the vehicle is removed from the premises.

DWELLING, MULTIPLE-FAMILY. A building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY. A building designed exclusively for and occupied exclusively by one family.

DWELLING, TWO-FAMILY. A building designed exclusively for occupancy by two families living independently of each other.

DWELLING UNIT. A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

ERECTED. Built, constructed, altered, reconstructed or moved upon. Any physical operations on the premises which are required for construction, excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

EXCAVATION. Any breaking of ground, except common household gardening and ground care.

FAMILY. Either of the following:

(1) A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional

unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling;

(2) The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building Official in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Planning Commission for a special land use based upon the applicable standards in this chapter.

FARM. The carrying on of any agricultural activity and the raising of livestock or small animals as a source of income.

FENCE. A manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

FENCE, ORNAMENTAL. A manmade structure, the surface area of which is more than 50% open. Ornamental fences do not include chainlink fences or fences of wire construction. (See [Appendix A](#)).

FLOOR AREA, USABLE. For the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. (See [Appendix A](#)).

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles and such other lawn and home care equipment owned and used by the occupant of the building to which it is accessory.

GARAGE SALE. Any sale of personal effects, jewelry or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

GASOLINE SERVICE STATION. A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished

grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT. A planting of trees and shrubs to serve as a screening device between abutting land uses.

GUARANTEE. A cash deposit, certified check, irrevocable bank letter of credit or such other instrument acceptable to the city.

HARDSHIP. Situations created by circumstances unique to an individual property that do not generally occur to land or buildings in the neighborhood or zoning district of the property in question and which circumstances make the use of such property infeasible under conditions imposed by this chapter. **HARDSHIP** shall not include personal or financial hardship or economic disadvantage nor shall it constitute circumstances that are self-created.

HOME OCCUPATION. An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

HOSPICE. A lodging place for the ill where persons are housed and furnished meals and attendant care.

HOTEL. A building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered:

maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A **HOTEL** may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

IMPROVEMENTS. Those features and actions associated with a project which are considered necessary by the municipality to protect natural resources or the health, safety and welfare of the residents of the city, and future users or inhabitants of the proposed project or project area, including parking areas, landscaping, roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project which is subject to zoning approval.

JUNKYARD. An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. **JUNKYARD** includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping or abandonment of junk.

KENNEL, COMMERCIAL. Any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded or bred and raised for remuneration.

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A **LOT** may or may not be specifically designated as such on public records. **LOT** shall mean the same as homesite and condominium unit in site condominium developments.

LOT AREA. The total horizontal area within the lot lines of the lot. (See Appendix A.)

LOT, CORNER. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street shall be considered a **CORNER LOT** for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. (See [Appendix A](#).)

LOT COVERAGE. The part or percent of the lot occupied by buildings, including accessory buildings and pools, but excluding porches, patios and decks.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined in divisions (1) through (3) following.

(1) **FRONT LOT LINE.** In the case of an interior lot, means that line separating the lot from the street. In the case of a through lot, **FRONT LOT LINE** means that line separating the lot from either street.

(2) **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot is an interior side lot line. A **SIDE LOT LINE** separating a lot from a street is an exterior lot line.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by city or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT, THROUGH. Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a double frontage lot, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT WIDTH. The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines. (See [Appendix A](#).)

LOT, ZONING. A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A **ZONING LOT**, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record. (See [Appendix A](#).)

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE. The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAJOR THOROUGHFARE. An arterial street which is intended to serve as a large volume traffic- way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

MASTER PLAN. The comprehensive community plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MECHANICAL AMUSEMENT DEVICE. Any machine or device which, upon the insertion of a coin, currency, slug, token, plate or disc, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical or electronic baseball, football, basketball, hockey and similar sports-type games, mechanical, electrical or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

MEZZANINE. An intermediate floor in any story occupying not less than one third of the floor area of such story.

MINI STORAGE UNITS. Storage buildings for lease to the general public for storage of personal and household effects and for dry storage of office or business effects, not including the warehousing of products or supplies.

MOBILE HOME. Any building or structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not include recreational equipment.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual

nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MOTEL. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. This definition does not include apartments.

MUNICIPALITY. The City of Charlotte, Michigan.

NONCONFORMING LOT. A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE. A structure or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

NONCONFORMING USE OR STRUCTURE - CLASS A. A nonconforming use or structure which has been designated to be allowed to be perpetuated and improved under the provisions of this chapter.

NONCONFORMING USE OR STRUCTURE - CLASS B. A nonconforming use or structure which has been designated to be allowed to be continued within the restricted provisions of this chapter.

NUISANCE FACTORS. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;
- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congregation of people, particularly at night;
- (14) Passenger traffic;

- (15) Invasion of nonabutting street frontage by traffic;
- (16) A burned structure;
- (17) A condemned structure.

NURSERY, PLANT MATERIALS. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of **NURSERY** within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

NURSERY SCHOOL. A daytime facility which has as its main objective a development program for preschool children and whose staff meets the educational requirements established by the state.

NURSING HOME. A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

OFF-STREET PARKING LOT. A facility providing off-street vehicular parking spaces and drives or aisles for the parking of more than three vehicles.

OPEN STORAGE. The storage of any materials or objects outside the confines of a building.

PARKING SPACE. An area of definite length and width; such area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERFORMANCE STANDARDS. Criteria developed to control nuisance factors.

POOL OR BILLIARD HALL. A commercial establishment which provides two or more pool and/or billiard tables for use by patrons.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.

PUBLIC UTILITY. A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public gas, steam, electricity, sewage disposal, communications, telegraph, transportation or water.

RECREATIONAL EQUIPMENT. Trailer coaches, travel trailers, utility trailers, pick-up campers or coaches, motorized dwellings, tent trailers, boats, and boat trailers, snowmobiles, horse trailers, dune buggies, race cars, demolition derby cars and other similar equipment and conveyances.

ROOM. For the purpose of determining lot area requirements and density in a Multiple-Family District, means a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways and storage areas. Plans presented showing one, two or three bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

SATELLITE DISH ANTENNA. A structure designed, intended or used to receive communications or other signals from geostationary, communications satellites or other extraterrestrial sources.

SETBACK. The distance required to obtain minimum front, side or rear yard open space provisions of this chapter. Setbacks for buildings shall be measured from the foundation wall.

SHOPPING CENTER/SHOPPING PLAZA. A privately owned commercial area having four or more stores that share a common parking lot or common driveways.

SIGN DEFINITIONS. The following definitions are related to signs. (See [Appendix A.](#))

(1) **SIGN.** Any announcement, declaration, display, billboard, illustration and insignia, when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. Sign shall include any banner, bulbs or other lighting devices, streamer, pennant, inflated or deflated membrane device, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind, whether bearing lettering or not.

(2) **ACCESSORY SIGN.** A sign which pertains to the principal use of the premises.

(3) **BANNER SIGN.** A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.

(4) **BILLBOARD.** A sign which advertises an establishment, product, service or activity not available or not conducted on the lot on which the sign is located.

(5) **CHANGEABLE COPY, READER BOARD SIGN.**

(a) *Manual.* A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials.

(b) *Automatic.* An electronically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used as a message center reader board.

(6) **COMMERCIAL ESTABLISHMENT.** A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up, and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business, and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

(7) **COMMUNITY EVENT SIGN.** A sign erected within the city, which is used to call attention to special events of interest to the general public, which may be sponsored by government agencies, schools, service clubs, civic or religious organizations, or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.

(8) **CONSTRUCTION SIGN.** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.

(9) **CONTINUED READABILITY.** Continuing to be read easily, with all letters, images and other aspects of the sign face remaining as initially depicted and displayed, ordinary wear and tear excepted.

(10) **DIRECTIONAL SIGN, ON-SITE.** A sign which gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs.

(11) **ESSENTIAL SERVICES SIGN.** A sign which identifies an essential service use as defined in the City Zoning Ordinance.

(12) **FLAG SIGN.** A flag which is attached to a pole and which contains the name, logo or other symbol of a business, company, corporation or agency of a commercial nature.

(13) **FLASHING SIGN.** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.

(14) **FREESTANDING SIGN.** A sign that is not attached to a building or wall, and is supported by one or more poles or braces, which are less than 50% of the width of the sign, or that rests on the ground or on a foundation resting on the ground.

(15) **GOVERNMENT SIGN.** A sign erected, or required to be erected, by the City of Charlotte, Eaton County, state or Federal government, or any agency thereof.

(16) **GROUND SIGN.** A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign in order to be a ground sign.

(17) **INCIDENTAL SIGN.** A small sign, emblem or decal informing the public of facilities or services available on the premises, for example, a building entrance sign, a credit card sign, or restroom sign or sign indicating hours of business.

(18) **MANSARD.** A sloped roof or roof-like facade architecturally comparable to a building wall.

(19) **MARQUEE/CANOPY/AWNING SIGN.** A sign painted on, attached to, or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of the building.

(20) **MEMORIAL SIGN.** A sign, tablet, or plaque memorializing a person, event, structure or site.

(21) **MURAL.** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

(22) **NAMEPLATE.** A non-illuminated, on-premise sign, giving only the name, address and/or occupation of an occupant or group of occupants.

(23) **NON-ACCESSORY SIGN.** A sign structure advertising a service, establishment, merchandise, or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located.

(24) **NON-COMMERCIAL SIGN.** A sign, either portable or non-portable, not advertising commerce, trade or location, and not otherwise defined herein. A political sign is a noncommercial sign.

(25) **PLACARD.** A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing," "No Hunting," or "Gas Mains" signs.

(26) **PORTABLE OR TEMPORARY SIGN.** A sign and sign structure designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing.

(27) **PROJECTING SIGN.** A display sign attached directly to the building wall, extending more than 12 inches from the face of the wall, and projecting in such a way that its message is not parallel to the wall to which it is attached.

(28) **REAL ESTATE SIGN.** A temporary sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

(29) **RESIDENTIAL IDENTIFICATION SIGN.** A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development.

(30) **ROOF LINE.** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

(31) **ROOF SIGN.** A sign erected above the roof line of a building.

(32) **SIDEWALK SIGN.** An A-frame sign which is portable and designed to be placed on the sidewalk in front of the use it advertises.

(33) **SIGN AREA.** The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display, or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are not more than two feet apart at any point, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two faces shall be counted as the one face.

(34) **SIGN HEIGHT.** The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the

adjacent street or the average grade of the ground immediately beneath the sign.

(35) **SPECIAL EVENT SIGN.** A sign for a sale or grand opening.

(36) **VEHICLE SIGN.** A vehicle primarily located or used to serve as a sign rather than as transportation. This includes trailers either attached or detached from a vehicle.

(37) **WALL SIGN.** A sign painted or attached directly to and parallel to the exterior wall of a building, extending no greater than 12 inches from the exterior face of a wall to which it is attached, and located below the roof line. This includes signs attached to a mansard.

(38) **WINDOW SIGN.** A sign installed inside a window and intended to be viewed from the outside.

SPOT ZONING. Rezoning a lot or parcel of land for a use incompatible with surrounding uses.

STORY. That part of a building, except a mezzanine, as defined in this section, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. (See [Appendix A.](#))

STORY, HALF. An uppermost story lying under a sloping roof, at least 200 square feet in area, with a clear ceiling height of seven feet, six inches. For the purposes of this chapter, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

STREET. A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SUBDIVISION. The partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of the sale or lease for more than one year, or of building development, where the act of division creates five or more parcels of land, each of which is ten acres or less in area; or where five or more parcels of land, each of which is ten acres or less in area, are created by successive divisions within a period of ten years.

TEMPORARY USE OR BUILDING. A use or building permitted to exist during a specified period of time.

TRANSITION or TRANSITIONAL. A zoning district which may serve as a district of transition, i.e., a buffer zone between various land use districts or land use types. (See Appendix A.)

USE. The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

WALL, OBSCURING. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

YARDS. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter and as defined below.

(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. **In the case of a corner lot, the front yard will be one of the two sides of the lot fronting on a street that is designated as the front yard by the property owner at the time of applying for a zoning permit. Once a front yard has been so designated, it shall remain the front yard for purposes of future zoning permits.**

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. **In the case of a corner lot, the rear yard shall be the yard opposite the front yard.**

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

(4) **SIDE YARD, EXTERIOR.** A side yard abutting a street.

(5) **SIDE YARD, INTERIOR.** A side yard abutting a yard on another lot or parcel. (See [Appendix A.](#))

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 20 days after adoption.

Council member Bahmer moved, supported by Sanders to approve the first reading of Ordinance to amend Zoning Ordinance defining front

and rear yard setbacks and set public hearing for May 2, 2017 Planning Commission as presented. Carried. 7 Yes. 0 No.

COMMUNICATIONS AND COMMITTEE REPORTS

CITY ATTORNEY REPORT: None.

CITY MANAGER REPORT: Mayor Lewis reported that only three radar units were being purchased instead of four, as one of the units was still functioning fine. The City Manager met with prospective board members of Friends of CARA last week to discuss their plans for CARA. It was determined that they would like to work on fostering a greater community interest in recycling. The budget was not posted today due to the City Manager's absence.

COUNCILMEMBER COMMITTEE REPORTS:

- Council member Ridge stated that she attended the LDFA meeting last Tuesday where they discussed the Alro Steel and Michels purchase plans. There will be a Recreation Co-op meeting held on Thursday, April 13, 2017 at 7:00 p.m. at Carmel Township.
- Mayor Lewis stated that he also attended the LDFA meeting and is excited about Michels purchase and the clean up of the site. He is also happy with the expansion of Alro Steel which will create 20-30 new jobs.

PUBLIC COMMENT: **Ben Phlegar**, 425 Horatio, asked council if they could speak to what happens with the street plan going forward. He congratulated Council member Ridge on being selected as Dream Team Coach of the year.

MAYOR AND COUNCIL COMMENTS

- Council member Johnston thanked everyone for their comments in regards to the roads.

- Council member Ridge thanked everyone for their comments and stated she appreciates their opinions. She stated the council needs to promote the street issue together as a council. She stated that Charlotte Rising and Michigan Main Street are taking applications through April 26th. They hope to have an employee by mid June.
- Mayor Pro-Tem Sanders reminded residents that the tornado sirens will be tested the first Saturday of every month. He congratulated Sgt. Curtis Bristol on his retirement from the City and his new job as Police Chief in the Upper Peninsula.
- Council member Mitchell stated that the American Red Cross is going door to door to hand out smoke alarms and give out fire safety information. If anyone is interested they can contact the American Red Cross.
- Council member Bahmer stated he feels that the O-I money needs to be utilized or put in a revolving loan fund. He reminded everyone to remember the true reason for the season on Easter Sunday with their families.
- Mayor Lewis stated that a high school student will be spending the day with him on May 8th. He thanked everyone who gave him information for the State of the City address. He congratulated Christine Mossner, Finance Director, on the GFOA achievement award. He stated that a special meeting will be held on Monday, April 17, 2017 to work toward a consensus on the street program.

Mayor Pro-Tem Sanders moved, supported by Mitchell to adjourn the meeting at 8:09 p.m. Carried. 7 Yes. 0 No

Mayor Tim Lewis

Ginger Terpstra, City Clerk, CMMC