

**LAPEER CITY COMMISSION  
MINUTES OF A REGULAR MEETING  
DECEMBER 19, 2022**

A regular meeting of the Lapeer City Commission was held December 19, 2022, at the Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan. The meeting was called to order at 6:30 p.m.

**ROLL CALL**

Present: Mayor Marquardt.

Commissioners: Atwood, Cattane, Pattison, Stroh, Swindell.

Absent: None.

City Manager: Dale Kerbyson, present.

City Attorney: Mike Nolan, present.

Mayor Marquardt led the Pledge of Allegiance.

**260 2022 12-19 AGENDA APPROVAL**

Moved by Cattane. Seconded by Stroh.

Approve the Agenda for December 19, 2022, removing Item C-1 from the Consent Agenda to be discussed and item G-1 address each article change individually.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**261 2022 12-19 MINUTES**

Moved by Cattane. Seconded by Swindell.

Approve the minutes of the regular meeting held December 5, 2022, as presented.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**PUBLIC COMMENTS**

Melissa Petrie gave an invocation.

**262 2022 12-19 2023 PLANNING SERVICES – ROWE PROFESSIONAL SERVICE COMPANY**

Moved by Cattane. Seconded by Pattison.

Approve the 2023 Planning Services Contract for Rowe Professional Service Company.

Commissioner Cattane requested the contract be removed from the consent agenda because this is a large sum item where there is a lot of money involved. In the past, the City had a full-time staff planner instead of a contractor. He asked if the City may be better suited to go in a different direction for the future rather than having a contractor who services the City for 18 hours a week. Have we considered other options or are we just loyal to Rowe.

City Manager Kerbyson stated that in general, contract personnel are less expensive because there is no retirement or healthcare, etc. costs attached to them. In the past, this was a non-

union position, so we do have the ability to fill the position with a full-time employee. Rowe has provided excellent services work; they facilitate many things for the City because they are a large company. It was not bid this year because they are holding steady on their price.

Commissioner Swindell would like to know about these types of items coming up on future meetings before they just appear on the agenda a few days before the contract expires.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**263 2022 12-19 BILL LISTING**

Moved by Cattane. Seconded by Stroh.

Approve the bill listing for December 19, 2022, in the amount of \$1,188,067.17.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**PROCLAMATION, RECOGNITIONS AND RESOLUTIONS:**

**264 2022 12-19 PROCLAMATION – CITY ATTORNEY MICHAEL NOLAN**

Moved by Pattison. Seconded by Stroh.

Adopt the proclamation for City Attorney, Michael Nolan.

***CITY OF LAPEER***

***Proclamation***

***In Recognition of Michael Nolan***

WHEREAS, Michael Nolan was appointed as the designated representative as the Attorney for the City of Lapeer on June 2, 2008; and

WHEREAS, Michael Nolan has devoted time and effort in providing legal services to the City of Lapeer for over 14 years and has served the City with dedication and distinction.

WHEREAS, Michael Nolan leaves those in the City of Lapeer proud to have known him and to have served with him. His guidance, support will be missed.

NOW, THEREFORE, BE IT RESOLVED, that I, Debbie Marquardt, and the Lapeer City Commission take this opportunity on behalf of the people of the City of Lapeer to express official gratitude and deep appreciation to Michael Nolan for his lifelong efforts and devotion to public service; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the official proceedings of the City of Lapeer, and that a copy thereof be tendered to Michael Nolan as a testimonial of the high esteem and appreciation in which he is regarded by the Mayor and the Lapeer City Commission.

Dated this 19<sup>th</sup> day of December 2022.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**265 2022 12-19 ZONING ORDINANCE – TEXT AMENDMENT**

Caitlyn Habben, Rowe gave a presentation of the changes in the text amendment that are proposed in text amendment of Chapter 7 (Zoning Ordinance).

Moved by Pattison. Seconded by Stroh.

Adopt the proposed amendments to Chapter 7 (Zoning Ordinance), Articles 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 22, and 24 of the General Ordinances of the City of Lapeer.

CITY OF LAPEER  
LAPEER COUNTY, MICHIGAN

Ordinance #: 2022-05  
Zoning Ordinance Amendment

An ordinance to amend City of Lapeer zoning ordinance by amending Articles 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 22, and 24.

THE CITY OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

The City hereby amends Article 6 of the City of Lapeer Chapter 7 Zoning Ordinance by amending Sections 7-6.01 and 7.02, to reflected in changes in red. The portions of text with ~~strike-out~~ are proposed to be removed and all red text is proposed to be adopted.

**ARTICLE I. Article 6 Business and Office District**

**A. Section 7-6.01 Intent**

- A. The OS-1 Office Service District are designated to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.
- B. The B-1 Neighborhood Business Districts are designated to meet the day to day convenience shopping and service needs of persons residing in adjacent residential areas.
- C. The B-2 General Business Districts are designated to furnish locations for a wide range of businesses, including a variety of automotive services and goods incompatible with the uses and with the pedestrian movement in the City's traditional downtown (CBD Central Business District). The B-2 Districts are characterized by more diversified business types and are often located so as to serve the passerby traffic.
- D. The B-3 Regional Business Districts are designated to allow the development of retail establishments serving a wider regional trade area than would typically be found in the other zoning districts. The B-3 districts are characterized by intense traffic and traffic volumes generated by the wider trade area population. The B-3 District zoning designation is intended to restrict the location and number of regional retail establishments so as not to overload the City's thoroughfare system and further to limit the impact realized by the local commercial districts (B-1, B-2, CBD) that may result from saturation of the immediate trade area.

**B. Section 7-6.02 Schedule of Uses.**

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
<b>Accessory and Similar Uses</b>					
Shipping Containers – Temporary			P	P	Sec. 7-13.10. F

**ARTICLE II. Article 7 Central Business District**

The City hereby amends Article 7 of the City of Lapeer Chapter 7 Zoning Ordinance by amending Sections 7-7.01, 7-7.02, and 7-7.03, to reflected in changes in red. The portions of text with ~~strike-out~~ are proposed to be removed and all red text is proposed to be adopted.

**7-7.01 Intent.**

- A. The CBD-1 Central Business District is designated to provide for office buildings and the great variety of retail stores and related activities which occupy the prime retail frontage of the core downtown area by serving the comparison, convenience and service needs of the entire City area as well as a substantial area of the adjacent and surrounding residential developments and agricultural area beyond the City limits. The retail stability of the district is promoted by encouraging a continuous grade level retail frontage.

**Section 7-7.02 Schedule of uses.**

Table 7.07.1 Central Business Districts Schedule of Uses			
Use	CBD-1		Additional Requirements
<b>Residential Uses</b>			
Apartments on the 1 <sup>st</sup> Floor	P		§7-13.01. F
<u>Indoor Entertainment</u>	P		-
<u>Bar-cade</u>	P		-
<u>Video game lounge</u>	P		-
Rooftop uses	P		§7-13.10

**Section 7-7.03 Area, Height and Placement Requirements**

**Footnotes to Schedule of Area, Height and Placement Requirements**

1 Depth-to-width ratio: All lots created after the adoption date of this chapter shall have a lot depth not more than four times its width, as measured at the front lot line.

2 Building height: Exceptions to building height shall be as provided for in § 7-14.03A, Height limit. ~~There shall be no specific height limitation in a CBD-1 District; provided, however, that prior to the issuance of a building permit for any structure over 35 feet in height, the Planning Commission shall make a finding that such a height will not be detrimental to the light, air or privacy of any other structure or use currently existing or approved for construction. The maximum height allowed in the CBD-1 zoning district is 3 stories or 40 feet. The Planning Commission has the authority to grant building heights above the maximum building height.~~

3 Build-to line: Buildings in the CBD-1 District shall be constructed so that at least 60% of the front wall is located at the front lot line.

4 Balconies may be permitted within the public right-of-way upon approval of the ROW permit by the Department of Public Works.~~4 Natural features setback: All structures shall be set back~~

~~at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.~~

**ARTICLE III. Article 8 Industrial Districts**

The City hereby amends Article 8 of the City of Lapeer Chapter 7 Zoning Ordinance by amending Sections 7-8.02, to add the below content.

**Sec. 7-8.02 Schedule of Uses.**

Table 7.08.1 Industrial Districts Schedule of Uses.			
Use	I-1	I-2	Additional Requirements
<b>Accessory and Similar Uses</b>			
Shipping Container Temporary	P	P	Sec. 7-13.10.F

**ARTICLE IV. Parking District**

Article 9 will be repealed and replaced with the below regulations.

**Article 9 Placeholder**

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**ARTICLE V. Article 11 M-24 Overlay District**

Section 7-11.10 will be repealed and replaced with the below regulations.

**Sec. 7-11.10 Cross Access Between Adjacent Uses.**

- A. Internal vehicular circulation areas shall be designed to allow for cross access to adjacent lots with multiple family, nonresidential or mixed-uses.**
- B. A stub for future cross access shall be provided from the vehicular use area to all adjacent lots. Where cross access is deemed impractical by the Planning Commission or Planning Department during Site Plan Review or Administrative Review on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross access may be waived provided that appropriate bicycle and pedestrian connections are made between adjacent developments or uses.**
- C. A cross-access easement shall be recorded with the Lapeer County Register of Deeds prior to the issuance of a Building Certificate of Occupancy for the development.**

**ARTICLE VI. Article 13 Use Requirements**

The City hereby amends Article 13 of the City of Lapeer Chapter 7 Zoning Ordinance by amending Sections 7-13.01, 7-13.07, and 7-13.10 to add the below content.

**A. Sec. 7-13.01 Residential uses.**

E. Apartments above business establishments: The minimum floor area for apartment units shall be the same as shown in Table 7.04.3.

F. Apartments on the 1<sup>st</sup> floor:

- (1) The minimum floor area for apartment units shall be the same as shown in Table 7.04.3.
- (2) The apartments shall not exceed twenty-five (25) percent of the total gross floor area on the 1<sup>st</sup> floor.

(3) The apartment shall be located in the rear part of the building where apartment's entrance or unit windows shall not be visible from the front lot line.

**B. Sec. 7-13.07 Entertainment and recreation uses.**

G. Bar-cade

(1) Bar-cades will comply with the amusement arcade design standards listed in Section 7-13.07.B. and the standards for a lounge/tavern.

**C. Sec. 7-13.10 Accessory Uses.**

**F. Rooftop use.**

1. Rooftop equipment accessory to the principal use of a building or structure, shall be illustrated on the plans and shall be screened from street view and surrounding building view by parapet walls or other architectural elements that complement the overall building design and comply with the building appearance stated in Section 7-15.01.

G. Shipping Container (Temporary)

1. The permitted period of time shall not exceed a consecutive six (6) month period of time. Not more than one permit per year shall be issued.
2. Shall be placed on a paved permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property.
3. The proposed location for shipping containers shall not impact emergency services access to the site, ability to access City infrastructure, or general maneuverability onsite.
4. Placement shall only be located in the rear yard and not in the required setback.
5. When a shipping container is located in the I-1 Industrial or I-2, the shipping containers shall be enclosed within an obscuring wall, obscuring privacy fence, or landscaping on those sides abutting all residential, office or business districts, and on any yard abutting a public street. The extent of the wall or fence may be determined by the Planning Commission or Planning Department on the basis of usage. The wall or fence shall not be less than six feet in height.

**ARTICLE VII. Article 14 General Provisions**

The City hereby amends Article 14 of the City of Lapeer Chapter 7 Zoning Ordinance by amending Sections 7-14.09, 7-14.10, and 7-14.11 to reflected in changes in red. The portions of text with ~~strike-out~~ are proposed to be removed and all red text is proposed to be adopted.

**Sec. 7-14.09 Open storage and outdoor display.**

- A. Open storage of building material, contractor's equipment and supplies and other similar material may be permitted by the Planning Commission at site plan review provided an obscuring wall or fence screens the material from view of the street or adjacent parcels.
- B. Outdoor display of material for sale may be approved by the Planning Department by issuance of a zoning permit as an accessory use to the principal use, provided the following conditions apply. ~~Any variances from these requirements must be approved by the Zoning Board of Appeals.~~

**Sec. 7-14.10 Electrical Limits in Single Family Districts**

- A. In order to protect the public health, safety, and welfare of the City regarding overloading local electrical capacity and ensuring appropriate uses are consistent with the character of the zoning district, all amperes electrical services in the R-1, R-2, and R-3 Single Family Residential zoning districts must comply with the below requirements:
  - (1) No more than a two-hundred (200) amperes electrical service may service a single parcel in the above mentioned zoning districts, except as otherwise provided in this section.
  - (1) For those who request to have an amperes electrical service over two hundred\_(200) amperes, they may apply for a waiver from these restrictions from the Planning Commission. The approval of the additional amperes shall be based on the following findings of fact:
    - (a) Demonstrate that the requested service is necessary for all residential applications on the property.
    - (b) Supply an electrical load sheet detailing single phase connected loads for lighting, receptacles, water heater, heat pump, cooking, air conditioning and any other applications at the property.
    - (c) The City reserves the right to have comments from entities such as DTE Energy, Fire Department, Police Department, and Building Official provide review comments.

**Sec. 7-14.11 Natural Features Setback**

- A. All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.**

**ARTICLE VIII. Article 15 General Site Development Requirements**

The City hereby amends Article 15 of the City of Lapeer Chapter 7 Zoning Ordinance by amending Sections 7-15.01, 7-15.02, and 7-7.05, to reflected in changes in red. The portions of text with ~~strike-out~~ are proposed to be removed and all red text is proposed to be adopted.

**A. Sec. 7-15.01 Building Appearance**

B.(3)(b)Where an addition is proposed to an existing building, the Planning Commission may allow the use of existing wall materials for the addition provided that the design of the alteration is compatible with the existing building wall design during a full site plan review. The Planning Department in the case of an administrative review may modify the material requirements of the section so it will be consistent with the architecture of the entire building and may allow the use of existing wall materials for the addition provided that the design of the alteration is compatible with the existing building wall design.

**D. Building materials.**

- (4) Metal roofs may be allowed if deemed by the ~~Planning Commission~~ Planning Department to be compatible with the overall architectural design of the building.
- (5) In the CBD zoning district, ~~for~~ all facades facing W. Nepessing Street must use building material similar to the neighboring historic buildings in order to allow conformity of the historic area. The predominate building material shall be wood (natural or stained or treated), brick or masonry, glass products, or other similar material as determined by the Planning Commission.

**E. Building colors.**

(1) The use of high-intensity colors such as neon, metallic, or fluorescent for the facade or roof of the building is prohibited except as approved by the Planning Commission during full site plan review and the Planning Department during an administrative site plan review for building trim. Exterior colors shall be of low reflectance, subtle, neutral, or earth-tone colors. ~~The use of high intensity colors such as neon, metallic, or fluorescent for the facade or roof of the building is prohibited except as approved by the Planning Commission for building trim.~~

~~I. Signs. Signs shall be in accordance with Article XVII, Signs. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.~~

**B. Sec. 15.02 Landscaping**

B. (2) The Planning Commission may also determine that landscaping requirements due to the dimensional conditions unique features of ~~to~~ the parcel would prevent development of required buffer zones, off-street parking area, landscaping or green belts. If such a determination is made, the Planning Commission may grant an exception from the landscaping provisions of this article. In the case of an administrative site plan review, the Planning Department may grant an exception based on the same site conditions.

C. (4) Trees that are dead, prohibited, or diseased, ~~with no visible growth, as determined by the City Arborist~~, are exempt from replacement requirements. When the quantity of identified dead, prohibited, or diseased trees exceeds fifty (50) trees or over five (5%) percent of the total trees the City Arborist shall verify the status of the trees.

D. Incentives to preserve existing trees. The standards listed below are intended to encourage the preservation of quality and mature trees within a development area by providing credits toward required landscape components. Prohibited trees cannot be counted towards preservation tree credits.

F. Buffer zones. Buffer zones shall be required where a proposed use shares a common lot line with an adjacent use in accordance with Table 7.15.1. The buffering requirement is based on the intensity of the proposed use and its potential impact on the adjacent use.

Buffer Zone Type	Minimum Width (FT) <sup>4</sup>	Wall/Berm <sup>3</sup>	Minimum Plant Material
A	50	6-foot wall, <u>6 ft fence</u> or 4-foot berm	1 canopy tree, 2 evergreen trees and 4 shrubs per 20 linear feet along the lot line, rounded upward
B	20	6-foot wall, <u>6ft fence</u> or 4-foot berm	1 canopy tree, 1 evergreen tree and 4 shrubs per 30 linear feet along the lot line, rounded upward



**L. Plant material species.**

Table 7-15.4 Prohibited Plant Material	
Trees Not Permitted	
Ash	Horse chestnuts (nut-bearing)
Box elder	Mulberry
Catalpa	Poplar
<u>Cottonwoods</u>	Soft Maples (Red and Silver)
Elms (Except disease-resistant American Liberty Elm)	Tree of Heaven
Honey or Black Locust <u>(Seedless and thornless)</u>	Willow

**C. Sec. 7-15.05 Lighting Standards**

**D. Lighting standards. Unless granted a variance under the provisions of § 7-23.04, all lighting must comply with the following standards:**

**(1) All lighting.**

- (a) Lighting intensities shall average one footcandle measured at the surface of the parking area. Service drives shall have a lower intensity averaging 0.5 footcandle measured at the ground surface.
- (b) The intensity of light within a site shall not exceed 10 footcandles within any site or one footcandle at any property line, except where it abuts a service drive or other public right-of-way.
- (c) Lighting abutting a residential district or use can be a maximum intensity of 0.5 footcandle at the property line.
- (d) Lighting intensity within twenty (20) feet of a dumpster enclosure shall be appropriately illuminated.

**(2) Freestanding pole lighting.**

- ~~(c) Reserved Lighting intensities shall average one footcandle measured at the surface of the parking area. Service drives shall have a lower intensity averaging 0.5 footcandle measured at the ground surface. At any property line abutting a residential use, the maximum intensity shall be 0.1 footcandle.~~

**(3) Building-mounted lighting.**

- ~~(c) Reserved The intensity of light within a site shall not exceed 10 footcandles within any site or one footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandle at the property line.~~

**ARTICLE IX. Article 16 Parking, Loading, Access and Circulation Requirements**

The City hereby amends Article 16 of the City of Lapeer Chapter 7 Zoning Ordinance by amending Sections 7-16.01, 7-16.02, and 7-16.06, to reflected in changes in red. The portions of text with ~~strike-out~~ are proposed to be removed and all red text is proposed to be adopted.

**A. Sec. 7-16.01 General Requirements**

O. The requirements of this section shall not apply to property located within the area zoned CBD-1 Central Business District.-

P. For the determination of the number of required parking spaces, outdoor seating area not in an enclosure suitable for year-round use shall not be included as part of the formula for the total number of required parking spaces.

**B. Sec. 7-16.02 Number of Spaces Required**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. ~~The requirements of this section shall not apply to property located within the area zoned CBD-1 Central Business District, and shall be reduced to one-half (1/2) for that area zoned CBD-2 Central Business District.~~

Table 7-16.02.1 Parking Space Numerical Requirement	
<b>Institution/Public</b>	
<i>Use</i>	<i>Parking Requirement</i>
Churches, temples... etc. <b>Institutional Uses/Places of worship</b>	1 per 3 seats or 6 ft pew <b>Chng to 6 seats or 12 ft pew</b>
Lodge and Union Halls...etc.	1 space per 3 persons carrying capacity
<b>Business and Commercial</b>	
Retail w/ 80,000 GFA or less	1 per 250 GFA <b>Chng 300 GFA</b>
Retail w/ more than 80,000 GFA	1 per 275 GFA <b>Chng 350 GFA</b>
Beauty parlor or barber shop <b>or nail salon</b>	3 spaces for each of the first 2 chairs and 1.5 spaces per additional chair <b>Chng 1 spacer per additional</b>
Dance Halls...etc.	1 space per 2 persons carrying capacity <b>Chng to 3 persons</b>
Conference, meeting room...etc.	1 space per 2 persons carrying capacity <b>Chng to 3 persons</b>
Table 7-16.02.1 Parking Space Numerical Requirement	
<b>Marihuana Facilities</b>	
<i>Use</i>	<i>Parking Requirement</i>
Medical marihuana grow facility or marihuana grower	1 space per employee in the largest working shift, plus 2 additional spaces <b>Chng to 10 additional spaces w/ minimum of 15 spaces total</b>
Marihuana processor/processing facility/establishment	5 plus 1 space for every 1 1/2 employees in the largest working shift <b>Chng to 10 additional spaces w/ minimum of 15 spaces total</b>

### **C. 7.16.06 Off-Street Loading and Unloading Requirements.**

(g) Screening. When off-street loading in a non-residential district is visible from a public right-of-way or abuts a residential district, the off-street loading shall be screened from such contiguous, residential district by a solid, ornamental masonry wall at least six (6) feet in height above the grade elevation at the residential district line, in addition to the landscape requirements of Article 7.15. **Determining the proper screening is done by the approving body either the Planning Commission or Planning Department.**

### **ARTICLE X. Article 17 Signs**

The City hereby amends Article 17 of the City of Lapeer Chapter 7 Zoning Ordinance by amending Sections 7-17.02, 7-17.03, 7-17.05, 7-17.07, 7-17.08, 7-17.09 and 7-17.12 to reflected in changes in red. The portions of text with ~~strike-out~~ are proposed to be removed and all red text is proposed to be adopted.

#### **A. Sec. 7- 17.02 Signs not requiring a permit.**

- J. Noncommercial message sign. **Consistent with the other requirements of this chapter, any permitted sign may contain a lawful noncommercial message. This does not apply to traffic signs, railroad crossing signs, danger or other emergency signs, and directional signs. A political sign shall not exceed eight square feet per side and a total of 16 square feet in a residential district. A political sign shall not exceed 16 square feet per side and a total of 32 square feet in a nonresidential district. The maximum height of a political sign is six feet. The sign shall not be placed within a side yard setback area, as required under the Zoning Ordinance in the district in which the property is situated.**
- K. ~~There shall be only one noncommercial message sign not pertaining to a specific event allowed per lot or parcel. If related to a specific event, the sign must be removed within 10 days of the event. The ten-day removal does not include political signs placed between a primary election prior to a general election for those primary winners standing the general election. The owner of the property or the person in charge thereof shall be responsible for the removal of the signs. Election signs shall not be erected, posted, affixed or placed no earlier than the filing deadline for an office. [Amended 12-7-2015]~~
- L. ~~Notwithstanding anything to the contrary in the foregoing, noncommercial message signs not exceeding four square feet in total area are permitted as window signs (i.e., as signs placed on the inside of windows of a structure so as to be visible from outside the structure).~~
- M. ~~Anything in this chapter to the contrary notwithstanding, a sign permitted in this chapter as an on-premises advertising sign may contain a lawful noncommercial message, except for traffic signs, railroad crossing signs, danger or other emergency signs, and directional signs.~~
- J. Public signs. Public signs, authorized signs by a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.

**B. Section 7-17.03 Temporary signs.**

**B. Removal.** Temporary signs shall be removed promptly at the end of the permitted period display period provided for above in Table 17.17.1.

**C. Damaged signs.** Any temporary sign found by the Building Official to be in a torn, damaged or unsafe condition shall must be removed by the owner within three days after his receipt of notice to do so from the Building Official.

**Table 7.17.1: Temporary Sign Regulations**

Type of Sign	Maximum Size	Maximum Height	Maximum Number	Permitted Duration and Other Requirements
<b>Temporary Signs Not Requiring a Permit</b>				
<del>Community special event signs</del>	<del>Discretion of the Building Official and considering the following: May include ground or wall signs, banners, or similar displays If located over a public street, sign must be at a height that does not conflict with vehicular traffic and must be approved by the City Commission</del>			<del>May be installed up to 3 weeks prior to event and may remain no more than 30 days in total</del>
Small temporary signs in the R-1, R-2, R-3, RM-1, or RM-2 districts	5 square feet	4 feet	1 per lot, 2 on corner lot (1 facing each street)	May be erected for six months in any one-year period. <del>Shall be erected no more than 10 business days before and removed within 1 business day after the sale.</del>  Signs advertising a residential property for sale or lease may remain until the property is sold or leased. The sign must be removed within 14 days of all units or lots being sold or leased.
Small signs advertising a property for sale or lease	5 square feet	4 feet	1 per lot, 2 on corner lot (1 facing each street)	<del>Shall be removed within 14 days of sale closing, or the lease or rental of the premises. Sign may not be illuminated. May be erected for one year.</del>
<b>Temporary Signs Requiring a Permit</b>				
Banners and pennants	Discretion of the Building Official and considering the following: Must be securely attached to a building or structure			May be erected 2 times per calendar year, for a maximum of 30 days each time

<del>Construction signs—Signs on an active construction site</del>	64 square feet	15 feet	1 per lot, 2 on corner lot (1 facing each street)	<ol style="list-style-type: none"> <li>1 Shall be removed from premises within 30 days after issuance of the occupancy permit or temporary occupancy permit.</li> <li>2 In the case of renovations (e.g. addition to a building) or maintenance or repair (e.g. roofing or siding), rather than the construction of a new building, the <del>construction</del> sign may have a maximum sign area of 16 square feet.</li> </ol>
<del>Grand opening special sale and promotional signs—Temporary Wall Signs in the OS-1, B-1, B-2, B-3, CBD-1, CBD-2, I-1, or I-2 zoning districts-</del>	16 square feet	Wall sign not higher than building	1 per lot, 2 on corner lot (1 facing each street)	May be erected for a maximum of <del>45</del> 30 consecutive days every 6 months
<del>Real estate development, sale or lease signs—Large Free-Standing Temporary Signs in the RM-1, RM-2, OS-1, B-1, B-2, B-3, CBD-1, CBD-2, I-1, or I-2</del>	64 square feet	10 feet	1 per lot, 2 on corner lot (1 facing each street)	<del>Remove within 7 days after all units or lots sold or leased. May be erected for 6 months in any one year period.</del> Signs advertising a property for sale or lease may remain until the property is sold or leased. The sign must be removed within 7 days of all units or lots being sold or leased.

**C. Sec. 7-17.05 Schedule of Sign Regulations: property used for nonresidential purposes.**

The following table includes regulations for permanent nonresidential signs:

**Table 7.17.3: Schedule of Sign Regulations**

Type of Sign	Maximum Area	Height	Illumination	# Permitted/ Other Provisions
Awnings and canopies	<del>Lettering may cover maximum of 1/3 of awning or canopy.</del> Lettering shall not project above, below or beyond the physical	Bottom of awning or canopy must be at least 7 feet above ground level or sidewalk.	Not permitted under awning or canopy, except for gas station canopy. Building-mounted lighting may	Individual letters shall not be larger than <del>15</del> 9 inches from top to bottom.

	dimensions of the awning or canopy.		indirectly illuminate the area above or below the awning or canopy.	
Monument signs (see § 7-17.06B)	Areas zoned CBD-1 <del>or CBD-2</del> : 20 square feet per side; 40 square feet total. Other areas: 56 square feet per side; 112 square feet total.	8 feet maximum	Permitted	1 per each side of parcel facing a street
Poster panel signs (sandwich signs, A-frames) (see § 7-17.06C)	7 square feet per side; 14 square feet total	3.5 feet maximum	Not permitted	<del>Only permitted in the CBD-1 and CBD-2 Zoning Districts</del>
Business center sign, including multiple tenant commercial or shopping centers and multiple tenant office buildings [Amended 9-26-2013]	64 square feet per sign face; 128 total square feet for both sides	Areas zoned CBD-1 <del>or CBD-2</del> : 10 feet maximum. Other areas: 16 feet maximum.	Permitted	1 per business center. Individual businesses are not allowed to have individual monument signs. <u>Must meet monument sign requirements</u>
Projecting signs (see § 7-17.06D)	8 square feet per side; 16 square feet, total	Must not be higher than wall upon which it is attached. Bottom of sign must be at least 8 feet above ground level or sidewalk.	Permitted	Only permitted in the CBD-1 <del>and CBD-2</del> zoning districts. 1 per business, provided not within 20 feet of another projecting sign.

**D. Sec. 7-17.07 Signs in residential districts (R-1, R-2, R-3, RM-1, RM-2, MHP).**

Signs in residential areas not requiring a permit. Ground and wall type signs are permitted in residential zoning districts as defined in this chapter without a permit and subject to the following conditions:

~~Sign advertising the rental, sale or lease of the property upon which it is located, subject to the following conditions:-~~

~~Not more than four feet in height nor more than five square feet in area, including attachments.-~~

~~(b) (a)~~ No sign may be erected within a public right-of-way, nor in such manner on private property as to create a sight restriction for automotive traffic.

~~(e) (b)~~ No such sign shall be lighted or otherwise artificially illuminated.

~~(d)~~ All such signs shall be removed within two weeks after the consummation of a lease or sales contract covering that property.

~~(e)~~ There shall not be more than one such sign per lot.

(2) Dwelling nameplate. For each dwelling unit, one nameplate not exceeding two square feet in area indicating name of occupant. Such sign shall not contain advertising of any nature.

(3) (a) (5) The sign may include an electronic message board area in accordance with § 7-17.06H, provided that the sign is located along a arterial streets as shown in the master plan major thoroughfare.

**E. Section 7-17.08 Reserved. ~~Parking area signs.~~**

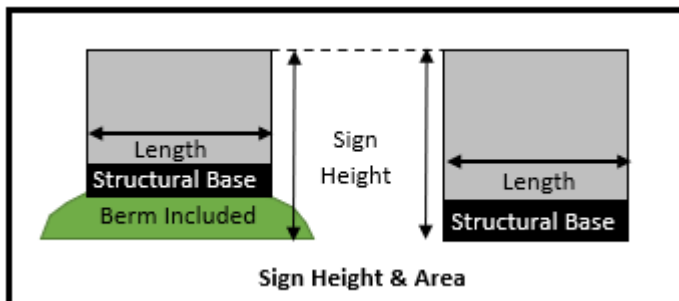
~~Signs in areas designated as P District or accessory to parking areas as defined or required by this chapter shall meet the following requirements:~~

~~A. One wall or ground sign may be erected to designate each entrance to or exit from a parking area; each sign shall be not more than four square feet in area.-~~

~~One wall or ground sign designating the conditions of use shall be permitted for each parking area; each such sign shall be limited to a maximum area of nine square feet, but shall be screened from adjoining property.\_~~

**F. Sec. 7-17.09 General requirements for all signs.**

**G. Measuring sign height.**



H.1. Sign area shall be measured as the square footage of the sign face and any frame or other material or color forming an integral part of the display or used to differentiate it

from the background against which it is placed. The measurement of the sign shall include the entire graphic the sign is located on.

- (3) The area of a double-faced monument sign shall be computed using only one face of the sign, provided that: the outline and dimensions of both faces are identical; and the faces are back to back so that only one face is visible at any given time.
- (4) Window sign regulation shall not include season drawings or other graphics not related to signage.

**I. City Official may periodically inspect signs for compliance.**

**G Sec. 7-17.12. Appeals.**

Any person aggrieved by any decision or order of the Building Official in connection with any dimensional or location provision of these regulations may appeal to the Board of Zoning Appeals within 30 days of the decision or order- (See Section 7-22.06).

**ARTICLE XII. Article 22 Zoning Board of Appeals**

Section 7-22.04 will be modified to add the additional language shown in red.

**Sec.7-22.04 Variances**

B. If a variance which is granted is not utilized within one year of its granting, the variance shall be considered null and void and an application must be refilled if it is desired at a future date. **In cases where a variance is a condition of site plan approval or is necessary for a site plan to meet ordinance standards, the variance shall remain valid until the site plan expires.**

**ARTICLE XII. Article 24 Terminology**

Article 24 will be modified to add the below definitions in alphabetical order of Section 7-24.03.

**Section 7-24.03**

BAR-CADE – A use is an arcade with bar and restaurant services.

CROSS ACCESS - The construction of driveways within private property which interconnect the driveways of two (2) or more abutting nonresidential properties.

**ARTICLE IV. SEVERABILITY**

This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

**ARTICLE V. CONFLICT**

All ordinances and provisions of ordinances of the City of Lapeer in conflict herewith are hereby repealed.

**ARTICLE VI. ADOPTION**

This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.



**266 2022 12-19 ORDINANCE AMENDMENT: CHAPTER 7 REZONING**

Moved by Pattison. Seconded by Cattane.

Adopt the proposed amendments to Chapter 7 (Zoning Ordinance), Article 7.02, Section 7.02.02 (a) (34) to the General Ordinances of the City of Lapeer.

**Ordinance No. 2022-06**

THE CITY OF LAPEER ORDAINS:

**ARTICLE 7.02 MAPPED DISTRICTS**

**7.02.02 District Boundaries**

(a) Zoning District Amendments

(34) The follow described properties formerly zoned CBD-2 are hereby rezoned to CBD-1.

108 W. Park - #L20-13-300-040-00  
LAPEER VILLAGE PLAT LOTS 101 & 102 (L=1 P=73 SEC 5, T7N-R10E)

244 W. Park - #L20-20-600-040-00  
LAPEER VILLAGE PLAT SW'LY 120 FT OF BLK KNOWN AS  
CONGREGATIONAL CHURCH LOT" (L=1 P=73 SEC 5, T7N-R10E)

507 Cedar - #L20-13-600-040-00  
LAPEER VILLAGE PLAT LOTS 105 & 106 (L=1 P=73 SEC 5, T7N-R10E)

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**267 2022 12-19 SECONDHAND DELAER LICESES: ecoATM, LLC.**

Moved by Cattane. Seconded by Pattison.

For the Mayor to approve a Secondhand Dealer License for ecoATM, LLC., located at 555 E. Geneses Street.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**CITY MANAGER’S REPORT**

City Manager Kerbyson asked for a closed session to discuss the TPOAM DPW-WWTP Union Contract; an Attorney-Client Privilege Communication-Proposed Land Sale and Development Update; an Attorney-Client Privilege Communication – City of Lapeer v Headley Harris, LLC.

**268 2022 12-19 CLOSED SESSION**

Moved by Cattane. Seconded by Atwood.

To enter a closed session after the completion of the regular meeting for the purpose of discussing a Union Contract and Attorney-Client Privileged Communications which are exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

ON A ROLL CALL VOTE:

Ayes: Stroh, Swindell, Pattison, Cattane, Atwood.

Nays: None.

Absent: None.

MOTION CARRIED.

### **CITY ATTORNEY'S REPORT**

City Attorney Nolan began saying what an honor and privilege it has been to serve the City of Lapeer for the last 14 years; it's bittersweet. Looking forward to the next step, but very thankful for serving the City. The City of Lapeer has an unbelievable staff; these folks who work behind the scenes make all of us look very good; the work they do that goes unseen is incredible. All the department heads are phenomenal; when they bring an issue to the City Attorney, it is a doozy; they are good and so professional. Shared a story that he and Chief Frisch worked on together to help an individual who was in a very bad position, and now is a major contributor to this community.

He asked that pending litigation Lapeer Associates v City of Lapeer, Case No. 22-055485-AA(H), be added to the closed session.

### **CITY MANAGER'S REPORT**

City Manager Kerbyson mentioned that we have been notified that the three Spark Grant applications were received and are under consideration for funding. We also received notice that our FEMA Emergency Response request for additional items to our water system and reimbursement of our costs during the water crisis have been approved and has been moved to the Governor's desk.

### **269 2022 12-19 APPOINTMENT – DOWNTOWN DEVELOPMENT AUTHORITY**

Appointment by Mayor Marquardt. Moved by Cattane. Seconded by Stroh.

Reappoint Jason Rogers and Bailey RaCosta to the Downtown Development Authority for terms to expire January 1, 2027.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

### **270 2022 12-19 APPOINTMENT – BOARD OF REVIEW**

Moved by Pattison. Seconded by Cattane.

Reappoint Cathy Malmrose and Marguerite Pope (Alternate) to the Board of Review for terms to expire January 1, 2026.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

### **271 2022 12-19 APPOINTMENT – CIVIL DEFENSE COORDINATOR**

Moved by Cattane. Seconded by Pattison.

Reappoint Jeremy Howe to the Civil Defense Coordinator for a term to expire January 1, 2024.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.  
MOTION CARRIED.

**272 2022 12-19 APPOINTMENT – ELECTION COMMISSION**

Moved by Pattison. Seconded by Stroh.

Reappoint Romona Sanchez and Denise Marinelli to the Election Commission for a term to expire January 1, 2024.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**273 2022 12-19 APPOINTMENT – INCOME TAX BOARD OF REVIEW**

Moved by Cattane. Seconded by Stroh.

Reappoint Scott McCallum to the Income Tax Board of Review for a term to expire December 1, 2025.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

**DEPARTMENTAL REPORTS**

The Monthly Departmental Reports was received into the record.

**PUBLIC COMMENTS**

None.

**MAYOR/COMMISSIONER COMMENTS**

Commissioner Cattane: Merry Christmas; hopes everyone has a safe and warm holiday. Be thankful for the road crews who are working while we are home enjoying our time off. See you next year.

Commissioner Atwood: Thanked Mr. Nolan for all his years of service; always been professional and honorable. Would like his professional opinion on the City Attorney RFP's that the City received. Merry Christmas and drive safe as you visit family this holiday season.

Commissioner Stroh: Merry Christmas, happy holidays, this could be interesting with the severe weather that is approaching. Check on your elderly neighbors and other neighbors to see if they need anything. It has been a pleasure to get reacquainted with Mr. Nolan since returning; enjoyed being able to discuss things with him and will miss his voice and support; and looks forward to seeing him around town.

Commissioner Swindell: Merry Christmas and happy holiday. Smile and be nice to others when you are out. Be careful around town; please pay attention while driving. Thanked Mr. Nolan for being open minded and the voice of reason, he will be missed. Appreciates all his efforts to help people. Happy New Year.

Commissioner Pattison: Been a privilege and pleasure to work with Mr. Nolan; he will be missed and please keep in touch. This City functions because of citizens who volunteer their

time. If you have the ability to serve, we have openings for those who wish to volunteer for our boards. Happy New Year, Merry Christmas, Happy Hanukkah.

City Manager Kerbyson: Echoed the comments of the Commission, it has been an honor to work with Mr. Nolan; and he looks forward to working more with Mr. McCarthy. We are closed Friday, December 23 and Monday, December 26, 2022, for the Holiday.

Mayor Marquardt: Read the list of local events. Thanked Mr. Nolan for being our City Attorney, it's hard to believe that it has been 14 years; we really appreciate all he has done for our community. Merry Christmas, Happy Holidays and Happy New Year.

### **CLOSED SESSION**

The Lapeer City Commission convened to a closed session for the purpose of discussing TPOAM DPW-WWTP Union Contract; Attorney-Client Privilege Communication-Proposed Land Sale and Development Update; Attorney-Client Privilege Communication – City of Lapeer v Headley Harris, LLC; and pending litigation Lapeer Associates v City of Lapeer, Case No. 22-055485-AA(H) at 8:16 p.m. and returned to its regular meeting 9:05 p.m.

### **274 2022 12-19 TPOAM – DPW / WWTP UNION CONTRACT**

Moved by Cattane. Seconded by Pattison.

To approve the ratified union contract with TPOAM DPW / WWTP and adopt beginning 2023 and going forward, making Presidents Day as a paid holiday for all city employees.

ON A ROLL CALL VOTE:

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

### **275 2022 12-19 SALE OF PROPERTY**

Moved by Cattane. Seconded by Stroh.

To approve the sale of L20-98-017-025-00; L20-98-017-027-00; L20-98-17-020-00 and L20-98-017-036-00 for the sale price of \$1.8 million dollars.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

### **276 2022 12-19 LAPEER ASSOCIATES V CITY OF LAPEER: CASE NO. 22-055485-AA(H)**

Moved by Cattane. Seconded by Pattison.

To approve the settlement agreement with Lapeer Associates.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

### **277 2022 12-19 CITY OF LAPEER V HEADLEY HARRIS, LLC**

Moved by Swindell. Seconded by Stroh.

To approve the settlement between the City of Lapeer v Headley Harris LLC and allow the City Manager and City Attorney to sign all documentation.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.  
Nays: None.  
Absent: None.  
MOTION CARRIED.

**278 2022 12-19 ADJOURNMENT**

Moved by Cattane.

Adjourn the regular meeting at 9:08 p.m.

Ayes: Atwood, Cattane, Pattison, Stroh, Swindell.

Nays: None.

Absent: None.

MOTION CARRIED.

The regular meeting adjourned at 9:08 p.m.

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Debbie Marquardt, Mayor

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Romona Sanchez, City Clerk