CITY OF BURTON

BURTON PLANNING COMMISSION MEETING

AUGUST 11, 2015

AGENDA

Council Chambers | **Regular Meeting** | **5:00 PM**

4303 S. CENTER ROAD
BURTON, MI 48519

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. STAFF PRESENT

D. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Jul 14, 2015 5:00 PM

E. PUBLIC HEARING

1. SPR #15-32 / ZC 314

   By: Burton City Planning Commission

   Re: Ordinance No. 2015-___157, An Ordinance Amending Zoning Ordinance, Chapter 157 of the Code of Ordinances of the City of Burton.

   For: Zoning text change for minor changes to several sections of the existing zoning ordinance along with additions of text for regulation of home occupations and a use matrix.

F. SPECIAL USE

1. SPR #15-22

   By: Timothy Bertram
   1330 Kenneth St.
   Burton, MI 48529

   Re: 1328 Kenneth St. Burton, MI 48529,
   59-30-578-228, R-1C Single Family Residential

   For: To expand special use for an addition to an adult foster care home

G. SITE PLAN REVIEW

1. SPR #15-30

   By: Cary J. Austin
   2274 Peartree Dr.

Burton, MI 48519

Re: 5480 Lapeer Rd.
Burton, MI 48509
59-14-576-014 / C-1 Zoned

For: Construction of a garage for storage

H. ADMINISTRATIVE SITE PLAN REVIEW

1. SPR #15-25

   By: Earl Mayhew
   5503 McNamara Ln.
   Flint, MI 48506

   Re: 1365 N. Belsay Rd.
   Burton, MI 48509

   For: Family Physical Therapy

2. SPR #15-26

   By: Barbara Rozier
   20201 Lacrosse Ave.
   Southfield, MI 48076

   Re: 1375 E. Bristol Rd.
   Burton, MI 48529

   For: Half off mattress stores

3. SPR #15-27

   By: Laurie Poplar
   4392 E. Court St.
   Burton, MI 48509

   Re: 2358 N. Center Rd.
   Burton, MI 48509

   For: Therapeutic foot / massage spa

4. SPR #15-28

   By: Jennifer Sutherby
   4117 Cherrybrook
   Burton, MI 48519

   Re: 1245 S. Center Rd.
   Burton, MI 48509

   For: Temp. Spirit Halloween Store

5. SPR #15-29

   By: Goodwill Industries of Mid-Michigan
   501 S. Averill Ave.
   Flint, MI 48506

   Re: 4190 E. Court St. Ste 703
   Burton, MI 48509

   For: Temp. A Very Goodwill Christmas Store

6. SPR #15-31

   By: Burton Management LLC.
   6045 W. Pierson Rd. Ste D5
   Flushing, MI 48433

   Re: 1145 N. Belsay Rd.
   Burton, MI 48509

   For: Retail Store: Family Farm & Home

I. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Burton Planning Commission. I would ask each individual to give their name and address for the record and to limit their comments to five (5) minutes and to speak on the topics germane to City business.

J. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Tuesday, September 8, 2015 at 5:00 p.m.

CITY OF BURTON

BURTON PLANNING COMMISSION MEETING

JULY 14, 2015

MINUTES

Council Chambers | **Regular Meeting** | **5:00 PM**

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Robert Walls at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Greg Kray	Alternate Commissioner	Excused	
Ellen Ellenburg	Councilwoman	Present	
Robert Walls	Chairman	Present	
Kevin Burge	Commissioner	Present	
Robert Centilli	Commissioner	Absent	
Mary Ann White	Commissioner	Absent	
Robert Johnson	Commissioner	Present	
Tom Gorang	Commissioner	Present	
Deb Walton	Commissioner	Present	

C. STAFF PRESENT

Amber Abbey, Planning/Zoning
Racheal Boggs, Clerk's Office
Teresa Karsney, City Clerk

D. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Jun 9, 2015 5:00 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Tom Gorang, Commissioner
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Ellenburg, Walls, Burge, Johnson, Gorang, Walton
ABSENT:	Centilli, White
EXCUSED:	Kray

E. SPECIAL USE

1. 1699 : SPR #15-18 Motion to Approve Special Use for a Medical Marijuana Dispensary in a C-2 General Business Zone.

   Mark Abraham of St. Clair Shores stated he is an entrepreneur. He has been in business for 30 years. He has spent a lot of time researching what the City of

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Burton expects from a business. We have every intention of following the rules and expectations.

Andrea Robinson of Grant Hamady Realtors in Burton stated she is representing Court Village Plaza on behalf of Mr. Ogorick who owns the property behind the proposed business property. The parcel is currently for sale. Mr. Ogorick has some concerns about the medical marijuana dispensary impeding upon the sale of his property or restricting who may be interested in purchasing the property.

Attorney George Killeen of Bay City stated he is representing Mr. Ogorick who owns the strip mall. Mr. Ogorick came to the board in May requesting a marijuana facility in one of his business units. At that time, he was denied because of the concern that he could not control access to those less than 18 years of age. It will ice box his property and make it unattractive to people who might otherwise seek it out. If this was in Mr. Ogorick's facility, and there were an issue, he would have the power to evict.

Mark Rosin, Vice President of Property Management, MDI in Flint stated they are the landlord of this building. The building has been vacant for over a year. He doesn't believe this use will hurt the value any more than the property sitting vacant.

Mrs. Abbey stated the building has been vacant. The use is appropriate for that zoning as long as there is a special use aspect involved. It is a use for a building that may not otherwise be used any time soon. The administration recommends approval.

Mr. Burge asked if this property is the old Ponderosa building.

Mrs. Abbey stated yes.

Mr. Burge asked if the entire building will be used.

Mr. Abraham said 70% of the building will not be used. It is too big for his needs but it was a good location.

Mrs. Ellenburg asked if Mr. Abraham has gone through the cities rules and read the ordinances.

Mr. Abraham said yes. He stated there will be a person in the parking lot to enforce the 18 year old rule. There will be 17 cameras and an elaborate security system.

Mrs. Ellenburg suggested open tours of the facility for Council Members, Police, etc.

Mr. Abraham stated a week prior to opening he would like to have an open tour. He would like a positive relationship with the community and law enforcement.

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RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Kevin Burge, Commissioner
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Ellenburg, Walls, Burge, Johnson, Gorang, Walton
ABSENT:	Centilli, White
EXCUSED:	Kray

2. 1703 : SPR #15-22 Motion to Postpone Special Use due to Applicant's Absence.

Mrs. Abbey stated the applicant is not in attendance and recommended postponement as a one time courtesy.

RESULT:	**TABLED [UNANIMOUS]**	**Next: 8/11/2015 5:00 PM**
MOVER:	Kevin Burge, Commissioner	
SECONDER:	Tom Gorang, Commissioner	
AYES:	Ellenburg, Walls, Burge, Johnson, Gorang, Walton	
ABSENT:	Centilli, White	
EXCUSED:	Kray	

F. SITE PLAN REVIEW

1. 1700 : SPR #15-19 Motion to Approve Change of Use with Restriction of no Product Name or Symbol on Signage.

Mr. Abraham of St. Clair Shores stated there will be minimal, simple signage; a green cross and the company name only. As far as security, all parking will be on the west side and behind the building. There will be a security officer outside making sure there are no children in the car while adults are inside doing business. Identification will be checked at the door.

Mrs. Abbey said there is no guarantee about the signage just because the applicant states this. She recommends adding signage stipulations to the motion. Specifically, the word marijuana or any symbol suggesting such. The building appears to be in good shape. One of my concerns was the dumpster enclosure and they have already pulled a permit to fix it. The Police Chief has no additional requirements and has had no issues with these businesses in the past. The administration recommends approval with the addition of the signage requirements.

Mr. Burge suggested placement of a large (6 inch or larger) address number on the sign or building in a contrasting color.

Mrs. Ellenburg asked if he has a particular name in mind.

Mr. Abraham said he definitely wants the word "Organics" in the name. He also likes the word "Naked" because it implies the product has no pesticides. So, the name "Naked Organics" is the first choice at this time.

Mrs. Ellenburg discouraged using the term Naked and likes the green cross symbol.

Mr. Johnson agrees with Mrs. Ellenburg about the name of the business having the

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word Naked in it and he likes the green cross idea.

RESULT:	**CARRIED AS AMENDED [UNANIMOUS]**
MOVER:	Robert Johnson, Commissioner
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Ellenburg, Walls, Burge, Johnson, Gorang, Walton
ABSENT:	Centilli, White
EXCUSED:	Kray

2. 1704 : SPR #15-23 Motion to Approve Parking Lot Addition Contingent upon a Site Plan for Lighting.

Michael Pifer of Kraft Engineering in Flint stated he is representing LaTerra Development on behalf of James Cokley, property owner. The property is Crystal Field House Ice Arena which opened about a year ago. It was originally built in the mid 1990's. Business has been good. The business gets such a big crowd 6-7 times a year, the parking lot overflows into other areas. The additional parking area would serve as an overflow lot for these times. There will be no additional driveways needed. Access will be from the existing parking lot. We would acquire about 57 new parking spaces. Everything will be laid out according to city standards. We will sheet flow the drainage and provide necessary lighting to the area.

Mrs. Abbey said when Ice Mountain closed it took away something great from our area. It is great that they need more parking because that is a sign of a successful business. The administration recommends approval.

Mr. Johnson asked about the limestone paving and the impact on the new facility for alcohol consumption.

Mr. Pifer stated the lounge area is not open while the kids are there playing hockey. Mr. Cokley does not want to operate them at the same time.

Mr. Gorang asked how they determined 57 parking spaces would be adequate considering the plan for future building expansion.

Mr. Pifer said the original parking lot in light gray on the site plan is what was put in to support the ice arena as it is today. Mr. Cokley currently has no plans to build on. When Ice Mountain was first constructed, that was their intent. We left it because it was part of the original site plan.

Mr. Walls asked if there were plans for the lighting.

Mr. Pifer stated the parking lot will be lighted according to the city standards. It is a separate plan that he will bring to the board after they discuss it with the site lighting company.

Mrs. Ellenburg asked if the drain commission will put a stop to these plans.

Mr. Pifer stated they will put in a restriction so the drainage doesn't go into the city's system.

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Mrs. Abbey said it is unnecessary as a contingency because she will not issue a building permit until she receives information back from drain commission.

Mr. Walls stated he would like the motion to be contingent upon the site plan for parking lot lighting.

RESULT:	**CARRIED AS AMENDED [UNANIMOUS]**
MOVER:	Tom Gorang, Commissioner
SECONDER:	Robert Johnson, Commissioner
AYES:	Ellenburg, Walls, Burge, Johnson, Gorang, Walton
ABSENT:	Centilli, White
EXCUSED:	Kray

3. 1705 : SPR #15-24 Motion to Approve Change of Use for a Grow Facility with Condition of Storm Drain Repair.

Robert Dodge of Grand Blanc stated he has no plans for changes to the existing structure.

Mrs. Abbey said the building is vacant. No exterior construction is planned at this time. She would like to see the storm drain in the middle of the parking lot repaired because it is a trip hazard. Other than that, the administration recommends approval.

Mrs. Ellenburg asked if there is a name for the business.

Mr. Dodge stated the business name is their initials (ABRD, LLC) There will be no signage on the building.

Mrs. Abbey said they will only be growing here. It is not a dispensary. Only the caregiver's who will be occupying space there will be going there.

Mrs. Ellenburg asked for clarification on the difference between a grow facility and a dispensary. She also asked if they will have security.

Mr. Dodge stated they have 18 patients total and they will grow specifically for those patients. In terms of security, it will be very tight internally and externally.

Mr. Johnson asked how many growers they can accommodate in the building.

Mr. Dodge stated no more than 6 right now based on the square footage.

Mrs. Abbey said it is 12 plants per patient, each caregiver can have 5 patients plus themselves so it's 72 total plants they could potentially have.

Mr. Johnson asked about the lighting system.

Mr. Dodge said there are different lights for different stages of growing.

Mr. Johnson is concerned about the heat load and fire hazard of the grow lights.

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Mr. Dodge said he believes there is a sprinkler system inside the facility. We use air-cooled lights which will vent and we have air conditioning inside the building. The building is outfitted with smoke detectors.

RESULT:	**CARRIED AS AMENDED [UNANIMOUS]**
MOVER:	Kevin Burge, Commissioner
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Ellenburg, Walls, Burge, Johnson, Gorang, Walton
ABSENT:	Centilli, White
EXCUSED:	Kray

G. ADMINISTRATIVE SITE PLAN REVIEW

1. SPR #15-16

2. SPR #15-17

3. SPR #15-20

4. SPR #15-21

H. AUDIENCE PARTICIPATION

None

I. BOARD DISCUSSION

Mrs. Abbey stated the racer property off of Davison Road is trying to sell property. They have come up with a conceptual site plan. They would like to present the Planning Board possibilities of what this property could potentially be. It has to be an industrial facility and needs to create so many jobs based on the size of the building. This conceptual site plan doesn't make them build the building it's just a marketing tool that says the City of Burton is open to this type of use in the building. It is a preliminary type of approval. They will still have to come before the board with the actual site plan. Rowe engineering has been asked to present this for them and they would like your feedback.

Mr. Gorang thinks it is a good idea. It is to our benefit.

Mr. Burge is all for it.

The Planning Board is in agreement with the conceptual site plan.

Mrs. Abbey stated we have $50,000.00 in the budget this year to begin development of a Master Plan. She asked the Board how we would like to begin. She suggested contacting an engineering firm to bring a presentation forward.

Mr. Walls agreed that asking engineering companies to come forward is a good idea. He stated we are new to this concept and should invite the experts. He prefers using a local company.

Mrs. Ellenburg suggested Fleis and Vandenbrink because they did our last 5 year plan.

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Mrs. Abbey said the cost of a Master Plan will relate highly to the amount of public participation we want to include. Before they do a presentation, they may want to know what we are looking for in terms of public participation, maps, pictures, charts, etc.

Mrs. Ellenburg suggested doing workshops that are open to the public to get help with ideas.

Mrs. Abbey suggested forming individual committees to work on various areas of the plan.

Mr. Walls would like to agree to direct Mrs. Abbey to contact engineering firms to bring presentations.

Mrs. Abbey said she thinks Rowe and Fleis and Vandenbrink would be interested and she will post it in the newspaper. She thinks she could have them by the September meeting. It will be on the meeting Agenda.

The next regularly scheduled meeting will be held on Tuesday, August 11 at 5:00 p.m.

Meeting was adjourned at 6:36 PM.

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SPR #15-32 / ZC 314

By: Burton City Planning Commission

Re: Ordinance No. 2015-___157, An Ordinance Amending Zoning Ordinance, Chapter 157 of the Code of Ordinances of the City of Burton.

For: Zoning text change for minor changes to several sections of the existing zoning ordinance along with additions of text for regulation of home occupations and a use matrix.

ATTACHMENTS:

- Ordinance 2015 157.006 (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

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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~~

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~~(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 s 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

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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.~~

Draft

(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.

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(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.

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(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

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(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;

Draft

(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~~

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~~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;

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(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.

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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.

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(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.

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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.

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(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:~~

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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.

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(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.

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(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.

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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 ~~ro~~, 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.

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(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.

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(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.

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(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

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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)

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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

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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;

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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.

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(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.

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(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.

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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							

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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						

Draft

Attachment: Ordinance 2015 157.006 (1736 : SPR #15-32)

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.

Draft

CITY OF BURTON,

_____

By: PAULA ZELENKO, MAYOR

_____

By: TERESA KARSNEY, CLERK

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

Attachment: Ordinance 2015 157.006 (1736 : SPR #15-32)

SPR #15-22

By: Timothy Bertram
1330 Kenneth St.
Burton, MI 48529

Re: 1328 Kenneth St. Burton, MI 48529,
59-30-578-228, R-1C Single Family Residential

For: To expand special use for an addition to an adult foster care home

HISTORY:

07/14/15 Planning Commission TABLED Next: 08/11/15

Mrs. Abbey stated the applicant is not in attendance and recommended postponement as a one time courtesy.

ATTACHMENTS:

- 15-22 (PDF)

App Due June 1

F.1.a

City of Burton

Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

Date Filed: 6-18-15
Fee Paid: $600.00
Receipt #:
Check #: 1029
Received by: AA
Date Mailed: 10-23-15

APPLICATION FOR PLANNING COMMISSION SPECIAL USE:

BCPC Case #: 15-22

PLEASE PRINT

DATE OF PLANNING COMMISSION HEARING: July 14th AT 5:00 P.M.

APPLICANTS NAME: Timothy Bertram

APPLICANTS ADDRESS: 1330 Kenneth St.

CITY: Burton

APPLICANTS PHONE: 810-348-5923

ADDRESS AND PARCEL OR LOT NUMBER: 1328 Kenneth St
Lot 1191 Baker Park No. 1 59-30-578-228
R-1C Zone.

NATURE OF REQUEST (PERMITTED USE AFTER SPECIAL APPROVAL): To expand a Special use for an addition to an adult foster care home.

APPLICANTS SIGNATURE: Timothy Bertram

MANDATORY ATTENDANCE AT THE ABOVE MEETING IS ACKNOWLEDGED BY THE APPLICANTS SIGNATURE.

Attachment: 15-22 (1703 : SPR #15-22)

BURTON

Property to be Demolished for addition
Existing Special Use
Combine Parcels
Kenneth
Connell

SPR #15-30

By: Cary J. Austin
2274 Peartree Dr.
Burton, MI 48519

Re: 5480 Lapeer Rd.
Burton, MI 48509
59-14-576-014 / C-1 Zoned

For: Construction of a garage for storage

ATTACHMENTS:

- 15-30 (PDF)

City of Burton
Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

APPLICATION FOR SITE PLAN REVIEW

DATE FILED: 7-23-15
FEE: $200.00
RECEIPT NO:
CHECK NO: 3640

SPR #: 15-30

PLEASE PRINT

DATE OF PLANNING COMMISSION MEETING: 8-11-15 @ 5:00pm.
APPLICANTS NAME: Cary J. Austin
APPLICANTS ADDRESS: 2274 Peartree dr Burton, Mi 48519
APPLICANTS PHONE NO: 810-814-2949
PROPOSED NAME OF BUSINESS: (existing) C&A Cleaning/Alternative M&M systems
SITE ADDRESS: 5480 LaPeer rd Burton, Mi 48509
SUBDIVISION & LOT # OR PARCEL NUMBER: #54 and #55

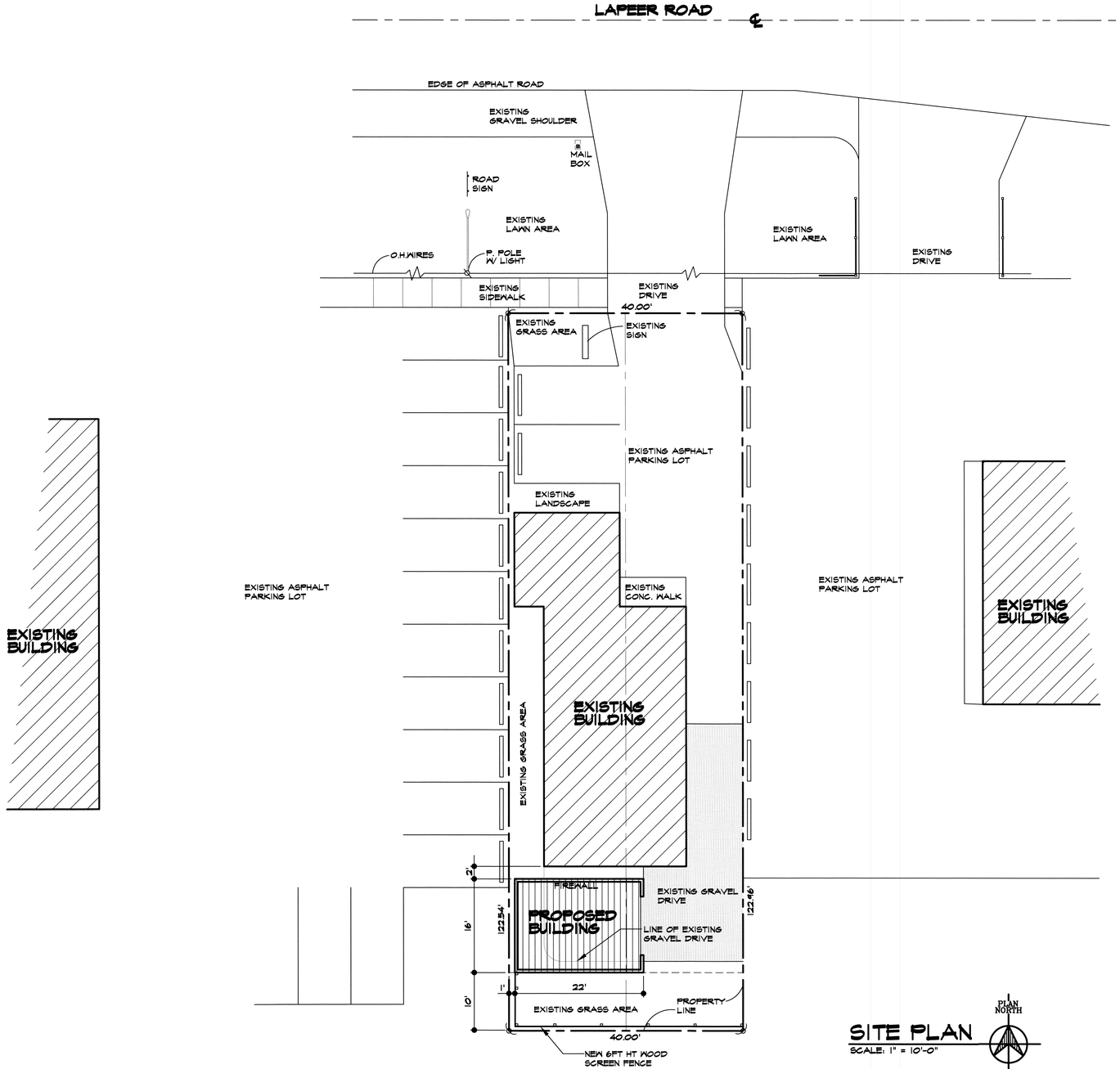
RE: GARAGE Storage Structure behind existing building

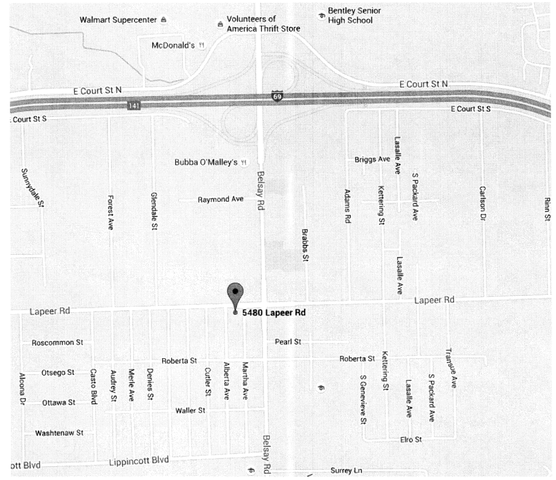
APPLICANT: IT IS TO YOUR ADVANTAGE TO ATTEND THE ABOVE SCHEDULED MEETING. THE PLANNING COMMISSION MAY HAVE QUESTIONS THAT DIRECTLY AFFECT APPROVAL DENIAL, OR POSTPONING UNTIL THESE QUESTIONS CAN BE ANSWERED.

APPLICANTS SIGNATURE: Cary J. Austin

NOTE: All site plans must be filed at least two (2) weeks prior to the Planning Commission hearing and **MUST** comply with the procedures set forth in Section 157.092 of Codified Ordinance as attached. Must include **twelve (12) sets** of prints in order to process the application.

Attachment: 15-30 (1742 : SPR #15-30)





LOCATION MAP
N.T.S.

NORTH

SITE DATA

PRESENT ZONING ——— COMMERCIAL

ADJACENT ZONING ——— COMMERCIAL
PROPERTY SIZE ——— 40'x122.96' -4,918.4 SQ. FT. .11 ACRES

BUILDING AREA ——— EXISTING BUILDING -1,367 SF
NEW BUILDING-22'x16' 352 SF

% OF LAND COVERAGE —— 35 % BUILDING

SITE PLAN
SCALE: 1" = 10'-0"

PLAN NORTH

0 10' 20' 30'
Scale 1"=10'

3 WORKING DAYS | BEFORE YOU DIG CALL MISS DIG 811
TOLL FREE FOR THE LOCATION OF UNDERGROUND FACILITIES

LEGAL DESCRIPTION

LOTS 54 AND 55 AND N 1/2 OF VACATED ALLEY OF LAPEER HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 16 ON PAGES 12-13, CITY OF BURTON,GENESEE COUNTY, MICHIGAN

OWNER
GARY AUSTIN
5480 LAPEER RD.
BURTON, MI. 48509
810-309-1770

CREEKWOOD ARCHITECTURE, INC.
1111 s. creekwood burton, michigan 48509
tel. (810) 742-0480 fax (810) 742-8393

REVISIONS

C4

SITE PLAN

PROJECT
NEW OUT BUILDING for ALTERNATIVE MANAGEMENT SYSTEMS, LLC
5480 LAPEER RD. CITY OF BURTON, MI.
DRAWN BY B.A.C. CHECKED BY R.A.S.

JOB NO. 15084 SV
DATE | JULY 2015
SHEET NO.
S1
OF |

Attachment: 15-30 (1742 : SPR #15-30)

SPR #15-25

By: Earl Mayhew
5503 McNamara Ln.
Flint, MI 48506

Re: 1365 N. Belsay Rd.
Burton, MI 48509

For: Family Physical Therapy

ATTACHMENTS:

- 15-25 (PDF)

City of Burton
Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

APPLICATION FOR ADMINISTRATIVE SITE PLAN REVIEW

DATE FILED: 7/10/15

FEE: $75.00

RECEIPT NO: _____

CHECK NO: Cash

SPR #: 15-25

PLEASE PRINT

DATE: 7/10/15

APPLICANTS NAME: Earl Mayhew

APPLICANTS ADDRESS: ~~Belsay Rd~~ 5503 McNaughton Flint 48506

APPLICANTS PHONE NO: 810 444 8791

PROPOSED NAME OF BUSINESS: Family physical Therapy

SITE ADDRESS: 1365 N. Belsay Rd

SUBDIVISION & LOT # OR PARCEL NUMBER: _____

TYPE: ☒ CHANGE OF OWNERSHIP ☐ CONSTRUCTION LESS THAN 2%

USE OF STRUCTURE: Physical Therapy

SQ FOOTAGE OF PROPERTY: ~~approx 2,000~~ about ½ acre

SQ FOOTAGE OF STRUCTURE: approx 4,000

NUMBER OF EMPLOYEES/SEATS: 3 Full time 1 part time

APPLICANTS SIGNATURE: _____

*** ALSO ATTACH A FLOOR PLAN OF THE EXISTING AND PROPOSED BUSINESS.

Attachment: 15-25 (1737 : SPR #15-25)

SPR #15-26

By: Barbara Rozier
20201 Lacrosse Ave.
Southfield, MI 48076

Re: 1375 E. Bristol Rd.
Burton, MI 48529

For: Half off mattress stores

ATTACHMENTS:

- 15-26 (PDF)

City of Burton

Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

APPLICATION FOR ZONING REVIEW

DATE FILED: 7-10-15

FEE: $40.00

RECEIPT NO: _____

CHECK NO: Cash

SPR #: 15-26

PLEASE PRINT

DATE: 7-10-15

APPLICANTS NAME: Barbara Rozier

APPLICANTS ADDRESS: 20201 Lacrosse Ave.

APPLICANTS PHONE NO: (248) 789-4071 (810) 407-4220

PROPOSED NAME OF BUSINESS: HALF OFF MATTRESS STORES

PROPOSED TYPE OF BUSINESS: RETAIL MATTRESS STORE

SITE ADDRESS: 1375 E BRISTOL RD 48529

USE OF STRUCTURE: _____

SQ FOOTAGE OF PROPERTY: _____

SQ FOOTAGE OF STRUCTURE: 5520

NUMBER OF EMPLOYEES/SEATS: 1

APPLICANTS SIGNATURE: Barbara Rozier

*** ALSO ATTACH A FLOOR PLAN OF THE EXISTING AND PROPOSED BUSINESS.

Attachment: 15-26 (1738 : SPR #15-26)

SPR #15-27

By: Laurie Poplar
4392 E. Court St.
Burton, MI 48509

Re: 2358 N. Center Rd.
Burton, MI 48509

For: Therapeutic foot / massage spa

ATTACHMENTS:

- 15-27 (PDF)

City of Burton
Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

APPLICATION FOR ZONING REVIEW

DATE FILED: 7-16-15

FEE: $40.00

RECEIPT NO: Cash

CHECK NO: _____

SPR #: 15-27

PLEASE PRINT

DATE: July 15 - 2015

APPLICANTS NAME: LAurice D Poplar - (Bryant)

APPLICANTS ADDRESS: 4392 E Court ST. Burton MICH. 48509

APPLICANTS PHONE NO: 810 - 447-5119

PROPOSED NAME OF BUSINESS: TREAT YOUR FEET FOOT / Massage SPA

PROPOSED TYPE OF BUSINESS: THERAPEUTIC FEET & Body Massage - Reflexology

SITE ADDRESS: G 2358 N. Center Rd. Burton, Michigan

USE OF STRUCTURE: THERAPEUTIC FOOT / Massage SPA

SQ FOOTAGE OF PROPERTY: _____

SQ FOOTAGE OF STRUCTURE: 800 SQ. FT 20 x 40 FT

NUMBER OF EMPLOYEES/SEATS: 1 Operator

APPLICANTS SIGNATURE: Laurice D Poplar - (Bryant)

*** ALSO ATTACH A FLOOR PLAN OF THE EXISTING AND PROPOSED BUSINESS.

Attachment: 15-27 (1739 : SPR #15-27)

SPR #15-28

By: Jennifer Sutherby
4117 Cherrybrook
Burton, MI 48519

Re: 1245 S. Center Rd.
Burton, MI 48509

For: Temp. Spirit Halloween Store

ATTACHMENTS:

- 15-28 (PDF)

City of Burton
Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

APPLICATION FOR ZONING REVIEW

DATE FILED: 7-20-15

FEE: $40.00

RECEIPT NO: Cash

CHECK NO: _____

SPR #: 15-28

PLEASE PRINT

DATE: July 20, 2015

APPLICANTS NAME: Jennifer Sutherby

APPLICANTS ADDRESS: 4117 Cherrybrook Burton MI 48519

APPLICANTS PHONE NO: 810 275 5498

PROPOSED NAME OF BUSINESS: Spirit Halloween

PROPOSED TYPE OF BUSINESS: Seasonal

SITE ADDRESS: 1245 S. Center Rd Burton MI 48509

USE OF STRUCTURE: Seasonal

SQ FOOTAGE OF PROPERTY: 7,500 Sq Ft.

SQ FOOTAGE OF STRUCTURE: _____

NUMBER OF EMPLOYEES/SEATS: 10 employees

APPLICANTS SIGNATURE: Jennifer Sutherby

*** ALSO ATTACH A FLOOR PLAN OF THE EXISTING AND PROPOSED BUSINESS.

Attachment: 15-28 (1740 : SPR #15-28)

SPR #15-29

By: Goodwill Industries of Mid-Michigan
501 S. Averill Ave.
Flint, MI 48506

Re: 4190 E. Court St. Ste 703
Burton, MI 48509

For: Temp. A Very Goodwill Christmas Store

ATTACHMENTS:

- 15-29 (PDF)

City of Burton
Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

APPLICATION FOR ZONING REVIEW

DATE FILED: 7-20-15

FEE: **$40.00**

RECEIPT NO: _____

CHECK NO: 46480

SPR #: 15-29

PLEASE PRINT

DATE: 7-20-15

APPLICANTS NAME: Goodwill Industries of Mid-Michigan, Inc.

APPLICANTS ADDRESS: 501 S. Averill Ave., Flint, MI 48506

APPLICANTS PHONE NO: 810.762.9962

PROPOSED NAME OF BUSINESS: A Very Goodwill Christmas

PROPOSED TYPE OF BUSINESS: Retail Store

SITE ADDRESS: 4190 E. Court St. Suite 703 Burton, MI 48509

USE OF STRUCTURE: Retail Mall

SQ FOOTAGE OF PROPERTY: See property description attached

SQ FOOTAGE OF STRUCTURE: 472,090 Space to occupy is 8,065 sq ft

NUMBER OF EMPLOYEES/SEATS: In our space - 5 with 3 being there at any one time.

APPLICANTS SIGNATURE: _____

*** ALSO ATTACH A FLOOR PLAN OF THE EXISTING AND PROPOSED BUSINESS.

Attachment: 15-29 (1741 : SPR #15-29)

SPR #15-31

By: Burton Management LLC.
6045 W. Pierson Rd. Ste D5
Flushing, MI 48433

Re: 1145 N. Belsay Rd.
Burton, MI 48509

For: Retail Store: Family Farm & Home

ATTACHMENTS:

- 15-31 (PDF)

City of Burton

Department of Public Works
4093 Manor Drive
Genesee County, Burton, Michigan 48519
(810) 742-9230

APPLICATION FOR ADMINISTRATIVE SITE PLAN REVIEW

DATE FILED: 7-28-15

FEE: $75.00

RECEIPT NO: _____

CHECK NO: 60928

SPR #: 15-31

PLEASE PRINT

DATE: 7-22-2015

APPLICANTS NAME: Burton Management, L.L.C.

APPLICANTS ADDRESS: 6045 W. Pierson Rd, Ste D5, Flushing, MI 48433

APPLICANTS PHONE NO: (810) 230-7433

PROPOSED NAME OF BUSINESS: Retail

SITE ADDRESS: 1145 N. Belsay Rd., Burton, MI

SUBDIVISION & LOT # OR PARCEL NUMBER: _____

TYPE: ☒ CHANGE OF OWNERSHIP ☐ CONSTRUCTION LESS THAN 2%

USE OF STRUCTURE: Retail

SQ FOOTAGE OF PROPERTY: 110,000

SQ FOOTAGE OF STRUCTURE: 110,000

NUMBER OF EMPLOYEES/SEATS: —

APPLICANTS SIGNATURE: Kenneth M [signature] Member

*** ALSO ATTACH A FLOOR PLAN OF THE EXISTING AND PROPOSED BUSINESS.

Attachment: 15-31 (1743 : SPR #15-31)