



CITY OF BURTON
BURTON CITY COUNCIL MEETING
OCTOBER 19, 2015
AGENDA

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: VAUGHN SMITH

B. THE PLEDGE OF ALLEGIANCE IS LED BY: VAUGHN SMITH

C. ROLL CALL

D. STAFF PRESENT

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Oct 5, 2015 7:00 PM
2. City Council - Special Meeting - Oct 7, 2015 7:00 PM
3. City Council - Special Meeting - Oct 13, 2015 6:30 PM

F. ADMINISTRATIVE REPORTS

G. COMMITTEE REPORTS

H. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Burton City Council. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

I. COUNCIL DISCUSSION

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 09/30/15 to 10/13/15 in the amount \$5,285.00.
2. Approve and authorize the Attorney Billing (Keller Thoma) 9/15/15 to 10/01/15 in the amount of \$41.25.
3. Approve and authorize Michael Mathiak to purchase five (5) years and zero (0) months of MERS pension generic service time. The total cost of \$31,421.00 will be at the employee's expense.
4. Approve and authorize the acceptance to set a Public Hearing date and time to consider any objections and/or favorable comments relative to the 2016 Community Development Block Grant Program. This public hearing can be scheduled at 6:30 p.m. on Monday, November 2, 2015.

5. Approve and authorize the Mayor and City Clerk to enter into a contract with ROWE PSC, 540 S. Saginaw Street, Suite 200, Flint, MI 48502, to provide construction engineering assistance and material testing services for the Potter Road and Casto Boulevard construction project (DPW Project nos. 15-001-P and 15-001 PC) for the Not-to-Exceed amount of \$17,256.00.
6. Approve and authorize the Mayor and Clerk to sign an amendment to the contract with Consumers Energy to add a street light on Maple Point Trail near Maple Road in the amount of \$1,860.00, to be paid out of General Fund Street Lighting 1001-2071-926.0000.

K. FIRST READING OF ORDINANCE

1. ZC# 314 - Approve and authorize the First Reading of an Ordinance, being Ordinance No. 2015- 5-157.006, An Ordinance Amending Zoning Ordinance, Chapter 157 of the Code of Ordinances of the City of Burton.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
OCTOBER 5, 2015
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Tom Martinbianco at 7:00 PM.

A. INVOCATION LED BY: DENNIS O'KEEFE

1. Recognized a moment of silence for Ms. Genevieve Barhitte

B. THE PLEDGE OF ALLEGIANCE IS LED BY: DENNIS O'KEEFE

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	President	Present	
Duane Haskins	Vice-President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	Councilman	Present	
Ellen Ellenburg	Councilwoman	Present	
Vaughn Smith	Councilman	Present	
Steven Hatfield	Councilman	Present	

D. STAFF PRESENT

Marvin Epperson, Fire Chief

Teresa Karsney, Clerk

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Sep 21, 2015 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steven Heffner, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

F. ADMINISTRATIVE REPORTS

Mr. Marvin Epperson stated there was no administrative report. He did give an update on the Fire Department grants.

1. August 2015 Revenue and Expenditure Report

Minutes Acceptance: Minutes of Oct 5, 2015 7:00 PM (APPROVAL OF MINUTES)

G. COMMITTEE REPORTS

Mr. Smith stated that there was a Finance Meeting early tonight. It was recommended that Council set a policy that the administration could make transfer in the line item budget up to \$1,000.00 without authorization from Council as of September 1, 2015.

Mrs. Ellenburg stated that the Library is having its book sale October 29, 2015 from 12:00 p.m. to 5:00 p.m. and October 31, 2015 from 10:00 a.m. to 3:00 p.m. If your child comes in costume they will receive a free book. If anyone wants to volunteer to sort the books it will be October 27, 2015 at 10:00 a.m.

Mr. Heffner stated the Parks and Recreation will be holding its 7th annual Trick or Treat Trail at Kelly Lake on October 17, 2015 from 2:00 p.m. to 6:00 p.m. Business and residents who want to pass out candy are welcome.

H. AUDIENCE PARTICIPATION

None

I. COUNCIL DISCUSSION

Mr. Haskins stated that the reason for the line item budget was to control spending and so the Council had a better grasp on the budget. Why is there so many budget transfers its only 3 months into the budget year. He doesn't understand why the changes are happening so frequent. We spend a lot of money on the this BSA software system and that once the numbers were plugged in it would calculate everything. He feels the administration should be held to the parameters of the budget there shouldn't be leeway granted to them. I think we should hold the administration to the budget they presented.

Mr. O'Keefe stated most of these transfers are just internal accounting transfers. It is so hard to be spot on with every line item. The \$1,000.00 would give them a reasonable amount for the administration to transfer without bringing it to Council. He feels the Council has better control because we are now seeing all the transfers. His intent on a line item budget was to be able to see the transfers, but he feels if we just get a list of the small ones that were done than the administration can move forward with the accounting transfer which are under \$1,000.00.

Mr. Haskins said he would be more comfortable with that aspect of letting the administration do transfers of \$1,000.00 or less if he was getting the breakdown for wages, overtime and fringe benefits and MERS.

Mr. Smith stated that the Council gave the administration until the next budget year to get it set up to breakdown the wages, fringe benefits, overtime and MERS.

Mr. Haskins stated he doesn't like not being able to see the overtime because it was tied in with the fringe benefits. We are unable to decipher what was overtime and what was benefits. If we don't start this now than the budget is going to be the same next year because the BSA system just pulls it over into the budget. I checked with a few municipalities that have the BSA system payroll and they stated it is not that hard to set it up. He feels we need to get a grasp on where the money is being spent when it comes to fringes vs. overtime. He would like to have a better oversight when it comes to wages, fringe benefits, overtime and MERS. He feels the administration needs to operate in the confines of the budget.

Mr. O'Keefe asked the Finance Chairman Smith if on the new revenue and expenditure report if the administration broke down the fringe benefits yet.

Mr. Smith stated he is not aware that they are breaking it down yet.

Mr. Epperson stated he will let the Mayor know that they would like the overtime and fringe benefits broke down.

Mr. O'Keefe thought that should have been done by now.

Mr. Smith stated there has no been no change the revenue and expenditure report. But it was Mr. Smith understanding that it was going to take the administration close to a year to get it set up. His thoughts were to get some kind of financial control of this budget and that we would start next year budget with the break down of wages, overtime, fringe benefits and MERS. He thought that we were giving the administration a year to break out everything.

Mr. Haskins stated that when the payroll is coming out they know who is getting overtime just start breaking it out then. This has been since July and we need to start now or the system is just going to pull it over the same way it always has unless we get this set up. The financial reports should start reflecting it now, lets not wait until the end of the year.

Mr. Smith feels Mr. Haskins is making a valid point. It is a process that is going to take some time. We have asked the administration for our General Fund fund balance policy. I contacted the Mayor to see where are we on this. Unfortunately no one from the administration is here to give a report on it, but I was assured that on October 19, 2015 we would get a report on the General Fund balance policy. He also asked the Clerk to ask the administration to see where we are at in the process to break down of wages, overtime, fringe benefits and MERS in the BSA system and have the administration give a report on it at the October 19th meeting.

Mr. Hatfield stated that he has used the BSA system and it just isn't that hard to set it up. He has talked about it in the past on how long it takes government to do things. This is one of things that needs to get done. Getting our website done and other I.T. issues taken care of. This isn't an I.T. issue it just needs someone to take the time and set it up. We need to use the BSA system correctly and use it to its fullest ability. This is Mr. Hatfield first process with the budget this year. Council chose to go with a line item budget to keep a better oversight on the budget of the day to day operations. If we give them a threshold of \$1,000.00 what is going to stop the administration from going to 20 different departments and moving a \$1,000.00 from each department. The Council wanted the oversight and we should at least do it for a year before giving them a threshold of an amount of money. Now it sounds like we are just too lazy to have the oversight. He understands it is a pain but this is what Council decided. We have to follow through with what we say we are going to do, we said that we wanted a line item budget for a year and we need to stick to that and not give them a cushion because we wanted the oversight. We need to keep the oversight for a year. Where is our MERS report on the evaluation of our MERS plan? Where is health care report for retirees? Where is the break down on wages, overtime and fringe benefits? We need to be kept updated.

Mr. Smith stated that every time we have a meeting we have to hire people to come in a video tape the meeting and take the minutes.

Mr. Haskins stated why don't we just do limit the meetings to once a month. If there is going to be transfers lets just do it once a month.

Mr. Smith thought maybe it may be better to do these transfers as a Council of the Whole instead of Finance. Because all they are doing is explaining it twice. He said the Mayor is trying to follow the process of committee to the Council. As finance chairman Mr. Smith is

open to ideas on how to handle this by staying the same or modify the process and they transfers just come to Council.

Mr. Haskins stated the Finance Committee has done an outstanding job. When we had questions during the budget process you got us the answers we needed. He feels we should limit the transfer to once a month. I think we should hold true to the line item budget.

Mrs. Ellenburg said we couldn't just do one meeting a month because there would be bills that wouldn't get paid. One of the transfers last time they needed the money the next day. She is in favor of giving the administration the cushion of \$1,000.00.

Mr. Haskins stated then that is poor planning on the administrations part.

Mr. Martinbianco stated why he thought \$1,000.00 was ok because some amounts are so small. You are really undermining the flexibility in the budget process. When you start talking about large capital expenses that may have gone overlooked, then yes you need to come to the council for a transfer. It usually is something we didn't really plan for but I don't want to keep taking money from a construction project like the Bristol Street Bridge to cover expense for other projects when we know we are going to have to repair the bridge in 2016. I am looking at more of the big issues that we may be confronted with. This will give the administration more flexibility to have the \$1,000.00 cushion but he would also be happy with \$500.00.

Mr. O'Keefe stated we are not complaining about having a finance meeting and then the transfer going to council. He feels we should allow them to transfer small amounts and just get a report on it each month. With a budget this large you are never going to get every line item pin pointed to the dollar. He feels it is redundant for the Finance committee to hear the explanation and then take it to Council, they should just go to council. Maybe allow the transfers of the small amounts but we get a report of the transfers the administration did every two weeks.

Mr. Heffner stated that this is an issue created by the Council. He feels that is a waste of time to come in for small transfers. Thought we went to line item budget was more about employee wages and hiring, not to do these small transfers for supplies. He feels the people with judge the administration if staff is not doing their jobs. He said this is a total waste of time on these transfers, if you want to have more control of hiring and wages that is fine, but when it comes to small dollar supplies that isn't where the problem is. He thinks we need to concentrate on the big ticket items, you are going to save the administration time and our time and you will do the residents a great service.

Mrs. Ellenburg stated that she agrees with Mr. Heffner. We are doing small dollar transfers for supplies, it is the bigger items we are concerned about. She feels that overtime is one of the main issues like at DPW and Police Department. She said the administration is not getting overtime, like when clerk comes down to take the minutes of a meeting.

Mr. Haskins asked how do you know that. He said he has nothing to prove that one way or another.

Mrs. Ellenburg stated because she is a salary employee. She stated the clerk's office gets a lot of overtime because they do meetings.

Mrs. Karsney stated the Clerk's office staff doesn't get a lot of overtime for meetings. They adjust their schedules to cover meetings so we don't have to pay the overtime. The overtime in the Clerk's office comes from elections.

Mr. Hatfield feels that if the Finance wants to allow the administration some small pre-approved transfers up to a certain dollar amount then he would agree with it. He likes Mr. O'Keefe's idea of getting a list of the pre-approved transfer at each council meeting, this way we still have the oversight we were looking for.

Mr. O'Keefe thinks everyone has brought up other points and they make sense on this line item budget. He feels this line item budget has worked out well and has kept him well informed. Most of these transfer are just internal accounting process and we don't want to tie up to much of the administrations time.

Mr. Martinbianco would also would like to bring up a couple of items.

- 6240 Crabtree Lane, there is washout and it has been there for some time, it has been flagged but nothing has been done.
- Sewer Rate letter that went unsigned and talked about sewer rates are rising. The letter doesn't break down the cost of the meter and cost of inspection. What concerned him it was signed by City of Burton Department of Treasury? Would like that broken out more.
- ZBA has snowbird's and we may need to appoint some more alternates and would like to get this posted.

Mr. Hatfield said he wanted to address a couple of employment issues. He stated the Police department has been testing if anybody hasn't heard. He asked if he could ask the Clerk a question. He had heard that we lost an employee in the clerk's office and if it is true how we are handling the upcoming election.

Mrs. Karsney stated that we did lose an employee in the clerk's office. As for the elections I feel that we are ok and can do it with just two of us. During a presidential primary or a presidential election I feel we would need three people in my office or a contract employee.

Mr. Smith stated at the last budget we approved an additional person for the clerk's office, is that correct.

Mrs. Karsney stated you approved a quarter of a Record Tech Wages to be charged to the clerk's office for videotaping of the meetings.

Mr. Martinbianco stated there will be a Special Council Meeting on Wednesday, October 7, 2015 at 7:00 p.m. purpose of the meeting discussion and possible sale of City owned properties. Would also like the Assessor there.

Mr. O'Keefe asked the administration for supporting report on bonding issues on the property, the amortization schedule and value of the property in advance for the meeting.

1. Motion to add as Item # 2 under Council Action: To approve and authorize the establishment of a threshold not to exceed \$500.00 in transfers per our line item budget will require a report to accompany the transfer at each Council meeting effective September 1, 2015.

RESULT: **CARRIED [5 TO 2]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, O'Keefe, Ellenburg, Smith, Hatfield
NAYS: Haskins, Heffner

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 09/18/15 To 09/29/15 In The amount \$4,312.50.

RESULT: **CARRIED [UNANIMOUS]**
MOVER: Steven Heffner, Councilman
SECONDER: Ellen Ellenburg, Councilwoman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

2. To approve and authorize the establishment of a threshold not to exceed \$500.00 in transfers per our line item budget will require a report to accompany the transfer at each Council meeting effective September 1, 2015.

RESULT: **CARRIED [5 TO 2]**
MOVER: Vaughn Smith, Councilman
SECONDER: Ellen Ellenburg, Councilwoman
AYES: Martinbianco, O'Keefe, Ellenburg, Smith, Hatfield
NAYS: Haskins, Heffner

K. SECOND READING OF ORDINANCE

1. ZC# 314 - Approve and authorize the Second Reading of an Ordinance, being Ordinance No. 2015- 5-157.006, An Ordinance Amending Zoning Ordinance, Chapter 157 of the Code of Ordinances of the City of Burton.

Mr. O'Keefe has had some calls on this and don't want the number of dogs increased. Don't know why this was corrected.

Mr. Smith also stated that it was left at two.

Mrs. Ellenburg stated that the Planning Commission recommended that it stay at 2 dogs.

Mr. Smith stated I thought we agreed on 2 dogs.

RESULT:	TABLED [UNANIMOUS]	Next: 10/19/2015 7:00 PM
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield	

Meeting was adjourned at 8:25 PM.

Minutes Acceptance: Minutes of Oct 5, 2015 7:00 PM (APPROVAL OF MINUTES)



CITY OF BURTON
BURTON CITY COUNCIL MEETING
OCTOBER 7, 2015
MINUTES

Council Chambers

Special Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Tom Martinbianco at 7:07 PM.

A. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	President	Present	
Duane Haskins	Vice-President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	Councilman	Present	
Ellen Ellenburg	Councilwoman	Remote	
Vaughn Smith	Councilman	Present	
Steven Hatfield	Councilman	Present	

B. STAFF PRESENT

Paula Zelenko, Mayor
 Ginger Burke-Miller, Controller
 William Fowler, Assessor

Teresa Karsney, Clerk
 Rik Hayman, Chief of Staff
 Doug Bingman, Treasurer

C. ADMINISTRATIVE REPORT

Mayor Zelenko stated that we have been presented with a purchase agreement from Remax Grande. We have been working on this for a few months now. We have a person who wants to purchase all three subdivisions. I am going to defer my administrative report over to Michael Conn and Patti Baumgardner from Remax Grande. We also have the Controller, Treasurer and Assessor if you have any questions.

Mr. Conn of Remax Grande stated the offer on the table is \$1,200,000.00 for all 168 lots in Mallard Ponds, Cross Creek and Burton Estates. This is a cash offer, the offer is including the balance of the special assessments on the property. Party is coming in with \$500,000.00 dollars in cash and taking the balance of the assessments of \$700,000.00. He has a 45 day diligence period, he just doesn't know what the taxes are going to be. He wants to be able to verify the taxes.

Mr. Haskins asked there is no current assessment right now?

Mr. Conn stated the assessment is being paid by the City right now. The taxes are off the tax roll because the City owns the property. Currently he does not know what the taxes will be on those properties.

Mr. Martinbianco asked are there any improved properties in these subdivisions that the City has taken back.

Mayor Zelenko stated they are all vacant.

Mr. O'Keefe asked is this deal like the Trail Ridge sale, where the bonds are paid but if the property sells it will be paid off at the time of the sale.

Mr. Conn stated yes when they are building. They plan to put 2 spec homes in each development. He is going to fund the construction loans. Going to keep the outside of building looking like the current ones in each subdivision. The floor plan inside the home may change but the outside will look like the other homes.

Mr. O'Keefe asked what is the down side?

Mr. Conn stated that nobody wants to buy a house in these subdivisions. Bonds are to be paid off in 2019. He is going to put 2 spec homes in each development, if one sells, he will build another.

Mr. Ellenburg asked is this would improve our bond rating.

Mr. Conn stated no, he didn't really know. It will get our bonds that we currently have paid off.

Mr. Haskins asked if we had any information on the purchaser or investor.

Mr. Conn stated that it is D & D Holdings LLC and they have given proof for the purchase.

D. AUDIENCE PARTICIPATION

Hal Lindsay of Burton is President of Cross Creek Home Owners Association. We think this is wonderful that someone wants to purchase the empty lots. He feels it would be beneficial to the City to get this property back on the tax roll. We plow our own streets and we mow the empty lots. There has been 3 properties in subdivision for sale and 2 sold very quickly. We are very excited that someone is interested in these empty lots.

Mr. Conn stated that the developer is going to keep the exterior of the buildings the same as they currently are in the subdivision.

Danny Wells of Burton stated this is a stunning number for these three major pieces of property. How much do we owe for the special assessments. Also lot use to sell for \$15,000.00 - \$16,000.00 in the past. Why are we letting them go for around \$7,100.00.

Mr. Lindsay stated the lots have been empty for so long it would be better to get them back on the tax roll.

E. COUNCIL ACTION

1. Discussion and possible sale of City owned properties: Mallard Ponds, Cross Creek and Burton Estates.

Mr. Martinbianco asked if the City was going to make the roads in Cross Creek part of our local road system. What is the benefit of selling the lots in Cross Creek.

Mayor Zelenko stated no they will stay as a private road. Cross Creek would be put back on the tax roll.

Mrs. Ellenburg asked how long we have had these properties and how much did we pay for them.

Mrs. Burke-Miller stated we paid \$4,500.00 for Burton Estates in November 2009. Mallard Ponds was tax reverted back to the City in October of 2011 and Cross Creek was also tax reverted back to the City.

Amanda Doyle, City Attorney stated that it is a simple, straight forward purchase agreement. No concerns.

Mayor Zelenko recommended to the City Council accept the offer.

Mr. Hatfield stated the City has been making the bond payments are they paying us back for the a payments we made or just the what is left on the bond payments.

Mayor Zelenko stated just what is left on the bond payments.

Mr. Hatfield asked has anyone done any calculations on how much money this would generate if these were put back on the tax roll.

Mr. Fowler stated will be coming back on the tax roll as a new ownership. As homes are built and sold they we will brought on a market value. They are working on getting a market value on the properties by comparing with others that have sold in the area.

Mr. Hatfield stated he lives in Mallard Ponds subdivision and asked if he could still vote on this matter.

Attorney Doyle stated yes he can because this is no financial gain to him.

2. Motion to approve the sale of Mallard Ponds, Burton Estates, and Cross Creek for the listing purchase price of \$1,200,000.00 pursuant to terms of the purchase agreement to D & D Holdings LLC and authorize the Mayor and Clerk to close the transaction.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Steven Heffner, Councilman
SECONDER:	Dennis O'Keefe, Ellen Ellenburg
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Ellenburg, Smith, Hatfield

Meeting was adjourned at 8:15 PM.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
OCTOBER 13, 2015
MINUTES

Council Chambers

Special Meeting

6:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Councilman Vaughn Smith at 6:30 PM.

A. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	President	Absent	
Duane Haskins	Vice-President	Absent	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	Councilman	Excused	
Ellen Ellenburg	Councilwoman	Present	
Vaughn Smith	Councilman	Present	
Steven Hatfield	Councilman	Present	

B. STAFF PRESENT

Paula Zelenko, Mayor
Tom Osterholzer, Police Chief
Teresa Karsney, Clerk

Ginger Burke-Miller, Controller
Sue Warren, Human Resources
Rik Hayman, Chief of Staff

C. ADMINISTRATIVE REPORT

Mayor Zelenko stated that we held this special meeting for the purpose of hiring an additional officer, for promotion of an officer and the related budget amendments.

D. AUDIENCE PARTICIPATION

None

E. COUNCIL ACTION

1. Discussion and possible action on Budget Amendments for Police Department.
2. Approve and authorize a budget amendment of \$3,353.86 from 2007-2007-706.0000 salaries permanent to 2007-2007-705.000 sergeants' salaries for the purposes of filling a Detective Sergeant position.

Minutes Acceptance: Minutes of Oct 13, 2015 6:30 PM (APPROVAL OF MINUTES)

RESULT: CARRIED [UNANIMOUS]
AYES: O'Keefe, Ellenburg, Smith, Hatfield
ABSENT: Martinbianco, Haskins
EXCUSED: Heffner

3. Approve and authorize a budget amendment of \$5,287.00 from 2007-2007-706.0000 salaries permanent to 2007-2007-705.0000 sergeants' salaries for the puposes of the promotion of a patrol sergeant.

RESULT: CARRIED [UNANIMOUS]
MOVER: Steven Hatfield, Councilman
SECONDER: Ellen Ellenburg, Councilwoman
AYES: O'Keefe, Ellenburg, Smith, Hatfield
ABSENT: Martinbianco, Haskins
EXCUSED: Heffner

4. Approve and authorize a budget amendment of \$47,084.47 from General Fund unappropriated surplus to be distributed as follows: \$24,244.30 to 2007-2007-706.0000 salaries permanent and \$24,840.17 yp 2007-2007-719.0000 fringe benefits for the purpose of hiring an additional entry level police officer.

RESULT: CARRIED [UNANIMOUS]
MOVER: Steven Hatfield, Councilman
SECONDER: Dennis O'Keefe, Councilman
AYES: O'Keefe, Ellenburg, Smith, Hatfield
ABSENT: Martinbianco, Haskins
EXCUSED: Heffner

Meeting was adjourned at 7:06 PM.



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 10/19/15 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

J.1

SCHEDULED

AGENDA ITEM (ID # 1914)

DOC ID: 1914

**Approve and authorize the Attorney Billing (Amanda Doyle)
09/30/15 to 10/13/15 in the amount \$5,285.00.**



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 10/19/15 07:00 PM
Department: Mayor's Office
Category: Attorney Billing
Prepared By: Sue Warren
Department Head: Paula Zelenko

J.2

SCHEDULED

AGENDA ITEM (ID # 1912)

DOC ID: 1912

**Approve and authorize the Attorney Billing (Keller Thoma)
9/15/15 to 10/01/15 in the amount of \$41.25.**



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 10/19/15 07:00 PM
Department: Mayor's Office
Category: Personnel
Prepared By: Sue Warren
Department Head: Paula Zelenko

J.3

SCHEDULED

AGENDA ITEM (ID # 1913)

DOC ID: 1913

Approve and authorize Michael Mathiak to purchase five (5) years and zero (0) months of MERS pension generic service time. The total cost of \$31,421.00 will be at the employee's expense.



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 10/19/15 07:00 PM
Department: Department of Public Works
Category: Resolution
Prepared By: Amber Abbey
Department Head: Rachael Boggs

J.4

SCHEDULED

AGENDA ITEM (ID # 1896)

DOC ID: 1896

Approve and authorize the acceptance to set a Public Hearing date and time to consider any objections and/or favorable comments relative to the 2016 Community Development Block Grant Program. This public hearing can be scheduled at 6:30 p.m. on Monday, November 2, 2015.



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 10/19/15 07:00 PM
Department: Department of Public Works
Category: Contract
Prepared By: Greg Kray
Department Head: Robert Slattery

J.5

SCHEDULED

AGENDA ITEM (ID # 1892)

DOC ID: 1892

Approve and authorize the Mayor and City Clerk to enter into a contract with ROWE PSC, 540 S. Saginaw Street, Suite 200, Flint, MI 48502, to provide construction engineering assistance and material testing services for the Potter Road and Casto Boulevard construction project (DPW Project nos. 15-001-P and 15-001 PC) for the Not-to-Exceed amount of \$17,256.00.



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 10/19/15 07:00 PM
Department: Clerk's Office
Category: Contract Amendment
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

J.6

SCHEDULED

AGENDA ITEM (ID # 1915)

DOC ID: 1915

Approve and authorize the Mayor and Clerk to sign an amendment to the contract with Consumers Energy to add a street light on Maple Point Trail near Maple Road in the amount of \$1,860.00, to be paid out of General Fund Street Lighting 1001-2071-926.0000.

ATTACHMENTS:

- Memo - 6135 Maple Point (DOC)
- Consumer Amendment (PDF)

INTEROFFICE MEMORANDUM

To: Paula Zelenko, Mayor
From: Robert Slattery, DPW Director
Date: September 24, 2015

Re: Amendment to Contract with Consumers Energy to add a Street Light on Maple Point Trail near Maple Road

Madam Mayor:

Residents reported concerns about a dimly lit area in Maple Point Subdivision (off of Maple Ave between Belsay and Vassar Roads). They claimed to be experiencing an increase of vehicles sitting in this area at night and even one incident has been related to a break-in.

We contacted Consumers Energy to address this. Consumers reported that “the existing light there looks fine” and that that “a higher wattage would not do much because of the trees located there.” Consumers’ recommendation is to add a streetlight on east side of Maple Pointe Trail approximately 120’ north of existing streetlight at the corner of Maple Road and Maple Pointe Trail. The total cost of this installation will be \$1860.00.

This will require an amendment to the City’s current contract with Consumers Energy, and hence approval by the Finance Committee and City Council.

Bob Slattery

DPW Director, City of Burton
810-742-9230



<http://www.burtonmi.gov>

Attachment: Memo - 6135 Maple Point (1915 : Consumers Contract Amendment)


Count on Us
CEM Support Center

Consumers Energy, CEM Support Center, Lansing Service Center, Rm. 122, 530 W. Willow St., P.O. Box 30162 Lansing, MI 48909-7662

September 11, 2015

NOTIFICATION #:

1031316141

BOB SLATTERY
CITY OF BURTON
4303 S Center Rd
Burton, MI 48519-1497

REFERENCE: 6135 MAPLE POINT, BURTON

Dear Valued Customer,

Thank you for contacting Consumers Energy for your energy needs. Please note the Notification Number above and include it on any correspondence you send. Please note the Account Number, located above the Account Name on your invoice, when submitting payment.

Enclosed for approval and signature is the original Authorization for Change and Resolution covering the replacement and/or installation of streetlight(s). In conjunction with the work, a non-refundable payment of \$100.00 per luminaire is required.

A monthly energy charge associated with this lighting installation for 1 Luminaire(s) is approximately

This charge is subject to change based on current rates. After the installation is complete, you will begin receiving a separate monthly bill for the above energy charge. You are responsible for the final restoration.

The estimated cost for your energy request is as follows:

Non Refundable Agreement for Installation of Electric Facilities:

Winter Construction Costs:

Installation Charge (\$100.00 per Luminaire):	\$ 100.00
Additional Costs	\$ 1,760.00
Total Estimated Cost:	\$ 1,860.00
Less Prepayment Received:	\$ -
Total Estimated Cost Due:	\$ 1,860.00

Please sign and return the original Authorization for Change and Resolution in the enclosed self-addressed envelope or email to: POBoxCEServiceRequest@cmsenergy.com. Payment in full is required before the installation can be scheduled for construction.

Please review all attached materials carefully. Contact the Consumers Energy Customer Energy Specialist or Representative assigned to your notification with any questions about your request at: 810-760-3485 .

Sent on behalf of,
GABRIEL S POLETTI
Consumers Energy Customer Energy Specialist

Attachment: Consumer Amendment (1915 : Consumers Contract Amendment)

6 330015566625 000001860006 0000 2056 3 300009472295

CONSUMERS ENERGY
PO BOX 740309
CINCINNATI, OH 45274-0309



CITY OF BURTON
4303 S CENTER RD
BURTON MI 48519-1497

PREPAYMENT REQUEST

Due Date	Total Due
10/11/15	\$1,860.00
Amount Enclosed	\$

Please detach this stub and return it with your payment

CONSUMERS ENERGY

Account Number 300009472295
Account Name CITY OF BURTON
Address 4303 S CENTER RD
BURTON, MI 48519

Invoice Number 9305663575
PO Number
PO Date
Bill Date 09/11/15
DUE DATE 10/11/15

Comments: 6135 MAPLE POINT - BURTON - STREETLIGHTING - NOTIFICATION NUMBER (\$): - - - - -
1031316141 -
Contact our secure credit/debit card payment center at 1-855-581-3753 to pay 'fee free' with your Visa or Master card. Have your account number, located at the top of this invoice ready. If you have any questions related to this bill or issues making your payment please contact your Consumers Energy representative.

Item	Description	Quantity	Unit Price	Amount
40010403	Electric Streetlights-CIAC	1.0 EA	\$100.00	\$100.00
40010393	Electric Misc Labor - Trenching	80.0 EA	\$7.00	\$560.00
40011028	Electric Boring Charges	1.0 EA	\$1,200.00	\$1,200.00
Payment Terms:				Due by: 10/11/15
				TOTAL DUE*: \$1,860.00

PLEASE ENCLOSE THE TOP PORTION OF THIS INVOICE WITH YOUR PAYMENT. THE ACCOUNT NUMBER IS NECESSARY TO ENSURE YOUR PAYMENT IS PROPERLY CREDITED. THANK YOU

Contact Information: GABRIEL S POLETTI -810-760-3485 -
*Payments applied after the date of 09/11/15 are not included.
Consumers Energy is regulated by the Michigan Public Service Commission, Lansing, Michigan.
www.consumersenergy.com



Attachment: Consumer Amendment (1915 : Consumers Contract Amendment)



**AUTHORIZATION FOR CHANGE IN
STANDARD LIGHTING CONTRACT
(COMPANY-OWNED) FORM 547**

Contract Number: 100000186419

Consumers Energy Company is authorized as of _____, by the City of BURTON, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of BURTON, dated 9/8/2015.

Lighting Type:

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge

Notification Number(s):

1031316141

Construction Work Order Number(s):

See corresponding Notification listed above

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated 9/8/2015 shall remain in full force and effect.

City of BURTON

By:

(Signature)

(Printed)

Its

(Title)

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

Attachment: Consumer Amendment (1915 : Consumers Contract Amendment)

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of BURTON, dated 9/8/2015, in accordance with the Authorization for Change in Standard Lighting Contract dated _____,

heretofore submitted to and considered by this ☐ commission ☐ council ☒ board ;and

RESOLVED, further, that the _____ Clerk be and are authorized to execute such authorization for change on the behalf of the City.

STATE OF MICHIGAN
COUNTY OF Genesee

I, _____, Clerk of the City of BURTON, do hereby certify that the foregoing resolution was duly adopted by the ☐ commission ☐ council ☒ board of said municipality, at the meeting held on _____.

Dated:

Municipal Customer Type: City

Attachment: Consumer Amendment (1915 : Consumers Contract Amendment)

GENERAL SERVICE UNMETERED LIGHTING RATE GUL, STANDARD HIGH INTENSITY DISCHARGE

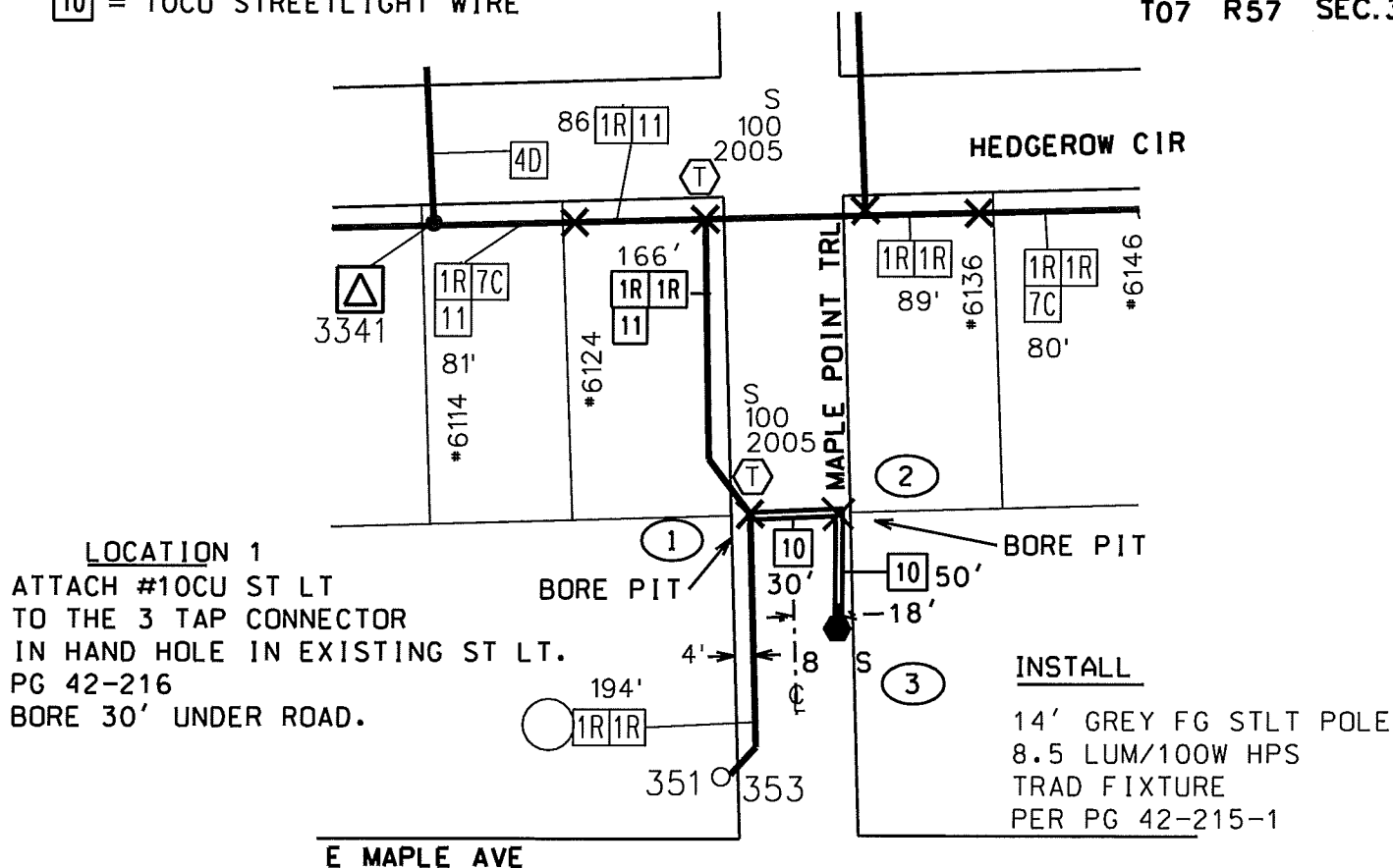
<i>Number of Luminaires</i>	<i>Nominal Watts</i>	<i>Luminaire Type</i>	<i>Fixture Type</i>	<i>Fixture Style</i>	<i>Install Remove</i>	<i>Location</i>
1	<u>100</u>	<u>HPS</u>	<u>Post Top</u>	<u>Traditional</u>	<u>Install</u>	3

THIS JOB IS TO ADD (1) 100 WATT
HIGH PRESSURE (HPS) STREETLIGHT
TO THE CITY OF BURTON



GENESEE CO
BURTON TWP
T07 R57 SEC.36

[10] = 10CU STREETLIGHT WIRE



NOTIFICATION #1031316141

ORDER NUMBER

~~0002~~ 25529088

 A CMS Energy Company ELECTRIC	DESIGNED BY GSPOLETT	DATE 09/03/15	6135 MAPLE POINT NBUS STLT		
	APPROVED BY	DATE	For: CITY OF BURTON 6135 MAPLE POINT		
SHEET 1 OF 1		SCALE NONE			
-CONSTRUCTION CERTIFICATION- Work was constructed as Engineered or Changed as Indicated. All Salvageable Material Was Returned to Stores. Signed _____ in Direct Charge of Work Dates: Started _____ Completed _____ MISS DIG NUMBER: _____ DATE: _____	TLM NUMBER 0757363341	# OF RODS	OHMS	CONSTRUCTION MEASURE NUMBER 100003516465	
	SUBSTATION SKYLARK	WD NO. 1179		ORDER TYPE ECNC	MAINTENANCE ACTIVITY TYPE STL
	CIRCUIT SUN VALLEY	CKT NO. 05	LCP NO. 0605	DESIGN NUMBER 10626265	
			STAKED ☐ YES ☐ NO	TREES ☐ YES ☐ NO	

ELECTRIC CAD TITLE BLOCK (8-1/2x11) 10-30-2008
SHEET A

9/4/2015 1:01:36 PM d:\of\backup\wrad\ustn\dgn\10626265.001

DESIGN FILE NAME: 10626265.001

T R S 07 57 36

GO-READY Checklist Natural Gas & Electric Request



Please return completed checklist to one of the following:

Mail: CEM Support Center, Lansing Service Center, Rm. 122, 530 W. Willow St., PO Box 30162 Lansing, MI 48909-7662

E-Mail: POBoxCEServiceRequest@cmsenergy.com

Fax: (517) 374-2424

NOTIFICATION #: 1031316141

SERVICE ADDRESS: 6135 MAPLE POINT, BURTON

Thank you for contacting Consumers Energy for your energy needs. Upon completion of ALL items listed below, please be sure to fill the form out completely and sign prior to returning. Only then will we deem your request ready for service.

Please double check all requirements on the checklist below before returning this document

- | | | |
|---|------------------------------|------------------------------|
| Your payment has been submitted to Consumers Energy? | ☐ YES | ☐ N/A |
| The site is within 3 inches of final grade? | ☐ YES | ☐ N/A |
| A 12' wide path is clear of debris and construction equipment? | ☐ YES | ☐ N/A |
| Your electric meter has been inspected by the local city/township inspector? | ☐ YES | ☐ N/A |
| Your gas meter location is clearly marked, and/or your electric meter socket is properly installed at the agreed upon location? | ☐ YES | ☐ N/A |

Locate or expose any privately owned underground facilities or buried obstructions including, but not limited to:

- | | | |
|---------------------------|------------------------------|------------------------------|
| Underground yard lighting | ☐ YES | ☐ N/A |
| Sprinkler systems | ☐ YES | ☐ N/A |
| Well | ☐ YES | ☐ N/A |
| Septic | ☐ YES | ☐ N/A |
| Drain field | ☐ YES | ☐ N/A |
| Electronic dog fences | ☐ YES | ☐ N/A |
| Other | <input type="text"/> | |

These facilities must be marked with stakes, spray paint or flags. Consumers Energy and/or its agents will not be held responsible for damage that occurs to customer-owned underground facilities that are not properly located and marked before service installation.

After services are installed, excavation will be backfilled. Final restoration is your responsibility.

NOTE: If it is deemed any of the above requirements are not met upon our arrival, Consumers Energy reserves the right to reschedule your job. You will receive a call from Consumers Energy one to two days before our scheduled arrival.

Printed Name

Signature

Date

Attachment: Consumer Amendment (1915 : Consumers Contract Amendment)

CEM Support Center

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., P.O. Box 30162 Lansing, MI 48909-7662

**PLEASE RETURN THE CHECKED DOCUMENTS BELOW TO
CONSUMERS ENERGY IN THE ENVELOPE PROVIDED**

TO EXPEDITE SERVICE, RETURN VIA EMAIL TO:

POBoxCEServiceRequest@cmsenergy.com

☐	SIGNED ELECTRIC CONTRACT (Please return all pages of contracts) (Form 93, Form 94 and Form 95 - 2 Page Document Each) (Form 861, Form 862 and Form 230 - 4 Page Document Each)
☒	PAYMENT WITH INVOICE STUB (TOP STUB IS REQUIRED FOR PROCESSING)
☐	REQUEST FOR ELEVATED CUSTOMER DELIVERY PRESSURE
☒	STANDARD LIGHTING CONTRACT (MUST BE CERTIFIED BY CLERK)
☐	SIGNED CUSTOMER ATTACHMENT PROGRAM (CAP) CONTRACT (PLEASE ENSURE TO CHECK PAYMENT OPTION ON CONTRACT)
☒	GO READY FORM (FORM 1250) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: POBoxCEServiceRequest@cmsenergy.com
☐	SITE READY PHOTO(S) TO EXPEDITE SERVICE, RETURN VIA EMAIL TO: POBoxCEServiceRequest@cmsenergy.com
☐	OTHER:

NOTIFICATION REFERENCE NUMBERS

ELECTRIC SERVICE NOTIFICATION:

GAS SERVICE NOTIFICATION:

ELECTRIC OH DISTRIBUTION NOTIFICATION:

ELECTRIC UG DISTRIBUTION NOTIFICATION:

GAS MAIN NOTIFICATION:

STREETLIGHT NOTIFICATION: 1031316141

Attachment: Consumer Amendment (1915 : Consumers Contract Amendment)



TABLED

AGENDA ITEM (ID # 1847)

DOC ID: 1847

ZC# 314 - Approve and authorize the First Reading of an Ordinance, being Ordinance No. 2015- 5-157.006, An Ordinance Amending Zoning Ordinance, Chapter 157 of the Code of Ordinances of the City of Burton.

HISTORY:

09/21/15 **City Council** **CARRIED TO SECOND READING**

10/05/15 **City Council** **TABLED** **Next: 10/19/15**

Mr. O'Keefe has had some calls on this and don't want the number of dogs increased. Don't know why this was corrected.

Mr. Smith also stated that it was left at two.

Mrs. Ellenburg stated that the Planning Commission recommended that it stay at 2 dogs.

Mr. Smith stated I thought we agreed on 2 dogs.

ATTACHMENTS:

- 15-32 (PDF)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2015- ____ -157.006 et seq.

AN ORDINANCE AMENDING CHAPTER 157 OF THE CITY OF BURTON CODE OF ORDINANCES TO UPDATE THE ADMINISTRATIVE FUNCTIONS AND DEFINITIONS REGARDING FARMS, CAR SALES, FENCES, AND OTHER; AND BY THE ADDITION OF HOME OCCUPATION SUBSECTION; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 157 of the Code of Ordinances of the City of Burton is hereby amended by the following additions and modifications:

SECTION 157.006 Definitions

APPROVED SERVICE DRIVEWAY. Constructed of concrete, asphalt, aggregate, or of a like material approved by the Department of Public Works

BUILDING OFFICIAL This term shall refer to the Building Official of the City, Building Inspector of the City or his or her authorized representative.

BUILDING PERMIT. The written authority issued by the ~~Zoning Administrator~~ Building Official permitting the construction, removal, repair, moving, alteration, or use of a building in conformity with the provisions of this ordinance.

HOME OCCUPATION. ~~Any use customarily conducted entirely within a dwelling unit and carried on by the inhabitants thereof, which use~~ An occupation, profession, activity, or use that is clearly an incidental and or secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character or the neighborhood. to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which:

- (1) ~~Signs shall comply with requirements at Chapter 153. Subsection 153.10;~~
- (2) ~~The HOME OCCUPATION is conducted wholly within the dwelling unit or garage by the residents thereof;~~
- (3) ~~No article shall be sold or offered for sale from the home except as such as is produced in the home by the inhabitants thereof;~~
- (4) ~~HOME OCCUPATIONS shall not be carried on to an extent so as to require parking in excess of that required for the residential structure in which it is located; and~~

(5) Any ~~HOME OCCUPATION~~ that creates objectionable noise, fumes, odors, dust, electrical interference, or more than normal residential traffic shall be prohibited.

KENNEL. Any lot or premises on which ~~3~~ 4 or more dogs, 4 months or more old, are kept either permanently or temporarily boarded

SWIMMING POOL. Any ~~permanent, non-portable~~ structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than 24 inches.

VARIANCE. A modification of the literal provisions of this ordinance which is granted when strict enforcement would cause undue hardship or practical difficulty, depending on the variance requested, owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

SECTION 157.035 SUBURBAN ESTATE RESIDENTIAL DISTRICT, SE

(B) *Principal permitted uses.* In the suburban estate residential district no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

- (1) Single-family detached dwellings;
- (2) The growing of vegetables, fruit, flowers, trees, and shrubs;
- (3) Publicly owned and operated museums, parks, playfields, libraries, and other recreational facilities;
- (4) Public, parochial, or private elementary, intermediate, and high schools offering courses in general education, not operated for profit;
- (5) Cluster subdivisions pursuant to requirements of § [157.093](#) of this code;
- (6) Accessory buildings and uses customarily incidental to the above principal permitted uses;
- (7) Off-street parking in accordance with the requirements of §§ [157.110](#) *et seq.* of this code; ~~and~~
- (8) Home occupations as defined in § [157.006](#) ~~of this code~~ which comply with §157.100(A) of this code;
- (9) Single-family farm dwellings;
- (10) Farm buildings and greenhouses;
- (11) (a) Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structure, provided the farm shall be a minimum of 5 acres.

(b) The keeping of horses for farming or for riding purposes, equines, cattle, or similar livestock shall be permitted only if 1 acre of land is provided for the use of each such animal. The keeping of fowl, poultry, and small livestock shall be regulated according to yard setbacks. All land so used for the keeping of livestock or fowl shall be located no nearer to the front street line than the rear building line of the dwelling on that lot and no closer than 50 feet from any adjacent property line. A suitable fence or other

enclosure shall be erected around the entire premises for outside use by horses, cattle, or similar livestock. There shall be no obnoxious odors, flies, or other nuisances caused by the keeping of livestock or fowl, or by any agricultural operation.

(C) *Permitted uses after special approval.* The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to site plan review and approval of the City Planning Commission:

(1) ~~Single family farm dwellings;~~
 (2) ~~Farm buildings and greenhouses;~~
 (3) ~~— (a) Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structure, provided the farm shall be a minimum of 5 acres.~~

~~(b) The keeping of horses for farming or for riding purposes, equines, cattle, or similar livestock shall be permitted only if 1 acre of land is provided for the use of each such animal. The keeping of fowl, poultry, and small livestock shall be regulated according to yard setbacks. All land so used for the keeping of livestock or fowl shall be located no nearer to the front street line than the rear building line of the dwelling on that lot and no closer than 50 feet from any adjacent property line. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle, or similar livestock. There shall be no obnoxious odors, flies, or other nuisances caused by the keeping of livestock or fowl, or by any agricultural operation.~~

~~(1)(4)~~ Roadside stands for the display and sale of produce raised on the same premises, which shall be located not less than 25 feet from the street or highway right-of-way line and further provided that an open space for parking, 25 feet off the highway or street right-of-way, be provided for patrons of the roadside produce stand. A maximum of 1 roadside stand shall be permitted on any premises;

~~(2)(5)~~ Private parks, country clubs, golf courses, and golf driving ranges, when located on a continuous parcel of 5 acres or more in area; when any structure on that parcel is located at least 250 feet from a lot line of any adjacent residential district; and when all ingress and egress from that parcel is directly onto a major thoroughfare;

~~(3)(6)~~ Churches and other facilities normally incidental thereto, subject to the following conditions:

(a) Unless established prior to the enactment of this ordinance, a church site shall contain an area of at least 2 acres;

(b) The site shall be so located as to have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the major thoroughfare; and

(c) Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall not less than 5 feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land in accordance with § [157.087](#).

~~(4)(7)~~ Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity, and the use is not injurious to the surrounding neighborhood;

~~(5)(8)~~ Nursery schools, day nurseries, and child care centers (not including dormitories), provided that for each child so cared for, there shall be provided and maintained a minimum of 200 square feet of outdoor play area. This play space shall have a total minimum area of at least 1,000 square feet and shall be screened from any adjoining lot in any residential district in accordance with § [157.087](#);

~~(6)(9)~~ Cemeteries, subject to the following conditions:

- (a) The cemetery site shall contain an area of at least 20 acres;
 - (b) The site shall be so located as to have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the major thoroughfare;
 - (c) The perimeter of the site shall be fenced in accordance with § [157.087](#);
 - (d) Any structure located on the site shall be at least 100 feet from any lot line;
- and
- (e) Any burial plot located on the site shall be located at least 50 feet from any lot line.

~~(7)(10)~~ Temporary buildings for use incidental to construction work for a period not to exceed 1 year.

(D) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in [Appendix A](#), Schedule of Regulations.

SECTION 157.036 SINGLE-FAMILY RESIDENTIAL DISTRICTS; R-1A, R-1B, & R-1C

(B) *Principal permitted uses.* In the R-1A, R-1B, and R-1C districts, no uses shall be permitted unless otherwise provided in this ordinance except the following:

- (1) Single-family detached dwellings;
- (2) Publicly owned and operated parks, playfields, museums, libraries, and other recreation facilities;
- (3) Public, parochial, or private elementary, intermediate, and high schools offering courses in general education, not operated for profit;
- (4) Accessory buildings and uses customarily incidental to the above principal permitted uses;
- (5) Off-street parking in accordance with the requirements of §§ [157.110](#) *et seq.* of this code;
- (6) Cluster subdivisions in R-1A districts pursuant to requirements of § [157.093](#); and
- (7) Home occupations as defined in § [157.006](#); and which comply with §157.100(A) of this code;
- (8) Single-family farm dwellings;
- (9) Farm buildings and greenhouses; and

(10) (a) Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structure, provided the farm shall be a minimum of 5 acres.

(b) The keeping of horses for farming or for riding purposes, equines, cattle, or similar livestock shall be permitted only if 1 acre of land is provided for the use of each such animal. The keeping of fowl, poultry, and small livestock shall be regulated according to yard setbacks. All land so used for the keeping of livestock or fowl shall be located no nearer to the front street line than the rear building line of the dwelling on that lot and no closer than 50 feet from any adjacent property line. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle, or similar livestock. There shall be no obnoxious odors, flies, or other nuisances caused by the keeping of livestock or fowl, or by any agricultural operation.

SECTION 157.044 HIGHWAY ORIENTED BUSINESS DISTRICT, C-3

(B) *Principal permitted uses.* In the C-3 district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

- (1) All principal permitted uses in the C-2 district;
- (2) Hotels and motels;
- (3) Assembly halls or other places of assembly;
- (4) New and/or used car sales rooms;

(C) *Permitted uses after special approval.* The following uses may be permitted subject to the conditions hereinafter imposed and subject to the review and approval of the City Planning Commission pursuant to § [157.177](#) of this code:

- (1) All permitted uses after special approval in the C-2 district subject to the terms and conditions imposed therein;
- (2) Automobile car wash establishments including steam-cleaning, but not rustproofing, provided off-street waiting space is provided in accordance with § [157.111](#);
- (3) Open air business uses as follows, in conformance with § [157.086](#):
 - (a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;
 - (b) Retail sale of fruits and vegetables;
 - (c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses;
 - (d) Bicycle, trailer, motor vehicle, boat, or home equipment rental services;
 - (e) Outdoor display and sale of garages, swimming pools, and similar uses; and
 - (f) Outdoor sales space for sale of new and/or used automobile or of new and/or used house trailers or boats; provided that all automobiles offered for sale are in good working condition. ~~there may be sales space for used vehicles only if carried on in~~

~~conjunction with a regularly authorized new car or trailer sales agency which is housed in a permanent building on the same lot.~~

SECTION 157.046 Light Industrial District, M-1

(B) *Principal permitted uses.* Any of the following uses when the manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage, or processing shall be totally obscured by a 6-foot masonry wall on those sides abutting any residential district:

(1) *Wholesale and warehousing.* The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; petroleum bulk stations and terminals; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district; truck terminals;

(2) *Industrial establishments.*

(a) The assembly, fabrication, manufacture, packaging, or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radio and phonographs, or pottery and figurines or other ceramic products using only previously pulverized clay.

(b) The assembly, fabrication, manufacture, or treatment of products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills), and yarns.

(c) Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products.

(d) Laboratories; research or testing.

(e) Central dry cleaning plants and laundries.

(3) *Public utility uses.* Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations; and

(4) *Accessory buildings and uses.* Accessory buildings and uses customarily incidental to the above principal permitted uses.

(5) Medical marijuana dispensary that stores and sells or dispenses medical marijuana shall not be permitted:

(a) Within 500 feet of any other medical marijuana dispensary;

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution;

(e) Within 1,000 feet of any public or municipal park, and

(f) Shall be subject to all requirements as set forth in § [157.092](#) of this code for site plan review.

(6) Medical marijuana growing facility that does not sell or dispense medical marijuana to qualifying patients shall not be permitted:

(a) Within 500 feet of any other medical marijuana dispensary or growing facility;

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution;

(e) Within 1,000 feet of any public or municipal park; and

(f) Shall be subject to all requirements as set forth in § [157.092](#) of this code for site plan review.

(7) Medical marijuana club (also known as compassion club), provided that the club shall not be permitted:

(a) Within 500 feet of any other medical marijuana dispensary or club;

(b) Within 500 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution;

(e) Within 1,000 feet of any public or municipal park; and

(f) Shall be subject to all requirements as set forth in § [157.092](#) of this code for site plan review.

(8) Open air business uses as follows, in conformance with § [157.086](#):

(a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;

(b) Retail sale of fruits and vegetables;

(c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses;

(d) Bicycle, trailer, motor vehicle, boat, or home equipment rental services;

(e) Outdoor display and sale of garages, swimming pools, and similar uses; and

(f) Outdoor sales space for sale of new and/or used automobile or of new and/or used house trailers or boats; provided that all automobiles offered for sale and in good working condition.

SECTION 157.047 GENERAL INDUSTRIAL DISTRICT, M-2

(C) *Permitted uses after special approval.* The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the ~~Board of Zoning Appeals~~ City Planning Commission pursuant to §157.177:

SECTION 157.073 SALE OF MERCHANDISE FROM RESIDENTIAL ZONED PROPERTY

(A) No person, firm or corporation shall display for sale, sell, purchase or exchange any goods, wares or merchandise from any residentially zoned property for more than 6 calendar days during any 1 calendar year period.

~~(B) Despite the restrictions contained in subparagraph (A) above, any person, firm or corporation may be allowed to conduct a rummage sale or garage sale for an additional 6 calendar days each year by the issuance of a permit. Only 1 permit shall be issued for any 1 parcel during any calendar year. The City Council may establish and amend a permit fee by resolution.~~

SECTION 157.076 BUILDING GRADES.

(C) Final grade shall be approved by the ~~Zoning Administrator~~ Building Official only after a certificate of grading and location of building within the city has been duly completed and certified by a registered engineer or land surveyor.

SECTION 157.079 EXCAVATION, REMOVAL, FILL, OR DEPOSIT

(A) The use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes or byproducts, is not permitted in any zoning district except under a certificate from, and under the supervision of the Zoning Administrator in accordance with a topographic plan, approved by the City Engineer, submitted by the feeholder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than 1 inch equals 50 feet and shall show existing and proposed grades and topographic features and other data as may from time to time be required by the City Engineer. The certificate may be issued in appropriate cases upon the filing with the application of a cash bond or surety bond by a surety company authorized to do business in the state running to the city in an amount as established by the City Engineer which will be sufficient in amount to rehabilitate the property upon default of the operator or other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the ~~Zoning Administrator~~ Building Official.

SECTION 157.080 RESTORING UNSAFE BUILDINGS

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the ~~Zoning Administrator~~ Building Official or required compliance with his or her lawful order.

SECTION 157.085 RADIO AND TELEVISION TOWERS

All commercial radio, television, and other transmitting or relay antenna towers shall be permitted in any business, commercial, or industrial district which has access upon a major thoroughfare. The setbacks for these towers from all abutting streets or adjacent property shall be a distance equal to the height of the tower. The structural plans must be approved by the ~~Zoning Administrator~~ Building Official.

SECTION 157.089 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS

All fences, walls, and other protective barriers (referred to in this section as “fences”) of any nature, description located in the city, shall conform to the following regulations.

(A) Fences in other than M-1 or M-2 districts, unless specifically provided otherwise, shall conform to the following requirements.

(1) (a) No fence shall hereafter be located in the front yard without the prior written approval of the Director of the Department of Public Works or his or her designate. Upon the request for a permit to construct a fence in a front yard, the Director of the Department of Public Works or his or her designate shall notify the persons to whom the adjacent real property is assessed of the proposed fence. The adjoining property owner shall, within 7 days of the notice, request a hearing before the Zoning Board of Appeals if he or she has an objection to the construction of the fence in the front yard. If no objection is received within 7 days of the date of notice, the Director of the Department of Public Works or his or her designate may issue a permit to construct the fence; provided, however, the fence shall be of an ornamental nature and of a design so as to be non-sight-obscuring and not in excess of 48 inches in height.

(b) Bushes and hedges must be kept trimmed to a maximum height of 42 inches. Setbacks of bushes and hedges must be at least 3 feet from the edge of any sidewalk and must be kept trimmed back to this setback. Fences may have up to 50% screen, and be of decorative design as required in § [157.089\(A\)\(2\)](#). There shall be a 20-foot free vision zone measured from a street curb and private driveway intersection if no sidewalk exists; also, observance of a 30-foot free vision zone requirement at intersecting streets per § [157.066](#).

(2) (a) Fences of an ornamental nature which may be located in a front yard and any other yard shall be of approved materials, of a fence type listed below; ~~design so as to be non-sight-obscuring, and of a fence type listed below as promulgated in the city's Specifications Governing the Granting of Permits for Commercial or Residential Driveways and Site Improvements, adopted November 3, 1980;~~

1. Post and rail;
2. Split rail;
3. Picket;
4. Wrought iron; ~~or~~
5. Chain link; ;
6. Wood; or
7. Vinyl.

(b) Fences of ~~an ornamental~~ a type not listed above must be approved by the City Zoning Board of Appeals before placement in a ~~front~~ any yard.

(3) Barbed wire, spikes, nails, or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district or wherever deemed necessary by the City Zoning Board of Appeals in the interests of public safety or protection of private property.

(4) No chain link or wire fence shall hereafter be erected in any required yard space in excess of 5 feet in height above the grade of the surrounding land, unless the Zoning Board of Appeals shall give its special approval as provided in §§ 150.152 *et seq.* of this code.

(5) Wooden fences may hereafter be erected in all residential districts to enclose property within a required side or rear yard, shall not exceed 6 feet in height above the natural, average existing grade or ground adjacent thereto, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater.

(B) No fence shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, with the exception that shade trees shall be permitted where all branches are not less than 8 feet above the road level.

(C) Fences in M-1 or M-2 districts with a maximum height of 6 feet may be located on property or road right-of-way lines of a lot, provided that those fences shall be located on parcels with an approved industrial use, maintained in good condition, and shall not constitute an unreasonable hazard. The fences shall be of an approved type located within the city's Specifications Governing the Granting of Permits for Commercial or Residential Driveways and Site Improvements, adopted November 3, 1980.

(D) Required walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance and except such openings as may be approved by the Chief of Police and the Zoning Administrator. All walls herein required shall be constructed of materials approved by the City Planning Commission to be durable, weather resistant, rustproof, and easily maintained; constructed in accordance with city specifications.

(E) Screen plantings may be approved to be utilized to comply with screening requirements set forth in this ordinance. Individuals wishing to utilize plantings are to submit a landscaping detail to the City Planning Commission for approval.

(1) Screen plantings shall consist of plant materials which shall constitute a closed planting strip and height of 5 feet within 2 years after planting

(2) Owners of required screen plantings have the obligation to replace or maintain the condition of the plantings.

(3) Screen plantings shall be placed in a planting strip of at least 5 feet in width.

(F) All required walls, fences, trash container enclosures, and screening barriers are to be maintained in a good condition, shall not constitute an unreasonable hazard, and shall comply with the intent for which they were required.

(G) Fencing for lots or parcels of land which abut more than 1 street frontage (private or public) shall maintain front yard setback requirements unless special approval of Zoning Board of Appeals is granted.

(H) All fences shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the fence.

(I) No person shall use rope; string; wire products including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain ; netting; cut or broken glass; paper; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other materials that are not manufactured specifically as fencing materials. The Building Official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

(J) (1) Fences must be maintained so as not to endanger life, property, or be in a stage of disrepair in the opinion of the Code Enforcement Officer. No fence shall be attached in any way to a neighboring fence. Any fence which, through lack of maintenance or type of construction or otherwise, imperils life or property, shall be deemed a nuisance. No fence, regardless of the zoning district in which it is located, shall be constructed in such a manner as to interfere with the vision of any motorist or pedestrian on any street. No hedge shall be erected or grown in excess of 42 inches in height in front of the setback line for that property which shall unreasonably interfere with the visibility from any street or adjoining property. If any fence or hedge shall constitute a nuisance or otherwise violate this ordinance, the owner of the property on which that fence or hedge is located shall abate the nuisance within 10 days of written notice thereof.

(2) If the nuisance is not abated within 10 days after the owner of the land is notified by the Code Enforcement Officer, then the city may perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the city within 30 days after receiving notice of the amount due from the City Treasurer, then the amount shall become a lien upon the property and be collected in the same manner as collection of city real property taxes.

SECTION 157.092 SITE PLAN REVIEW

(B) Zoning review (rather than site plan review) is required whenever there is a change of ownership or change of use within a ~~planned shopping center~~ multiple tenant space having previously received site plan approval, so long as the use does not differ from an approved use for that zoning. In instances where this applies, the Department of Public Works or authorized representative is hereby authorized to make the review and issue an approval or disapproval. Any interested party may appeal any decision made during this zoning review to the Planning Commission within 7 days of notification of the decision.

(C) (1) Administrative site plan review (rather than site plan review) is required whenever there is a change of ownership ~~or~~ change of use within the parameters of a permitted use within that zoning district when exterior construction is not being done or the construction of an enclosed structure to be used exclusively for storage provided that the structure does not exceed the following size limitations. Where the parcel is less than 5 acres, the structure cannot exceed 2% of the area of the subject parcel. Where the parcel exceeds 5 acres, the structure cannot exceed 2% of the first 5 acres plus ½% per acre, but in no event shall the structure exceed 10,000 square feet in total size. In the event the structure does exceed these size limitations then site plan review shall be required. Administrative site plan review is also applicable to the construction of structures used for recreational purposes that are unenclosed except for columns supporting the roof, or exterior construction that does not require a building permit.

(2) The Director of the Department of Public Works, City of Burton, or his authorized representative, is hereby authorized to make the review and issue an approval or disapproval. Any interested party may appeal any decision made during the administrative site plan review of the Director of the Department of Public Works or his designate to the Planning Commission within 7 days of notification of the decision.

(D) Site plan review with Planning Commission approval is required when there is a change of use in conjunction with exterior construction that requires a building permit, additional use of an attached building or portion of building with a prior approved site plan on file of a use permitted in the same zoning district, development of a property, or construction of a previously developed property, except as provided in subsections (B) and (C) hereof. Whenever a site plan review is required by the provisions of this ordinance, 12 copies of the site plan to an architectural or engineering scale, including all items required together therewith, shall be submitted to the Planning Commission to permit study of all elements of the plan. The Planning Commission may prepare forms and require the use of such forms in site preparation.

(H) The site plan shall be reviewed by the Planning Commission and approved, approved with any conditions the Planning Commission deems necessary to carry out the purpose of the ordinance and other regulations of the city, or disapproved. Any interested party shall have the right to appeal to the ~~City Council~~ Zoning Board of Appeals any decision of the Planning Commission within 7 days after the decision of the Planning Commission.

(N) Every site that requires zoning review, administrative site plan review, or site plan review approval shall be designed to provide for a numeric address with a minimum of 6" high, black or white numbers on the front face of the building visible from the street. (example: 1234).

SECTION 157.098 KEEPING OF CHICKENS.

(B) (1) Any person who keeps chickens on non-agriculturally zoned property shall first obtain a permit. An application shall be submitted to the ~~office of the~~ Department of Public Works City Clerk and a fee paid as shall be established, and from time to time be amended, by resolution of the Burton City Council. Initially this fee shall be set at \$25.00

SECTION 157.100 HOME OCCUPATIONS

The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the surrounding neighborhood by the following requirements:

(A) A home occupation permit may be granted by the Department of Public Works within a single-family residential dwelling unit when a home occupations application, provided on forms furnished by the City, has been submitted subject to all of the following conditions and provided all of such conditions are agreed to by the applicant.

(1) No person, other than members of the family residing on the premises shall be engaged in such occupation. Non-resident persons shall not be employed.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total first floor area of the dwelling unit (exclusive of an attached garage, breezeway, and enclosed or unenclosed porches) shall be used for the purposes of the home occupation and the home occupation shall be carried out completely within such dwelling. No accessory building (attached or detached) shall be used in the home occupation.

(3) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation other than 1 sign that shall comply with requirements at [Chapter 153](#), Subsection [153.10](#);

(4) No home occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbances. There shall be no discharge of polluting materials, fluids, or gases into the ground or surface water, soil or atmosphere.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be provided by an off-street parking area, located in other than in a required front or side yard setback area. There shall be no deliveries to or from a home occupation with a vehicle with a rated capacity of greater than 1 ton.

(6) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation. The outdoor storage of goods and materials shall be prohibited. No interior

displays shall be visible from the exterior of a dwelling unit used for the purposes of a home occupation.

(7) The home occupation shall not be open to the public earlier than 8:00 a.m. or later than 8:00 p.m.

(8) No more than 1 home occupation per dwelling unit shall be permitted.

(9) No home occupation may be carried out without a valid permit issued by the Building Official. Home occupation permits shall be reviewed and obtained annually. Fees for any required reviews, public hearings and permits shall be established by resolution of the City Council.

(B) When in the opinion of the Zoning Administrator any proposed or existing home occupation that will not or does not currently comply with the specific items as listed in division (A) above, a home occupation application or renewal shall be submitted for review and approval through the City Planning Commission for a Special Use Permit. Home occupations reviewed and approved by the Planning Commission would be subject to compliance with the additional divisions below. The Planning Commission shall conduct a public hearing in compliance with the City's public hearing notification requirements for a Special Use Permit prior to approving or renewing a home occupation permit.

(1) No persons other than family members of the family residing on the premises, or up to 3 non-family members not residing on the premises, shall be engaged in such home occupation.

(2) No more than 2 home occupations per dwelling unit shall be permitted.

(3) The use of an attached or detached accessory structure shall be limited to 30% of the total first floor area of the dwelling unit exclusive of attached garages, breezeways and enclosed or unenclosed porches.

(4) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation other than 1 sign that shall comply with requirements at [Chapter 153](#). Subsection [153.10](#);

(5) Home occupations approved for a Special Use Permit by the Planning Commission shall be renewed annually through the Building Department. In the event that complaints have been received by the Building Department on a home occupation, the Building Official may require an additional public hearing prior to renewal consideration by the Planning Commission. Fees for any required reviews, public hearings and permits shall be established by resolution of the City Council.

(C) (1) All home occupation permits administratively approved and issued by the Zoning Administrator under division (A) above shall be forwarded to the Planning Commission within 30 days of the date of issuance. When in the opinion of the Planning Commission that a home occupation may not be in compliance with the requirements of division (A), as issued by the Zoning Administrator, the Planning Commission, by a majority vote, may require that the licensee appear at the next regular scheduled meeting of the Planning Commission to address any concerns.

(2) After the hearing set forth in division (C) (1) above, if the Planning Commission concludes the licensee cannot, or will not, comply with all of the requirements of division (A)

above, the Planning Commission may revoke an administratively approve home occupation permit.

(D) Home occupation approved for a Special Use Permit by the Planning Commission may be revoked by the Planning Commission after notice to the licensee at least fifteen (15) days prior to a hearing by the Planning Commission called to consider the revocation of the permit.

SECTION 157.130 REPAIRS AND MAINTENANCE; LIMITATIONS

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement or non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 25% of the current city assessed value of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the ~~Zoning Administrator~~ Building Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 157.132 DISCONTINUED NONCONFORMING USE; FORFEITURE OF PRIVILEGE

When nonconforming use of property is discontinued through vacancy, lack of operation, or other similar condition, and upon a showing of intent of the owner or holder of the nonconforming use status to discontinue said use, for a period of 6 months or more, thereafter no right shall exist to maintain on that property a nonconforming use unless the Board of Zoning Appeals grants that privilege within 6 months after the discontinuance. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

SECTION 157.154 APPEALS AND VARIANCES; BOARD POWERS AND DUTIES

(B) (3) (a) In consideration of all appeals and all proposed variances under this ordinance, the Board of Zoning Appeals shall, before granting any appeals or variance in a specific case, first determine that the proposed variance:

1. Involves unnecessary hardship for a use variance and practical difficulty for a non-use variance which precludes the reasonable use of the property, and involves exceptional and unique circumstances inherent in the property itself or in the immediately surrounding area not found in other areas of the same zoning district;

SECTION 157.172 PERMIT REQUIREMENTS

The following shall apply in the issuance of any permit.

(A) *Permits required.* It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes or repairs in any existing building or structure, or moving of an existing building, without first obtaining a building or site permit from the Zoning Administrator or Building Official. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this ordinance showing that the construction proposed is in compliance with the provisions of this ordinance, with the Building Code, and with other applicable ordinances.

(1) No plumbing, electrical, drainage, or other permit shall be issued until the Zoning Administrator or Building Official has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this ordinance.

SECTION 157.173 CERTIFICATES OF OCCUPANCY

(A) It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit and site permit is required and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved until the Building Official and/or Zoning Administrator shall have issued a certificate of occupancy stating that the provisions of this ordinance have been complied with.

(B) The following provisions shall apply.

(1) *Certificate validity.* The certificate of occupancy, as required for new construction or of renovations to existing buildings and structures in the Building Code, shall also constitute a certificate of occupancy.

(2) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the Building Official and/or Zoning Administrator and copies of the certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

(3) *Certificates for accessory buildings to dwellings.* Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather, may be included in the certificate of occupancy for the principal dwelling, building, or structure on the same lot when the accessory buildings or structures are completed at the same time as the principal use.

(4) *Temporary certificates.* Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that the certificate of temporary occupancy shall not remain in force more than 120 days, nor more than 5 days after the building or structure is fully completed and ready for occupancy, and provided further that those portions of the building or structure are in conformity with the provisions of this ordinance.

(5) *Application for certificates of occupancy.* Any person applying for a site permit or building permit shall at the same time apply to the Building Official and/or Zoning Administrator, in writing, for a certificate of occupancy. It shall be the duty of that person to notify the Building Official and/or Zoning Administrator upon completion of the building or structure. The Building Official and/or Zoning Administrator shall, within 5 business days after actual receipt of that notification, inspect the building or structure, and if he or she shall determine that the building or structure or part thereof or the proposed use of the premises is in conformity with this and other applicable ordinances and laws, the Building Official and/or Zoning Administrator shall determine that a violation exists, he or she shall not issue a certificate of occupancy and shall forthwith notify the applicant of that refusal and the cause therefor.

SECTION 157.174 BUILDING PERMIT; FINAL INSPECTION

The recipient of any building permit and site permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof shall notify the Building Official and/or Zoning Administrator or Public Works Director immediately upon the completion of the work authorized by that permit for a final inspection.

Draft

Appendix C : Use Matrix

PU = Permitted Use SU = Special Use WR = With Restrictions	C-1 - Local Business	C-2 - General Business	C-3 - Highway Oriented	C-4 - Planned Shopping	RO - Restricted Office	M-1 - Light Industrial	M-2 - General Industrial	R-1A -Single Family Residential	R-1B -Single Family Residential	R-1C -Single Family Residential	RM - Multiple Family Residential	SE - Suburban Estate Residential	HRM - High Rise / Multiple Family Residential	RMH - Mobile Home Park
Accessory Structure to Principal	PU	PU	PU	PU		PU	PU	PU	PU	PU	PU	PU	PU	PU
Apartments											PU		PU	
Arcade		SU	SU											
Assembly Halls			PU											
Assisted Living Homes	PU	PU	PU		PU						PU		PU	
Automobile Repair		SU	SU			SU	PU							
Banks / Credit Union	PU	PU	PU	PU	PU									
Beauty Parlor or Barber	PU	PU	PU	PU		SU	PU							
Bowling Alley		SU	SU											
Carry out Restaurant	PU	PU	PU	PU			SU							
Cemetery (20 Acres Required)								SU	SU	SU	PU	SU	PU	
Churches	PU	PU	PU		PU			SU	SU	SU	PU	SU	PU	PU
Convalescent Homes	PU	PU	PU		PU						PU		PU	
Daycare Center	PU	PU	PU		PU			SU	SU	SU	PU	SU	PU	PU
Dog Kennel						SU	PU							
Dwelling, Multi Family											PU		PU	
Dwelling, Single Family								PU	PU	PU	PU	PU	PU	
Fabrication						PU	PU							
Family Care Center (less than 6)								PU	PU	PU	PU	PU	PU	PU
Farm Animals (5 Acres Required)								PU	PU	PU		PU		
Furniture/ appliance repair shop		PU	PU	PU										
Gasoline Station		PU	PU	WR										
Golf Courses (5 Acres Required)								SU	SU	SU	PU	SU	PU	
Gym		PU	PU	PU										
High Rise Multi-Family													PU	
Home Occupation								PU	PU	PU	PU	PU	PU	
Hospitals		SU	SU								PU		PU	
Housing for Elderly	PU	PU	PU		PU						PU		PU	
Industrial Park						SU	PU							
Junk Yard							SU							
Landscaping Yard							SU							
Laundromats / Dry Cleaning	PU	PU	PU	PU		PU	PU							
Manufacturing – Automobiles							PU							
Manufacturing - not automobiles						PU	PU							

PU = Permitted Use SU = Special Use WR = With Restrictions	C-1 - Local Business	C-2 - General Business	C-3 - Highway Oriented	C-4 - Planned Shopping	RO - Restricted Office	M-1 - Light Industrial	M-2 - General Industrial	R-1A - Single Family Residential	R-1B - Single Family Residential	R-1C - Single Family Residential	RM - Multiple Family Residential	SE - Suburban Estate Residential	HRM - High Rise / Multiple Family Residential
Medical / Dental Offices or Clinics	PU	PU	PU		PU								
Medical Marijuana Club		SU	SU			PU	PU						
Medical Marijuana Dispensary		SU	SU			PU	PU						
Medical Marijuana Grow Facility						PU	PU						
Mobile Homes / Parks													
Motel, Hotel or Lodging			PU			SU	PU						
Office - Professional (not medical)	PU	PU	PU	PU	PU								
Open Air Business			SU			PU	PU						
Open Storage Yards – Contractor							SU						
Photography Studio	PU	PU	PU	PU	PU								
Planned Unit Development								WR	WR		PU		PU
Private Clubs (5 Acres Required)								SU	SU	SU	PU	SU	PU
Recreational use – Indoor			SU			PU	PU						
Recreational use - Outdoor		SU	SU										
Recreational Vehicles Sales			PU			SU	PU						
Restaurant - Completely Enclosed	PU	PU	PU	PU		SU	PU						
Restaurant with a Drive Thru		SU	SU	WR									
Retail Stores	PU	PU	PU	PU									
Schools – Private	PU	PU	PU		PU								
Schools – Public	PU	PU	PU		PU			PU	PU	PU	PU	PU	PU
Self-Storage Facility						SU	PU						
Shopping Center – Mall				PU									
Tailor	PU	PU	PU	PU	PU								
Tanning Salons		PU	PU										
Theaters - Completely Enclosed				PU									
Theaters - Drive-in						SU	PU						
Tool and Die Shop						PU	PU						
Towing Facility							SU						
Townhouses											SU		
Vehicle Sales – Inside			PU			PU	PU						
Vehicle Sales - Outdoor			SU			PU	PU						
Veterinarian Hospital		SU	SU										
Warehouse		SU	SU			PU	PU						
Welding							PU						
Wholesale Establishment		SU	SU			PU	PU						

Attachment: 15-32 (1847 : ZC#314)

SECTION II

All other provisions of this Chapter shall be and are hereby ratified.

SECTION III

The violation of the terms of this Ordinance shall be a municipal civil infraction.

SECTION IV

This Ordinance, or a synopsis thereof, shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective 30 days after publication.

SECTION V

A copy of this Ordinance may be inspected at the City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:

Attachment: 15-32 (1847 : ZC#314)