



IF YOU WISH TO ADDRESS THE CITY COUNCIL,  
PLEASE COMPLETE FORM LOCATED ON DESK AT ENTRANCE AND PASS TO MAYOR.

## **AGENDA - CITY COUNCIL MEETING**

April 9, 2013

6:30 p.m.

1. **CALL TO ORDER.**
2. **PLEDGE OF ALLEGIANCE** - Invocation by Derek Dobies, 6<sup>th</sup> Ward City Councilmember.
3. **ROLL CALL.**
4. **ADOPTION OF AGENDA.**
5. **PRESENTATIONS/PROCLAMATIONS.**
  - A. **Presentation - The Blazer News:**  
The Mayor will make a presentation to The Blazer News honoring their 50<sup>th</sup> Anniversary in the Jackson community.
6. **CITIZEN COMMENTS - AGENDA ITEMS (3-Minute Limit).**
7. **CONSENT CALENDAR.**
  - A. **Minutes of the Regular Meeting on March 26, 2013:**  
Approve the minutes of the regular City Council meeting of March 26, 2013.
  - B. **Building Code Board of Appeals:**  
Approve the Mayor's recommendation to appoint Jeffrey Emmett Frounfelker to the Building Code Board of Appeals filling the Mayor's position on the board, beginning immediately, and ending December 31, 2014.
  - C. **Ella Sharp Park Board of Trustees:**  
Approve the Mayor's recommendation to appoint Councilmember Andrew R. Frounfelker from an alternate position on the Ella W. Sharp Park Board of Trustees to a vacant regular position, beginning immediately and ending January 31, 2016, and to appoint Councilmember Derek Dobies to the vacated alternate position with a term beginning

immediately and ending October 31, 2015.

**D. City Engineer's Report for Blackstone Street Repaving:**

Receive the City Engineer's Report for street repaving on Blackstone Street from Washington Avenue to Glick Highway, and establishment of April 23, 2013, at the City Council meeting as the time and place to hold a public hearing of necessity.

**E. City Engineer's Report for Francis Street Reconstruction:**

Receive the City Engineer's Report for street reconstruction on Francis Street from Mason Street to Washington Avenue, and establishment of April 23, 2013, at the City Council meeting as the time and place to hold a public hearing of necessity.

**8. PUBLIC HEARINGS.**

**A. Necessity for Street Construction - Fourth Street:**

Public hearing of necessity for street construction on Fourth Street from Audubon Avenue to Griswold Street.

1. Approve a resolution ordering the construction and preparation of the special assessment roll.

**B. Necessity Street Construction - Webster Street:**

Public hearing of necessity for street construction on Webster Street from Oakdale Avenue to Elmwood Street.

1. Approve a resolution ordering the construction and preparation of the special assessment roll.

**C. Zoning Amendments - Landscaping Standards:**

Public hearing to receive comment on the proposed text amendments to Chapter 28 (Zoning), City Code, revising Sec. 28-105 (landscape standards).

1. Approve an ordinance (first reading) amending Chapter 28, City Code, revising Section 28-105 (landscape standards), (City Planning Commission and staff recommends approval).

**D. Zoning Amendments - Performance Guarantees and Improvements:**

Public hearing to receive comment on the proposed text amendments to Chapter 28 (Zoning), City Code, revising Sec. 28-165 (performance guarantees for improvements).

1. Approve an ordinance (first reading) amending Chapter 28, City Code, revising Section 28-165 (performance guarantees and improvements), (City Planning Commission and staff recommends approval).

**E. Zoning Amendments - Building Design Standards:**

Public hearing to receive comment on the proposed text amendments to Chapter 28 (Zoning), City Code, revising Section 28-115 (building design standards).

1. Approve an ordinance (first reading) amending Chapter 28, City Code, to make minor revisions to Sec. 28-115, which deals with building design standards (City Planning Commission and staff recommends approval).

**F. Zoning Amendments - Outdoor Lighting:**

Public hearing to receive comment on the proposed text amendments to Chapter 28 (Zoning), City Code, adding Section 28-109 regarding lighting standards, and amending Section 28-5, definitions, to accommodate the new criteria.

1. Approve an ordinance (first reading) amending Chapter 28, City Code, by adding Sec. 28-109, lighting standards, and amending Sec. 28-5, definitions, to accommodate the new criteria (City Planning Commission and staff recommends approval).

**9. OTHER BUSINESS.**

**A. Zoning Ordinance Amendments - Final Adoption:**

Approve the final adoption of Ordinance No. 2013.06, amending Chapter 28, City Code, to replace Article VII, which deals with the administration and enforcement of the Zoning Ordinance, and adding select definitions to Section 28-5.

**10. NEW BUSINESS.**

**A. Temporary Use Fee Resolution:**

Approve the typographical error correction to the Temporary Use Fee Resolution.

**B. Transfer City-Owned Property - 606 W. Biddle:**

Authorization to transfer of City-owned property at 606 West Biddle for the sale price of \$1.00 to Community Action Agency, and for the Mayor to sign all documents, including a Development Agreement, necessary to close the transaction, subject to minor modifications and approval by the City Attorney.

**C. Award of 2013 As Needed Materials Testing Services Contract:**

Approve the award of the 2013 As Needed Materials Testing Services Contract to Testing Engineers & Consultants, Inc., Ann Arbor, in the

amount of \$65,570.00, and authorization for the Mayor and City Treasurer/Clerk to execute the appropriate document(s), in accordance with the Purchasing Agent.

**D. Reject Bids for DPW Brush Chipper:**

Approve the request to reject all bids received on January 10, 2013, for the purchase of a brush chipper for use by the Department of Public Works, and authorization for the Purchasing Department to re-issue specifications and bid packets for the acceptance of new cost proposals.

**E. Installation of New Water Service - 1012 South Dettman Road:**

Approve the request from the homeowner living at 1012 South Dettman Road to install a new 1-inch water service to supply the home from a City-owned water main.

11. **CITIZEN COMMENTS - NON-AGENDA ITEMS (3-Minute Limit).**
12. **CITY COUNCILMEMBERS' COMMENTS.**
13. **MANAGER'S COMMENTS.**
14. **ADJOURNMENT.**



City Clerk

---

161 W. Michigan Ave. • Jackson, MI 49201-1303  
(517) 788-4025 • Facsimile (517) 788-4651

Lynn Fessel, City Clerk

## JACKSON CITY COUNCIL MEETING

### MINUTES

March 26, 2013

#### CALL TO ORDER.

The Jackson City Council met in regular session in City Hall and was called to order at 6:30 p.m. by Mayor Martin J. Griffin.

#### PLEDGE OF ALLEGIANCE – INVOCATION.

The Council joined in the pledge of allegiance. The invocation was given by Councilmember Jaquish.

#### ROLL CALL.

Present: Mayor Martin J. Griffin and Councilmembers Michelle L. Woods, Kimberly Jaquish, Daniel P. Greer, Laura Dwyer Schlecte, Andrew R. Frounfelker and Derek J. Dobies—7. Absent: 0.

Also present: City Manager Patrick Burch, City Attorney Julius A. Giglio, Police Chief Matt Heins, City Assessor David Taylor, City Engineer Jon Dowling, City Treasurer Randy Wrozek and Carmen Ryan from the City Clerk's office.

#### AGENDA.

Motion was made by Councilmember Greer and seconded by Councilmember Dobies to approve the agenda as presented. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Jaquish, Greer, Schlecte, Frounfelker and Dobies—7. Nays: 0. Absent: 0.

#### PRESENTATIONS/PROCLAMATIONS

**PRESENTATION OF SPEECHES BY FOUR FIRST PLACE WINNERS OF THE HUMAN RELATIONS COMMISSION 23<sup>RD</sup> ANNUAL TERESSA T. DELPH ESSAY/ORATORICAL CONTEST.**

2<sup>ND</sup>- 4<sup>TH</sup> GRADES – ADITI KASHI, DIBBLE ELEMENTARY SCHOOL  
 5<sup>TH</sup>-6<sup>TH</sup> GRADES – NATHAN ROSENBERG, DIBBLE ELEMENTARY  
 SCHOOL  
 7<sup>TH</sup>- 9<sup>TH</sup> GRADES – DAQUEZ D. STEWART, JACKSON HIGH SCHOOL  
 10<sup>TH</sup>-12<sup>TH</sup> GRADES – RAQUEL SOAT, NAPOLEON HIGH SCHOOL

All four winners presented their award winning speeches.

### CITIZEN COMMENTS.

No Citizen Comments were given for Agenda items.

### CONSENT CALENDAR.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to approve the following Consent Calendar. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Jaquish, Greer, Schlecte, Frounfelker and Dobies—7. Nays: 0. Absent: 0.

#### Consent Calendar

- A. **MINUTES OF THE REGULAR MEETING OF MARCH 12, 2013:**  
Approve the minutes of the regular City Council meeting of March 12, 2013.
- B. **ORTHOPAEDIC REHAB SPECIALISTS 8K/5K RUN/WALK:**  
Approve the request from Orthopaedic Rehab Specialists, PC, to conduct their annual Orthopaedic Rehab Specialists 8K/5K Run/Walk throughout downtown on Saturday, April 13, 2013, from 6:00 a.m. – 11:00 a.m. (Recommended approval has been received from Police, Fire, Engineering, Public Works, and Recreation Departments, and the Downtown Development Authority. Insurance coverage has been approved).
- C. **MARCH FOR BABIES:**  
Approve the request from March of Dimes to conduct their annual March for Babies Walk Event at Ella Sharp Park and neighboring streets on Sunday, April 28, 2013, from 10:00 a.m. – 5:00 p.m. (Recommended approval has been received from Police, Fire, Engineering, Public Works, and Recreation Departments, and the Downtown Development Authority. (Contingent upon receipt of proper insurance).
- D. **GIRL/BOY QUEST 5K RUN/WALK:**  
Approve the request from the Fitness Council of Jackson to conduct their annual Girl/Boy Quest 5K Run/Walk at Parkside Middle School and throughout neighboring streets on Saturday, May 18, 2013, from 7:00 a.m. – 10:30 a.m. (Recommended approval has been received from Police, Fire,

- Engineering, Public Works, and Recreation Departments, and the Downtown Development Authority Insurance coverage has been approved).
- E. JUNETEENTH:**  
Approve the request from Jackson Community College Multicultural Relations to conduct their annual Juneteenth celebration at CMS Energy Amphitheatre on Saturday, June 15, 2013, from 4:00 p.m. – 10:00 p.m. (Recommended approval has been received from Police, Fire, Engineering, Public Works, and Recreation Departments, and the Downtown Development Authority. Insurance coverage has been approved).
- F. TRAFFIC CONTROL ORDER NOS. 2146 and 2147:**  
Approve Traffic Control Order Nos. 2146 and 2147 for traffic control on Second Street and Second Court at their approaches to Union Street.
- G. 2013-2014 DRAFT ACTION PLAN FOR CDBG AND HOME FUNDS:**  
Receive the 2013-2014 Draft Action Plan for Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Funds.
- H. ESTABLISHMENT OF PUBLIC HEARING OF NECESSITY – FOURTH STREET:**  
Establishment of April 9, 2013, at the City Council meeting, as the time and place to hold a public hearing of necessity for street construction on Fourth Street from Audubon Avenue to Griswold Street.
- I. ESTABLISHMENT OF PUBLIC HEARING OF NECESSITY – WEBSTER STREET:**  
Establishment of April 9, 2013, at the City Council meeting, as the time and place to hold a public hearing of necessity for street construction on Webster Street from Oakdale Avenue to Elmwood Street.

## PUBLIC HEARINGS

- A. PUBLIC HEARING REGARDING ZONING ADMINISTRATION AND ENFORCEMENT:**  
Public hearing to receive comment on the proposed amendments to Chapter 28 (Zoning), City Code, which revises Article VII (Zoning Administration and Enforcement), and amends Section 28-5. (City Planning Commission and staff recommends approval.)
- Mayor Griffin opened the public hearing. No one spoke; the Mayor closed the public hearing.
- 1. APPROVE AN ORDINANCE AMENDING CHAPTER 28, CITY CODE, TO REPLACE ARTICLE VII, WHICH DEALS WITH THE ADMINISTRATION AND ENFORCEMENT OF THE ZONING ORDINANCE, AND ADDING SELECT DEFINITIONS TO SECTION 28-5. (CITY PLANNING COMMISSION AND STAFF RECOMMENDS APPROVAL.)**

Motion was made by Councilmember Schlecte and seconded by Councilmember Woods to approve the ordinance and place it on the next regular Council meeting agenda for final adoption. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Greer, Schlecte, Frounfelker and Dobies—6. Nays: Councilmember Jaquish—1. Absent: 0.

### OTHER BUSINESS.

**A. LOCC RECOMMENDATION – MAYOR AND CITY COUNCIL:  
Receive and place on file the supplemental salary recommendation of the Local Officers Compensation Commission (LOCC) dated March 19, 2013.**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to receive the recommendation and place it on file. The motion failed by the following vote. Yeas: Mayor Griffin and Councilmember Greer—2. Nays: Councilmembers Woods, Jaquish, Schlecte, Frounfelker and Dobies—5. Absent: 0.

Motion was made by Councilmember Dobies and seconded by Councilmember Woods to reject the report from the LOCC recommendation dated 3/19/13. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: Councilmember Greer—1. Absent: 0.

### NEW BUSINESS.

**A. SOUTHERN MICHIGAN CRIMINAL JUSTICE TRAINING CONSORTIUM AGREEMENT:  
Authorize the Mayor and City Clerk to execute the Southern Michigan Criminal Justice Training Consortium Agreement.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to approve the request. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Jaquish, Greer, Schlecte, Frounfelker and Dobies—7. Nays: 0 Absent: 0.

**B. HOME GRANT BUDGET AMENDMENT RESOLUTION:  
Approve the resolution to amend the HOME grant budgets for fiscal years 2010/2011 (Year 36), 2011/2012 (Year 37), and 2012/2013 (Year 38) to allocate program income received in excess of amounts previously budgeted**

**in the amount of \$1,686.00 to the Rehabilitation Assistance Program to provide assistance to program-eligible homeowners.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Woods to approve the resolution to amend. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Jaquish, Greer, Schlecte, Frounfelker and Dobies—7. Nays: 0. Absent: 0.

- C. RESOLUTION RECOGNIZING MIS BUSINESS LEADERSHIP COUNCIL AS A NONPROFIT ORGANIZATION:**  
**Approve a resolution recognizing the MIS Leadership Council as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses.**

Motion was made by Councilmember Greer and seconded by Councilmember Schlecte to approve the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Jaquish, Greer, Schlecte, Frounfelker and Dobies—7. Nays: 0. Absent: 0.

- D. AWARD OF 2013 AS NEEDED SURVEYING CONSULTANT SERVICES:**  
**Approve the award of the 2013 As Needed Surveying Consulting Services Contract to Wade Trim, Taylor, in the amount of \$46,140.00, and authorization for the Mayor and City Clerk to execute the appropriate document(s).**

Motion was made by Councilmember Schlecte and seconded by Councilmember Woods to approve the contract. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Jaquish, Greer, Schlecte, Frounfelker and Dobies—7. Nays: 0. Absent: 0.

- E. DISCHARGE OF A DEVELOPMENT AGREEMENT AND MORTGAGE FOR A JOBS CREATION LOAN:**  
**Approve a request to discharge a Development Agreement and Mortgage with Lindar, LLC, for a Jobs Creation Loan, and for authorization for the Mayor and City Clerk to execute the appropriate documents, and for staff and the City Attorney to make minor modifications for effectuation of the documents, if necessary.**

Motion was made by Councilmember Schlecte and seconded by

Councilmember Dobies to discharge the development agreement and mortgage. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Woods, Jaquish, Greer, Schlecte and Dobies—6. Nays: Councilmember Frounfelker—1. Absent: 0.

### **CITIZEN COMMENTS-NON-AGENDA ITEMS**

Sandra Crane spoke to defend her name in Jackson. She also discussed how she had moved away to Iowa and defended the people of Jackson when people questioned her about Jackson. She made a suggestion for city employees to get involved in order to get the trust back.

Ted Brzezinski spoke in support of Jackson and offered a way to promote the City of Jackson. He said we need to promote Jackson in order to prove to others that we have all the necessities that businesses need. He thought that changing the city signs would be a good plan. He suggested placing signs at the entrances to the city with flowers planted at the base of them to welcome people coming into Jackson.

John Polaczyk, 8<sup>th</sup> District County Commissioner, asked about getting a crosswalk on Michigan Avenue where there is a crosswalk at Homewild. The current signage on Homewild actually makes people stop and citizens are unaware if they can cross there. He asked if an illuminated crosswalk sign could be installed above the street like in other places.

### **CITY COUNCILMEMBERS' COMMENTS.**

Councilmember Woods announced that she will be having a Neighborhood Meeting on April 8<sup>th</sup> at the Martin Luther King Center at 6:30 p.m. and would like to invite anyone who would like to attend.

Councilmember Greer wanted to publicly wish Lynn Fessel well on her retirement. He said that the City has been very fortunate to have a great succession of city clerks as well as other appointed officials. He stated that Lynn was absolutely exemplary and said that she conducted her office with great professionalism and ran the City elections smoothly and professionally.

Councilmember Schlecte wanted to mimic Councilmember Greer's comments and congratulate Lynn on her retirement.

Councilmember Frounfelker wanted to thank Mr. Brzezinski and Ms. Crane (5<sup>th</sup> Ward residents) for coming out. He agreed with their suggestions that we need to better promote ourselves. He stated that we are not getting assistance from other organizations with that and the City needs to take the lead role. He also stated that he will be having a Neighborhood Meeting on Thursday, April 4<sup>th</sup> at 7 p.m. in the City Council Chambers to discuss "all things" City of Jackson.

Councilmember Dobies wanted to congratulate all of the presenters and winners of the HRC Oratorical Contest. He also wanted to thank Lynn Fessel. He said she was the only staffer

on her employment review that he gave all 6's to on a scale from a 1-5. He thanked Carmen Ryan for sitting in for Lynn and making sure that the buttons and microphones were working. He also wanted to thank his County Commissioner Mr. John Polaczyk for coming out and wanted to invite him as well as anyone else to his Neighborhood Meetings. The first one will be Sunday, April 7<sup>th</sup> at 6-8 p.m. at Queen's Church in the Social Center. The other one will be Monday, April 22<sup>nd</sup> at the Parkside Middle School cafeteria from 6-8 p.m. to go over the garbage ordinance. He also wanted to mention that he stopped by Disabilities Connection in the 6<sup>th</sup> Ward and wanted to thank them for the tour they gave him, for being so welcoming, and for the services that they provide. He closed by inviting anyone who is interested in donating to the Cascades Humane Society to contact him as he is helping to raise money for them. He went on to say he pledged to match any donations that would be given until Wednesday, March 27<sup>th</sup>.

Mayor Griffin said he had hoped to thank Lynn Fessel. He announced that there is a retirement party for Lynn Fessel at 4-6 p.m. in the Council Chambers on April 27<sup>th</sup>. He also welcomed Carmen Ryan aboard. He stated that she is the new Records and Elections Coordinator and he was glad to have her aboard.

#### **MANAGER'S COMMENTS.**

None

#### **ADJOURNMENT.**

No further business being presented, Mayor Griffin adjourned the meeting at 7:10 p.m.

Carmen Ryan  
City Clerk's Office

# CITY OF JACKSON



161 W. Michigan Ave.  
Jackson, MI 49201  
Phone: (517) 788-4028  
Facsimile (517) 768-5820

Office of Mayor  
Martin J. Griffin

## MICHIGAN

### CITY COUNCIL MEETING April 9, 2013

MEMO TO: City Councilmembers  
FROM: Martin J. Griffin, Mayor   
DATE: April 1, 2013  
SUBJECT: Building Code Board of Appeals

#### **RECOMMENDATION:**

**Approval of the Mayor's recommendation to appoint Jeffrey Emmett Frounfelker to the Building Code Board of Appeals filling the Mayor's position on the board, beginning immediately, and ending December 31, 2014.**

In accordance with City Code, Sec. 2-341, the City Engineer and the Fire Chief are members because of their offices. The Building Official is an Ex-Officio member. The Mayor and City Council appoint five members to three-year terms. One citizen is a realtor.

Mr. Jeffrey E. Frounfelker, a local attorney, has applied to serve on the Building Code Board of Appeals. I feel that it is important to have an attorney's representation on this Board, therefore, I am recommending that Mr. Frounfelker fill my position on the Building Code Board of Appeals beginning immediately, and ending December 31, 2014.

MJG:skh

APP-CC



### City of Jackson Board/Commission Application

Name: JEFFREY EMMETT FROUNFELKER

Address: 227 SOUTH MECHANIC ST. #2 Zip: 49201

Home Phone: 517-303-3356 Other Phone: —

Occupation: ATTORNEY

#### Community Involvement/Activity

\_\_\_\_\_  
\_\_\_\_\_

Are you a registered voter? YES Ward? 5-2

Which Board or Commission(s) are you interested in?

1. City of Jackson Bldg Code Board
2. \_\_\_\_\_
3. \_\_\_\_\_

List additional information you feel may be pertinent to board or commission

\_\_\_\_\_  
\_\_\_\_\_

Feel free to attach any information. (Resume, press clippings)

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Jeffrey E. Frounfelker  
Signature of Applicant

3/29/13  
Date

Please return to Mayor's Office, City of Jackson, 161 W. Michigan Avenue, Jackson, MI 49201

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Martin J. Griffin

161 W. Michigan Ave.  
Jackson, MI 49201  
Phone: (517) 788-4028  
Facsimile (517) 768-5820

## CITY COUNCIL MEETING April 9, 2013

MEMO TO: City Councilmembers  
FROM: Martin J. Griffin, Mayor *mjg*  
DATE: April 2, 2013  
SUBJECT: Ella W. Sharp Park Board of Trustees

---

### RECOMMENDATION:

**Approval of the Mayor's recommendation to appoint Councilmember Andrew R. Frounfelker from an alternate position on the Ella W. Sharp Park Board of Trustees to a vacant regular position, beginning immediately and ending January 31, 2016, and to appoint Councilmember Derek Dobies to the vacated Alternate position with a term beginning immediately and ending October 31, 2015.**

In accordance with City Code, Chapter 19, Ordinance No. 2012.21, five (5) members, one (1) of whom is a member of the City Council selected by the City Council and four (4) citizen members and two (2) alternate citizen members, all of whom shall be appointed by the Mayor and confirmed by City Council. Three-year terms, may be reappointed. Citizen members shall not serve more than three (3) consecutive three-year terms after effective date of the Article without at least a one-year gap in service. Terms shall be staggered with existing board members holding office for remainder of current term and with new appointments made so no more than two members' terms expire in any year.

At the January 22, 2013, City Council meeting the Council voted to make Ella Sharp Park Board of Trustee Victor Cuiss as Emeritus. In doing so, this created a vacancy on the Board of Trustees. It is my desire, therefore, to appoint Councilmember Andrew R. Frounfelker to the Ella W. Sharp Park Board of Trustees from an alternate position to a vacant regular position, beginning immediately and ending January 31, 2016, and to appoint Councilmember Derek Dobies to the vacated Alternate position with a term beginning immediately, and ending October 31, 2015.

MJG:skh



# Neighborhood & Economic Operations

Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303 • Facsimile (517) 780-4781

Building Inspection  
(517) 788-4012

Code Enforcement  
(517) 788-4060

Engineering  
(517) 788-4160

Planning & Economic Development  
(517) 768-6433

## CITY COUNCIL MEETING April 9, 2013

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Patrick H. Burtch, City Manager  
Jon H. Dowling, P.E., City Engineer  
**SUBJECT:** Engineer's Report for Blackstone Street Repaving – Washington Ave to Glick Hwy

**RECOMMENDATION:** Receive the Engineer's Report for street repaving on Blackstone Street from Washington Avenue to Glick Highway and establishment of April 23, 2013, at the City Council meeting as the time and place to hold a public hearing of necessity.

The Department of Neighborhood and Economic Operations - Engineering requests that City Council establish a public hearing of necessity to be held April 23, 2013, for street repaving on Blackstone Street from Washington Avenue to Glick Highway. This report is prepared for City Council per the Assessment Policy regarding the necessity of street construction.

Engineering records show that the composite asphalt over concrete base pavement on Blackstone between Washington and Michigan was constructed in 1917. In 1986, the concrete curb and gutter between Washington and Michigan was replaced and this section was milled and repaved with two lifts of asphalt. The pavement was cracksealed in 2004 and chipsealed in 2005. The condition of the curb and gutter in this section is good. However, the pavement has become cracked throughout with occasional potholes.

Engineering records show that the composite asphalt over concrete base pavement on Blackstone between Michigan and Pearl was constructed in 1917. The pavement was overlaid with a single lift of asphalt in 1979. It was cracksealed in 2004 and chipsealed in 2005. The curb and gutter in this section has never been replaced and is in poor condition. The gutter pan has been overlaid resulting in a reduced curb face. There are sections of curb that are broken or settled. The pavement in this section is also cracked throughout.

Engineering records show that the section between Pearl and Glick Highway was reconstructed in 1995 with new pavement and curb and gutter. The curb and gutter in this section is in very good condition. The asphalt pavement is severely rutted which inhibits runoff to the curb and gutter. The 1-1/2 inch ruts in the travel lanes have pushed the asphalt against the curb up 2-1/2 inches.

The pavement within the cross-street intersections at Cortland, Michigan and Pearl has deteriorated further than the pavement between intersections. Within the intersections, the pavement contains more and wider cracking, potholes and patches.

Engineering proposes the following:

1. Two-course mill and repaving treatment between intersections from Washington to Glick Highway.
2. Pavement removal and replacement with new aggregate base and full depth asphalt within intersections.
3. Replacement of the concrete curb and gutter between Michigan and Pearl.
4. Replacement of the traffic signal at the Michigan Avenue intersection with mast arm supports.
5. Replacement of the antiquated cast iron water main with new pipe between Washington and Glick.

In the summer of 2013, Lansing Avenue and Blackstone Street north of Glick Highway will be converted to two-way traffic. This traffic pattern change will result in increased traffic at the intersection of Blackstone and Michigan. The signal at this intersection is not currently configured to accommodate this added traffic and the signal equipment that currently controls this intersection is dated and beyond upgrade to meet the new demand.

The antiquated cast iron water main within the project area will be replaced in conjunction with street construction. The water main portion of this project is part of the water main replacement program to improve water quality and pressure in the neighborhood. The new water main will be installed by either trench construction or, if site conditions allow, directional drill to minimize pavement removals.

Estimated project costs and funding are as follows:

MDOT/FHWA Funds	\$ 374,000.00
Major Street Funds	\$ 36,605.00
Street Construction Assessments	\$ 119,395.00
Water Funds	<u>\$ 326,000.00</u>
Total Project Cost	\$ 856,000.00

The established individual assessment information has been reviewed by the City Assessor and includes corner lot benefits where applicable. According to the City Code, the City Assessor determines if corner lot benefits are granted. Associated costs are shown on the attached assessment maps. If this project is ordered, the assessment roll can be spread over a period of time. The number of years is based on the highest individual assessment amount that produces the longest period of time allowed for payment. Based on a schedule of assessments adopted by resolution on February 05, 2013, and on the highest individual assessments for this project, the number of annual installment periods will be ten.

TRW:sms

- c: Dave Taylor, City Assessor
- Andrew Wrozek, City Treasurer/Clerk
- Troy R. White, P.E., Senior Civil Engineer



Photo 1: Facing north from north side of Washington Avenue intersection



Photo 2: Facing southwesterly across the Cortland Street intersection



Photo 3: Facing north from mid-block between Cortland and Michigan



Photo 4: Facing northeasterly across the Michigan Avenue intersection



Photo 5: Facing north from north side of Michigan Avenue intersection



Photo 6: Existing curb condition between Michigan and Pearl



Photo 7: northeasterly across Pearl Street intersection



Photo 8: facing south from south side of Glick Highway intersection



Photo 9: rutted and pushed asphalt in northbound lane on south side of Glick Highway intersection

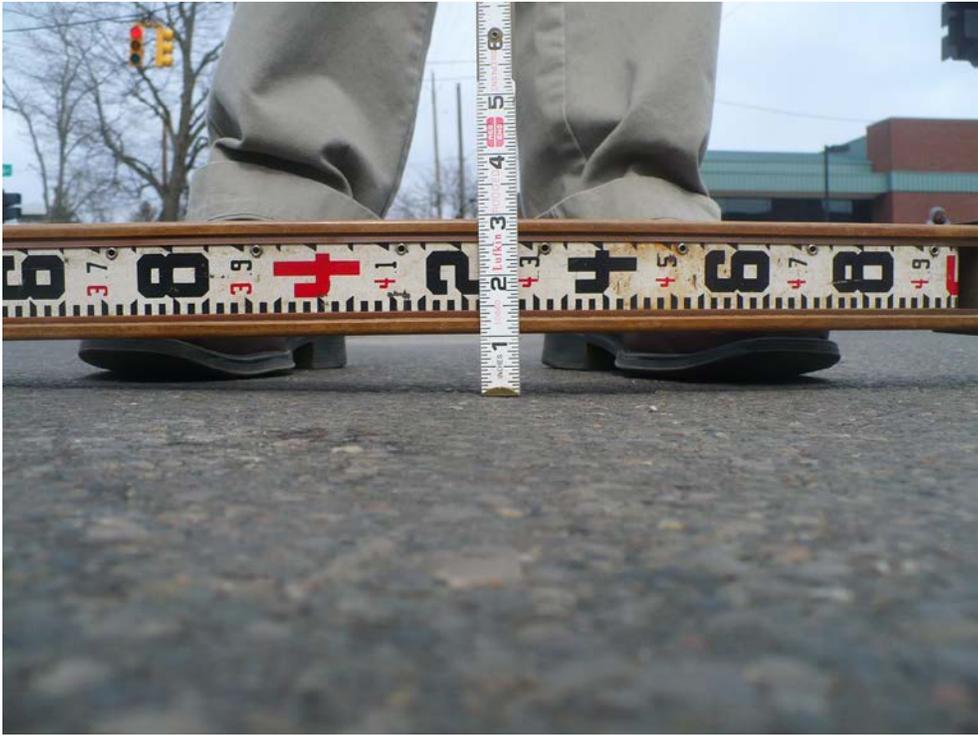
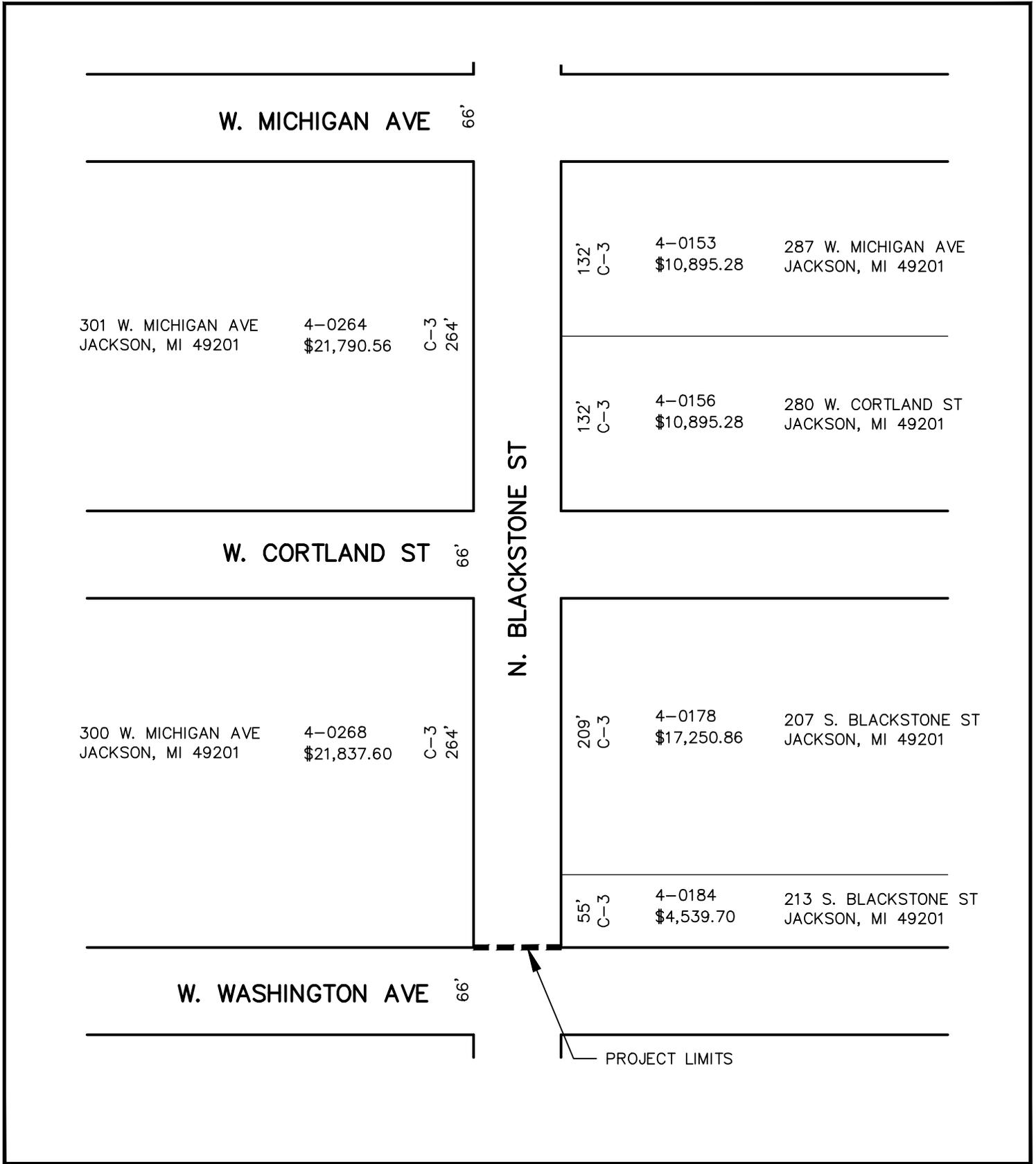


Photo 10: standing in rut on south side of Glick Highway intersection



	SCALE: 1" = 100'	<b>ASSESSMENT MAP FOR N. BLACKSTONE STREET RECONSTRUCTION FROM WASHINGTON AVE TO LOUIS GLICK HWY PAGE 1 OF 2</b>
	DATE: 3/26/2013	
	DRAWN BY: DJD	
	CITY OF JACKSON	
	DEPARTMENT NEIGHBORHOOD AND ECONOMIC OPERATIONS	

**W. LOUIS GLICK HWY** 66'

PROJECT LIMITS

214 N. BLACKSTONE ST JACKSON, MI 49201	2-0019 \$1,597.50	C-3 66'
311 W. LOUIS GLICK HWY JACKSON, MI 49201	2-0018 \$2,311.12	C-3 28'
208 N. BLACKSTONE ST JACKSON, MI 49201	2-0016 \$1,447.50	C-3 38'
206 N. BLACKSTONE ST JACKSON, MI 49201	2-0017 \$1,597.50	C-3 33'
306 W. PEARL ST JACKSON, MI 49201	2-0013 \$8,171.46	C-3 99'

**N. BLACKSTONE ST**

132' C-3	1-0102.1 \$0000.00	209 N. BLACKSTONE ST JACKSON, MI 49201
132' C-3	1-0090 \$0000.00	209 W. LOUIS GLICK HWY JACKSON, MI 49201

**W. PEARL ST** 66'

306 W. MICHIGAN AVE JACKSON, MI 49201	2-0002 \$6,603.20	C-3 80'
104 N. BLACKSTONE ST JACKSON, MI 49201	2-0004 \$4,292.08	C-3 52'
300 W. MICHIGAN AVE JACKSON, MI 49201	2-0001 \$10,895.28	C-3 132'

264' C-3	1-0083 \$0000.00	298 W. MICHIGAN AVE JACKSON, MI 49201
-------------	---------------------	--

**W. MICHIGAN AVE** 66'



SCALE: 1" = 100'  
 DATE: 3/26/2013  
 DRAWN BY: DJD  
 CITY OF JACKSON  
 DEPARTMENT NEIGHBORHOOD  
 AND ECONOMIC OPERATIONS

**ASSESSMENT MAP FOR  
 N. BLACKSTONE STREET RECONSTRUCTION  
 FROM WASHINGTON AVE TO LOUIS GLICK HWY  
 PAGE 2 OF 2**



# Neighborhood & Economic Operations

Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303 • Facsimile (517) 780-4781

Building Inspection  
(517) 788-4012

Code Enforcement  
(517) 788-4060

Engineering  
(517) 788-4160

Planning & Economic Development  
(517) 768-6433

## CITY COUNCIL MEETING April 9, 2013

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Patrick H. Burtch, City Manager  
Jon H. Dowling, P.E., City Engineer

**SUBJECT:** Engineer's Report for Francis Street Reconstruction – Mason Street to Washington Avenue

**RECOMMENDATION:** Receive the Engineer's Report for street reconstruction on Francis Street from Mason Street to Washington Avenue and establishment of April 23, 2013, at the City Council meeting as the time and place to hold a public hearing of necessity.

The Department of Neighborhood and Economic Operations - Engineering requests that City Council establish a public hearing of necessity to be held April 23, 2013, for street reconstruction on Francis Street from Mason Street to Washington Avenue. This report is prepared for City Council per the Assessment Policy regarding the necessity of street construction.

Engineering records indicate that the pavement on Francis Street was likely constructed in the 1920's. The construction of the water main in 1919 and the asphalt over concrete composite pavement section are both indicators that the street was constructed during this time period. The records show that the street was overlaid with a single lift of asphalt in 1978, chipsealed in 1998 and cracksealed in 2003. The existing pavement has deteriorated with cracking throughout and scattered potholes. The attached photos show the current street conditions.

Engineering proposes concrete curb and gutter replacement and full depth pavement replacement with new aggregate base and asphalt pavement throughout the project area. The antiquated cast iron water mains and brick sanitary sewer (constructed in 1907) within the project area will be replaced in conjunction with street construction. The water main portion of this project is part of the water main replacement program to improve water quality and pressure in the neighborhood. The sanitary sewer portion of this project is a continuation of the work Engineering has been doing for many years towards the elimination of brick sewers from the sanitary system as they are difficult to maintain once the mortar begins to deteriorate.

Estimated project costs and funding are as follows:

MDOT/FHWA Funds	\$ 280,000.00
Major Street Funds	\$ 30,860.84
Street Construction Assessments	\$ 133,610.83
Water Funds	\$ 141,000.00
Sewer Funds	<u>\$ 40,000.00</u>
Total Project Cost	\$ 625,471.67

The Commonwealth Commerce Center is being renovated to bring in new employees. Per the development agreement, major street funds will be paying the cost of the assessments for the Commonwealth Commerce Group properties on the east side of Francis Street.

The established individual assessment information has been reviewed by the City Assessor and includes corner lot benefits where applicable. According to the City Code, the City Assessor determines if corner lot benefits are granted. Associated costs are shown on the attached assessment maps. If this project is ordered, the assessment roll can be spread over a period of time. The number of years is based on the highest individual assessment amount that produces the longest period of time allowed for payment. Based on a schedule of assessments adopted by resolution on February 05, 2013, and on the highest individual assessments for this project, the number of annual installment periods will be ten.

TRW:sms

c: Dave Taylor, City Assessor  
Andrew Wrozek, City Treasurer/Clerk  
Troy R. White, P.E., Senior Civil Engineer



Photo 1: Facing north from north side of Mason Street intersection



Photo 2: Facing north from south side of Franklin Street intersection



Photo 3: Facing north from mid-block between Franklin and Wesley



Photo 4: Facing south from north side of Wesley Street intersection



Photo 5: Facing north from mid-block between Wesley and Washington

# E WASHINGTON AVENUE

PROJECT LIMITS

133 E WASHINGTON AVE 5-0064  
JACKSON, MI 49201 \$4,651.84 C-3 32'

304 FRANCIS ST 5-0063  
JACKSON, MI 49201 \$4,942.58 C-3 34'

310 FRANCIS ST 5-0065  
JACKSON, MI 49201 \$19,188.84 C-3 132'

116 WESLEY ST 5-0068  
JACKSON, MI 49201 \$9,594.42 R-2 66'

# E WESLEY STREET

119 WESLEY ST 5-0094  
JACKSON, MI 49201 \$8,145.00 C-3 66'

406 FRANCIS ST 5-0096  
JACKSON, MI 49201 \$720.00 C-3 66'

410 FRANCIS ST 5-0097  
JACKSON, MI 49201 \$1,777.50 C-3 52'

412 FRANCIS ST 5-0098.1  
JACKSON, MI 49201 \$000.00 C-2 80'

# FRANCIS STREET

297 C-3 5-0075 209 E WASHINGTON AVE  
\$43,174.89 JACKSON, MI 49201

231' C-2 5-0103 411 FRANCIS ST  
\$4,282.50 JACKSON, MI 49201

66' C-2 5-0102 415 FRANCIS ST  
\$1,260.00 JACKSON, MI 49201

# E FRANKLIN STREET

502 FRANCIS ST 5-0138  
JACKSON, MI 49201 \$4,675.00 C-2 99'

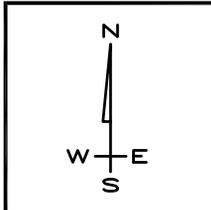
506 FRANCIS ST 5-0137  
JACKSON, MI 49201 \$1,260.00 C-2 49.5'

118 MASON ST 5-0136  
JACKSON, MI 49201 \$1,155.00 C-2 49.5'

# MASON STREET

198' R-3 5-2215 FRANCIS ST  
\$28,783.26 JACKSON, MI 49201

PROJECT LIMITS



SCALE:	N.T.S.
DATE:	03/11/2013
DRAWN BY:	EPR
CITY OF JACKSON DEPARTMENT OF ENGINEERING	

ASSESSMENT MAP FOR FRANCIS STREET  
FROM FRANKLIN TO WASHINGTON  
PAGE 1 OF 1



**CITY CLERK'S OFFICE**  
Andrew J. Wrozek, City Clerk

---

**CITY COUNCIL MEETING**  
**April 9, 2013**

**MEMO TO:** Honorable Mayor and City Councilmembers  
**FROM:** Andrew J. Wrozek Jr., City Clerk *ajw*  
**SUBJECT:** Public hearing and Resolution determining the necessity of Street Construction on Fourth Street from Audubon Avenue to Griswold Street.

**MOTION:** **PUBLIC HEARING OF NECESSITY FOR STREET CONSTRUCTION ON FOURTH STREET FROM AUDUBON AVENUE TO GRISWOLD STREET.**

**1. RESOLUTION ORDERING THE CONSTRUCTION AND PREPARATION OF THE SPECIAL ASSESSMENT ROLL.**

A public hearing was established at Council's March 26<sup>th</sup> meeting for April 9, 2013. The required notice was published in the Jackson Citizen Patriot and a notification letter was sent to each property owner including an estimate of the proposed project and funding sources, along with an estimate of individual property assessments, which can be paid in ten (10) annual installments. Requested action is adoption of the resolution, after the public hearing is held.

C: City Manager

**RESOLUTION**  
**STREET CONSTRUCTION**

BY THE CITY COUNCIL:

WHEREAS, under the authority granted by Ordinance No. 98-6 and 98-20, the City Council has reviewed the report regarding the necessity of street reconstruction on Fourth Street from Audubon Avenue to Griswold Street the following estimated costs, to wit:

<b>MDOT/FHWA</b>	<b>\$ 536,500.00</b>
<b>Major Street Funds</b>	<b>\$ 148,500.00</b>
<b>Street Construction Assessments</b>	<b>\$ 101,994.51</b>
<b>Water Funds</b>	<b>\$ 249,800.00</b>
<b>Total Project Cost</b>	<b>\$1,036,794.51</b>

WHEREAS, notice has been duly given that the City Council would hold a public hearing in the City of Jackson on Tuesday, the 9<sup>th</sup> day of April, 2013 at 6:30 p.m. to hear any and all objections and suggestions by interested parties to said public improvement; and

WHEREAS, the City Council and Assessor having heard all suggestions and objections made thereto and having fully considered the same;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines that the street construction is a necessary public improvement and directs staff to proceed with the street construction, in accordance with plans, maps, and specifications in the City Engineer's office; and

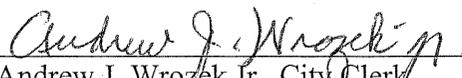
BE IT FURTHER RESOLVED that the City Assessor is ordered to assess the cost of said improvement to the property owners who benefit therefrom on a front footage basis and prepare an assessment roll covering this assessment district as soon as possible after the public improvement has been completed.

\* \* \* \* \*

State of Michigan )  
County of Jackson) ss  
City of Jackson )

I, Lynn Fessel, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Jackson City Council on the 9<sup>th</sup> day of April, 2013.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the seal of the City of Jackson, Michigan, on this 10<sup>th</sup> day of April, 2013.

  
Andrew J. Wrozek Jr., City Clerk



**CITY CLERK'S OFFICE**  
Andrew J. Wrozek Jr., City Clerk

---

**CITY COUNCIL MEETING**  
**April 9, 2013**

**MEMO TO:** Honorable Mayor and City Councilmembers  
**FROM:** Andrew J. Wrozek Jr., City Clerk *ajw*  
**SUBJECT:** Public hearing and Resolution determining the necessity of street construction on Webster Street from Oakdale Avenue to Elmwood Street.

**MOTION:** **PUBLIC HEARING OF NECESSITY FOR STREET CONSTRUCTION ON WEBSTER STREET OAKDALE AVENUE TO ELMWOOD STREET.**

**1. RESOLUTION ORDERING THE CONSTRUCTION AND PREPARATION OF THE SPECIAL ASSESSMENT ROLL.**

A public hearing was established at Council's March 26<sup>th</sup> meeting for April 9, 2013. The required notice was published in the Jackson Citizen Patriot and a notification letter was sent to each property owner including an estimate of the proposed project and funding sources, along with an estimate of individual property assessments, which can be paid in ten (10) annual installments. Requested action is adoption of the resolution, after the public hearing is held.

C: City Manager

**RESOLUTION**  
**STREET CONSTRUCTION**

BY THE CITY COUNCIL:

WHEREAS, under the authority granted by Ordinance No. 98-6 and 98-20, the City Council has reviewed the report regarding the necessity of street construction on Webster Street from Oakdale Avenue to Elmwood Street the following estimated costs, to wit:

<b>Local Street Funds</b>	<b>\$ 114,000.00</b>
<b>Street Construction Assessments</b>	<b>\$ 66,706.28</b>
<b>Water Funds</b>	<b>\$ 63,000.00</b>
<b>Sewer Funds</b>	<b>\$ 81,700.00</b>
<b>Total Project Cost</b>	<b>\$ 325,406.28</b>

WHEREAS, notice has been duly given that the City Council would hold a public hearing in the City of Jackson on Tuesday, the 9<sup>th</sup> day of April, 2013 at 6:30 p.m. to hear any and all objections and suggestions by interested parties to said public improvement; and

WHEREAS, the City Council and Assessor having heard all suggestions and objections made thereto and having fully considered the same;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines that the street repaving is a necessary public improvement and directs staff to proceed with the street repaving, in accordance with plans, maps, and specifications in the City Engineer's office; and

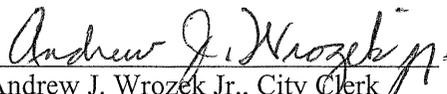
BE IT FURTHER RESOLVED that the City Assessor is ordered to assess the cost of said improvement to the property owners who benefit therefrom on a front footage basis and prepare an assessment roll covering this assessment district as soon as possible after the public improvement has been completed.

\* \* \* \* \*

State of Michigan )  
County of Jackson) ss  
City of Jackson )

I, Lynn Fessel, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Jackson City Council on the 9<sup>th</sup> day of April, 2013.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the seal of the City of Jackson, Michigan, on this 10th day of April, 2013.

  
Andrew J. Wrozek Jr., City Clerk



# Neighborhood & Economic Operations

## Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### CITY COUNCIL MEETING APRIL 9, 2013

**MEMO TO:** Honorable Mayor Griffin & City Councilmembers

**FROM:** City of Jackson Planning Commission  
Patrick Burtch, City Manager  
Barry Hicks, AICP, Planning Director *PHS*  
*BH*

**DATE:** April 4, 2013

**SUBJECT:** Public hearing on the request for a text amendment to the City's Zoning Ordinance, City Code, Chapter 28, revising Section 28-105 regarding landscape standards.

---

#### RECOMMENDATION FROM THE PLANNING COMMISSION:

**To approve an ordinance revising Section 28-105 (Landscape Standards) to Chapter 28 (Zoning) on the next regular Council agenda for a public hearing and consideration [*Planning Commission and staff recommends approval*].**

During their April 3, 2013 regular meeting, the Planning Commission considered revisions to Section 28-105 (Landscape Standards). The Planning Commission reviewed and considered these revisions and is recommending that Council adopt them as proposed.

Att': Planning Commission Memorandum  
Public Notice  
Proposed Ordinance



## Neighborhood & Economic Operations

### Building a Stronger Jackson

---

---

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

#### PLANNING COMMISSION MEETING APRIL 3, 2013

**MEMO TO:** Planning Commissioners

**FROM:** Barry Hicks, AICP, Planning Director

**DATE:** March 27, 2013

**SUBJECT:** **Proposed Ordinance Amendments to Chapter 28 (Zoning); Landscaping Standards**

**HEARING:** Open a Public Hearing to receive comment on the proposed amendments to Chapter 28 (Zoning) of the City of Jackson Code of Ordinances by amending Sec. 28-105 (landscape standards)..

**MOTION:** Consideration of recommending that City Council adopt an ordinance revising Sec. 28-105 (landscape standards) (*Staff recommends approval*).

---

The proposed revisions to Section 28-105 are to add language to Subsection (b)(2) referencing the performance guarantee section of Chapter 28 and to correct an error in the language in Subsection (d)(1).

Att': Proposed Ordinance  
Public Notice



## Neighborhood & Economic Operations

### Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

**Published in the Jackson Citizen Patriot on March 17, 2013**

#### **Notice of Public Hearing**

The Jackson City Planning Commission and Jackson City Council will hold public hearings to consider text amendments to the City's planning and zoning ordinances. This notice was prepared and distributed in accordance with Sec. 103 of the Michigan Zoning Enabling Act (MCL 125.3103).

#### **The request was made by:**

The City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

#### **The proposed text amendments:**

The proposed amendments to the zoning ordinance (Chapter 28) include changes to: Sec. 28-105. – Landscape standards; regarding the scope and application of the landscape standards ordinance and to the dimensions of required buffer zones.

#### **The reason for the text amendments:**

Several sections of Chapter 28 have been revised recently and the landscape standards ordinance needs to be amended to reference the application of development agreements. Additionally, language regarding the dimensions of buffer zones needs to be revised to better define their location and applicability.

#### **The effect of adopting the text amendments:**

The proposed changes will amend the application of the landscape standards with regard to development agreements and will revise language describing the dimensions of buffer zones.

The public hearings before the City Planning Commission and City Council will be held on:

**Planning Commission – Wednesday, April 3, 2013 at 6:30 pm**

**City Council – Tuesday, April 9, 2013 at 6:30 pm**

The meetings will be held in the  
**City Hall Council Chambers, 2nd floor**  
**161 W. Michigan Avenue**

Please contact Barry Hicks at (517) 768-6433 or [bhicks@cityofjackson.org](mailto:bhicks@cityofjackson.org) to view, ask questions about, or comment upon the proposed text amendments.

By: Barry Hicks, AICP  
Planning Director

ORDINANCE 2013.\_\_\_\_

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan by amending Sec. 28-105 (landscape standards).

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

To amend the landscaping standards which enhance the traditional urban character and form of the City of Jackson, thereby enhancing its economic vitality, aiding in the creation of a pedestrian friendly environment, and protecting property values.

Section 2. That Article IV of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

ARTICLE IV. SITE AND BUILDING DESIGN STANDARDS

...

**Sec. 28-105. Landscape standards**

...

(b) *Scope of application.*

...

- (2) Where landscaping is required, a building permit will not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy will not be issued unless provisions set forth in this Section have been met or by providing either a performance guarantee as authorized by Section 28-165; or by entering into a development agreement as authorized by Section 28-209.

...

(d) *Landscape standards.*

- (1) All landscaping must conform to the following standards, unless otherwise approved by the Zoning Administrator (or designee) or Planning Commission, each of which will be calculated separately. Please see ‘landscaping’ in Section 28-5 for definitions of the various plant types cited in the following table:

...

**Table of Landscape Standards**

Location	Dimensions (min.)	Landscape Quantities (a)		
		Trees (min.)	Shrubs (min.) (b)	Other Materials
GREENBELTS (c)				

**Table of Landscape Standards**

Location	Dimensions (min.)	Landscape Quantities (a)		
		Trees (min.)	Shrubs (min.) (b)	Other Materials
All zoning districts or uses.	Between the principal structure <u>or use</u> and the sidewalk/right-of-way line.	1 tree per each 30 linear feet of frontage (d, e).	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns) (d, e).	
<b>BUFFER ZONES</b>				
Multiple-family residential district or use ADJACENT TO one-family and one- and two-family residential districts or uses.	Between the principal structure <u>or use</u> and the <del>sidewalk/right-of-way line</del> <u>property boundary</u> .	1 canopy or evergreen tree per each 20 linear feet.	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns).	
Institutional uses ADJACENT TO any residential district or use.	Between the principal structure <u>or use</u> and the <del>sidewalk/right-of-way line</del> <u>property boundary</u> .	1 canopy or evergreen tree per each 20 linear feet.	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns).	
Commercial and Industrial District or Use ADJACENT TO Any Residential District or Use.	Between the principal structure <u>or use</u> and the <del>sidewalk/right-of-way line</del> <u>property boundary</u> .	1 canopy tree and 2 evergreen trees per each 20 linear feet.	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns).	
Industrial district or Use ADJACENT TO Any Commercial District or Use.	Between the principal structure <u>or use</u> and the <del>sidewalk/right-of-way line</del> <u>property boundary</u> .	1 canopy or evergreen tree per each 20 linear feet.	4 shrubs per each 20 linear feet or, if not feasible, sufficient ornamental trees and shrubs (as determined by the Zoning Administrator (or designee)) located in clearly defined planting beds to screen views as well as turf grass (i.e., lawns).	

Section 3. This Ordinance takes effect thirty (30) days from the date of adoption.



## Neighborhood & Economic Operations Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### CITY COUNCIL MEETING APRIL 9, 2013

**MEMO TO:** Honorable Mayor Griffin & City Councilmembers

**FROM:** City of Jackson Planning Commission  
Patrick Burtch, City Manager  
Barry Hicks, AICP, Planning Director *PHS*  
*BH*

**DATE:** April 4, 2013

**SUBJECT:** Public hearing on the request for a text amendment to the City's Zoning Ordinance, City Code, Chapter 28, revising Section 28-165 regarding performance guarantees.

---

#### RECOMMENDATION FROM THE PLANNING COMMISSION:

**To approve an ordinance revising Section 28-165 (Performance Guarantees) to Chapter 28 (Zoning) on the next regular Council agenda for a public hearing and consideration [*Planning Commission and staff recommends approval*].**

During their April 3, 2013 regular meeting, the Planning Commission considered revisions to Section 28-165 (Performance Guarantees). The Planning Commission reviewed and considered these revisions and is recommending that Council adopt them as proposed.

Att': Planning Commission Memorandum  
Public Notice  
Proposed Ordinance



## Neighborhood & Economic Operations

### Building a Stronger Jackson

---

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

#### PLANNING COMMISSION MEETING APRIL 3, 2013

**MEMO TO:** Planning Commissioners

**FROM:** Barry Hicks, AICP, Planning Director

**DATE:** March 27, 2013

**SUBJECT:** **Proposed Ordinance Amendments to Chapter 28 (Zoning); Performance Guarantees and Improvements**

**HEARING:** Open a Public Hearing to receive comment on the proposed amendments to Chapter 28 (Zoning) of the City of Jackson Code of Ordinances by amending Sec. 28-165 (performance guarantees and improvements).

**MOTION:** Consideration of recommending that City Council adopt an ordinance revising Sec. 28-165 (performance guarantees and improvements).) (*Staff recommends approval*).

---

The proposed revisions to Section 28-165 are to add language to Subsection (e) to reference City Council to provide direction for the use of funds received in accordance with this ordinance and to correct errors in the capitalization of "Zoning Administrator" throughout the Section.

Att': Proposed Ordinance  
Public Notice



## Neighborhood & Economic Operations Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

**Published in the Jackson Citizen Patriot on March 17, 2013**

### **Notice of Public Hearing**

The Jackson City Planning Commission and Jackson City Council will hold public hearings to consider text amendments to the City's planning and zoning ordinances. This notice was prepared and distributed in accordance with Sec. 103 of the Michigan Zoning Enabling Act (MCL 125.3103).

#### **The request was made by:**

The City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

#### **The proposed text amendments:**

The proposed amendments to the zoning ordinance (Chapter 28) include changes to: Sec. 28-165. – Performance guarantees for improvements; regarding the addition of language which authorizes City Council to direct the Zoning Administrator to use a performance guarantee to implement proposed improvements in the event an applicant fails to comply with an approved application.

#### **The reason for the text amendments:**

The language is needed to provide the City Council with the authority to direct the Zoning Administrator when it is deemed necessary to use a performance guarantee to complete site work for an approved zoning permit or site plan.

#### **The effect of adopting the text amendments:**

The proposed changes will grant authority to the City Council to direct the Zoning Administrator to use performance guarantees to complete development projects and to achieve compliance with applicable zoning standards.

The public hearings before the City Planning Commission and City Council will be held on:

**Planning Commission – Wednesday, April 3, 2013 at 6:30 pm**

**City Council – Tuesday, April 9, 2013 at 6:30 pm**

The meetings will be held in the  
**City Hall Council Chambers, 2nd floor**  
**161 W. Michigan Avenue**

Please contact Barry Hicks at (517) 768-6433 or bhicks@cityofjackson.org to view, ask questions about, or comment upon the proposed text amendments.

By: Barry Hicks, AICP  
Planning Director

## ORDINANCE 2013.\_\_\_\_

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan by amending Sec. 28-165 (Performance guarantees for improvements).

## THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

## Section 1. Purpose.

To amend the Performance guarantees for improvements to correct errors in the language.

## Section 2. That Article V of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

## ARTICLE V. DEVELOPMENT APPROVAL PROCEDURES

...

**Sec. 28-165. Performance guarantees for improvements**

Prior to the issuance of a temporary or permanent certificate of occupancy is issued, the ~~zoning~~ Zoning administrator-Administrator (or designee) may require, as a condition to the issuance of the certificate, the following:

...

- (c) The applicant may propose to the ~~zoning~~ Zoning administrator-Administrator (or designee) a schedule pursuant to which portions of the deposit are to be returned in relation to the ratio of work completed on the required improvements as work progresses. The ~~zoning~~ Zoning administrator-Administrator (or designee) will review the proposal, and, if reasonable, may establish a schedule as submitted by the applicant or as modified as the ~~zoning~~ Zoning administrator-Administrator (or designee) deems appropriate.

...

- (e) If the improvements have not been completed on or before the date specified for completion by the ~~zoning~~ Zoning administrator-Administrator (or designee), all or part of the performance guarantee posted by the applicant, as needed for completion may be utilized upon direction by City Council. Any and all costs incurred by the city in completing the improvements shall be taken from the performance guarantee. Any balance remaining following completion of the improvements shall be returned to the applicant.

...

Section 3. This Ordinance takes effect thirty (30) days from the date of adoption.



## Neighborhood & Economic Operations Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### CITY COUNCIL MEETING APRIL 9, 2013

**MEMO TO:** Honorable Mayor Griffin & City Councilmembers

**FROM:** City of Jackson Planning Commission  
Patrick Burtch, City Manager  
Barry Hicks, AICP, Planning Director *PHS*  
*BH*

**DATE:** April 4, 2013

**SUBJECT:** Public hearing on the request for a text amendment to the City's Zoning Ordinance, City Code, Chapter 28, revising Section 28-115 regarding building design standards.

---

#### RECOMMENDATION FROM THE PLANNING COMMISSION:

**To approve an ordinance revising Section 28-115 (Building Design Standards) to Chapter 28 (Zoning) on the next regular Council agenda for a public hearing and consideration [*Planning Commission and staff recommends approval*].**

During their April 3, 2013 regular meeting, the Planning Commission considered revisions to Section 28-115 (Building Design Standards). The Planning Commission reviewed and considered these revisions and is recommending that Council adopt them as proposed.

Att': Planning Commission Memorandum  
Public Notice  
Proposed Ordinance



## Neighborhood & Economic Operations Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### PLANNING COMMISSION MEETING APRIL 3, 2013

**MEMO TO:** Planning Commissioners

**FROM:** Barry Hicks, AICP, Planning Director (City of Jackson)  
Grant Bauman, AICP, Principal Planner (Region 2 Planning Commission)

**DATE:** March 21, 2013

**SUBJECT:** **Proposed amendments to Chapter 28 (Zoning) through the revision of Section 28-115 which contains building design standards**

**HEARING:** Open a public hearing to receive comments on proposed amendments to Chapter 28 (Zoning) of the Code of Ordinances to revise building design standards.

**MOTION:** Recommend that City Council adopts an ordinance revising Section 28-115 (building design standards) to Chapter 28 (Zoning). *[Staff recommends approval]*

The proposed changes to the building design standards are part of an ongoing effort and series of revisions to the Zoning Ordinance (Chapter 28) which enhance the City of Jackson's quality of life; stabilize property values; and protect the health, safety, and general welfare of residents and business owners. It was anticipated from the beginning that the design standards would need fine-tuning. The proposed revisions address recommendations made by the City's building and zoning officials based upon their usage of the current standards over the past several months. None of the proposed revisions affects the streamlined approval procedures adopted as part of the current building design standards.

The Zoning Ordinance Revisions Task Force (ZORTF) for this issue is comprised of Patrick Burtch (City Manager), Barry Hicks (Planning Director), Dennis Diffenderfer (Rehabilitation Coordinator), Brian Taylor (Building Inspector), and Grant Bauman (Region 2 Planning Commission). The Task Force met to discuss the challenges that were revealed over time in the administration of the building design standards. Once those issues were catalogued, the Task Force commenced editing Section 28-115 of the Zoning Ordinance (Chapter 28) into its current form over the course of several weeks.

The remainder of this memo contains a summary of salient points regarding the proposed Ordinance:

- Exterior wall design standards. Subsection (c) was reorganized to better identify and reinforce the various ways and circumstances under which deviations will be allowed from the standards contained in the Table of Acceptable Exterior Wall Materials. At the same time it was made clear that the use of plywood, oriented strand board (OSB), T-111 siding, and similar materials are prohibited as exterior wall materials. The depth of the recesses and projections required of building walls 100 feet or greater in length was also reduced from 10 feet to 1 foot.
- Roof design standards. Subsection (d) was revised to allow the Zoning Administrator or Planning Commission to permit metal roofs in more districts, based upon certain criteria. The use of AG (agricultural) panels (i.e., exposed fasteners) or similar metal roof systems outside of the C-4, I-1, and I-2 districts is strictly pro-



hibited. Shed roofs are allowed for porches and other extensions of the primary structure in the R-3, R-4, and R-6 districts. Finally, flat roofs are allowed on large buildings in the C-4, I-1, and I-2 districts.

- Building design standards for on-family and two-family dwelling units. Subsection (g) was revised to allow the Zoning Administrator or Planning Commission to permit metal roofs, based upon certain criteria. A minimum 8 inch overhang is required for all outside edges of a roof. Finally, the exterior cladding of accessory structures can differ from that of their principal structure as long as they complements that structure.

Attachments:

- Proposed ordinance
- Public notice



## Neighborhood & Economic Operations Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

*Published in the Jackson Citizen Patriot on March 17, 2013*

### **Notice of Public Hearing**

The Jackson City Planning Commission and Jackson City Council will hold public hearings to consider text amendments to Chapter 28 (Zoning) of the City Code. This notice was prepared and distributed in accordance with Sec. 103 of the Michigan Zoning Enabling Act (MCL 125.3103).

#### **The request was made by:**

The City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

#### **The proposed text amendments:**

The proposed amendments to the zoning ordinance (Chapter 28) revise portions of Section 28-115 (Building design standards) which address standards for the use of exterior wall materials; the design of roofs; and the reuse and renovation of existing buildings.

#### **The reason for the text amendments:**

Ambitious building design standards were adopted in the fall of 2012. In the course of administering the new standards the City has identified the need for some modifications in order to make them easier to understand and administer and to allow for greater design flexibility, especially as they relate to the reuse and renovation of existing buildings.

#### **The effect of adopting the text amendments:**

The proposed amendments should provide greater flexibility in the use of exterior building finishes; the use of flat roofs and peaked roofs with shallower pitches, and the use of metal roofing materials. The standards should also be easier to understand and administer.

The public hearings before the City Planning Commission and City Council will be held on:

**Planning Commission – Wednesday, April 3, 2013 at 6:30 pm**

**City Council – Tuesday, April 9, 2013 at 6:30 pm**

The meetings will be held in the  
**City Hall Council Chambers, 2nd floor**  
**161 W. Michigan Avenue**

Please contact Barry Hicks at (517) 768-6433 or [bhicks@cityofjackson.org](mailto:bhicks@cityofjackson.org) to view, ask questions about, or comment upon the proposed text amendments.

By: Barry Hicks, AICP  
Planning Director

ORDINANCE 2013.\_\_\_\_

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan to make minor revisions to Sec. 28-115, which deals with building design standards.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

To make minor revisions to the standards for building design which preserve and protect the traditional urban form of the City of Jackson, enhance the economic vitality of its various commercial areas, prevent blight, and protect property values.

Section 2. That Article IV of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

ARTICLE IV. SUPPLEMENTAL PROVISIONS

**Sec. 28-115. Building design standards.**

- (a) *Intent.* The intent of these regulations is to provide specific design guidelines that achieve the following:
  - (1) Encourage development and redevelopment that protects and enhances the traditional character of neighborhoods and other areas of the City, fits within its traditional urban form, and creates a character that reinforces a sense of community identity;
  - (2) Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of the various business districts, maintain the desired character of the City, prevent the creation of blight, and protect property values;
  - (3) Promote the preservation and renovation of historic buildings and sites; and ensure new buildings are compatible with, and enhance the character of, the City's cultural, social, economic, and architectural heritage;
  - (4) Implement objectives of the Comprehensive Plan.
- (b) *Applicability.* All uses except one-family and two-family residential must comply with the design standards of Subsections 28-115 (c), (d), and (e) under the following circumstances:
  - (1) *New buildings:* All uses, except one-family and two-family residential, that receive site plan approval for construction of a new building after the effective date of this Section must fully comply with its design standards. Refer to Subsection 28-115 (g) for building design standards for one-family and two-family dwellings.

- (2) *Expansions and major improvements to buildings:* For buildings existing prior to the effective date of this Section, major building improvements or expansions that require site plan approval may be permitted by the Zoning Administrator (or designee) or Planning Commission without a complete upgrade to meet the standards of this Section, provided there are reasonable ~~improvements to the building~~ in relation to the scale and construction cost of the building improvements or expansion and they do not increase noncompliance with the requirements of this Section. Major exterior renovations must be consistent with the building design standards herein to the extent deemed practical.
- (3) *Minor improvements to buildings:* For buildings existing prior to the effective date of this Section, minor changes, improvements, and modifications that are approved administratively will be permitted, provided the improvements do not increase non-compliance with the requirements of this Section.

(c) *Exterior wall design standards.*

~~(5) Colors.~~ Information on building colors must be submitted with the site plan and considered to be part of any site plan approval under Section 28-135. Colors must be compatible with the surrounding area, as agreed to by the Zoning Administrator (or designee) or Planning Commission.

~~(2) Wall materials.~~ The use of exterior wall materials on walls that are visible from a public road, alley or a parking lot must be in compliance with the maximum percentages permitted in the “Table of Acceptable Exterior Wall Materials.” unless otherwise provided per the footnotes or Subsections 28-115 (c)(2) through (5).

**Table of Acceptable Exterior Wall Materials**

Building Materials	Maximum Percent of Wall That May be Covered by Certain Building Materials by Zoning District (see <del>Subsections</del> (a) and (b))					
	R-3 R-4 R-6	C-1 C-2	C-3	C-4	I-1	I-2
Brick or face brick	100%	100%	100%	100%	100%	100%
Stone (cut)	100%	100%	100%	100%	100%	100%
Split face block	NP	NP	NP	50% (f)	50% (f)	50% (f)
Cast stone (see <del>Subsection</del> (e))	100%	100%	100%	100%	50%	50%
Precast concrete	NP	NP	NP (g)	NP (g)	100%	100%
Concrete formed in place	NP	NP	NP (g)	NP (g)	100%	100%
Metal	NP	NP	NP (h)	NP (h)	75% (c)	75% (c)
Reflective glass	NP	NP	25%	25%	50%	50%
Glass block	25%	25%	NP	25%	25%	25%
Wood siding (see <del>Subsection</del> (i))	100%	100%	NP	50%	75%	25%
Vinyl siding	100%	50%	NP	25%	50%	25%
Finishes (see <del>Subsection</del> (d))	50%	50%	50%	50%	50%	50%

Key: NP = not permitted

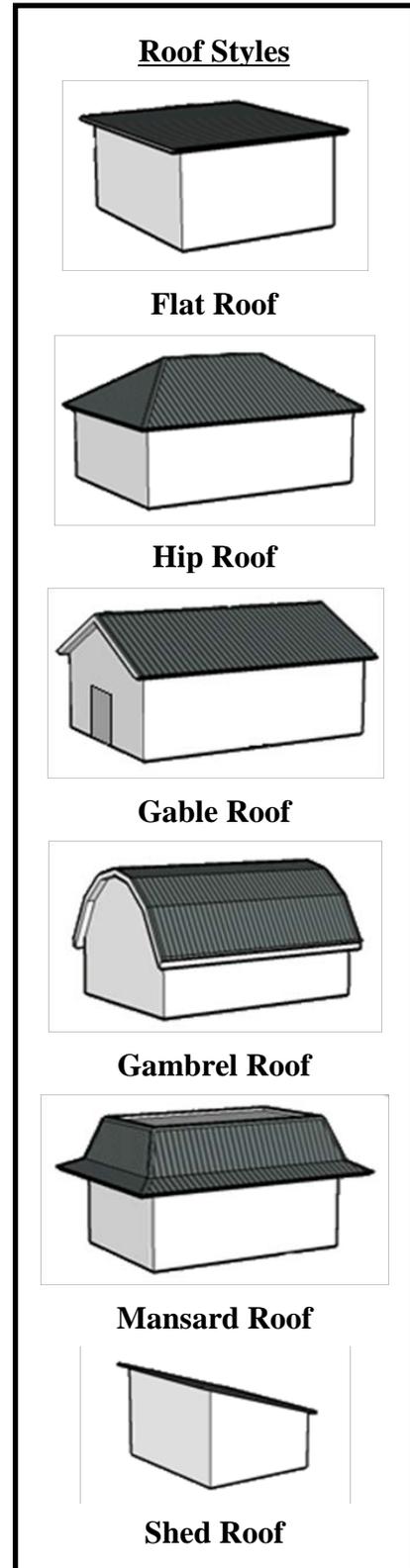
*Footnotes to the Table of Acceptable Wall Materials.*

- a. Does not include facade areas consisting of doors and windows.
- b. All walls exposed to public view from a public street, alley or an adjacent residential area must be constructed of not less than seventy-five (75%) brick, face brick, stone or cast stone.
- c. Includes flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. Such materials cannot be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
- d. Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco and similar materials. The Zoning Administrator (or designee) or Planning Commission may increase the percentage of wall that can be clad in finishes if they are designed to mimic the appearance of another approved finish (e.g., EIFS designed to look like cut stone) or other embellishments are added to the building façade (e.g., window and door trim, cornices, etc.), per the criteria set forth in Subsection 28-115 (c)(4). Such materials cannot be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
- e. ~~The e~~Cast stone, including lightweight artificial stone ~~building panels~~products, must complement other materials found in the surrounding area and be approved by the Zoning Administrator (or designee) upon the review of building facade elevations submitted by the applicant.
- f. A maximum coverage of 50% split faced concrete block is permitted in the C-4 District only upon special approval from the Zoning Administrator (or designee) where the applicant demonstrates special conditions that limit use of other materials and demonstration that other site and building design enhancements are provided. The height limit for split-faced concrete block in the I-1 and I-2 districts is six (6) feet or 30% of the building facade.
- g. Parking structures may use precast concrete or concrete formed in place if approved by the Zoning Administrator (or designee) upon the review of building facade elevations submitted by the applicant.
- h. Decorative metal and other embellishments may be used if approved by the Zoning Administrator (or designee) upon the review of building facade elevations submitted by the applicant.
- i. Must be clapboards, ~~shiplap~~, cedar shingles, or similar materials approved by the Zoning Administrator (or designee) upon the review of building facade elevations submitted by the applicant. Plywood, oriented strand board (OSB), T-111 siding, and similar materials are prohibited.

- (23) *Allowance for other materials.* The Zoning Administrator (or designee) or Planning Commission may waive strict compliance with the Subsection 28-115 (c)(1) when the qualities listed below ~~listed as a through e~~ can be demonstrated. Review and consultation by the appropriate design professional is encouraged before a final determination is made. The proposed building design and materials schedule must be accompanied by a written design statement which describes how the selected wall materials and material combinations will be consistent with and enhance the building design.
- a. The design and materials are found to be in keeping with the character and history of the neighborhood or other area of the City;
  - b. The materials are found to be permanent and durable;
  - c. The design and materials are compatible with the type of use and development proposed;
  - d. The design and materials can easily be adapted to another use in the future; and
  - e. The design and materials meet the intent of this Section.
- (34) *Mixture of materials.* The application of these standards promotes integration and mixture of materials where more than one (1) material is used on a building. If only one (1) material is used, architectural detailing and articulation, massing, texture and form must be introduced into the building design, unless otherwise specified in the Table of Acceptable Exterior Wall Materials (see Subsection 28-115 (c)(2)). Building roof materials must be in harmony with the style and materials used on the building walls.
- (45) *Long walls.* When building walls are one hundred (100) feet or greater in length, design variations must be applied to assure that the building is not monotonous in appearance. Such variations include but are not limited to the following:
- a. Recesses and projections along the building facade. Variations in depth should, which must be a minimum of ten-one (101) feetfoot in depth;
  - b. Architectural details or features;
  - c. Enhanced ornamentation around building entryways;
  - d. Landscaping;
  - e. Streetscape elements; and
  - f. Variations in building height.
- ~~(5) *Colors.* Information on building colors must be submitted with the site plan and considered to be part of any site plan approval under Section 28-135. Colors must be compatible with the surrounding area, as agreed to by the Zoning Administrator (or designee) or Planning Commission.~~

(d) *Roof design standards.*

- (1) *Compatible design character.* Roof design and materials are considered to be key elements to the City character, and thus must be consistent with the character of the neighborhood or other area of the City. As a part of building design, roofs must be designed in keeping with the overall architecture of the building (see Subsection 28-115 (c)(4)).
- (2) *Roof materials.* The following regulations apply to roof materials:
  - a. Asphalt, fiberglass, tile, slate or cedar shingles may be used in all districts.
  - b. Metal roof systems may be permitted by the Zoning Administrator (or designee) or Planning Commission, based upon installation quality, panel design, coating quality, metal type, and metal thickness. However, Standing seam AG (agricultural) panels (i.e., exposed fasteners) or similar metal roof systems will be permitted only in the ~~C-1, C-2,~~ C-4, I-1, and I-2 districts; with the exception of non-residential structures in the R-4 ~~and R-6 districts~~district. The applicant must provide the above information as part of any required application.
  - c. In the I-1 and I-2 Districts, asphalt, fiberglass, tile, slate, cedar or standing seam metal roofing are permitted.
  - d. Asphalt shingles must be ~~heavily~~ textured with colors that ~~are compatible with comple-~~ment the building architecture.
  - e. When permitted, the color of standing metal seam roof systems must be subtle and compatible with exterior building materials.
- (3) *Roof style in the R-3, R-4 and R-6 districts.* These districts are intended to maintain a residential character in the City and to be compatible with nearby one-family and two-family neighborhoods. To meet this intent the following roof style elements are required:



- a. ~~Pitched~~~~Peaked~~ roofs are required.
  - b. All roofs must be gambrel, hip or gable roof styles. The Zoning Administrator (or designee) or Planning Commission may approve the use of shed roofs for porches and other extensions of the primary structure, provided that they comprise (in aggregate) no more than twenty-five (25%) percent of the total square footage of the roofs.
  - c. The ~~slope~~~~pitch~~ of the roof must not be less than six on twelve (6:12), with the exception of the upper gambrels on a gambrel roof.
  - d. Additional roofline treatments are encouraged and may be required by the Zoning Administrator (or designee) or Planning Commission in order to minimize the mass of the roof and in order to promote the residential character. These treatments include, but are not limited to offset rooflines, dormer windows, cupolas, additional accent gables and covered entryways.
- (4) *Roof style in the C-3 district.* New building construction must blend with the existing established building line of the Central Business District. The buildings must be a minimum of two stories or have the appearance of multiple stories. Roofs must be flat with a minimum three (3) foot high parapet and decorative cornices, in keeping with the historic architecture of the Central Business District. An enclosure must be provided that is at least one (1) foot higher than rooftop mechanical equipment that is taller than three (3) feet.
- (5) *Roof style in the C-1, ~~and~~ C-2, ~~I-1, and I-2~~ districts.* New building construction in these districts should attempt to emulate the design character and history of the residential neighborhoods which often surround these districtsCity. At the same time, the buildings must accommodate the types of uses and sites proposed. As such, the following roof styles are required:
- a. A ~~pitched~~~~peaked~~ roof is required;
  - b. The ~~slope~~~~pitch~~ of the roof must be at least six on twelve (6:12);
  - c. Additional roofline treatments are encouraged and may be required by the Zoning Administrator (or designee) or Planning Commission in order to minimize the mass of the roof and in order to promote the residential character. These treatments include, but are not limited to dormer windows, cupolas, additional accent gables and covered entryways; and
  - d. The Zoning Administrator (or designee) or Planning Commission may allow a gentler ~~slope~~~~pitched~~ roof – including a flat roof with a minimum three (3) foot high parapet and decorative cornices consistent with the design standards of Subsection 28-115 (d)(4).

(6) Roof style in the C-4, I-1, and I-2 districts. New building construction in these districts should complement their surroundings. At the same time, the buildings must accommodate the types of uses and sites proposed. As such, the following roof styles are required:

a. The roofs of large buildings (i.e., 2,000 feet or greater) may be flat as long as a minimum three (3) foot high parapet at least three (3) feet high and decorative cornices consistent with the design standards of Subsection 28-115 (d)(4) are part of the roof design. A peaked roof is required for smaller structures and extensions of larger buildings; and

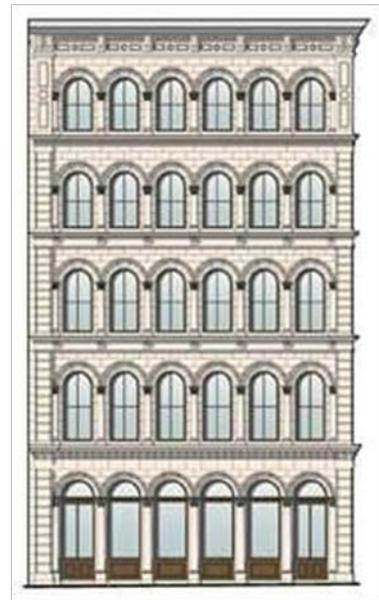
b. The pitch of peaked roofs must be at least six on twelve (6:12). The Zoning Administrator (or designee) or Planning Commission may allow gentler pitched roofs.

(67) Screening rooftop equipment. Rooftop equipment must be screened from view of adjacent properties and public rights-of-way. The method to screen rooftop equipment must be compatible with the building through color, scale, materials, and architectural style. The Zoning Administrator (or designee) or Planning Commission may require cross-section details to confirm compliance.

(e) *Fenestration of nonresidential buildings in the R-4, R-6, C-1, C-2, C-3 and C-4 Districts.*

- (1) Windows and doors must comprise at least forty percent (40%) of the first floor front facade of a building.
- (2) The window area of a facade above the first floor cannot exceed thirty-five percent (35%) of the total facade area of that floor.
- (3) Windows above the first floor must be vertical in proportion. Large windows must be broken-up to maintain a vertical proportion.
- (4) Window areas must be non-reflective glass and clear or lightly tinted in color.
- (5) Double or fixed hung windows must be used in all retail applications.
- (6) Sliding windows and doors will not be permitted in the C-3 District.
- (7) The window encasement cannot have exposed metal in the C-3 District.
- (8) Window areas cannot be permanently blocked in a manner that obstructs views into the buildings, such as shelving, unless it is used as a display case for products sold on-site.

**Fenestration Example**



- (f) *General building design accent standards.*
- (1) *Front facade.* Blank walls cannot face a public street. Walls facing a public street must include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. A prominent and usable public building entrance must be provided at the front of the building. Wall massing must be broken up with vertical pilasters or other architectural elements to reduce scale.
  - (2) *Pedestrian orientation.* Buildings must be designed at a pedestrian scale with relationship to the street and sidewalk. Buildings must include windows that face the sidewalk and street. Convenient and safe pedestrian access must be provided between the public sidewalk and the building entrance.
  - (3) *Awnings.* Awnings with straight sheds may supplement facades. Awnings cannot be cubed or curved except over doorways. Awnings must be of an opaque material. Translucent or internally lit awnings will not be permitted. In no case may awnings be designed to cover more than thirty-five (35%) percent of the height of each story of a building.
  - (4) *Canopies.* Canopies, such as over gasoline pumps or drive-through structures, must be designed to be consistent with the approved building materials and colors. Support columns must be brick or comprised of materials compatible with the principal structure. The Zoning Administrator (or designee) or Planning Commission may require a peaked roof to complement the principal building. Any canopy lighting must be flush with the canopy.
  - (5) *Neon.* Exposed neon will not be permitted on a building.
  - (6) *Quality and workmanship.* This Section is not intended to regulate the quality, workmanship and requirements for materials relative to strength and durability.
- (g) *Building design standards for one-family and two-family dwelling units.* The following are building design standards for one-family and two-family dwelling units.
- (1) *Applicability.* The regulations of this Subsection apply to one-family and two-family dwelling unit construction under the following circumstances:
    - a. *New dwellings:* All new one-family and two-family dwelling construction that requires a building permit after the effective date of this Section must fully comply with the design standards of this Subsection.
    - b. *Expansions to dwellings:* For dwellings existing prior to the effective date of this Section, major improvements or expansions that require a building permit may be permitted without a complete upgrade to meet the standards of this Subsection. Reasonable improvements are required in relation to the scale and construction cost of the project. Major exterior renovations must be consistent with the building design standards herein to the extent deemed practical.

- c. *Minor improvements to dwellings*: For dwellings existing prior to the effective date of this Section, minor changes, improvements, and modifications that require a building permit will not be required to comply with this Subsection, provided the improvements do not increase non-compliance with the requirements of this Subsection.
- (2) *Intent*. The purpose of this Subsection is to establish standards and regulations governing the location and appearance of one-family and two-family dwelling units in the City of Jackson that are either developed as a new neighborhood or as in-fill housing in an existing neighborhood. It is the intent of these regulations to allow a mix of housing types and living styles in a manner that will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of one-family and two-family dwellings, allowing only those that are compatibly similar in appearance to houses on individual lots in all zoning districts that allow one-family and two-family residences. These regulations will not apply to one-family dwellings located within a state licensed manufacturing housing community.
- (3) *Permits*: Prior to the construction or installation of a one-family or two-family dwelling unit on a residential lot, the individual must obtain a building permit from the Chief Building Official (or designee).
- (4) *General appearance and site standards*. To ensure the compatibility in appearance of one-family and two-family dwelling units, such units must meet the following design and site standards:
- a. Be constructed to the most current State or Federal Building Standards. These include the Stille-DeRossett-Hale Single State Construction Code Act (PA 230 of 1972, MCL 125.1501 et seq.), as amended, and the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended (regulations are at 24 CFR parts 3280, 3282, 3284, 3285, 3286, 3288, and 3800).
  - b. Have a minimum dimension of twenty (20) feet.
  - c. Comply with the gross floor area and lot coverage standards for one-family or two-family dwelling units set forth in Section 28-73. To ensure that neighboring dwellings are compatible in scale and mass, the City may require units to be not less than 90% and no more than one hundred and thirty-five percent (135%) of the average floor area and lot coverage of other one-family or two-family dwelling units within three hundred (300) feet of the subject lot, including dwelling units on both sides of the street of the same block.
  - d. Have two (2) exterior doors (front and rear, or front and side), and where there is a difference in ground elevation, steps must be permanently attached on a frost depth foundation either to the perimeter wall, as outlined in Subsection 28-115 (f) below, or to porches connected to the perimeter wall.

- e. Have a roof with a minimum four on twelve (4:12) pitch and minimum eight (8) inch eave and rake (i.e., overhang), and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof must have wood shake, asphalt or other acceptable shingles, and meet the snow load standards for this portion of the State of Michigan. Metal roof systems may be permitted by the Zoning Administrator (or designee) or Planning Commission, based upon installation quality, panel design, coating quality, metal type, and metal thickness.
- f. Have an exterior finish architecturally compatible to that of other similar homes in the surrounding area. Plywood, oriented strand board (OSB), T-111 siding, and similar materials are prohibited.
- g. Be firmly attached to a permanent foundation constructed on the site in accordance with Chapter 5 of the City Code and must have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one-family or two-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling must be installed pursuant to the manufacturer's setup instructions and must be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and must have a perimeter wall as required above.
- h. Have a design and appearance determined to be compatible by the Zoning Administrator (or designee) upon review of the plans submitted for a particular dwelling. An aggrieved party may appeal the Zoning Administrator's decision to the Board of Appeals as required by Section 28-239.
- ~~i. Be determined compatible.~~ Compatibility is based upon the character, design and appearance of one (1) or more residential dwellings within ~~two thousand~~ three hundred (2,000/300) feet of the subject dwelling provided the surrounding existing dwellings considered are located outside of a manufactured housing community. The foregoing will not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design homes.
- ~~ji.~~ Be connected to a public sewer or water system and/or waste treatment or potable water supply system approved by the City of Jackson, or other applicable agencies such as the Michigan Department of Environmental Quality.
- ~~kj.~~ Orient all dwelling units toward the public right-of-way such that the facade that faces the street contains a door, windows and other architectural features customary of the front facade of a residence.
- ~~hk.~~ Provide concrete sidewalks in accordance with the City sidewalk policy within the dedicated right-of-way along the frontage length of all parcels. An inclined approach is required where sidewalks intersect curbs for barrier free access. The inclined approach must comply with grades established by MDOT. Re-

quired sidewalks may be installed following the construction of the dwelling unit. However, a certificate of occupancy will not be issued until the sidewalk is installed along the individual lot's frontages. If the Zoning Administrator determines that, due to weather conditions, sidewalk installation should be delayed, a certificate of occupancy may be issued. In which case, a performance guarantee must be provided to the City as required by Section 28-165. The sidewalk must be installed within six months of issuance of the certificate of occupancy. The Zoning Administrator will schedule a follow-up inspection.

- ~~m~~l. All residential driveways must have a concrete approach and a hard-surfaced driveway of concrete or plant-mixed bituminous material in accordance with specifications of the City or other applicable agencies such as the Michigan Department of Transportation. Approaches must be six (6) inches thick, concrete, with the sidewalk floating separate from approaches. The minimum asphalt depth for driveways must be three (3) inches. The minimum concrete depth for driveways must be four (4) inches. Up to two (2) dwellings may be permitted to share a driveway provided it complies with these construction standards.
- ~~a~~m. The provisions of this Subsection will not apply to manufactured homes situated in licensed manufactured housing communities.
- ~~e~~n. Accessory structures must comply with the standards of Section 28-120 and the building design must match that of the dwelling on the site. However, if the applicant can document that existing accessory structures in the surrounding residential area are clad in a siding different than their principal structure, the Zoning Administrator (or designee) may approve a different siding that complements the principal structure. Plywood, oriented strand board (OSB), T-111 siding and similar materials are prohibited.

### Section 3. Effective Date

This Ordinance takes effect thirty (30) days from the date of adoption.



## Neighborhood & Economic Operations Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### CITY COUNCIL MEETING APRIL 9, 2013

**MEMO TO:** Honorable Mayor Griffin & City Councilmembers

**FROM:** City of Jackson Planning Commission  
Patrick Burtch, City Manager  
Barry Hicks, AICP, Planning Director *PHS*  
*BH*

**DATE:** April 4, 2013

**SUBJECT:** Public hearing on the request for a text amendment to the City's Zoning Ordinance, City Code, Chapter 28, adding Section 28-109 regarding lighting standards. The amendments include the addition of definitions to Section 28-5.

---

#### RECOMMENDATION FROM THE PLANNING COMMISSION:

**To approve an ordinance adding Section 28-109 (Lighting Standards) to Chapter 28 (Zoning) and amending Section 28-5 (Definitions) to accommodate the proposed revisions on the next regular Council agenda for a public hearing and consideration [Planning Commission and staff recommends approval].**

During their April 3, 2013 regular meeting, the Planning Commission considered adding Section 28-109 (Lighting Standards). The Planning Commission reviewed and considered these revisions and is recommending that Council adopt them as proposed.

Att': Planning Commission Memorandum  
Public Notice  
Proposed Ordinance



## Neighborhood & Economic Operations Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### PLANNING COMMISSION MEETING APRIL 3, 2013

**MEMO TO:** Planning Commissioners

**FROM:** Barry Hicks, AICP, Planning Director (City of Jackson)  
Grant Bauman, AICP, Principal Planner (Region 2 Planning Commission)

**DATE:** March 21, 2013

**SUBJECT:** **Proposed amendments to Chapter 28 (Zoning) through the addition of Section 28-109 which contains standards regarding outdoor lighting**

**HEARING:** Open a public hearing to receive comments on proposed amendments to Chapter 28 (Zoning) of the Code of Ordinances to add standards for outdoor lighting.

**MOTION:** Recommend that City Council adopts an ordinance revising Section 28-109 (lighting standards) to Chapter 28 (Zoning). *[Staff recommends approval]*

The addition of standards regarding outdoor lighting are part of an ongoing effort and series of revisions to the Zoning Ordinance (Chapter 28) that enhance the City of Jackson's quality of life; stabilize property values; and protect the health, safety, and general welfare of residents and business owners. The proposed amendments include graphics and tables which should make it easier to understand and administer the new standards. The proposed standards continue to streamline approval procedures by often allowing for their administrative approval.

The Zoning Ordinance Revisions Task Force (ZORTF) for this issue is comprised of Patrick Burtch (City Manager), Bethany Smith (Deputy City Attorney), Troy White (Senior Civil Engineer), Barry Hicks (Planning Director), Frank Donovan (Chief Building Official), and Grant Bauman (Region 2 Planning Commission). An initial draft regarding standards for outdoor lighting created by the City of Kentwood (Michigan) was adapted to fit into the existing format of the City Code. Once that was complete, the Task Force commenced editing Sections 28-5 and 28-109 of the Zoning Ordinance (Chapter 28) into their current form over the course of several weeks.

The remainder of this memo contains a summary of salient points regarding the proposed Ordinance:

- **Exemptions.** Street lights are exempted from the standards without any conditions. Residential lighting associated with one- and two-family dwellings, private swimming pools, holiday decorations, and window displays are exempted as long as they do not adversely affect neighboring properties.
- **Submittal requirements.** The information that must be submitted as part of the site plan include the locations of the various types of proposed lighting fixtures, a photometric grid overlay indicating light intensity, and the manufacturer's specification sheets and details for each type of proposed lighting fixture.
- **General standards.** Overall requirements include the use of shielded light fixtures and limits on the overall intensity of the proposed lighting that can fall on neighboring properties.



- Lighting intensity and uniformity standards. Different lighting intensity and uniformity standards are identified for specific purposes such as gas station pump islands, building façades and entrances, parking lots, and recreation facilities as well as the C-4 district along West Avenue and Wisner Street (north of North Street).
- Prohibited outdoor lighting. The use of lasers, search lights, and other high intensity light sources for outdoor advertising or entertainment is strictly prohibited unless associated with a special event.
- Administration. The administration of Section 28-109 is also addressed, including the need for Zoning Administrator approval for the substitution of any approved lamp or light fixture.
- Definitions. Finally, terminology associated with lighting was added to Section 28-5 (definitions).

Attachments:

- Proposed ordinance
- Public notice



## Neighborhood & Economic Operations Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

**Published in the Jackson Citizen Patriot on March 17, 2013**

### **Notice of Public Hearing**

The Jackson City Planning Commission and Jackson City Council will hold public hearings to consider text amendments to Chapter 28 (Zoning) of the City Code. This notice was prepared and distributed in accordance with Sec. 103 of the Michigan Zoning Enabling Act (MCL 125.3103).

#### **The request was made by:**

The City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

#### **The proposed text amendments:**

The addition of Section 28-109 (Lighting standards) comprises the proposed amendments to the zoning ordinance (Chapter 28), including standards for lighting intensity and uniformity, listings of exempted and prohibited lighting, and other general standards. The proposal also calls for the addition of various lighting-related terminologies to Section 28-5 (Definitions).

#### **The reason for the text amendments:**

The City recognizes the need for buildings and sites to be illuminated for safety, security, and visibility for pedestrians and motorists. It also recognizes that the need for outdoor lighting must be balanced against its often detrimental effects.

#### **The effect of adopting the text amendments:**

The proposed amendments protect the health, safety, and welfare of the public by providing standards that will minimize light pollution; reduce the potential for off-site impacts; eliminate intrusive artificial light and lighting that unnecessarily contributes to sky glow; and enhance customer and employee safety.

The public hearings before the City Planning Commission and City Council will be held on:

**Planning Commission – Wednesday, April 3, 2013 at 6:30 pm**  
**City Council – Tuesday, April 9, 2013 at 6:30 pm**

The meetings will be held in the  
**City Hall Council Chambers, 2nd floor**  
**161 W. Michigan Avenue**

Please contact Barry Hicks at (517) 768-6433 or [bhicks@cityofjackson.org](mailto:bhicks@cityofjackson.org) to view, ask questions about, or comment upon the proposed text amendments.

By: Barry Hicks, AICP  
Planning Director

ORDINANCE 2013.\_\_\_\_

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan by adding Sec. 28-109, lighting standards, and amending Sec. 28-5, definitions, to accommodate the new criteria.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

To add outdoor lighting standards to the Zoning Ordinance (Chapter 28) to ensure public safety while limiting the effect of the lighting on neighboring properties, thereby enhancing the economic vitality of the City of Jackson and protecting property values.

Section 2. That Article I of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be amended to include the following definition(s):

ARTICLE I. IN GENERAL

...

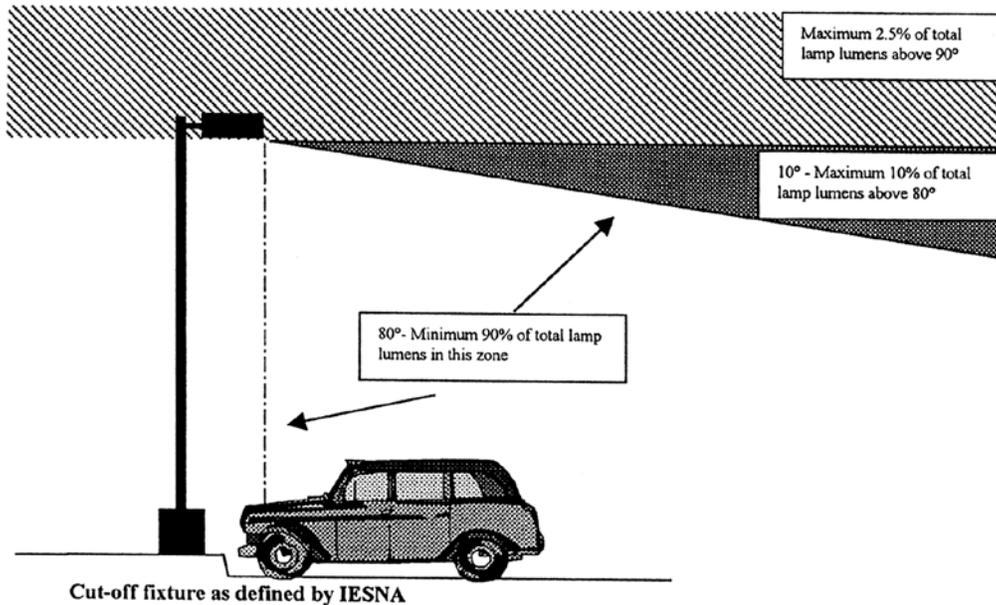
**Sec. 28-5. Definitions.**

...

*Lighting* means.

- (1) *Average illumination* means the overall average of all points on the surface of the illuminated area including the brightest and dimmest points.
- (2) *Canopy structure* means any overhead protective structure, which is constructed in a manner to allow pedestrians/vehicles to pass under.
- (3) *Flood light* means a fixture designed to "flood" a well-defined area with light.
- (4) *Footcandle (fc)* means a unit of illumination produced on a surface all points of which are one (1) foot from a uniform point source equivalent to one candle in brightness of illumination.
- (5) *Glare* means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility (e.g., blinding light). The magnitude of glare depends on factors such as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.
- (6) *Lamp* means the component of the luminaire that produces the actual light including luminous tube lighting.

- 
- (7) *Lamp lumen depreciation (LLD)* means a factor (i.e., between 0.0 and 1.0) used to describe how the lamp output changes with time compared to the initial output. Typical LLD factors (depending principally on lamp type) for outdoor lighting types are as follows: metal halide: 0.84, compact fluorescent: 0.85, high pressure sodium: 0.91 and mercury vapor: 0.79.
  - (8) *Light loss factor (LLF)* means a factor (i.e., between 0.0 and 1.0) describing light output of a luminaire after losses due to dirt accumulation (i.e., luminaire dirt depreciation (LDD)) and lamp lumen depreciation (LLD), relative to the output when the lamp and luminaire are new (i.e.,  $LLF = LDD \times LLD$ ).
  - (9) *Light fixture* means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
  - (10) *Light pollution* means artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
  - (11) *Light trespass* means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
  - (12) *Luminaire* means the complete lighting system including the lamp and light fixture.
  - (13) *Luminaire dirt depreciation (LDD)* means a factor (i.e., between 0.0 and 1.0) used to describe how much light produced by the lamp is lost to dirt accumulation and other changes in the optical characteristics of the luminaire, relative to the value when the luminaire is new, depending on the quality of the luminaire, materials used, maintenance, and environment.
  - (14) *Mounting height* means the vertical distance between the surface to be illuminated and the bottom of the light source.
  - (15) *Outdoor light fixtures* mean outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
  - (16) *Shielded fixture* means outdoor light fixtures constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted (i.e. a shoebox-type fixture or a cutoff fixture as defined by the Illuminating Engineering Society of North America). The fixtures almost always have a flat, horizontally oriented lens and opaque (usually metal) sides. A luminaire mounted in a recessed fashion under a canopy or other structure so that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Section.



Lamp Lumens

- (17) *Spot light* means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.
- (18) *Uniformity* means a measure indicating how evenly light is distributed across a surface. Typically the measure is expressed as a ratio of one value to another, such as average to minimum, or maximum to minimum. Using ratios, perfect uniformity would be 1:1.

Section 3. That Article IV of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

ARTICLE IV. SITE AND BUILDING DESIGN STANDARDS

...

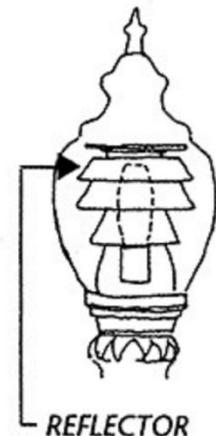
**Sec. 28-125. Lighting standards.**

- (a) *Intent and purpose.* The purpose of this Section is to protect the health, safety and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security and visibility for pedestrians and motorists balanced against the often detrimental effects associated with the use of outdoor lighting. This Section provides standards for various forms of lighting that will minimize light pollution; reduce the potential for off-site impacts; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow; reduce light pollution and light trespass from light sources onto adjacent properties; enhance customer and employee safe-

- ty; contribute to improving visibility by requiring illuminated areas to have uniform light; and curtail the degradation of the nighttime visual environment.
- (b) *Applicability.* The standards in this Chapter apply to any light source visible beyond the property from which it is emanating. The Zoning Administrator (or designee) may review any building or site to determine compliance with the requirements under this Section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or illuminated signs, a conditional use permit, subdivision approval or site plan approval from the City, the applicant must submit sufficient information to enable the Zoning Administrator (or designee) or Planning Commission to determine whether the proposed lighting will comply with this Section.
- (c) *Exemptions.*
- (1) Street lights located in a public right-of-way or another public easement are exempt from the lighting requirements of this Chapter without any conditions.
  - (2) The following are exempt from the lighting requirements of this Chapter, provided that they do not shine beyond the property line and have no glare or other detrimental effects on adjoining streets or property owners:
    - (a) Residential lighting associated with one- and two-family dwellings.
    - (b) Private swimming pools;
    - (c) Holiday decorations; and
    - (d) Window displays.
- (d) *Submittal requirements.* The following information must be included for all site plan submissions which include any existing or new exterior lighting and where site plan approval is not required, some or all of the items may be required by the Zoning Administrator (or designee) prior to zoning approval or lighting installation:
- (1) The location of all outdoor lighting fixtures, including but not limited to pole-mounted, building-mounted (including outline lighting), architectural accent, landscape (including walkway bollards), and canopy light fixtures on the site plan and building elevations;
  - (2) A photometric grid overlaid on the proposed site plan indicating the light intensity throughout the site (in footcandles (fc)). Measurements must be at ground level and shown at ten-foot spacing;
  - (3) The manufacturer's specification sheets and details for the type of fixture being proposed including but not limited to light intensity levels (in footcandles (fc)) at ground level based on fixture mounting height, the total lumen output, type of lamp, distribution type and method of shielding;
  - (4) The maximum and minimum footcandle (fc) calculations, minimum-to-maximum and minimum-to-average uniformity ratios, and the light loss factor (LLF) used.

These statistics must be provided for areas where vehicular and pedestrian movement is provided for and for other areas as necessary to show compliance with standards of Subsection 28-109(f).

- (5) Use of fixture(s) proposed; and
  - (6) Any other information deemed necessary by the Zoning Administrator in accordance with the intent and purpose of this Section.
- (e) *General standards.*
- (1) Unless otherwise permitted within Subsection 28-109(c) or Subsection 28-109(f), only shielded fixtures as defined in Section 28-5 may be used. Any interior light fixtures that are deemed to be causing glare and therefore not meeting the purpose or intent of this Chapter must be shielded to prevent glare outside the building and do not shine beyond the property line.
  - (2) Decorative fixtures using lamps with low wattages do not have to be shielded; these include incandescent lamps of sixty (60) watts or less; glass tubes filled with neon, argon and krypton; and any other light source of fifty (50) watts or less. Decorative luminaries above fifty (50) watts must have internal and/or external reflectors that shield the light source.
  - (3) It is recognized that metal halide LED, inductive, and fluorescent lamps are superior lights for color and object recognition when compared to other lamp types such as low and high pressure sodium or mercury vapor. Therefore, use of metal halide, LED, inductive, and fluorescent lamps is required unless the Zoning Administrator (or designee) or Planning Commission determines that unique circumstances exist that prevent installation of the required lamp types. It is also recognized that as the lighting industry develops, new lamp types are occasionally introduced that may have similar characteristics as the currently required types that may also be desirable for use in outdoor lighting.
  - (4) The intensity of light on a site must not exceed three-tenths (0.3) of a footcandle (fc) at any property line that abuts a residentially zoned property or half (0.5) of a footcandle (fc) for any other zoned property
  - (5) All exterior lighting must be designed in a consistent and coordinated manner for the entire site.
  - (6) Indirect internal illumination of signs and canopies is permitted provided a maximum one hundred twenty-five (125) watt bulb is utilized and the transmittal surface is of a color and material that effectively shields lamps. This does not take into consideration fluorescent, LED, or neon light sources typically used in these applications.



**Reflector**

(f) *Lighting intensity and uniformity standards.*

- (1) *Table of standards.* The following lighting intensity and uniformity standards must be used in designing an outdoor lighting plan as required within Subsection 28-109(d).

**Table of Lighting Intensity and Uniformity Standards**

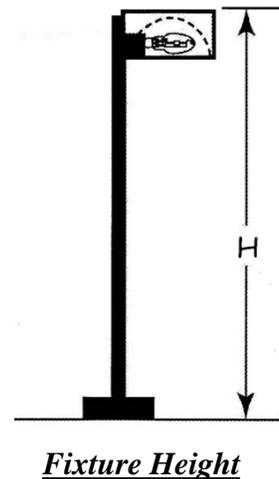
Light Use	Required Average to Minimum Uniformity Ratio (b)	Required Minimum Footcandle (fc) Reading (b)	Maximum Allowable Average Illumination (b)	Maximum Allowable (fc) Footcandle Reading (b)
The C-4 district along West Avenue and Wisner Street (north of North Street)	4:1	n/a	5.0 fc	No more than 20 fc in addressed front yards or 10 fc in non-addressed front yards.
All other districts				No more than 10 fc in addressed front yards or 5 fc in non-addressed front yards.
Pump Islands of Gasoline Stations	4:1	Between 1.0 fc and 5.0 fc		22.0 fc
Building Facades and Externally Illuminated Signs (c)			n/a	
Building Entrances	4:1	n/a	5.0 fc, active, and 1.0 fc, inactive	n/a
Parking Lots <sup>2d</sup>	4:1	Between 0.2 fc and 0.7 fc	n/a	n/a
Security Lighting	n/a	n/a	1.5 fc	n/a
Exterior Recreational Facilities	See Subsection 28-109(e)(3).			

(2) *Footnotes to the table.*

- a. The above statistics should only be applied to the area of each site devoted to the particular use. For example, a gas station/restaurant combination may have an area dedicated as a parking lot for the restaurant patrons and in addition have a pump island canopy. In this scenario two sets of statistics would need to be generated; one set for the parking lot and the other set for the canopy area.
- b. Measurements for average to minimum uniformity ratio, required minimum footcandle (fc) reading, maximum allowable average illumination and maximum allowable footcandle (fc) reading must be generated at the surface intended to be illuminated (e.g., pavement or area surface). These statistics must

be provided for areas where vehicular and pedestrian movement is provided for and other areas as necessary to show compliance with standards.

- c. Building facades and signs cannot be illuminated if they are of glass, polished metal or other glossy surface including painted surfaces. Building facades cannot be entirely illuminated. Rather, illumination can be for architectural ornament and/or the illumination of small areas for visibility and security. For spot-light fixtures, no less than ninety (90) percent of the light beam must be concentrated on the surface intended to be illuminated. For fixtures mounted directly to a wall surface or sign, external shields or dark colored non-reflective surface materials or other appropriate methods must be used to direct the light perpendicular to the ground and minimize reflectance glare.
- d. The maximum height of parking lot light fixtures, from grade, cannot be:
1. More than fifteen (15) feet in a residential district;
  2. More than eighteen (18) feet in a commercial or industrial district when within one hundred fifty (150) feet of a residential district;
  3. More than twenty (20) feet in a commercial district when not within one hundred fifty (150) feet of a residential district; or
  4. More than twenty-five (25) feet in an industrial district when not within one hundred fifty (150) feet of a residential district.



- (3) *Exterior recreational facilities.* For exterior recreational facilities, sufficient information must be submitted in addition to that required in Subsection 28-109(c) that demonstrates that the location, selection and aiming of all lighting fixtures will focus light on the playing areas, minimize glare and visibility from adjacent and nearby properties and roadways and minimize sky glow. A written explanation and statements must be supplied explaining why locations, fixtures types, intensities, orientation of fixtures and other decisions were made. Lighting of sports facilities cannot be operated except during an event and must be turned off no later than forty-five (45) minutes after the event is over.
- (4) *Uses not specifically listed.* For uses not specifically listed within this Subsection, but determined to be of a type, use and or intensity that may be detrimental to achieving the purpose of this Chapter, the Zoning Administrator, depending on the purpose of the lighting, must classify lighting into one of the categories contained in Subsection 28-109(f). An applicant may appeal an initial classification to the Zoning Administrator, in writing, detailing why more intense lighting or less lighting is necessary. The Zoning Administrator must either approve or deny the appeal based on

---

whether or not sufficient justification has been submitted and whether the proposal meets the intent of the City Code. Final determinations of the Zoning Administrator may be appealed to the Zoning Board of Appeals.

(g) *Prohibited outdoor lighting.*

- (1) The use of a laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited except in conjunction with a special event as defined in Article VI of Chapter 16 of the City Code.
- (2) Lighting cannot be of a flashing, moving or intermittent type except in conjunction with a special event as defined in Article VI of Chapter 16 of the City Code.

(h) *Lamp or fixture substitution.* Should any light fixture regulated under this Chapter, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Zoning Administrator for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

(i) *Administration.*

- (1) An outdoor lighting permit must be issued on a form from the Zoning Administrator (or designee) if it is determined by the Zoning Administrator (or designee) or Planning Commission that a proposal fulfills the requirements and intent and purpose of this Chapter. The permit must list what is being approved and contain copies of relevant documents.
- (2) The Zoning Administrator has the discretion to require the re-direction of existing light fixtures when it is determined that the fixture is not in compliance with the requirements of this code.



**CITY CLERK'S OFFICE**  
**Andrew J. Wrozek Jr., City Treasurer/Clerk**

---

**CITY COUNCIL MEETING**  
**April 9, 2013**

DATE: April 1, 2013

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Carmen Ryan, Acting Deputy City Clerk *Carmen*

SUBJECT: Adoption of Ordinance No. 2013.06

**FINAL ADOPTION OF ORDINANCE NO. 2013.06 AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, CITY OF JACKSON, MICHIGAN TO REPLACE ARTICLE VII., WHICH DEALS WITH THE ADMINISTRATION AND ENFORCEMENT OF THE ZONING ORDINANCE, AND ADDING SELECT DEFINITIONS TO SECTION 28-5.**

Attached please find Ordinance 2013.06 approved by the Council at the March 26, 2013 meeting. Requested action is adoption of the ordinance.

C: City Manager

ORDINANCE 2013. 06

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan to replace Article VII., which deals the Administration and Enforcement of the Zoning Ordinance, and adding select definitions to Section 28-5.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

To revise the procedures for the administration and enforcement of Chapter 28, thereby making it easier to administer the Zoning Ordinance while protecting the health, safety, and general welfare of the residents and business owners of the community.

Section 2. That Article I of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be amended include the following definition(s):

ARTICLE I. IN GENERAL

...

**Section 28-5. Definitions.**

...

*Zoning Administrator* means the staff person employed by the City of Jackson, or such other person who has authority via appointment to the position of Zoning Administrator, and any additional positions which have been designated by the Zoning Administrator to exercise the functions of this Chapter.

*Zoning compliance certificate* means a certificate issued by the Zoning Administrator which recognizes that the holder of a zoning permit has developed the intended use, building, or structure in full compliance with the requirements of this Chapter at the time the certificate is issued.

*Zoning permit* means a permit issued by the Zoning Administrator which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure which fully meets the requirements of this Chapter.

Section 3. That Article VII of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be replaced to read as follows:

ARTICLE VII. ADMINISTRATION AND ENFORCEMENT

**Section 28-206. Creation of the office of Zoning Administrator.**

(a) The office of the Zoning Administrator is hereby established. In all instances throughout this Chapter, where the term "Zoning Administrator" is used, it is assumed that the Zoning

Administrator may appoint a “designee” for the purposes of its interpretation, administration, and enforcement.

**Section 28-207. Duties of the Zoning Administrator.**

- (a) The provisions of this Chapter are administered and enforced by the Zoning Administrator.
- (b) The Zoning Administrator has the right to enter any building or premises for the purpose of investigation or inspection.
- (c) The Zoning Administrator has the authority to interpret the provisions of Chapter 28, but at all times reserves the right to forward that right to the Zoning Board of Appeals.
- (d) The Zoning Administrator has the power to grant certificates of zoning compliance; to make inspections of buildings or premises necessary to carry out duties in the enforcement of this Chapter; and to interpret the provisions of this Chapter.
- (e) If the Zoning Administrator finds that any of the provisions of this Chapter are being violated, the person responsible will be notified in writing of the violation(s), indicating the nature of the violation(s), and ordering the necessary corrective action(s). The Zoning Administrator will order the discontinuance of illegal use(s) of land, buildings, or structures; the removal of illegal buildings or structures; the discontinuance of any illegal work being done; or may take any other action authorized by this Chapter to ensure compliance with, or to prevent the violation of, its provisions.
- (e) The Zoning Administrator will issue the applicable certificate, license, or permit when the applicant complies with all applicable regulations of this Chapter even though violations of contracts, such as covenants or private agreements, may occur upon the issuance of such certificate or permit.
- (f) The Zoning Administrator will issue a zoning compliance certificate when a building, structure or premises conforms with all the requirements of this Chapter. A zoning compliance certificate is required before a certificate of occupancy may be issued. No land will be used or occupied and no structure will be erected, altered or used hereafter until a zoning compliance certificate is issued by the Zoning Administrator.

**Section 28-208. Cooperation with other departments.**

The Zoning Administrator will furnish to the various City departments, officials, or employees vested with the duty or authority to issue permits or licenses, the information needed for proper administration of this Chapter. It will be the duty of the departments, officers and employees to cooperate with the Zoning Administrator. Any permit or license issued by such departments, officials, or employees in conflict with the provisions of this Chapter will be null and void.

**Section 28-209. Certificate of occupancy.**

*Certificate Required.* A certificate of occupancy will not be issued until the Zoning Administrator issues a zoning compliance certificate. Site inspection may be necessary prior to issuance of a zoning compliance certificate. Certificates of occupancy are required by Chapter 5 (Buildings and Building Regulations) of this Code for new buildings or structures or parts thereof, or for alterations to existing buildings or structures. Any person who uses, occupies, or permits the use of a building or structure without a zoning

compliance certificate and a certificate of occupancy, when applicable, will be in violation of this Chapter or Chapter 5 punishable under Chapter 2.5 (Administrative Hearings Bureau) of this Code.

**Section 28-210. Zoning permit.**

- (a) *Issuance of Certificate.* The Zoning Administrator shall issue a zoning compliance certificate when a building, structure or premises conforms with all the requirements of this chapter. A zoning compliance certificate is required before a certificate of occupancy may be issued. No land shall be used or occupied and no structure shall be designed, erected, altered or used hereafter until a zoning compliance certificate is issued by the Zoning Administrator.
- (b) *Permits Required:* It is unlawful for any person or entity to commence excavation for or construction of any building or structure or commence the structural alteration, or repair of any existing building without first obtaining a zoning compliance permit from the Zoning Administrator and building permit, as applicable, from the Building Official. No permit will be issued for the construction, alteration, or repair of any building or structure until an application has been submitted in accordance with the provisions of this Chapter showing that the construction proposed is in compliance with the provisions of this Chapter, with Chapter 5 (Building Regulations), and with other applicable ordinances.
- "Alteration" or "repair" of an existing building or structure, includes any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress or ingress, or any other changes affecting or regulated by Chapter 5, Chapter 14, various construction codes, or this Chapter except for minor repairs or changes not involving any of the aforesaid provisions.
- (c) *Applicability:* The types of buildings, structures, and uses subject to a zoning permit include, but are not limited to the following: external modifications/additions that require a building permit (including temporary dwellings), changes of use, landscape modifications, one-story detached accessory structures of less than two-hundred (200) sq. ft., fences/walls/protective barriers, sidewalks, driveways, and off-street parking/loading areas, and lighting.
- (d) *Zoning Permit:* The zoning permit signifies that in the opinion of the Zoning Administrator, the intended use, building, or structure complies with all provisions of this Chapter. When a building permit is required, such permit will not be issued unless the zoning permit has been issued. In all other cases in which a building permit is not required, the application for a zoning permit will be made prior to the date when construction or installation is intended to begin. Zoning permits may only be issued to the property owner(s) of record, or to an authorized representative(s) of the property owner of record.
- (e) *Zoning Compliance Certificate:* The zoning compliance certificate signifies that, in the opinion of the Zoning Administrator, the intended use, building, or structure complies with the approved zoning permit and all provisions of this Chapter. The Building Official will not issue a certificate of occupancy for any lot, building, or structure without a zoning compliance certificate.
- (1) *Temporary Zoning Compliance Certificate:* A temporary zoning compliance

certificate may be issued by the Zoning Administrator, with the following conditions when it is determined that the applicant, to the fullest extent possible, has complied with the approved zoning permit and all provisions of this Chapter.

- (a) In the event that work cannot be completed as submitted on the approved zoning permit due to extraordinary circumstances that are not a result of the applicant's or property owner's own negligence or due to weather conditions which will not allow the work to be completed, the Zoning Administrator may issue a temporary zoning compliance certificate. The following provisions must be met:
    - (1) The Zoning Administrator will specify a date of expiration of the temporary zoning compliance certificate:
      - (a) For projects that do not exceed \$2,000,000, the Zoning Administrator may enter into a development agreement with the applicant which allows the project to be developed in phases over time. The agreement will include a site plan meeting the standards of Sec. 28-135 of this Chapter that denotes the phases of development and the proposed dates of completion for each phase. The City reserves the right to send any development agreement to City Council for consideration.
      - (b) For projects that exceed \$2,000,000, the City Council may enter into a development agreement with the applicant which allows the project to be developed in phases over time. The agreement will include a site plan meeting the standards of Sec. 28-135 of this Chapter that denotes the phases of development and the proposed dates of completion for each phase.
    - (2) The Zoning Administrator may require a performance guarantee for improvements in accordance with Sec. 28-165 of this Chapter.
  - (b) The applicant will have until the specified date(s) on the temporary zoning compliance certificate and/or development agreement to complete all work as approved on the zoning permit and in accordance with Chapter 28. In the event that:
    - (1) The Zoning Administrator determines that all work has been completed on or before the specified date for completion, a zoning compliance certificate will be issued.
    - (2) The Zoning Administrator determines that the applicant has failed to comply with the approved zoning permit or the requirements of this Chapter, the Zoning Administrator may revoke the temporary zoning compliance certificate.
- (2) *Zoning Compliance Certificate:* A zoning compliance certificate will be issued by the Zoning Administrator when it is determined that the development is in

compliance with the approved zoning permit and all provisions of this Chapter.

- (f) *Validity and Expiration:* All zoning permits will be valid for a period of one (1) year (unless otherwise specified in this Chapter) or until a zoning compliance certificate is issued or a certificate of occupancy is issued by the Building Official. A zoning permit may be revoked at any time if the Zoning Administrator finds that the applicant is in violation of this Chapter or that the development is not in compliance with the approved zoning permit.
- (1) An applicant may request an extension of the zoning permit for up to one (1) additional year. The Zoning Administrator may grant an extension under the following circumstances:
- (a) The applicant must indicate the extraordinary condition(s) which justifies the need for the extension of the zoning permit.
  - (b) The scale or complexity of the project will not reasonably permit the applicant to be able to complete the entire project within the permitted time-frame.
  - (c) There are outstanding environmental conditions that are not the result of the applicant's own negligence that will require attention prior to the completion of the development of the site.
- (2) Should the holder of a zoning permit fail to complete the work for which the permit was issued within the time limit as set forth above, any unfinished structure is hereby declared a nuisance and may be abated by appropriate action before the Circuit Court of the County. The Zoning Administrator, the City Council, any person designated by the City Council, or any party aggrieved may institute an action to have the nuisance abated (See Section 605 of PA 110 of 2006, MCL 125.3605 et. Seq, as amended).
- (g) *Submittal Requirements.* An application for a zoning compliance permit will be accompanied by a plot site plan (PSP) or a full site plan (FSP) meeting the standards of Sec. 28-135 of this Chapter.

### **Section 28-211. Inspection.**

The applicant will notify the Zoning Administrator when inspection is required. Certificates and permits will be issued within fifteen (15) business days after receipt of such application if the building or structure, or part thereof, or the use of land complies with the provisions of this Chapter. If issuance of such certificate is refused, the applicant therefore will be notified of such refusal and cause thereof, within the fifteen (15) business day period.

### **Section 28-212. Records.**

- (a) The Zoning Administrator will maintain a record of all certificates and permits in accordance with Section 5 of the Michigan Historical Commission (PA 271 of 1913, MCL 399.5), as amended, Section 491 of the Michigan Penal Code (PA 328 of 1931, MCL 750.491), as amended, and the Retention and Disposal Schedule for Cities and Villages as maintained by the Michigan Department of Technology, Management and Budget.
- (b) Said record must be open for public inspection in accordance with the Michigan's Free-

dom of Information Act (PA 442 of 1976, MCL 15.231 et. Seq) as amended.

**Section 28-213. Fees.**

- (a) The City Council will establish by resolution a schedule of fees for administering this Chapter. The schedule of fees will be posted on public display in the office of the Zoning Administrator.
- (b) The Zoning Administrator may reduce fees for projects that may require several approvals from various Boards and Commissions in the event there may be a cost savings to the City which can be passed on to the applicant. This includes:
  - (1) Combined public notices when possible to reduce the number of mailings being sent.
  - (2) Reviews of the same site plan which may require approval by more than one authority, but do not necessarily require separate reviews by the Zoning Administrator.
- (b) No certificate or permit will be issued unless required fees have been paid in full.

**Section 28-214. Compliance with plans.**

Zoning compliance certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction which deviates from that authorized will be deemed a violation of this Chapter and punishable as provided by Section 28-216, herein.

**Section 28-215. Methods of enforcement.**

When any building or land is located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of this Chapter, the Zoning Administrator will have the authority to do any of the following:

- (a) The Zoning Administrator may serve notice requiring the removal of any use in violation of this Chapter upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation.
- (b) The Zoning Administrator may call upon the City Attorney to institute any necessary legal proceedings to enforce the provisions of this Chapter, and the City Attorney is hereby authorized to institute appropriate actions to that end.
- (c) The Zoning Administrator may call upon the Chief of Police (or designee) to assist in the enforcement of this Chapter. In addition to the authority vested in the Zoning Administrator, the City Attorney and Chief of Police may institute appropriate legal proceedings to restrain, abate, or cause the correction or removal of any violation of this Chapter.

**Section 28-216. Violations and penalties.**

- (a) *Violations.* Violations will be issued by the Zoning Administrator.
- (b) *Penalties.* Any person, firm, or corporation violating any of the provisions of this Chapter, or any amendment thereto, is responsible for a blight violation and, upon adjudication thereof, is subject to the penalty provided for under Chapter 2.5 of this Code. Each and

every day such violation is committed or permitted to continue is a separate offense and is punishable as such hereunder.

- (c) *Effective Date.* This amendment does not affect any existing litigation and does not abate any action or proceeding pending under or by virtue of this Chapter as it existed before this amendment if such litigation or proceeding was filed before May 9, 2013.
- (d) *Compliance Required.* The imposition of any fine will not exempt the violator from compliance with the provisions of this Chapter.
- (e) *Public Nuisance Per Se.* A use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of this Chapter or a regulation adopted under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 et. seq) as amended, is a nuisance and may be abated by order of any court of competent jurisdiction.

Section 4. This Ordinance takes effect thirty (30) days from the date of adoption.

**Julius A. Giglio**

*City Attorney*

**Bethany M. Smith**

*Deputy City Attorney*

**Gilbert W. Carlson**

*Assistant City Attorney*

**OFFICE OF THE**



161 West Michigan Avenue

Jackson, MI 49201

(517) 788-4050

(517) 788-4023

Fax: (866) 971-2117

**CITY ATTORNEY**

**CITY COUNCIL MEETING**

**April 9, 2013**

**NEW BUSINESS**

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Bethany M. Smith, Deputy City Attorney *BMS*

DATE: April 1, 2013

SUBJECT: Chapter 16 Temporary Uses Fee Resolution Correction of Typographical Error

**RECOMMENDATION: Approve the Typographical Error Correction to the Temporary Use Fee Resolution.**

Attached please find a proposed Fee Resolution that revises the fee for a Peddlers license from \$100.00 to \$215.00. A typographical error existed in the original Resolution passed by City Council on March 12, 2013. The remaining fees are unchanged from the previous Fee Resolution.

The requisite action is to approve the Resolution.

If council has any questions, please feel free to contact me.

Cc w/att: Patrick Burch, City Manager  
Julius A. Giglio, City Attorney

**RESOLUTION**

**BY THE CITY COUNCIL:**

**WHEREAS**, the City of Jackson has experienced an increase in the costs associated with the licensing of businesses, trades, and occupations; and

**WHEREAS**, the City of Jackson wishes to establish fees for certain licenses by Resolution rather than by Ordinance to allow for flexibility in the establishment of license fees; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Jackson establishes the following license fees for licenses as prescribed in the following entries of this Resolution:

- A. Carnivals, amusement rides and other shows . . . . . \$ 300.00
- B. Concessionaires . . . . . \$ 190.00
- C. Donation boxes . . . . . \$ 175.00
- D. Garage or yard sales . . . . . \$ 25.00
- E. Outdoor sales and displays . . . . . \$ 100.00
- F. Peddlers . . . . . \$ 215.00
- G. Sidewalk cafes . . . . . \$ 185.00
- H. Special events (circuses, festivals, fairs, events,  
bazaars or other specially scheduled activity). . . . . \$ 345.00
- I. Temporary outdoor sales . . . . . \$ 175.00
- J. Transient merchant indoor sales . . . . . \$ 335.00
- K. Transient merchant outdoor sales . . . . . \$ 335.00

State of Michigan )  
County of Jackson ) ss  
City of Jackson )

I, Randy Wrozek, City Clerk in and for the City of Jackson, County and State of Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Jackson City Council on the \_\_\_\_ day of \_\_\_\_\_, 2013.

IN WITNESS WHEREOF, I have hereto affixed my signature and the seal of the City of Jackson, Michigan, on this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_ City Clerk



# Neighborhood & Economic Operations

Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303 • Facsimile (517) 780-4781

Building Inspection  
(517) 788-4012

Code Enforcement  
(517) 788-4060

Engineering  
(517) 788-4160

Planning & Economic Development  
(517) 768-6433

## CITY COUNCIL MEETING

April 9, 2013

**TO:** Honorable Mayor Griffin and City Councilmembers

**FROM:** Patrick Burtch, City Manager

**SUBJECT:** Authorization to Transfer City-Owned Property at 606 West Biddle to Community Action Agency

---

### RECOMMENDATION

**Authorize the transfer of City-owned property at 606 West Biddle for the sales price of \$1.00 to Community Action Agency, and authorize the Mayor to sign all documents, including a Development Agreement, necessary to close the transaction, subject to minor modifications and approval by the City Attorney.**

On January 8, 2013, City Council authorized the purchase of 606 West Biddle Street for \$2,500 to rehabilitate and resell 606 W Biddle under the City's HOME program to an income qualified purchaser.

During the 2011-2012 allocation process, City Council elected to designate Community Action Agency as the City's Community Housing Development Organization (CHDO) under the HOME program. HOME regulations require no less than 15% of the City's annual formula allocation be reserved for CHDO activities. Also under HOME regulations, projects are to be committed within two years. Due to the initiation of Jackson's Overall Economic Stabilization (JOES) program and the intensive evaluation of vacant properties by City inspectors, CAA held off selecting a project until the program was more fully developed to ensure it selected a property that would fulfill the objectives of JOES. CAA had identified potential projects during the past year but was unable to procure the properties before they were sold to another individual or entity, or it was determined the project was not viable upon closer scrutiny.

Toward the end of 2012, CAA underwent significant staff changes. Marsha Kreucher, the former CEO, retired and Toby Berry was installed as the new CEO at the beginning of 2013. Other long time staff resigned and competent replacements have not yet been hired. Ms. Berry is covering more than one position until new staff can be hired and does not have sufficient time required to dedicate to each role.

As the two-year commitment deadline is fast approaching for CAA to select a project, staff in the Department of Neighborhood & Economic Operations has been negotiating with CAA to take over the Biddle Street project. Through negotiations, and as outlined in the Development Agreement, CAA will take ownership, if approved by City Council, to accomplish the original intent of the City's purchase. CAA will bid and award the construction contract to complete rehabilitation of 606

West Biddle, conduct construction management, market the property, qualify interested homebuyers and eventually sell the finished product. City staff will assist with spec development for the rehabilitation will, of course, oversee work requiring permits. Rehabilitation staff will also make site visits as necessary to ensure good workmanship.



**Address:** 606 W Biddle St

**PIN:** 3-022200000

**Listed for:** \$4,200

**Purchase Offer:** \$2,500 (HOME funds)

**Rehab Estimate:** \$75,000

**DEVELOPMENT AGREEMENT**  
**606 WEST BIDDLE STREET, JACKSON**

THIS DEVELOPMENT AGREEMENT (hereinafter referred to as the "Agreement") is entered into as of the date appearing below, by and between the CITY OF JACKSON, a Michigan municipal corporation, with offices located at 161 West Michigan Avenue, Jackson, Michigan 49201 (hereinafter referred to as "City"), and COMMUNITY ACTION AGENCY, a Michigan non-profit corporation, whose address is 1214 Greenwood Avenue, Jackson, MI 49203 (hereinafter referred to as "Developer").

WITNESSETH:

WHEREAS, the parties hereto entered into a Purchase Agreement dated April \_\_\_\_\_, 2013, for purchase of certain real estate in the City of Jackson, County of Jackson, and State of Michigan, which is more particularly described as follows:

Commencing at a point 90 feet East of the intersection of the East line of Fourth Street with the North line of Biddle Street; thence East along the North line of Biddle Street 45 feet; thence North parallel with the East line of Fourth Street 124 feet; thence West parallel with the North line of Biddle Street 45 feet; thence South parallel with the East line of Fourth Street 124 feet to the beginning, also known as Lot 22, Assessor's Biddle Plat, according to the recorded plat thereof, as recorded in Liber 13 of Plats, Page 16, Jackson County Records. Subject to easement and restrictions of record.

Commonly known as 606 West Biddle Street, Jackson, Michigan and Tax Parcel Number 3-022200000 (hereinafter referred to as "the Property"); and

WHEREAS, part of the consideration passing to the City for the sale of the Property is the promise by Developer to develop the Property for sale to an income qualified homebuyer, which will benefit the City and its residents; and

WHEREAS, the parties wish to ensure that the Development will take place and wish to set forth the terms of the Development and provide for remedies to the City in the event Development does not occur.

NOW, THEREFORE, it is agreed by and between the parties hereto, in consideration of the above promises and covenants contained, as follows:

1. The above recitals are incorporated by reference into this Agreement and form an integral part of this Agreement.

2. The City will convey to the Property to Developer via quit claim deed for the sum of One and <sup>00</sup>/<sub>100</sub> (\$1.00) Dollar.

3. Under separate agreement, Developer will rehabilitate as the City's Community Housing Development Organization (CHDO) and resell the Property to an income qualified homebuyer as regulated by the U.S. Department of Housing and Urban Development's (HUD's) HOME Investment Partnerships Program.

4. Developer will combine the Property with 604 West Biddle Street, Jackson, Michigan, Tax Parcel Number 3-022300000, which Developer is also purchasing from City and is under separate Agreement.

5. The City is authorized to enter in and upon the Property as determined necessary by the City to conduct inspections, develop initial rehabilitation work specifications and prepare costs estimates. Rehabilitation specifications will comply with the Building and Design Standards outlined in Chapter 28 of the City of Jackson Code of Ordinances. Once completed, City and Developer will conduct a walk-through inspection of the Property to ensure clarification and completeness.

6. Rehabilitation work specifications will include the demolition of the garage located on the Property and incorporate the rehabilitation needs of the garage located at 604 West Biddle Street.

7. Developer will be responsible for bidding the project, awarding a contract to the lowest responsible bidder as per City specifications written and submitted under subparagraph 5 above, construction management, marketing, qualification and selection of eligible homebuyer, and completing the sale of the Property.

8. Developer shall assume all liability for and protect, indemnify, and save City, its officers, directors, employees, volunteers, invitees, agents and representatives (hereinafter collectively "the Releasee") from and against all actions, claims, demands, judgments, losses,

expenses, suits or action and attorney fees, for any injury or death of any person or persons, and loss or damage of the property of any person or persons whomsoever, including Developer or the Releasee, and their respective agents, contractors, subcontractors, and employees, arising in connection with, or as a direct or indirect result of this Agreement. The provisions of this Agreement shall apply to each and every such injury, death, loss, and damage, however caused, whether due, or claimed to be due to Developer's negligence, Releasee's negligence, Developer's and Releasee's combined negligence, or otherwise; provided, however, Developer shall not be required to indemnify the Releasee for such injury, death, loss, or damage caused by the Releasee's sole negligence. Developer's obligation to indemnify Releasee shall survive termination and/or expiration of this Agreement.

9. If any one or more of the provisions of this Agreement or in any other document or instrument delivered pursuant to this Agreement shall to any extent be declared or determined to be invalid or unenforceable, the validity, legality and enforceability of the remainder of this Agreement, or the application of such provision to person or circumstances other than those as to which it is invalid or unenforceable, shall not be affected or impaired thereby, and each provision of this agreement shall be valid and enforceable to the fullest extent of the law.

10. This Agreement shall be binding upon the parties hereto and their successors, heirs and assigns.

11. The failure of either party to enforce the terms of this Agreement shall not constitute a waiver of any such provision or the rights of any party at any time to avail themselves of such rights and remedies as either may have for any breaches of such provision.

12. The parties agree that any action relating to the Agreement shall be instituted and prosecuted in the courts of the County of Jackson, State of Michigan and governed by the laws of the State of Michigan.

13. This Agreement, upon its acceptance by the parties, shall constitute the entire Agreement and understanding between the parties and supersedes all prior and contemporaneous negotiations, representations and agreements, whether written or oral, with respect to the subject matter herein.

The parties have signed this Agreement by their authorized officers or agents on the \_\_\_\_ day of April, 2013.

CITY OF JACKSON

By: \_\_\_\_\_  
Martin J. Griffin Mayor

STATE OF MICHIGAN )  
 )ss.  
COUNTY OF JACKSON )

The foregoing instrument was acknowledged before me, this \_\_\_\_ day of April, 2013, by Martin J. Griffin, its Mayor, on behalf of the City of Jackson, a Michigan municipal corporation.

\_\_\_\_\_  
Notary Public  
Jackson County, Michigan  
My commission expires \_\_\_\_\_

COMMUNITY ACTION AGENCY

By: \_\_\_\_\_  
Toby L. Berry Chief Executive Officer

STATE OF MICHIGAN )  
 )ss.  
COUNTY OF JACKSON )

The foregoing instrument was acknowledged before me, this \_\_\_\_ day of \_\_\_\_\_, 2013, by Toby L .Berry, its Chief Executive officer, on behalf of Community Action Agency, a Michigan non-profit corporation.

\_\_\_\_\_  
Notary Public  
Jackson County, Michigan  
My commission expires \_\_\_\_\_

Prepared by and Return to:  
Department of Neighborhood &  
Economic Operations  
161 W. Michigan Avenue  
Jackson, MI 49201

Approved as to Form:  
Julius A. Giglio (P32022)  
City Attorney  
161 W Michigan Avenue  
Jackson, MI 49201

**QUIT CLAIM DEED**

The Grantor, CITY OF JACKSON, a Michigan municipal corporation, whose address is 161 West Michigan Avenue, Jackson, Michigan 49201,

quit claims to COMMUNITY ACTION AGENCY, a Michigan non-profit corporation, Grantee, whose address is 1214 Greenwood Avenue, Jackson, Michigan 49203,

the following described premises situated in the City of Jackson, County of Jackson, State of Michigan:

Commencing at a point 90 feet East of the intersection of the East line of Fourth Street with the North line of Biddle Street; thence East along the North line of Biddle Street 45 feet; thence North parallel with the East line of Fourth Street 124 feet; thence West parallel with the North line of Biddle Street 45 feet; thence South parallel with the East line of Fourth Street 124 feet to the beginning, also known as Lot 22, Assessor's Biddle Plat, according to the recorded plat thereof, as recorded in Liber 13 of Plats, Page 16, Jackson County Records.

***Commonly known as 606 West Biddle Street, Jackson, Michigan***

for the sum of One and <sup>00</sup>/<sub>100</sub> (\$1.00) Dollar, subject to all easements, reservations, building and use restrictions of record.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

This deed is exempt from real estate transfer tax under MCL 207.505(a) and MCL 207.526(a).

Dated this \_\_\_\_\_ day of April, 2013.

CITY OF JACKSON, a Michigan Municipal Corporation

By: \_\_\_\_\_  
Martin J. Griffin, Mayor

STATE OF MICHIGAN    )  
  )ss.  
COUNTY OF JACKSON    )

The foregoing Quit Claim Deed was acknowledged before me, this \_\_\_\_\_ day of April, 2013, by the City of Jackson, a Michigan municipal corporation, by Martin J. Griffin, its Mayor.

\_\_\_\_\_  
Notary Public  
Jackson County, Michigan  
My commission expires \_\_\_\_\_

<i>When recorded return to:</i> <b>Community Action Agency                  1214 Greenwood Avenue                  Jackson, MI 49203</b>	<i>Send Subsequent Tax Bills to:</i> <b>Community Action Agency                  1214 Greenwood Avenue                  Jackson, MI 49203</b>	<i>Prepared by (without opinion):</i> Department of Neighborhood & Economic Operations 161 West Michigan Avenue Jackson, MI 49201
---	--	---

Tax Parcel # 3-022200000 Recording fees: \$14.00 Transfer Tax: \$



# Neighborhood & Economic Operations

Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303 • Facsimile (517) 780-4781

Building Inspection  
(517) 788-4012

Code Enforcement  
(517) 788-4060

Engineering  
(517) 788-4160

Planning & Economic Development  
(517) 768-6433

## CITY COUNCIL MEETING April 9, 2013

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Patrick H. Burtch, City Manager  
Jon H. Dowling, P.E., City Engineer

**SUBJECT:** Recommendation of Award of 2013 As Needed Materials Testing Services Contract

**RECOMMENDATION:** Approval of the award of the 2013 As Needed Materials Testing Services Contract to Testing Engineers & Consultants, Inc., of Ann Arbor, Michigan, in the amount of \$65,570.00, and authorization for the Mayor and City Clerk to execute the appropriate document(s), in accordance with the Purchasing Agent.

On March 12, 2013, bids for the 2013 As Needed Materials Testing Services were received and opened. The Engineer's estimate for this project is \$89,595.00. Five companies met all qualification requirements and provided bids, as follows:

Company	Cost
Testing Engineers & Consultants, Inc., Ann Arbor, MI	\$65,570.00
CTI and Associates, Inc., Wixom, MI	\$73,030.00
Materials Testing Consultants, Inc., Grand Rapids, MI	\$74,080.00
Interra, Inc., Novi, MI	\$75,960.00
Mannik Smith Group, Canton, MI	\$110,762.00

In concurrence with the Purchasing Agent, it is the recommendation of the Department of Neighborhood and Economic Operations-Engineering to award the 2013 As Needed Materials Testing Services Contract to Testing Engineers & Consultants, Inc. of Ann Arbor, Michigan, in the amount of \$65,570.00. This will be paid out of various project accounts in the Major Street Fund, Local Street Fund, Sewer Fund and Water Fund.

If you have any questions, please do not hesitate to contact me.

JHD/sms

C: Troy R. White, P.E., Senior Civil Engineer  
Shelly Allard, Purchasing Coordinator  
Lucinda Schultz, Accounting Manager



**CITY COUNCIL MEETING  
April 9, 2013**

**MEMO TO: Honorable Mayor and City Councilmembers**

**FROM: Patrick H. Burtch, City Manager  
Todd Knepper, Department of Public Works**

**SUBJECT: Consideration of a request to reject all bids that were received January 10, 2013 for the purchase of a brush chipper, and authorize the Purchasing Department to re-issue bid requests for the purchase of a brush chipper.**

**RECOMMENDATION:**

**To reject all bids received on January 10, 2013 for the purchase of a brush chipper for use by the Department of Public Works, and authorize the Purchasing Department to re-issue specifications and bid packets for the acceptance of new cost proposals.**

On January 10, 2013, the City of Jackson Purchasing Department accepted sealed bids for a brush chipper to be utilized by the Department of Public Works. Due to variations in the bid documents, which allowed for the bidding of disc-style and drum-style chippers, the bid data did not accurately specify the type and style of brush chipper that the Department of Public Works is considering.

For reference, disc-style chippers are designed with vertically mounted disc and blade set providing a more consistent feed of material into the machine, more predictable material movement as it feeds in, in turn providing a safer work area with more consistent use of power, especially when chipping larger limbs and tree material. Drum chippers are designed with a horizontally mounted drum and blade set that requires more engine power and are known to plug up with material more often than disc chippers. Both disc- and drum-style chippers were demonstrated in the City last fall, and the drum-style chipper did not appear to provide consistent engine power to the chipper, whereas this was not a noticeable issue with the disc-style chipper being demonstrated.

The two chipper units that are currently in operation in the Department are disc-style chippers, and have been in operation for 22 years. Each unit has approximately 3,000 hours of run time on it, and they have proven to be dependable units. Engine power has not been an issue with either of the current City-owned machines, which indicates certain efficiencies in the design and operation of the disc-style machines.

The purchase of this machine is included in the approved 2012-2013 Department of Public Works budget line item 661-454-000-982.000. The existing chipper that would be replaced will be disposed of in the City auction or by trade in with an approved purchase.



**CITY COUNCIL MEETING**  
**April 9, 2013**

**MEMO TO: Honorable Mayor and City Councilmembers**

**FROM: Patrick H. Burtch, City Manager**  
**Todd Knepper, Department of Public Works**

**SUBJECT: Consideration of a request by the homeowner to install a new water service at 1012 South Dettman Road in Summit Township.**

---

**RECOMMENDATION:**

**To approve the request from the homeowner living at 1012 South Dettman Road to install a new 1-inch water service to supply the home from a City-owned water main.**

On Wednesday, April 03, 2013 the City was contacted by the homeowner at 1012 South Dettman Road with information that their private well had failed. The City of Jackson owns a water main on that section of roadway, and it is available to supply service to this residence. According to the Water Service Agreement between the City of Jackson and Summit Township, this request must be formally approved by City Council.

There is a service connection fee of \$2,400.00 payable to the City of Jackson, and Summit Township also has associated fees that will be charged.

Via Hand Delivery

April 3, 2013  
Jackson City Council  
c/o Ron Shaw  
521 Water Street  
Jackson, MI 49203

HONORABLE CITY COUNCIL:

**RE: WATER SERVICE 1012 S. Dettman Road**

My name is Kewaree Swank. I live at 1012 S. Dettman Road. I have been using well water at my home but the well stopped producing on March 28, 2013. I am the mother of three children and we have been without water for over a week now. I contacted your Water Department on March 28<sup>th</sup> because I understand that the City of Jackson maintains a water main adjacent to my home and I am requesting service from that main. I have been told by your water department, that despite this emergency, I cannot be serviced until you approve this request. I am requesting that you act as quickly as possible so that my family may have water to drink, cook and bath. Summit Township has approved this request and I have delivered a copy of that letter to Mr. Shaw

Respectfully Submitted

A handwritten signature in cursive script that reads "Kewaree Swank". The signature is written in black ink and is positioned above the printed name.

Kewaree Swank

**Summit Township  
2121 Ferguson Road  
Jackson, MI 49203  
(517)788-4113  
FAX(517)783-2552**

April 3, 2013

To whom it may concern:

Summit Township has no objection that the property located at 1012 S. Dettman Rd. be connected to the City of Jackson Water System.

Thank you,



Scott Bevier  
DPW Superintendent  
Summit Township