



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

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Dated: June 17, 2013

ORDER NO. S-284

RE: Adopt ordinance to amend various sections of the Zoning Ordinance.

TO: Sherikia Hawkins, City Clerk
Charles Smith, Project Manager, Wade Trim

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that “[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances....”

WHEREAS, Emergency Manager Schimmel introduced the attached ordinance at a public meeting on June 10, 2013; and,

WHEREAS, the proposed ordinance was distributed to each member of the Council and the Mayor by the Clerk; and,

WHEREAS, a summary of the proposed ordinance and time and place of consideration by the Emergency Manager was published in the Oakland Press on June 11, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on June 17, 2013 announced that he is adopting the proposed ordinance.

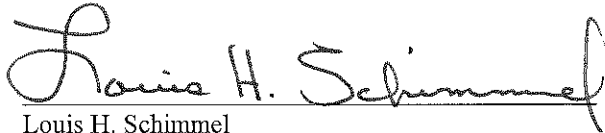
It is hereby ordered:

1. That the attached Ordinance No. 2291, an ordinance to amend various sections of the zoning ordinance, is adopted.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in black ink that reads "Louis H. Schimmel". The signature is written in a cursive style with a large initial "L".

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

ORDINANCE No. 2291

An ordinance to amend various sections of the Zoning Ordinance

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

- A. Section 2.304(F)4 shall be added to read as follows:
Maximum number of accessory structures. The maximum number of accessory structures located on any residentially zoned lot shall not exceed two (2) structures and the allowable square footage outlined in subsection F2.
- B. Section 2.305(F)4 shall be added to read as follows:
Maximum number of accessory structures. The maximum number of accessory structures located on any residentially zoned lot shall not exceed two (2) structures and the allowable square footage outlined in subsection F2.
- C. Section 2.306(F)4 shall be added to read as follows:
Maximum number of accessory structures. The maximum number of accessory structures located on any residentially zoned lot shall not exceed two (2) structures and the allowable square footage outlined in subsection F2.
- D. Section 2.542 shall be amended to read as follows:

Section 2.542 Temporary and Special Events

Special and temporary events may be permitted in any zoning district provided that the special event does not harm or interfere with the use of neighboring premises or harm the health, safety, and welfare of any person.

- A. **Duration.** Special or temporary events may be scheduled for a single period not exceeding 30 days during a calendar year, or for up to four nonconsecutive 10 day periods during a calendar year. For the purpose of this section, nonconsecutive is defined as the end of one period and the beginning of another period being separated by more than 6 calendar days.
- B. **Application.** Any special event shall obtain an application from the building department. Applications must be submitted a minimum of 60 days prior to the date of the event. The application shall include the following information:
1. Sponsor's name; Representative's contact number
 2. Name of use or event;
 3. Dates, times, and location of the use or event;
 4. Size, number, and location of all signs;
 5. If a City Business License is required;
 6. The expected number of participants.

C. **Sketch Drawing.** The application shall also include a sketch drawing of the premises on which the special or temporary event will be held. The sketch drawing must show the entrance and exit to the use or event, parking areas, signs and other pertinent details as requested by the appropriate department. If the special event is to be held at more than one location, such as a tour of buildings, the application shall include a map of the relevant details at each of the participating buildings or sites. Any “Temporary/Special Event”, that in the opinion of the planning administrator, is not exempt from planning commission approval.

Sketch Drawings should include the following:

- a. Tents
- b. Signs
- c. Booths
- d. Canopies
- e. Tables
- f. Portable toilets
- g. Rides
- h. Temporary structures or displays of any kind (picture required if deemed necessary by staff)
- i. Parking arrangements
- j. Street closures/location of barricades

D. **Signs.** Temporary signs associated with the special or temporary event shall comply with the requirements of Article 1. If multiple sites are listed, one temporary sign may be placed at each site. Signs connected with a special or temporary event may be displayed for up to 30 days prior to the event and shall be removed not more than three days after the event.

E. **Vendor/Peddlers.** Applications must be submitted 48 hours prior to the event. All vendors are required to have a background check and be compliant with Article XXIII of the Pontiac Municipal Code.

F. **Bonds.** The Community Development Director may require bonds for clean-up, water usage, etc. Bonds are required to be paid 48 hours prior to the date of the event and shall be returned back to the bond holder within two weeks once authorization is given by the appropriate authority.

G. **Insurance Required.** Liability insurance is required to be submitted to the Director of Community Development. Insurance must be submitted at least two weeks prior to the date of the event.

H. **Permits.** Permits (building, sign, electrical, hydrant, right-of-way, etc.) and fees must be obtained/submitted at least two weeks prior to the event.

I. **Notification.** Applicant must notify all potentially affected property owners and advise them of the date and time of the proposed event, and description of the activity. The

Community Development Director may waive this requirement if other notification methods are deemed appropriate.

- J. **Review.** The special event permit application shall be submitted to the Community Development Director, who shall distribute the application to any Community Development Director departments affected by the special event for review and comment. These departments may include the building department, police department, fire department, city clerk, public works director, or any other city department. In reviewing the application, the departments shall consider traffic circulation, parking, sign placement, and surrounding uses.
- K. **Decision.** The Community Development Director shall approve, approve with conditions, or deny the application within 60 days of the receipt of the application. On approval, the director of community development will issue a certificate of approval to the sponsor of the event.
- L. **Effect of Denial.** The sponsor of any application that is denied by the Community Development Director may appeal the decision to the Zoning Board of Appeals under the provisions of Article 6, chapter 4.

E. Section 3.701 shall be amended to read as follows:

Section 3.701 Intent

This District is dedicated solely to the former Clinton Valley Center premises (the “CVC property”), current and former General Motor/R.A.C.E.R (Revitalizing Auto Communities Environmental Response) Trust property, or any other property that is similar in size. This district is designed to serve a variety of urban functions through the provision of a mixture of residential, office, light industrial, research and development, governmental, educational and low intensity commercial uses pursuant to the City’s comprehensive plan as amended. It is the intent of this Section that the basic principles of good land use planning, including an orderly and compatible relationship between various uses, be maintained and that the sound zoning standards as set forth in this MUD and statutes concerning land use be maintained.

The specific goals which the MUD Mixed Use District (“MUD”) seeks to implement include the following:

- A. Provide for planned growth, which maintains the livability of the City;
- B. Maintain and encourage a diversity of housing;
- C. Provide commercial, education and recreational facilities and employment opportunities conveniently located in relation to housing;
- D. Promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities;
- E. Create new and innovative residential, industrial and commercial development opportunities.

This designation is intended to encourage the development of traditional neighborhoods through a coordinated land use pattern of residential, office, research and development, and local commercial uses. Upper floor residential above retail or office is encouraged. It is further the intent of this District to promote excellence in the use of land and the design of buildings and sites; maintain the existing natural features; ensure compatible land use; and improve the visual image for safe vehicular and pedestrian movement.

F. Section 4.101(E) shall be added to read as follows:

Maximum number of accessory structures. The maximum number of accessory structures located on any residentially zoned lot shall not exceed two (2) structures and the allowable square footage outlined in each zoning district.

G. Section 4.103(C) shall be added to read as follows:

C. **Mixed Use Districts.** Fences are permitted in the mixed use districts are as follows:

1. Front Yards. Decorative fences not exceeding three feet in height are allowed within the front yard (except as provided below in subsection 3).
2. Rear and Side Yards. Walls or fences up to 6 feet in height are permitted in side and rear yards. All fences in mixed use districts shall be decorative in nature, and barbed wire and other hazardous materials are prohibited.
3. Building Facade Wall Plane. Maximum height for fences between the building wall plane and the street is six (6) feet.

H. Section 5.105(B)1 shall be amended to read as follows:

Design Standards Applicable to All Ground Signs:

1. Corner Clearance. In addition to any applicable sign setback requirements, all ground signs must comply with the clear vision area requirements of section 2.303.
2. Materials. Ground signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. Natural materials such as stone, decorative masonry, wood, or metal are preferred sign construction materials.
3. Landscaping. Low level landscaping should be provided around the base of the sign, but shall not obscure any part of the sign message.
4. Drive-Through Signs. Any use that includes a drive-through is permitted to have signs that relate to the drive-through facility, such as menu order board signs or information signs. The drive-through signs may have a maximum height of 7 feet and a maximum area of 32 sq. ft. per drive-through use, and shall not be included in the computation of total sign area or quantity for the parcel unless such boards are legible from a point of observation off the premises. All freestanding drive-through signs shall be monument-style signs with a decorative base at least as wide as the sign.
5. Site plan review required. No ground sign may be erected, expanded, or developed until the planning department has administratively reviewed and approved its location. For the C-2 zone district, no ground sign may be erected, expanded, or developed until the planning commission has reviewed and approved its location.
6. Community and Institutional Uses in Residential Districts are permitted to have a ground sign that complies with the requirements applicable in the C-O district.

I. Section 7.202 shall be amended to read as follows, and all other definitions shall remain unchanged:

- M. **Pawn Shops.** A person, corporation, or member, or members of a co-partnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.
- N. **Personal Service Establishment.** An establishment or place of business primarily engaged in the provision of services of a personal nature related to the care, hygiene, or appearance of the human body or the maintenance of items worn or carried by persons. Such services are usually but not always recurrent in nature. Examples of personal service uses include, but are not limited to, beauty and barber shops, shoe repair shops, health spas, therapeutic massage, tailor shops, and the like.
- O. **Place of Assembly.** A commercial facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, banquet facilities, convention centers, exhibition halls, and theatres and performing arts centers.
- P. **Restaurant.** A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site.

Section 2. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Saving Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Publication

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 6. Effective Date

This Ordinance shall be effective ten days after date of adoption.