

CITY OF BURTON
PLANNING COMMISSION WORKSHOP MINUTES
NOVEMBER 21, 2002, 9:00 A.M., POLICE/FIRE FACILITY

Jerry Grantner, Chairman, called the Work Session to order at 9:12 A.M.

MEMBERS PRESENT: Bement, Grantner, Perez, Walls and Young.

MEMBERS ABSENT: Bertram, Hohloch, Mayor Charles Smiley and White.

OTHERS PRESENT: J. Major, DPW Director; T. Strasser, Deputy Planning Official; R. LaDuke, Assistant DPW Director and C. Ladd, Deputy City Clerk.

PURPOSE OF THE MEETING: WORKSHOP TO DISCUSS THE UPDATE OF ORDINANCE
19 ZONING TEXT.

A. PRESENTATION:

Mr. Grantner stated that the Board received copies of ordinance revisions from three different governmental units. He would like to have on paper a listing of what the Board and Administration think is necessary to change in the ordinance. He would like to have the city staff list their primary concerns, as they are the ones who deal with the various issues on a daily basis.

B. AUDIENCE PARTICIPATION:

There was no one in the audience.

C. ADMINISTRATION/PLANNING COMMISSION DISCUSSION:

Mr. Strasser highlighted the following problem areas:

1. **Accessory Structures:** We are having requests for higher roofs to give more storage space.
2. **Used Car Sales Lots:** The used car sales lots call for a special use permit in C-3 zoning. We have very little C-3 zoning in the City. The applicant must go before the ZBA and ask for a permit. If approved, then they must go before the Planning Commission. We could put these in C-1 and C-2 zoning classification with restrictions and this would eliminate some of the variances going before the ZBA.

Mr. Major said more restrictions could be placed upon them to keep the car lots clean. When they get junk cars, they don't get rid of them like they should.

3. **SE Zoning:** Since the adoption of the master plan, we have been receiving fewer requests for SE zoning. Mr. Young proposed 100-foot sized lots in place of SE.

Mr. Young commented that he suggested SE-1 and SE-2 zoning classifications. The lot size for SE-1 would be 100-ft. lots and the lot size for SE-2 would be 150 feet.

4. **Developmental:** This area needs to be defined and incorporated into the zoning ordinance.

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5. **Signage:** Mr. Strasser said according to the business owners, the City is very generous with our signs. Most of the businesses comply with the size of the signs except the electronic message centers. An example of these would be SaLoups and the Ebenezer Church, both located on Center Road. The sign ordinance should be reviewed.

Mrs. Walls inquired about the flashing lights that are mentioned in the zoning ordinance.

6. **Industrial Districts:** This area concerns the M-1 and M-2 in regards to the exact permitted uses and special permits. Mr. Strasser said he and Mr. Major disagree with the attorney in regards to the site at Dort & Maple. Mr. Hamilton suggests that the site is a M-1 use and he thought the use was the correct one for this area.

Mr. Young said he would like some recommendations made from the City staff in regards to possible solutions for the issues that are being outlined this evening. A brief discussion continued regarding administrative input.

7. **Decks:** Mr. Strasser stated that nearly every home that is built today has a minimum of a rear deck. People are placing the decks on the side and the front of the homes. Currently the way the ordinance reads a deck may be placed anywhere on the property. It can go to the front, rear and side property lines as long as they are not covered with a roof. Once a deck is covered with a roof, it becomes a structure. We have many complaints from the neighbors.

Mr. Major said once a deck is built, this causes a problem with the people having access to their rear yards and then they request a variance.

Mr. Strasser said a strong ZBA Board would say no to the variances. We have had several variance requests in the new subdivisions. The problem comes with the ordinance definition part of the ordinance. We don't want to be too restrictive, but we need to be fair to all of the residents.

8. **Car Washes:** Mr. Strasser said times have changed and we need to know what zoning they would fall under and put the restrictions into the ordinance.

A discussion was held concerning the ZBA and Planning Commission meeting once a year to review what items continue to create problems. This should be done on a regular basis and fine-tune the ordinance as we go along rather than having so many major changes.

Mr. Young suggested that the Planning Commission invite the ZBA Chair or any of their members to address this Board regarding any concerns they may have about variances that are being requested.

9. **FENCES:** Mr. Strasser said there are some unusual cases when the fences don't conform to the zoning ordinance requirements. There was a brief discussion concerning a variance for a fence to be placed in front of the house at a residence on North Genesee Road.
10. **Outdoor Sales:** Mr. Strasser addressed the seasonal outdoor sales such as Christmas Trees, fireworks, paintings, pumpkins, etc. By the time the person comes in and can get approval from the ZBA, the event is over. Most of the events occur during the weekends when there is no Code Enforcement Officer on duty.

Mr. Major indicated that in Genesee Township, the police take care of this issue. However, that isn't the case in the City of Burton. We would like to get them under some type of permit system. Possibly they could be regulated administratively on short notice. We need to have a listing of the rules to give the people when they come in for the outdoor sales.

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Mr. Perez suggested that a deposit be required and if they don't clean up the site then the deposit could be used for the cleanup.

11. **Parking Requirements:** Mr. Strasser said with any given business going in there are parking requirements in the zoning ordinance. Courtland Center and Courtyard informed Mr. Strasser that their large expanse parking lot is used almost to the maximum one time a year, at Christmas. If fewer parking spaces are required then we can always add more. However, if there is too much parking, we are asking the business owners to go to an unnecessary expense. Another area to consider is the less paving there is, the less water run-off there is.
We think the parking requirements are too heavy.

Mr. Perez confirmed that the new businesses or changes of ownership come before the Planning Commission for site plan review to be certain there are enough parking spaces.

12. **Lot Splits:** Mr. Major asked if there is a more expedient way of handling the lot splits. We have about 100% approval for the lot splits as long as they are not creating a new parcel or new tax roll. Do we want to explore the possibility to handling these in a different way?

Mr. Strasser stated that possibly the lot splits no longer need to come before the Planning Commission as they are reviewed by the City Assessor and they are in compliance with the ordinance and it would also save the taxpayer the \$200.00 fee. The cost of notifying the residents is another factor that would need to be considered. Every time we have one of these, it is not cost effective to the city.

Mr. Major said the lot splits are not forwarded to the Planning Commission unless they are totally in compliance with the ordinance. We could list the lot splits at the end of the agenda if you would like us to do that.

Mr. Perez said he thinks we could add this to our list and discuss this at one of the workshops.

Mr. Grantner agreed that the lot splits should be reviewed.

13. **Manufactured Homes:** Mrs. Walls said she would like information given to the Board in regards to the roof pitch. Previously, action was taken in regards to the height of the roof.

Mr. Major said they have not eliminated telling people they have to have four-twelve pitch roofs when they bring in their modular homes. In the building permit they are required to go four-twelve. When the modular homes are being brought in they have a three-twelve pitch and the people are being told they must convert to a four-twelve pitch. The Building Inspectors are giving them a year to convert the pitch under an occupancy permit. The building itself may be occupied.

Mrs. Walls inquired about the used cars being sold on Genesee Road at the previously owned Kinder home.

Mr. Major replied that we have created a non-conforming property when the house was taken down. It is zoned residential and he cannot legally sell cars on that lot because there is no principal dwelling. The owner of that lot does not live there and sells cars from his front yard. We will have the code enforcement officer stop and let the owner know he can no longer sell cars from this location.

Mrs. Walls said she doesn't want to give people enough time to do something such as this and then come back to us and say they have done this for a long period of time.

13. **Sidewalks:** Mr. Perez asked if the sidewalk issue should be addressed again or are the requirements being complied with at this point?

Mr. Strasser said the businesses seem to be complying with the requirements.

Mr. Major said most of the people opt to comply with the 50% rule when constructing the sidewalks. Most of these are change of use. Davison, Genesee and Grand Blanc are all requiring sidewalks also.

Mrs. Walls said she thinks we should get federal money to construct sidewalks from Meijer's to the Court House because of the indigent people who use MTA for transportation to Meijer's and then walk from there to the Court.

Mr. Major said the only way this could be done would be to special assess and put them in when the business goes in or have the City Council pull money from the General Fund.

Mr. Bement said this zoning text is 30 plus years old and he doesn't think we need to knit pick the ordinance. He thinks the Industrial Districts should be reviewed and brought up to date. When looking at the list, it isn't a long one and has served the City well.

Mr. Grantner said his impression is that we have a good ordinance and there are only about 13 items listed. We are in transition and he agrees with Mr. Bement that the ordinance has served the city well.

Mr. Strasser said some of the items are not a problem with the ordinance but with the changing times and business concerns.

Mr. Grantner said he would keep his notes and share these concerns with the Zoning Board of Appeals Chair and see if there is anything that was missed. Where to we go from here?

14. **Licensed Vehicles:** Mr. LaDuke said one issue of concern is the ordinance states a person is to have only three (3) licensed vehicles in their driveway. If you have a family with several licensed drivers and they all have a vehicle, then they are violating the ordinance. Sometimes we just need to make some minor changes to alleviate any problems and use common sense.

Mr. Grantner said we should to prioritize these items and see which ones could easily be revised.

15. **Gas Stations:** Mr. Major commented that gas stations are no longer as they once were. Today they are an accessory to the principal use at the site. Many of them have mini-stores selling gasoline. We need to modify the ordinance in some way.
Discussion continued regarding the review of this item.

Mrs. Walls inquired whether rummage sales should be addressed in the ordinance.

Mr. Major stated that a handful may run the sales longer than two or three days, but not many of them.

Mr. Grantner said good judgment and a level head would take care of many of the items.

16. **Portable Vinyl Temporary Coverings:** Mr. Major said these vinyl coverings are used for cars, trailers, boats, etc. and the City does not regulate them. Should we address this issue now?

D. BOARD DISCUSSION:

Mr. Grantner asked for direction from the Board as to how to proceed with these items.

Mr. Bement suggested that the DPW staff knows what situations arise and what they handle on a daily basis. He thinks they should prioritize and the Board could review and do the same thing and then meet and discuss the items.

Mr. Grantner indicated he would like the DPW staff to have in mind some type of solution to these issues.

Mr. Strasser said some of the items would be easier to resolve than others.

Mrs. Walls raised the issue of the store owners who have paper signs in their windows.

Mr. Major said the code enforcement officer has addressed this issue and most of the storeowners won't take them down until they are taken into court.

Mr. Grantner said another work session would be held after the first of next year. Hopefully we will have all of our members here for their input and DPW can give their opinion and offer a solution to some of the problem areas.

The next regularly scheduled meeting will be held on Tuesday, November 12, 2002 at 6:00 P.M.

Meeting Adjourned at 10:34 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML

ZONING ORDINANCE CHANGES LISTED AT PLANNING COMMISSION WORKSHOP ON THURSDAY, NOVEMBER 21, 2002

1. ACCESSORY STRUCTURES

2. USED CAR SALES LOTS
3. SE ZONING
4. DEVELOPMENTAL
5. SIGNAGE
6. INDUSTRIAL DISTRICTS
7. DECKS
8. CAR WASHES
9. FENCES
10. OUTDOOR SALES
11. PARKING REQUIREMENTS
12. LOT SPLITS
13. MANUFACTURED HOMES
14. SIDEWALKS
15. GAS STATIONS
16. PORTABLE, VINYL COVERS FOR VARIOUS LARGE ITEMS