

**CITY OF TRENTON
REGULAR MEETING
DECEMBER 2, 2013**

After the Pledge of Allegiance to the Flag, the Regular Meeting of the City Council of Trenton, Michigan, was called to order by Mayor Pro Tem LeFevre, at 8:00 p.m. on the above date in the City Hall Council Chambers.

Present on roll call by City Clerk Gearhart: Baun-Crooks, Gillespie, Howey, LeFevre, McLeod, and Rzeppa.

There being a quorum present, the Council was declared in session.

Absent: Mayor Stack.

Moved by Councilperson Baun-Crooks, seconded by Councilperson McLeod, to excuse the absence of Mayor Stack.

Carried unanimously.

Other Officers Present: John Dahlquist, City Assessor; Michael McCullough, City Treasurer; James Wagner, City Administrator; Wallace Long, City Attorney; Christine Arnoczki, City Controller; Paul Haley, Emergency Management; William Hogan, City Engineer; Virgil Maiani, Building Department; Jeff Evans, Fire Chief; Scott Church, Human Resources; Tim Beaker, Recreation Business Operations Manager; James Nardone, Director of Police and Fire Services; and Steven Voss, Police Chief.

MINUTES

Moved by Councilperson Gillespie, seconded by Councilperson Rzeppa, to approve the minutes of the Regular Meeting of November 18, 2013.

Carried unanimously.

APPOINTMENTS

Moved by Councilperson McLeod, seconded by Councilperson Gillespie, to approve the Mayor's appointment of Timber Baun-Crooks as the representative and Steven Rzeppa as the alternate for the Michigan Municipal League.

Roll Call: Gillespie, Yes; Howey, Yes; LeFevre, Yes; McLeod, Yes; Rzeppa, Abstain; and Baun-Crooks, Abstain.

Motion carried.

Moved by Councilperson Baun-Crooks, seconded by Councilperson Rzeppa, to approve the Mayor's appointment of Tom Arsenault to the Traffic Safety Commission.

Carried unanimously.

COMMUNICATIONS AGENDA

GENERAL

- B-1. 33RD DISTRICT COURT: District Court 2014 Budget
- B-2. 33RD DISTRICT COURT: Fines, Costs, Fees, October 2013

DEPARTMENT HEADS & OFFICIALS

- D-1. CITY ATTORNEY: Ordinance 779, Required Insurance for Operation of a Motor Vehicle (2nd Rdg)
- D-2. CITY ADMINISTRATOR: Application for EPA Grant for Former McLouth Steel Site
- D-3. CITY ADMINISTRATOR: Trenton Summer Festival Committee
- D-4. CITY ENGINEER/PLANNING: Ordinance 705-8, Non Conforming Structures (1st Rdg)
- D-5. CITY ENGINEER/PLANNING: Ordinance 705-9, Site Plan Departmental Review (1st Rdg)
- D-6. CITY ENGINEER: Request to Advertise and Receive Bids for Sanitation Trash Truck
- D-7. CITY ENGINEER: Emergency Storm Sewer Extension on Charles Street
- D-8. CITY ADMINISTRATOR: Grant Purchase of Scott Air Packs, Masks, and Air Tanks

LATE COMMUNICATIONS

- L-1. RAMSEYS RESTAURANT: Purchase Agreement Terms
- L-2. CITY ADMINISTRATOR: Copier Lease Agreement
- L-3. STEVEN TOWERS: Downriver Christmas Festival

COMMUNICATIONS

(B-1)
33RD DISTRICT COURT
District Court 2014 Budget

**CITY OF TRENTON
RESOLUTION 2013-21**

**RESOLUTION TO APPROVE THE 33RD JUDICIAL DISTRICT COURT BUDGET FOR
THE PERIOD OF JANUARY 1, 2014 THROUGH DECEMBER 31, 2014**

WHEREAS, the governing body for the City of Trenton has received the budget submitted by the 33rd District Court for the period of January 1, 2014 through December 31, 2014;

NOW THEREFORE, the City of Trenton hereby resolves the budget be adopted as submitted.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 2nd day of December, 2013.

Moved by Councilperson McLeod, seconded by Councilperson Howey, to approve the budget submitted by the 33rd District Court for the period of January 1, 2014 through December 31, 2014.

Carried unanimously.

(B-2)
33RD DISTRICT COURT
Fines, Costs, Fees, October 2013

Moved by Councilperson McLeod, seconded by Councilperson Gillespie, to receive and place on file the fines, costs, fees, October 2013, submitted by the 33rd District Court showing the City of Trenton receiving \$4,400.05.

Carried unanimously.

(D-1)
CITY ATTORNEY
Ordinance 779, Required Insurance for Operation of a Motor Vehicle (2nd Rdg)

**CITY OF TRENTON
ORDINANCE NO. 779**

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 94 OF THE TRENTON CITY CODE ENTITLED "TRAFFIC AND VEHICLES" BY ADDING A NEW SECTION 94-8 TO ADOPT AND INCORPORATE THE INSURANCE REQUIREMENTS OF STATE LAW FOR THE OPERATION OF A MOTOR VEHICLE.

THE CITY OF TRENTON, WAYNE COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. A new Section 94-8 shall be added to the Trenton City Code entitled "Required Insurance", incorporating the coverage provisions of the State Insurance Code for the operation of a motor vehicle, which Section shall read as follows:

Sec. 94-8 Required Insurance.

Pursuant to 1956 P.A. 218, as amended, there is hereby adopted and incorporated by reference, those provisions of the Michigan Insurance Code requiring the owner or registrant of any motor vehicle or motorcycle, which is required to be registered in the State of Michigan, to maintain security for payment of benefits under personal protection insurance, property protection insurance, and residual liability insurance in accordance with MCL 500.3102 through 500.3103, as amended from time to time. An official copy of such code is on file in the office of the City Clerk and the same is hereby adopted by reference as fully set forth herein, save and except for those provisions thereof which are hereinafter amended or deleted.

Section 2. Penalties. Violation of any of the provisions of this Chapter, including the Motor Vehicle Code and the Uniform Traffic Code, adopted and amended herein, not designated as a civil infraction as herein provided, shall constitute a misdemeanor

punishable by a fine of not more than \$500 or imprisonment of not more than 93 days, or both.

Section 3. **Saving Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Section 4. **Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 5. **Conflicting Ordinances.** All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 6. **Readings.** This Ordinance shall be given a first reading on November 18, 2013, shall be enacted on December 2, 2013, and shall be published on or before December 15, 2013, and shall be effective December 16, 2013.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 2nd day of December, 2013.

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to approve the second reading of Ordinance 779, Required Insurance for Operation of a Motor Vehicle.

Carried unanimously.

(D-2)
CITY ADMINISTRATOR
Application for EPA Grant for Former McLouth Steel Site

MAIN MOTION

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to refer the request to a future Study Session.

AMENDMENT TO MOTION

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, schedule a Study Session on Tuesday, December 17, 2013, at 7:30 p.m. to discuss the request for an EPA Grant application for the former McLouth Steel site.

Carried unanimously.

MAIN MOTION AS AMENDED

Carried unanimously.

(D-3)
CITY ADMINISTRATOR
Trenton Summer Festival Committee

Moved by Councilperson Baun-Crooks, seconded by Councilperson McLeod, to receive and place on file the communication from the City Administrator regarding the operation of Trenton Summer Festival Committee.

Carried unanimously.

(D-4)
CITY ENGINEER/PLANNING
Ordinance 705-8, Non Conforming Structures (1st Rdg)

**CITY OF TRENTON
ORDINANCE NO. 705-8**

AN ORDINANCE TO AMEND ARTICLE II ENTITLED "GENERAL STANDARDS" OF THE TRENTON CITY ZONING CODE BY ADDING A NEW SECTION 110-28 ENTITLED "DEFINITIONS" TO SET FORTH THE DEFINITIONS OF NON-CONFORMING STRUCTURES, AND ARTICLE XXIX ENTITLED "GENERAL PROVISIONS" REGULATING NON-CONFORMING STRUCTURES.

THE CITY OF TRENTON, WAYNE COUNTY, MICHIGAN, HEREBY ORDAINS:

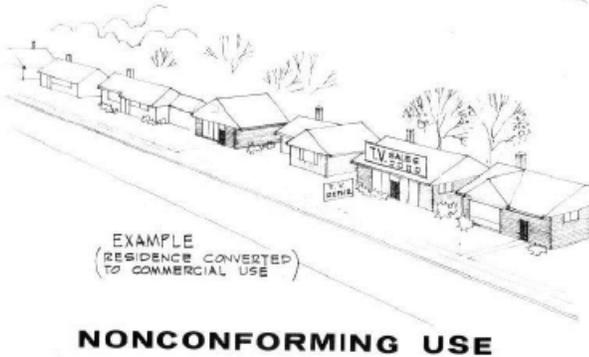
Section 1. Article II, Section 110-28 of the Trenton City Zoning Code entitled "Definitions" shall be amended by adding definitions to the types of Non-conforming Structures, which Section shall then read as follows:

ARTICLE II. GENERAL STANDARDS

Sec. 110-28. Definitions

Nonconforming Use or Structure-Class A: A nonconforming use or structure that has been designated to be allowed to be perpetuated and improved under the provisions of this Ordinance.

Nonconforming Use or Structure-Class B: A nonconforming use or structure that has been designated to be allowed to be perpetuated within the restricted provisions of this Ordinance.



Section 2. Article XXIX of the Trenton City Zoning Code shall be amended by adding Sections 110-622, 623, 624, and 625, setting forth the regulations for use of conforming lots, which shall read as follows:

ARTICLE XXIX. GENERAL PROVISIONS

Sec. 110-622. Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises.

It is recognized that there exists within the districts established by this ordinance or amendments that may later be adopted, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance.

It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

It is further recognized that certain nonconforming uses and structures do not significantly depress the value of nearby properties and are not contrary to the public health, safety and welfare and that such use or structure was lawful at the time of its inception and that no useful purpose would be served by the strict application of requirements for nonconformities under this ordinance and, therefore, two (2) classes of nonconforming use and structure are designated, being Class A and Class B. All nonconforming uses and structures are classified as Class B nonconforming uses or structures unless designated Class A nonconforming uses or structures.

Sec. 110-623 Class B Nonconforming Uses and Structures

All nonconforming uses or structures not designated Class A shall be Class B nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this Article relative to nonconforming uses and structures.

Sec. 110-624 Class A Nonconforming Uses and Structures

Nonconforming uses or structures shall be designated Class A providing that the planning Commission finds all of the following exists with respect to the use or structure:

- A. The use or structure was lawful at its inception.
- B. Continuance of the use or structure is not likely to significantly depress property values of nearby properties.
- C. Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of the ordinance.
- D. No useful purpose would be served by strict application of the provisions of this ordinance with which the use or structure does not conform.

Sec. 110-625 Class A Conditions

The decision to grant a Class A designation shall be made in writing setting forth its findings of fact and basis for the designation. For changes or improvements to a Class A use or structure, site plans shall be required and the Planning Commission may condition its approval on the following, and by the following procedure to assure the public health, safety or welfare or the spirit and purpose of this ordinance:

- A. Conditions.
 1. Screening and landscaping in keeping with community standards to provide compatibility with adjacent uses.
 2. Restrictions on lighting, noise, or visual impact.
 3. Prohibition of curbside parking to an extent greater than the immediate property frontage of the nonconforming use, where such use is in close proximity to homes.
 4. Signage in compliance with zoning district requirements. Existing nonconforming signs may be required to be eliminated or reduced in size and number.
 5. Exterior building materials utilized in any alteration or rebuilding of the building shall be harmonious with materials on abutting properties whenever practical.
 6. Enlargement or replacement of a building that does not create a more nonconforming yard setback condition which would impact on conforming properties in the immediate vicinity.
 7. Other reasonable safeguards and improvements imposed to protect conforming uses in the surrounding area.
- B. Procedure.
 1. A Class A designation shall be deemed temporary until the Planning Commission has received written verification from the Building Official that the party requesting the Class A designation has complied with all of the conditions set forth by the Planning Commission.

2. Once the Planning Commission has received written verification from the Building Director that the party requesting the Class A designation has complied with said conditions, the Class A designation shall become final, subject to other provisions of this ordinance as hereafter prescribed.
3. No Class A nonconforming use or structure shall be resumed if it has been discontinued for six (6) consecutive months, or eighteen (18) months total in any three-year period. No Class A nonconforming use or structure shall be used, altered or enlarged in violation of any conditions imposed in its designation.
4. A temporary Class A nonconforming use or structure designation shall be void after six (6) months if any conditions imposed by the designation remain unmet, unless the Planning Commission grants a written request for an extension of six (6) months. No more than two (2) extensions may be granted.

Section 2. Saving Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Section 3. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. Conflicting Ordinances. All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. Readings. This Ordinance shall be given a first reading on December 2, 2013, shall be enacted on December 16, 2013, and shall be published on or before December 29, 2013, and shall be effective December 30, 2013.

Moved by Councilperson McLeod, seconded by Councilperson Howey, to refer Ordinance 705-8 to a Study Session.

SUBSTITUTE MOTION

Moved by Councilperson Howey, seconded by Councilperson Baun-Crooks, to approve the first reading of Ordinance 705-8, Non Conforming Structures.

Carried unanimously.

(D-5)

CITY ENGINEER/PLANNING
Ordinance 705-9, Site Plan Departmental Review (1st Rdg)

**CITY OF TRENTON
ORDINANCE NO. 705-9**

AN ORDINANCE TO AMEND ARTICLE XXVIII OF THE TRENTON CITY ZONING CODE ENTITLED ‘SITE PLAN REVIEW’ BY ADDING ADDITIONAL PROCEDURES ASSOCIATED WITH SITE PLAN REVIEW TO BE SET FORTH IN SECTION 110-602, ENTITLED ‘PROCEDURE AND REQUIREMENTS’ AND TO INCLUDE NEW PROCEDURAL SUBSECTION 3 (a) (b) (c) (d) and (e); and SUBSECTION 7 (a) (b) and (c); AND ESTABLISHING A NEW TABLE 2 ENTITLED “USES OR ACTIVITIES REQUIRING SITE PLAN APPROVAL”

Section 1. Section 110-602 of the Trenton City Zoning Code entitled “Procedure and Requirements”, shall be amended in Subsection 3 entitled “Departmental Review” by adding new subsections, (a), (b), (c), (d), and (e); and in Subsection 7 entitled “Procedure for site plan approval” by adding new subsections (a), (b), and (c); and with the creation of a new “Table 2” entitled “Uses or Activities Requiring Site Plan Approval”, which together shall read as follows:

(3) Departmental review.

- a. Every site plan submitted to the planning commission shall be in accordance with the applicable requirements of this chapter. No site plan shall be approved until the plan has first been reviewed by the building department in coordination with the engineering department, fire department, police department, and the department of public services for compliance with the applicable standards of their respective departments.
- b. Site Plan Approval and Administrative Site Plan Approval. To improve efficiency and remove unnecessary review procedures, the Zoning Code provides for two site plan approval processes. The term “site plan review” and “approval” are used in this Zoning Code to indicate the site plan review process that requires approval by the Planning Commission.

The terms “administrative site plan review” and “approval” are used to indicate a plan review process that requires approval by the City’s Administrative Site Plan Review Committee. The Administrative Site Plan Review Committee shall be composed of the Building Official, Planning Consultant, and the Planning Commission Chair or their delegate.

The terms “site plan review standards” and revisions to an approved site plan” shall refer to both the administrative site plan review and site plan review.

- c. Site Plan Review Requirements by Use or Development Activity. The list of uses or development activities in Table 2 below indicates which activities

- require Site Plan Approval or Administrative Site Plan Approval and which activities are exempt from review.
- d. The Building Official in conjunction with the Planning Commission Chair shall determine if the project is eligible for Administrative Site Plan Review, and/or whether a pre-application meeting is necessary.
 - e. Any member of the ASPR Committee may at his/her discretion bring site plans that meet the requirements of the Administrative Site Plan Review process to the planning commission for their review under the Site Plan Approval process.
- (4) The following information shall be included on the site plan:
- a. Name of the development, including the name, address and telephone number of the developer, designer/firm, and designer's registration number and seal.
 - b. Scale of drawing:
 - 1. If less than three acres — 1" = 50'
 - 2. If more than three acres — 1" = 100'
 - 3. Sheet size shall not exceed 24" by 36"
 - 4. Legend
 - c. Date, north point, and scale.
 - d. A complete legal description of the entire site, i.e.; metes and bounds description if an acreage parcel, or lot number(s) and subdivision name. All legal descriptions shall include the gross number of acres and section number(s). The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - e. Vicinity sketch or site location map, which does not have to be drawn to scale.
 - f. Topographic survey of the site and adjacent properties in sufficient detail to accurately indicate the existing contour, drainage pattern of the site and immediate vicinity. The survey shall be referenced to Wayne County datum or the City of Trenton datum and to include:
 - 1. Reference and site benchmark.
 - 2. The location of all existing sanitary sewers, storm sewers, water mains, ditches/swales, gas mains, power/telephone poles and wires, trees and

- sidewalks. Indicate all pipe sizes and the diameter of trees at breast height (DBH).
3. Rim and invert elevations of the existing upstream and downstream sanitary and storm manholes with the lineal footage between manholes, including the proposed tap invert elevation and the percent of fall, on both the sanitary and storm leads, minimum of one percent required. On all proposed sanitary and storm sewer work that is more than six inches lead installation, include all proposed rim and invert elevations on all manholes, catch basins and inlets, with the proposed pipe sizes, type of pipe, lineal footage between the proposed structures, and the percent of fall.
 4. Rim and invert elevations, with pipe sizes of all existing catch basins and inlets.
 5. Rim and top of pipe elevations of all existing gate wells. On all proposed water main installation indicate all proposed gate well rim elevations, lineal footage between gate wells and fire hydrant locations. All proposed water mains shall have a minimum of six feet of cover. Should the City of Trenton Fire Department require the installation of a fire suppression line, "hydraulic calculations" must be submitted with the site plan for review.
 6. The location of all adjacent buildings that is closest to the parcel or lot being developed.
 7. Elevations of the existing top of curb, gutter and the road centerline on the lot. Where any road or service drives are to be installed, indicate the proposed top of curb grades, the road width, the right-of-way width, and the percent of fall on the curb.
 8. Dimensions of all existing and proposed underground utilities off of the property lines.
 9. Electric supply (above and below ground).
 10. Telephone (above and below ground).
 11. Gas supply.
 12. Cable TV.
 13. Other.
- g. The existing zoning classification of the parcel, and the existing zoning classification of adjacent property.
 - h. Existing land use on adjacent parcels.
 - i. The location of all buildings and structures on the site, and the location of all existing buildings and structures within 100 feet of the parcel.

- j. All building and structure heights.
- k. The location of all off-street loading and unloading facilities.
- l. The location of all driveways, drives and turning lanes.
- m. The location of all drives, driveways and intersections across abutting streets from the parcel.
- n. The names, locations, right-of-way widths, centerlines, and pavement widths of all bordering roads, streets, and easements.
- o. The location of all sidewalks.
- p. Critical site dimensions:
 - 1. Along property lines.
 - 2. Between buildings.
 - 3. Between parking spaces and buildings.
 - 4. Between principal and accessory buildings.
 - 6. Typical parking space width and length.
 - 7. Vehicle maneuvering lane and service drive widths.
 - 8. Curb radius of entrances.
 - 9. Between buildings and property lines.
 - 10. Between buildings and any retention or detention basins.
- q. Building layouts (typical floor plan) including:
 - 1. Principal entrances and service entrances.
 - 2. The relationship between units in a building.
 - 3. Exterior building wall elevation drawings of all exposed walls.
- r. Exterior building wall elevation drawings showing the type and color of exterior building wall materials to be used on all exterior walls and the area(s) to be covered by any signs to be attached to building walls.
- s. The location, size and types of signs to be utilized shall be provided for the site and buildings on the site. In those instances where signs are not determined due to unknown occupants at the time of site plan review, it shall be required that all signs receive the review and approval of the Trenton Planning Commission prior to occupancy of a structure.
- t. The location and extent of any outdoor storage areas, including the type, height and extent of screening.
- u. The type and height of screening device for trash receptacles.
- v. The location, type and extent of any required screening devices.

- w. The location and type of all outdoor site lighting.
 - x. A landscape planting plan when prepared as a separate drawing shall be at the same scale as the plan view drawing. A qualified person as stipulated in Article XXVII in this chapter shall prepare all landscape plans and shall contain all applicable information and meet all applicable requirements of that article.
 - y. For multiple-family dwelling developments.
 - 1. The maximum lot coverage of all buildings shown.
 - 2. Site dwelling density computations, including the total number of dwelling units proposed and the number of bedrooms per unit.
 - 3. When development will be in phases, the requirements shall be shown for each phase.
 - z. For nonresidential uses.
 - 1. Proposed use.
 - 2. The gross and net usable square feet of floor area.
 - 3. Seating capacity or maximum occupancy permitted.
 - 4. Number of medical examining rooms, dental chairs, and square feet of waiting rooms or number of beds.
 - 5. The number of employees in the largest working shift.
- (5) *Site plan review standards.* The following criteria shall be used by the planning commission as a basis upon which site plans will be reviewed and approved. The commission shall adhere to sound planning and design principals, yet may allow for design flexibility in the administration of the following standards:
- a. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.
 - b. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in Article XXIV in this chapter unless otherwise provided in the code.
 - c. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
 - d. There shall be reasonable visual and sound privacy. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users and the conservation of energy.
 - e. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

- f. Where possible and practical, drainage design shall recognize existing natural drainage patterns.
- g. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
- h. The arrangement of public or common ways for vehicular and pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a recognized source of reference.
- i. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public storm drainage system. Provisions shall be made for the construction of stormwater facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas.
- j. Off-street parking, loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls, fencing, or landscaping of affective height.
- k. Exterior lighting shall be so arranged that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
- l. Adequate services and utilities and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.
- m. Any use permitted in any zoning district must also comply with all applicable federal, state, county and city health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gasses, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, and requirements of the state fire marshal.
- n. In those instances wherein the planning commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the planning commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the planning commission may recommend that money in escrow be placed with the municipality so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued

until the improvement is physically provided or monies have been deposited with the clerk in accordance with subsection [110-621](#)(e), in the city code.

- (6) *Revisions to an approved site plan.* A revision in the approved site plan prior to the issuance of a building permit or during construction shall be subject to review and re-approval in accordance with the procedure as required under subsections (1) through (4) of this section.
- (7) *Procedure for site plan approval.* For the purpose of this chapter, a revision in a site plan shall include such things as but not limited to a change in building location or configuration causing the buildings to be located closer to the property line; a change in the location, layout or number of off-street parking spaces provided; a change in curb cut locations; a change in intended tenancy, thereby affecting residential requirements, in the case of multiple-family residential development; a change in density or number of units. The procedure for obtaining site plan approval is outlined in the following requirements:
- a. If the project requires Site Plan review
1. Seven copies of the site plan, including all items required, together with site plan review fees as established by the city council, shall be forwarded to the city review agencies and they shall forward their review comments in writing to the engineering department within seven calendar days from receipt of the site plan.
 2. If all departmental comments are positive and no concerns are expressed by the review agencies relative to the site plan, the engineering department shall notify the applicant that the site plan is in order. If departmental concerns are expressed relative to the site plan, copies of the departmental comments shall be forwarded to the applicant for correction, compliance or preparation for appeal.
 3. Revised site plans shall be submitted to the engineering department for referral to the city review agencies in the same manner as followed for initial site plan review. The designated agencies shall review the revised site plans and forward their comments to the engineering department within seven days from receipt of the revised site plans.
 4. Upon receipt of 13 additional copies of the site plan from the applicant, the engineering department shall forward 11 copies to the planning commission's clerk to be hand-delivered to the commission members and the planning consultant at a regular planning commission meeting, for review at their next regularly scheduled commission meeting.
 5. Site plans shall be reviewed by the planning commission and approved, disapproved, or approved with conditions. If the planning commission finds a site plan is not in conformance with the provisions set forth in this section, it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon submission of the modified site plan, the planning commission shall review the plan and approve, disapprove, or approve with specific conditions in writing.
- b. If the project is eligible for Administrative Site Plan review
1. The Engineering Department shall schedule at least one meeting with the applicant. The Engineering Department shall schedule a meeting of the Administrative Site Plan Review Committee, as described in Section 110-

- 602 (3). The applicant may be invited to attend the meeting. The Administrative Site Plan Review Committee shall either approve, table, or deny the site plan. A vote of a majority of the members of the Committee shall be required for action. The Engineering Department shall then submit a report of administrative action on administrative site plans to the Planning Commission at the next meeting.
2. If the site plan is tabled by the Administrative Site Plan Review Committee, the applicant may submit a revised site plan addressing all required concerns for further review of the Administrative Site Plan Review Committee.
 3. If the site plan is denied by the Administrative Site Plan Review Committee, the applicant can request a review by the Planning Commission.
 4. Any member of the ASPR Committee shall have the option to require a complete site plan review and approval by the Planning Commission for sites which do not comply with previous approved site plans, for sites with parking deficiencies, for sites abutting Residential Districts and for sites with potential problems with drainage, traffic, noise aesthetics or other general health and safety issues.
- c. If the site plan requires a Pre-Application meeting:
1. The Engineering Department shall determine whether a preapplication meeting is necessary based on the scope of the plan, the type of use proposed, and other similar circumstances.
 2. The applicant, Building Official, City Engineer, Fire Department and Planning Consultant may be invited to the meeting.
 3. Notes or minutes of the meeting, if taken, shall be saved with the file.
 4. Following the meeting, the proposed site plan or a revised site plan addressing concerns of the meeting shall go through the steps of Planning Commission review.
- d. If the site plan requires Planning Commission review:
1. The Engineering Department shall first transmit the site plan to appropriate City departments for a review and written report to the Planning Commission.
 2. If the site plan contains the required submittal information, the site plan shall be placed on the agenda of a regular Planning Commission at the next available meeting.
 3. The Planning Commission, by majority vote of a quorum, shall review the site plan for compliance with the standards set forth in Section 110-602 (7) after a public hearing is held and take action to table, approve, or deny the approval of site plans submitted for its review.
 4. If the site plan is tabled by the Planning Commission, the applicant may submit a revised plan addressing all required concerns for further review of the Planning Commission.
 5. If the site plan is denied, the City shall notify the applicant in writing of the reasons for denial.

- (8) *Building permits time limitations.* Following approval of a site plan the building department shall issue a building permit submission of proper architectural plans, and shall ensure that the development is undertaken and completed in accordance with the approved plans. For any approved site plan, building permits must be obtained encompassing a minimum of at least 25 percent of the gross floor area shown on the site plan within six months of the date of site plan approval or the site plan shall be deemed null and void without any further action by the city.
- (9) *Site plan approval time limitations.* Except as otherwise set forth and regulated in the PD and MD districts, approval of any site plan under the provisions of this article, shall be for one year commencing on the date of site plan approval. With or without issuance of a building permit as specified in subsection (8) of this section, if no construction or development takes place on the property within the one-year time period, and an approval extension is not requested by the applicant in the manner set forth in this subsection, site plan approval shall terminate and no construction or development shall take place on the property until site plan approval is again granted by the building department or the planning commission. The applicant may request one one-year approval extension, provided the request is submitted at least 30 days before the date the site plan will expire. If actual construction and development commences within the initial one-year time period and continues without lapse, and the improvements are in conformity with the approved site plan, site plan approval shall continue until all construction and development is completed and accepted by the city. In the event that a lapse in development and construction on the property shall take place, site plan approval shall continue for a period of one year from the last inspection date registered on the building permit. One year after that date, if no construction or development has commenced on the property, site plan approval shall expire and no further construction or development shall thereafter take place on the property until site plan approval has been requested by the applicant and granted by the building department or the planning commission. When site plan approval of a proposed development shall expire for any reason, the site plan shall not again receive approval until or unless the following conditions are met:
- a. Any subsequent amendments to the standards of this chapter, site engineering standards, or city council policies that may be applicable to the proposed development shall be met before site plan approval may be granted.
 - b. Any change in use not part of any previously approved site plan proposed for the development or any part thereof, shall meet all of the requirements of this chapter, site engineering standards or city council policies that may be applicable to the new use before site plan approval may be granted.

The building department shall not issue a building permit for any type of development or construction on the basis of any previously approved site plan when that approval has expired, unless the site plan has received an extension from the planning commission or is a re-approved site plan whose approval had previously expired.

- (10) *Fees.* Fees for the review of an expired site plan may be waived by the city when it shall find that no substantial changes have been made to the previously approved site plan or to abutting land use. In those instances where conditions have changed, the fee for review of an expired site plan shall be the same as charged for the initial review submittal.

Table 2
Uses or Activities Requiring Site Plan Approval

Use or Activity	Planning Commission Approval	Administrative Site Plan Review Committee	Exempt from Site Plan Review
1. Construction or erection of permitted accessory buildings and structures for two-family dwelling units and mobile homes within an approved mobile home park			X
2. Construction, reconstruction, erection and/or expansion of one- or two-family dwelling on parcel used solely for residential purposes			X
3. Development regulated by the, Land Division Act. <i>See MCLA § 560.101 et seq.</i>			
4. New construction of a permitted industrial, commercial, office or multiple-family development		X	
5. All special land uses	X		
6. Change in use to a special land use	X		
7. Changes of use to a permitted use		X	
8. An increase in floor area over 1,000 square feet or over 25% of existing gross floor area, whichever is less, in a special land use	X		
9. Increase in floor area not covered by Item 8 above		X	
10. Cellular telephone tower, essential service substations, transmission lines, utility company buildings and storage yards	X		
11. Improvements to outdoor public recreational uses and public parks		X	

Uses or Activities Requiring Site Plan Approval

Use or Activity	Planning Commission Approval	Administrative Site Plan Review Committee	Exempt from Site Plan Review
12. Expansion, replacing or alteration of landscaping areas consistent with this chapter		X	
13. Improvements or installation of walls, lighting, or curbing		X	
14. Alterations to off-street parking layout or installation of pavement provided the total number of spaces shall remain constant and the construction plans and lot construction are approved by the City staff		X	
15. Relocation of a waste receptacle to more inconspicuous locations or installation of screening			X
16. Changes to facade, architectural features or wall signs (elevation plan showing changes and construction materials is required)		X	
17. City-approved changes to private utility systems		X	
18. Grading, excavating, filling, soil removal, creation of swimming pool, creation of ponds, or tree clearing over 100 square feet in horizontal area		X	
19. Change from a nonconforming use to another nonconforming use		X	
20. Modifications to upgrade a building to improve barrier-free design or comply with the Americans with Disabilities Act or other federal, state or county regulations		X	
21. Construction of accessory building		X	

Uses or Activities Requiring Site Plan Approval

Use or Activity	Planning Commission Approval	Administrative Site Plan Review Committee	Exempt from Site Plan Review
or structure for the keeping of animals			
22. Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool			X
23. Preliminary plans for a mobile home park	X		
24. Erection of essential public service local distribution lines			X
25. Construction, erection or relocation of permitted accessory buildings and structures less than 200 square feet in area accessory to a multiple-family, commercial, office, essential public service, or municipal or industrial use			X
26. Permitted family foster care homes, family day-care homes and adult day-care homes in single-family zoning districts			X
27. Internal construction or changes in the floor plan that do not increase gross floor area, increase the intensity of use or affect parking requirements on a site			X
28. Repairing or restriping of parking lots			X
29. Construction or erection of directional signs, retaining walls, fences, sidewalks, antennas, lights, piles, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes or similar structures which conform to other City standards			X

Uses or Activities Requiring Site Plan Approval

Use or Activity	Planning Commission Approval	Administrative Site Plan Review Committee	Exempt from Site Plan Review
30. A change in permitted use within an approved shopping center (if parking is adequate and signs and landscaping are conforming)			X
31. Uses and facilities which use, store, or generate hazardous substances in quantities greater than 250 pounds per month or 25 gallons per month, whichever is less		X	
32. Industrial development within 500 feet of a residential district (whether a permitted or special land use)	X		

Section 2. Saving Clause. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 4. Conflicting Ordinances. All prior existing ordinances adopted by the City of Trenton inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 5. Readings. This Ordinance shall be given a first reading on December 2, 2013, shall be enacted on December 16, 2013, and shall be published on or before December 29, 2013, and shall be effective December 30, 2013.

Moved by Councilperson Baun-Crooks, seconded by Councilperson Howey, to approve the first reading of Ordinance 705-9, Site Plan Departmental Review.

Carried unanimously.

CITY ENGINEER

Request to Advertise and Receive Bids for Sanitation Trash Truck

Moved by Councilperson Gillespie, seconded by Councilperson Baun-Crooks, to authorize the City Engineer to advertise and receive bids for a sanitation trash truck.

Carried unanimously.

(D-7)

CITY ENGINEER

Emergency Storm Sewer Extension on Charles Street

Moved by Councilperson Howey, seconded by Councilperson Gillespie, to concur with the recommendation of the City Engineer and authorize the payment of \$14,864.60, to RVP Construction Inc., for the emergency storm sewer extension on Charles Street, and to waive the usual bidding procedure in the best interest of the City, with funding from the Sewers Operation and Maintenance Contractual Services Account (592-532-818.000).

Carried unanimously.

(D-8)

CITY ADMINISTRATOR

Grant Purchase of Scott Air Packs, Masks, and Air Tanks

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to grant permission to the Fire Department to apply for the Assistance to Firefighters Grant for the purpose of replacing all Scott air packs, face masks and air tanks.

Carried unanimously.

LATE COMMUNICATIONS

(L-1)

RAMSEYS RESTAURANT

Purchase Agreement Terms

Moved by Councilperson McLeod, seconded by Councilperson Gillespie, to receive and place on file the communication submitted by Jonus Rexhepi and Miasere Rexhepi, owners of Ramsey's Family Restaurant, requesting changes to the purchase agreement terms.

SUBSTITUTE MOTION

Moved by Councilperson Gillespie, seconded by Councilperson Rzeppa, to exclude the performance bond portion from the purchase agreement.

Roll Call: Howey, Abstain; LeFevre, Yes; McLeod, Yes; Rzeppa, Yes; Baun-Crooks, Yes; and Gillespie, Yes.

Motion carried.

(L-2)

CITY ADMINISTRATOR
Copier Lease Agreement

Moved by Councilperson Gillespie, seconded by Councilperson Baun-Crooks, to authorize the Administration to enter into an agreement with Konica to replace the copiers in Engineering, Waste Water Treatment Plant, Building Department and the Fire Department, at the monthly cost of \$765.18, with funding from the Copy Machine Account (101-930-946000).

Carried unanimously.

(L-3)
STEVEN TOWERS
Downriver Christmas Festival

Moved by Councilperson McLeod, seconded by Councilperson Baun-Crooks, to receive and place on file, the letter from Steven Towers requesting a loan in the amount of \$2000.00, from the City in order to purchase lights for the Cultural Center for a Downriver Christmas Festival.

Carried unanimously.

AUTHORIZED DISBURSEMENTS

Moved by Councilperson McLeod, seconded by Councilperson Gillespie, that the Authorized Disbursements, per the December 2, 2013, schedule, be approved, in the amount of \$337,154.22.

Carried unanimously.

OTHER COUNCIL BUSINESS

Moved by Councilperson McLeod, seconded by Councilperson Gillespie, to reschedule the following Council Meetings for 2014: Monday, February 17, 2014, to Tuesday, February 18, 2014; Monday April 21, 2014 to Monday, April 28, 2014; Monday August 4, 2014 to Monday, August 11, 2014; Monday, September 1, 2014, to Tuesday, September 2, 2014; Monday, November 3, 2014, to Monday, November 10, 2014; and officially set the hours for Halloween on Friday, October 31, 2014 from 6-8 p.m.

Carried unanimously.

Moved by Councilperson McLeod, seconded by Councilperson Howey, to hold a Closed Session immediately following the regular meeting to discuss litigation.

Roll Call: LeFevre, Yes; McLeod, Yes; Rzeppa, Yes; Baun-Crooks, Yes; Gillespie, Yes; and Howey, Yes.

Carried unanimously.

COMMENTS FROM THE COUNCIL AND OFFICIALS

- Councilperson McLeod * Wished Her Sister-in-Law, Val Kolcheff, a Happy Birthday
- Councilperson Gillespie * Welcomed New Businesses 9 month Bump and Sal's Chicago Classic
- Councilperson Rzeppa * Wished Mayor Stack a Speedy Recovery
- Councilperson LeFevre * Christmas Parade, Saturday December 7th; Wished Virginia Shannon and Trish Gearhart a Happy Birthday; Bridges at Elizabeth Park, Almost Completed; Recycling Will be Discussed in the Future, Still Gathering Information
- City Clerk Gearhart * Thanked Everyone Who Volunteered or Donated to The Goodfellows, Donations Still Needed
- City Treasurer McCullough * Tax Bills are in the Mail
- City Assessor Dahlquist * Board of Review Meets December 10th, Changes for Disabled Veterans
- Fire Chief Evans * Thanked Everyone for Assistance with House Fire; Firefighters Charities Concert December 10th

PUBLIC COMMENT

- Emily Hornbeck * Curbside Recycling
- Scott Barr * Christmas Parade December 7th; City Awards Banquet, January 18th
- Martha Davis * In Favor of a Recycling Program
- Wendy Pate * In Support of a Recycling Program; Former Riverside Hospital Site

MOTION TO ADJOURN by Councilperson Gillespie, seconded by Councilperson McLeod, at 9:38 p.m.

APPROVED BY:

WILLIAM D LEFEVRE, MAYOR PRO TEM

PATRICIA M. GEARHART, CITY CLERK

MINUTES PREPARED BY: Patricia M. Gearhart, City Clerk
APPROVED ON: _____

INFORMATION ITEMS:

1. CITY OF RIVERVIEW: Annual Volume Report and Annual Rate Notification.
(11/18/2013)
2. COMCAST: Price Changes. (11/15/2013)
3. WOW: Programming and Rate Changes. (11/15/2013)