

**COUNCIL PROCEEDINGS**

**Regular Meeting**

**May 8, 2017**

**CALL TO ORDER:** By Mayor Lewis on Monday, May 8, 2017, at 7:00 p.m.

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

The invocation was offered by Pastor Randy Royston followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES REGULAR SESSION MEETING OF APRIL 24, 2017:** Mayor Pro-Tem Sanders moved, supported by Mitchell to approve the regular session meeting minutes of April 24, 2017 as presented. Carried. 6 Yes. 0 No. 1 Absent (Ridge)

**ABSENT:** Council member Ridge

Council member Johnston moved, supported by Russo to excuse Council member Ridge. Carried. 6 Yes. 0 No.

**PUBLIC HEARINGS:** None.

**PUBLIC COMMENT:** None.

**APPROVAL OF AGENDA:**

Council member Johnston moved, supported by Russo to approve the agenda as presented. Carried. 6 Yes. 0 No.

**SPECIAL PRESENTATIONS:**

**PRESENTATION BY ADMINISTRATIVE STAFF HIGHLIGHTING KEY FEATURES OF PROPOSED BUDGET:**

Presentations were given by Deputy Chief Tyger Fullerton, Chief Kevin Fullerton, Community Development Director Bryan Myrkle and Public Works Director Amy Gilson.

Each department reviewed the highlights of their budget.

**EXPEDITED RESOLUTIONS AND ORDINANCES**

**A. CONSIDER APPROVAL OF RESOLUTION NO. 2017-45 HAZARD & NUISANCES AND SET PUBLIC HEARING FOR MAY 22, 2017:**

**RESOLUTION NO. 2017-45**

**HAZARDS AND NUISANCES SPECIAL ASSESSMENT HEARING RESOLUTION**

**WHEREAS**, pursuant to the provisions of § 2.1 (B)(1) of the City of Charlotte Charter, the Assessor has made the attached special assessment roll of all lots and parcels of land within the City upon which hazards and nuisances were found to have existed and for which the City incurred costs associated the altering, repairing, tearing down, abating or removing the hazards and nuisances; and

**WHEREAS**, pursuant to the provisions of §54-8 the Code of Ordinances of the City of Charlotte, the 2017 Hazards and Nuisances Special Assessment Roll has been filed with the City Clerk and is hereby presented to the Charlotte City Council for review.

**THEREFORE, BE IT RESOLVED THAT**

1. The 2017 Hazards and Nuisances Special Assessment Roll shall be filed in the office of the City Clerk and shall be available for public examination.
2. The City Council shall meet at the Charlotte City Hall Council Chambers on **Monday, May 22, 2017** at 7:00 p.m. for the purpose of hearing all persons to be affected by the proposed special assessment.
3. The City Clerk is hereby directed to cause notice of the time and place of the hearing to be published once in The County Journal, the official newspaper of the City of Charlotte, not less than ten (10) days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of property subject to assessment, as indicated by the records in the City Assessor's Office as shown on the general tax roll of the City, at least (10) full days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

NOTICE OF SPECIAL ASSESSMENT HEARING  
CITY OF CHARLOTTE, MICHIGAN

TO THE OWNERS OF THE FOLLOWING DESCRIBED  
PROPERTY:

339 N Bostwick	618 Pearl
727 Cherry	702 S Clinton

421 Court	501 W Seminary
221 E Lawrence	515 W First
460 Horatio	429 W Lovett
612 Pearl	610 W Lovett

**TAKE NOTICE** that the City Council intends to special assess all lots and parcels of land within the City upon which hazards and nuisances were found to have existed and for which the City incurred costs associated the altering, repairing, tearing down, abating or removing the hazards and nuisances.

**TAKE FURTHER NOTICE** that the City Council has caused a Special Assessment Roll to be filed with the City Clerk and made available for public examination.

**TAKE FURTHER NOTICE** that the City Council will meet at the Charlotte City Hall Council Chambers, Charlotte, Michigan at 7:00 p.m. on Monday, May 22, 2017 for the purpose of hearing any person to be affected by the proposed special assessment.

**Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution No. 2017-45 Hazard & Nuisances and set public hearing for May 22, 2017 as presented. Carried. 6 Yes. 0 No.**

**B. CONSIDER APPROVAL OF RESOLUTION NO. 2017-42 TO APPROVE BUDGET PROCESS:**  
**RESOLUTION TO APPROVE A SCHEDULE FOR REVIEWING AND ADOPTING THE 2017-18 BUDGET**

**WHEREAS**, City Manager Guetschow has submitted to Council a proposed budget for the fiscal year that commences July 1, 2017; and

**WHEREAS**, the Charter requires Council to adopt a budget not later than its first meeting in June or within one week thereafter; and

**WHEREAS**, City Manager Guetschow has proposed the following schedule for considering and adopting said budget so as to comply with the

above referenced Charter requirement:

May 8, 2017: Special Presentation by staff members regarding budget proposals; first reading of budget resolution and utility rate resolution; budget discussion

May 15, 2017: Special Council work session to discuss amendments to the proposed budget

May 22, 2017: Second reading and adoption of budget resolution and utility rate resolution, as amended  
;and

**WHEREAS**, said schedule is subject to modification should Council determine that additional time is required to complete its review and adoption of the budget;

**THEREFORE, BE IT RESOLVED** that the City Council does hereby approve the proposed schedule for reviewing and adopting the 2017-18 budget and directs the City Clerk to give notice of the special meeting to be held on May 15.

**Council member Mitchell moved, supported by Johnston to approve Resolution No. 2017-42 to approve budget process as presented.**

**Council member Bahmer moved, supported by Russo to amend the motion to extend to the June 12<sup>th</sup> meeting. Denied. 1 Yes. (Bahmer) 5 No. (Johnston, Mitchell, Russo, Sanders, Lewis)**

**Roll Call Vote on original motion to approve Resolution No. 2017-42 as presented. Carried. 5 Yes. (Johnston, Mitchell, Russo, Sanders, Lewis) 1 No. (Bahmer) 6 Yes. 0 No.**

**C. CONSIDER APPROVAL OF RESOLUTION NO. 2017-51 TO SET PUBLIC HEARING HEARING ON MAY 22, 2017 FOR FY 2017/2018 BUDGET:**

**RESOLUTION NO. 2017- 51**

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING ON THE 2017-18 BUDGET**

**WHEREAS**, City Manager Guetschow has submitted to Council a proposed budget for the fiscal year that commences July 1, 2017; and

**WHEREAS**, the Uniform Budgeting Act requires Council to hold a public hearing prior to the adoption of the budget;

**THEREFORE, BE IT RESOLVED** that the City Council does hereby set a public hearing on the proposed budget for May 22, 2017 at 7:00 p.m. and directs the City Clerk to publish notice of the hearing in accordance with the statute.

**Council member Russo moved, supported by Mitchell to approve Resolution No. 2017-51 to set a public hearing on May 22, 2017 for FY 2017/2018 Budget as presented. Carried. 6 Yes. 0 No.**

**D. CONSIDER APPROVAL OF RESOLUTION NO. 2017-47 TO AUTHORIZE THE REPAIR OF TRUCK LIFT:**

**RESOLUTION NO. 2017-47**

**A RESOLUTION TO AUTHORIZE THE REPAIR OF THE TRUCK LIFT**

**WHEREAS**, the Mohawk truck lift was purchased in 2001 and is an important piece of equipment for the safe maintenance of the dump trucks and other large vehicles; and

**WHEREAS**, one of the four motors that lift simultaneously failed while a dump truck was raised; and

**WHEREAS**, the mechanic consulted with several firms to replace that single motor, but has been advised that those motors are no longer

supported because they are a “gravity down” motor instead of the current “hydraulic down” system that is a safer design; and

**WHEREAS**, it was determined there are only two firms in Michigan that are authorized to service the Mohawk brand, and quotes were received to replace all four power units, replacing eight column lift wheels and two housing cable mounts that need repair; and

**WHEREAS**, the two quotes were \$9,709.00 and \$12,267.80; and

**WHEREAS**, the cost of a new lift would be more than \$35,000.

**THEREFORE, BE IT RESOLVED** That the City Council approve the repair of the Mohawk lift by All Automotive Equipment, Inc. in the amount of \$ 9,709.00 and it be paid for from the Motor Vehicle Pool Fund reserves.

**Mayor Pro-Tem Sanders moved, supported by Johnston to approve Resolution No. 2017-47 to authorize the repair of truck lift as presented. Carried. 6 Yes. 0 No.**

**E. CONSIDER APPROVAL OF RESOLUTION NO. 2017-46 REGARDING PAYMENT OF CLAIMS & ACCOUNTS:**

**APPROVAL OF CLAIMS AND ACCOUNTS BY ROLL CALL VOTE:**  
**RESOLUTION NO. 2017-46**

**A RESOLUTION TO APPROVE EXPENDITURES OF THE CITY FOR MAY 8, 2017**

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

**WHEREAS**, the April 28, 2017 payroll totaled \$159,987.84; and

**WHEREAS**, the May 8, 2017 claims total \$110,253.91;

**THEREFORE, BE IT RESOLVED** that the City Council approves claims and accounts for May 8, 2017 in the amount of \$270,241.75.

**Council member Johnston moved, supported by Sanders to approve Resolution 2017-46 for expenditures of the City for May 8, 2017 as presented. Carried. 6 Yes. 0 No.**

**ACTION ITEMS – RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-44 ESTABLISHING A STREET IMPROVEMENT PLAN:**

**RESOLUTION NO. 2017-44**

**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. 3”; 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. 3 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...2022

; and

**WHEREAS**, rehabilitation projects will be proposed for 2019 and subsequent years based 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

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necessary to undertaking said projects and to pursue borrowing up to \$400,000 to be used for the Lincoln-State street reconstruction project in 2018.

**Council member Bahmer moved, supported by Mitchell to approve the second reading and adoption of Resolution 2017-44 establishing a street improvement plan as presented. Carried. 6 Yes. 0 No.**

**B. CONSIDER SECOND READING AND ADOPTION OF RESOLUTION NO. 2017-36 TO SELL COMBS PARK PROPERTY TO ALRO STEEL:**

**RESOLUTION NO. 2017-36**

**A 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.

**Mayor Pro-Tem Sanders moved, supported by Bahmer to approve the second reading and adoption of Resolution 2017-36 to sell Combs Park property to Alro Steel as presented. Roll Call vote Carried. 6 Yes. 0 No.**

**C. CONSIDER SECOND READING AND ADOPTION OF ORDINANCE TO AMEND CHAPTER 82 SEC. 82-4 REGARDING FRONT & REAR YARD DEFINITION:**  
**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, 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 Russo to approve the second reading and adoption of an Ordinance to amend Chapter 82 Sec. 82-4 regarding front & rear yard definition as presented. Denied. 3 Yes. (Bahmer, Russo, Lewis) 3 No. (Sanders, Johnston, Mitchell)**

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES:**

**A. CONSIDER APPROVAL FIRST READING OF RESOLUTION NO. 2017-48 TO AUTHORIZE SIGNING VOTING MACHINE**

**GRANT APPLICATION:**

**RESOLUTION NO. 2017-48**

**A RESOLUTION TO APPROVE VOTING EQUIPMENT GRANT APPLICATION**

**WHEREAS**, the City of Charlotte wishes to apply to the Secretary of State for a grant to purchase a new voting system, which includes precinct tabulators, Absent counting board (AVCB) tabulator, accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software; and

**WHEREAS**, partial funding for the new voting system will be provided by the State, and will include a combination of Federal Help America Vote Act and State- appropriated funds; and

**WHEREAS**, the City of Charlotte plans to begin implementation of the new voting system in 2018; and

**WHEREAS**, the deadline for receiving the voting equipment is December 31, 2017; and

**NOW THEREFORE, BE IT RESOLVED** that the City Clerk is hereby authorized to submit a Grant Application on behalf of the City of Charlotte, Eaton County on this 22nd day of May, 2017; and

**FURTHER BE IT RESOLVED**, that the clerk is also authorized to pursue further contracts for the acquisition and delivery of other election paraphernalia that is reflective of the state contract for the purpose of securing peripherals through Hart InterCivic.

Mayor Pro-Tem Sanders moved, supported by Johnston to approve the first reading of Resolution No. 2017-48 to authorize signing voting machine grant application as presented. Carried. 6 Yes. 0 No.

**B. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-49 TO AUTHORIZE TUB GRINDING CONTRACT :**

**RESOLUTION NO. 2017-49**

**A RESOLUTION TO AUTHORIZE TUB GRINDING CONTRACT**

**WHEREAS**, the Department of Public Works collects leaves and brush throughout the year and contracts for its grinding a removal each Spring; and

**WHEREAS**, because the cost has been steadily rising and the cost exceeds the purchasing limit of \$5,000.00, a formal bid was prepared and distributed to the few companies who own the equipment necessary to provide this service; and

**WHEREAS**, no sealed bids were received for the project despite phone calls to remind the vendors of the bid time and date; and

**WHEREAS**, the Department reached out to the vendors to find that they were too busy to fill out a bid and submit it, but two indicated that they would fax over a quote; and

**WHEREAS**, the only response was from Hammond Farms, Inc. of Dimondale, MI in the amount of \$6,500.00; and

**WHEREAS**, Hammond Farms was the low bidder last year for the same amount, and their work was timely and satisfactory.

**THEREFORE, BE IT RESOLVED** That the City Council approve the tub grinding of the brush by Hammond Farms, Inc. and it be paid for from the General Fund Leaf Collection account as budgeted.

**Council member Johnston moved, supported by Mitchell to approve the first reading of Resolution No. 2017-49 to authorize tub grinding contract as presented. Carried. 6 Yes. 0 No.**

**C. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-50 TO AUTHORIZE SALE OF MISCELLANEOUS PARTS:**

**RESOLUTION NO. 2017-50**

**A RESOLUTION TO AUTHORIZE A SALE OF MISCELLANEOUS PARTS**

**WHEREAS**, the Department of Public Works accumulates various parts and equipment that are no longer needed in the day to day operations of the Department; and

**WHEREAS**, an accumulation of items such as truck bumpers, tailgates, loader tires, skid steer tire rims, a can crusher, a flatbed for a pickup, an old well pump and bowls, old laboratory equipment, treatment equipment, pumps, valves, fittings, and miscellaneous lighting fixtures has been identified as ready for sale; and

**WHEREAS**, the Department would like to sell these items through an online auction used by the Department for disposition of equipment; and

**WHEREAS**, a minimum bid will be set for each item.

**THEREFORE, BE IT RESOLVED** That the City Council authorizes the sale of the miscellaneous items through biddergy.com in accordance with City Ordinance 2-185.

**Mayor Pro-Tem Sanders moved, supported by Russo to approve the first reading of Resolution No. 2017-50 to authorize sale of miscellaneous parts as presented. Carried. 6 Yes. 0 No.**

**D. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-52 TO SUPPORT THE REDEVELOPMENT READY COMMUNITIES PROGRAM:**

**RESOLUTION NO. 2017-52**

**A RESOLUTION OF SUPPORT FOR PARTICIPATION IN THE REDEVELOPMENT READY COMMUNITIES PROGRAM**

**WHEREAS**, the City of Charlotte encourages the redevelopment, reuse and preservation of existing buildings and parcels in the City; and

**WHEREAS**, redevelopment projects will be a significant source of future growth and investment in the City, given the limited opportunities for Greenfield Development within the City limits; and

**WHEREAS**, the City desires to create a climate that attracts and encourages private investment through modern planning and development processes that are easy to understand, responsive to development needs, and predictable; and

**WHEREAS**, the Redevelopment Ready Communities program was created by the Michigan Economic Development Corporation to help communities identify and strengthen weak areas in the local community development process; and

**WHEREAS**, the City of Charlotte wishes to participate in the program as a means to assess and improve its internal processes with the goal of making the most of future development and redevelopment opportunities.

**THEREFORE, BE IT RESOLVED** that the City Council of the City of Charlotte, Michigan is supportive of the efforts initiated by Staff in the self-evaluation process of the Redevelopment Ready Communities program and looks forward to the MEDC's feedback on how the City's procedures may be improved to the benefit of all.

**Council member Mitchell moved, supported by Johnston to approve the first reading of Resolution No. 2017-52 to support the redevelopment ready communities program as presented. Carried. 6 Yes. 0 No.**

**E. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-53 FY 2017/2018 ANNUAL BUDGET:**  
**RESOLUTION NO. 2017-53**

**A RESOLUTION TO ADOPT THE FY 2017/2018 ANNUAL BUDGET**

**WHEREAS**, in accordance with the provisions of the City Charter, the City Manager on April 24, 2017 submitted to this Council a recommended budget for the City of Charlotte, Michigan for the fiscal year commencing July 1, 2017 and ending June 30, 2018; and

**WHEREAS**, this Council has considered the financial needs of the City of Charlotte for its efficient operations during the coming fiscal year and has reviewed the recommended budget submitted by the City Manager, and

**WHEREAS**, in accordance with state statute, the Council did after proper notice, conduct public hearings on the proposed budget on May 22, 2017, at which public hearing all objections and comments on the proposed budget were considered.

**THEREFORE, BE IT RESOLVED**, that the estimated revenues for the fiscal year commencing July 1, 2017 and ending June 30, 2018 are hereby approved by the Charlotte City Council as follows:

**AND BE IT FURTHER RESOLVED**, that the expenditures and expenses for the fiscal year commencing July 1, 2017 and ending June 30, 2018 are as follows:

**REVENUES**

Fund #	Fund Name	Amount	Draw from (Increase to) Fund Balance/Net Assets	Total
101	General Fund	\$ 5,792,250	\$ 389,555	\$ 6,181,805
	Taxes	3,164,400		
	Licenses & Permits	35,730		
	Intergovernmental	896,150		
	Charges for Services	816,500		
	Fines & Forfeitures	26,650		
	Other Revenue	78,600		
	Loan Proceeds	275,000		
	Operating Transfers	499,220		
202	Major Street Fund	933,000	310,810	1,243,810
203	Local Street Fund	251,500	97,750	349,250
230	Police Drug Enforcement Fund	300	1,700	2,000
240	Act 302 Police Training Fund	9,500	-	9,500
260	DDA Fund	31,205	(1,835)	29,370
261	LDFA Fund	5,580	240,770	246,350
270	Industrial Park Fund	38,365	(5,090)	33,275
280	Airport Fund	164,860	-	164,860
290	Federal & State Grant Fund	236,000	236,000	
330	2008 Facility Building & Site Bonds	202,700	4,488	207,188
500	Recycling Fund	72,730	72,730	
510	Water & Sewer Fund	3,780,000	980,030	4,760,030
	Water Revenue	1,552,900		
	Sewer Revenue	2,215,000		
	Other Revenue	12,100		
601	Motor Vehicle Fund	378,960	430,420	809,380
	<b>Total Revenues</b>	<b>\$ 11,896,950</b>	<b>\$ 2,757,328</b>	<b>\$ 14,036,818</b>

**EXPENDITURES**

Fund #	Fund Name	Amount
101	General Fund	\$ 6,181,805
	General Government	1,140,180
	Public Safety	3,941,540
	Public Works	619,605
	Community & Economic Development	195,560
	Recreation & Culture	207,230
	Operating Transfers	77,690
202	Major Street Fund	1,243,810
203	Local Street Fund	349,250
230	Police Drug Enforcement Fund	2,000
240	Act 302 Police Training Fund	9,500
260	DDA Fund	29,370
261	LDFA Fund	246,350
270	Industrial Park Fund	33,275
280	Airport Fund	164,860
290	Federal & State Grant Fund	236,000
330	2008 Facility Building & Site Bonds	207,188
500	Recycling Fund	72,730
510	Water & Sewer Fund	4,760,030
601	Motor Vehicle Fund	809,380
	<b>Total Expenditures</b>	<b>\$ 14,345,548</b>

**AND BE IT FURTHER RESOLVED**, that 14.2913 mills be levied on the taxable valuation as equalized for general operating requirements of the City of Charlotte;

**AND BE IT FURTHER RESOLVED**, that .10 mills be levied on the taxable valuation as equalized for yard waste collection;

**AND BE IT FURTHER RESOLVED**, that 1.0 mills be levied on the taxable valuation as equalized to cover the principal and interest payments of the 2008 Building Facility & Site bonds due November 2017 and May 2018. The issuing of these bonds was approved through a ballot proposal by the City of Charlotte electorate on November 6, 2007;

**AND BE IT FURTHER RESOLVED**, that 2.0 mills be levied on the taxable valuation as equalized for parcels within the Downtown Development Authority (DDA). Revenues collected by this levy will remain in the DDA fund;

**AND BE IT FURTHER RESOLVED**, that all taxes and special assessments levied on the City tax roll be assessed a 1% property tax administration fee;

**AND BE IT FURTHER RESOLVED**, that the City Manager be authorized to grant wage increases for all non-union employees within the budget appropriations and the wage schedule;

**AND BE IT FURTHER RESOLVED**, that the City Council adopt the following policies as recommended by the City Manager:

- 1) City Council reserve the following funds of the City:

Fund #	Fund Name	Amount
101	General Fund	\$ 1,113,000
	Assigned - O-I Judgment	808,000
	Assigned - Retiree Health Insurance	200,000
	Non-spendable - Prepaids & Inventory	105,000

**AND BE IT FINALLY RESOLVED**, that the City Manager is hereby authorized to make budgetary transfers within a Fund or between funding centers within a Fund, if they exist, and that all other transfers be approved only by further action of the City Council, pursuant to the provisions of the Michigan Uniform Budget Act.

**Council member Johnston moved, supported by Sanders to approve the first reading of Resolution No. 2017-53 FY 2017/2018 Annual Budget as presented. Carried. 6 Yes. 0 No.**

**F. CONSIDER APPROVAL OF THE FIRST READING OF RESOLUTION NO. 2017-54 CELEBRATE CHARLOTTE: RESOLUTION NO. 2017-54**

**AUTHORIZING CELEBRATE CHARLOTTE FESTIVAL ACTIVITIES JUNE 16-18, 2017**

**WHEREAS**, the Celebrate Charlotte Festival 2017 is a community-based, organized event that is to be held June 16 to 18, 2017; and,

**WHEREAS**, the Celebrate Charlotte Festival Committee is responsible for organizing these events that contribute to community-wide fellowship, benevolence, and welfare; and

**WHEREAS**, the Committee in conjunction with City Administration, have planned events that require the use and closure of certain public facilities, streets and right of ways; and

**WHEREAS**, the Committee has requested that the Charlotte City Council approve the following requests and conditions, including assistance with street closures:

1. Closure of South Cochran Avenue in the 100 and 200 blocks, and East & West Lovett Streets in the 100 blocks to through traffic from 4:30 p.m. to 8:30 p.m. on Friday, June 16, 2017 for Touch-A-Truck.
2. Closure of South Cochran Avenue in the 100, 200 and 300 blocks, and East & West Lovett Streets in the 100 blocks to through traffic from 11 a.m. to 4 p.m. on Saturday, June 17, 2017 for the Celebrate Charlotte Car Show.
3. Temporary closures of portions of Vanlieu Street, Seminary Street, Lincoln Street, Shepherd Street, Cochran Avenue, Lovett Street, Bostwick Street, Pearl Street, and Lawrence Avenue for

the United Way's Color's United 5K running event on the morning of Saturday, June 17, 2017.

4. Authorization for the use of Fitch H. Beach Municipal Airport for the annual Father's Day Fly-In and Pancake Breakfast at the airport the morning of June 18, 2017.
5. Authorization for the closure of City Parking Lot #7, across from Beach Market, on Friday evening, June 16, and during the day and evening on Saturday, June 17, for potential ancillary activities, including carnival rides.
6. Authorization for the closure of a portion of City Parking Lot #1, adjacent to Beach Market, on the evenings of June 15, June 16 and June 17 in conjunction with entertainment and refreshment events at Beach Market.
7. Authorization for the city to supply whatever closing signs and barricades it has available for the street closures. Other signs will be the responsibility of the event committee.
8. Authorization for the city Department of Public Works to place the required barricades as needed and designated by the Charlotte Police Department.
9. Authorization for the Charlotte Police Department to provide assistance for traffic diversion as necessary for the above-mentioned events.

**WHEREAS**, the City Council of the City of Charlotte determines these temporary street closings and other conditions are in the best interests of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that these street closures at the specified times be granted and carried out in accordance with those permissions issued by the Michigan Department of Transportation; and,

**BE IT ALSO RESOLVED**, that the city Department of Public Works and Charlotte Police Department provide the authorized assistance as outlined above.

**Mayor Pro-Tem Sanders moved, supported by Mitchell to approve the first reading of Resolution No. 2017-54 Celebrate Charlotte as presented. Carried. 6 Yes. 0 No.**

City Manager Guetschow asked council to reconsider the vote on Item 12(c) to consider second reading and adoption of Ordinance to amend Chapter 82 Sec. 82-4 regarding front and rear yard definition.

**Council member Johnston moved, supported by Mitchell to reconsider vote on Item 12(c) to consider second reading and adoption of Ordinance to amend Chapter 82 Sec. 82-4 regarding front and rear yard definition. Roll Call Vote. Carried. 6 Yes. 0 No.**

**Councilmember Johnston moved, supported by Mitchell to table this item to the May 22, 2017 meeting.**

#### **COMMUNICATIONS AND COMMITTEE REPORTS**

**CITY ATTORNEY REPORT: None.**

**CITY MANAGER REPORT:** City Manager Guetschow reported that we have begun soliciting job applicants on Facebook and been receiving applicants from there. He has met with the new owners of O-I and they have made considerable progress in cleaning up the site. He stated that they are implementing some changes in the zoning department to help streamline the process.

**COUNCILMEMBER COMMITTEE REPORTS:**

- Council member Johnston met with the Park Board. He stated that they are \$56,000 short for the tennis court project. They are thinking of changing the ordinance to allow alcohol for the Nordic Fire Festival at Lincoln Park. His son presented a plan to the park board for an Orchard in the park which was well received.
- Council member Bahmer reported on the last council meeting which addressed the ordinance defining the front and rear yard definition, two lot splits, one for 234 N. Cochran and 112 E. Stoddard and the other for 415 Pleasant Street. The commission will also be addressing the ordinance regarding recreation vehicle parking. He also stated that the commission seems to still be interested in food trucks.

**PUBLIC COMMENT: None.**

**MAYOR AND COUNCIL COMMENTS**

- Council member Johnston thanked everyone for coming.
- Council member Russo stated that he appreciated the clarification of the City Attorney memo regarding opinion on loan of city credit to private parties.
- Council member Bahmer thanked staff for their work on the budget and for attending the meeting.
- Mayor Lewis stated that the student day with the Mayor has been postponed to May 22, 2017. He thanked department heads for attending the meeting.

**Council member Johnston moved, supported by Mitchell to adjourn the meeting at 8:58 p.m. Carried. 6 Yes. 0 No.**

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Mayor Tim Lewis

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Ginger Terpstra, City Clerk, CMMC