

May 2, 2023 Approved Minutes

**Official Proceedings  
Pontiac City Council  
83<sup>rd</sup> Session of the Eleventh Council**

**Call to order**

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, May 2, 2023 at 6:04 p.m. by Council President Mike McGuinness.

**Invocation** – Rev. Michael Garrett, Hopewell Baptist Church, Pontiac Michigan

**Pledge of Allegiance to the Flag of the United States**

**Moment of Silence**

**Roll Call**

**Members Present** – William Carrington, Mikal Goodman, Kathalee James, Mike McGuinness, William Parker, Jr. and Melanie Rutherford

Mayor Greimel was present  
A quorum was announced.

**Excuse Councilmembers**

**Motion to excuse Councilman Brett Nicholson for personal reasons.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Carrington, Goodman, James, McGuinness, Parker and Rutherford  
No: None  
**Motion Carried**

**Amendments to and Approval of the Agenda**

**Motion to remove item #6 (Resolution approving Mayor's appointment to the Planning Commission vacancy) and add a new Resolution to amend the DRJ Corporation (Bostick) Lease and add a discussion regarding Warrant Clinic to the agenda.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: James, McGuinness, Parker, Rutherford, Carrington and Goodman  
No: None  
**Motion Carried**

The vote was taken to approve the agenda as amended.

Ayes: Goodman, James, McGuinness, Parker, Rutherford and Carrington  
No: None  
**Motion Carried**

**Consent Agenda**

23-160 **Resolution to approve the consent agenda for May 2, 2023.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Whereas, the City Council has reviewed the consent agenda for May 2, 2023.

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NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for May 2, 2023 including April 25, 2023 City Council Meeting Minutes.

Ayes: McGuinness, Parker, Rutherford, Carrington, Goodman and James

No: None

**Resolution Passed**

### **Special Presentations**

Pontiac Funders Collaborative Additional Investments in Pontiac

Resources and Services Available by Center for Employment Opportunities

Presentation Presenter: Konrad Cowell, Outreach Specialist, P2E Instructor, and Job Coach, Center for Employment Opportunities

**Recognition of Elected Officials – None**

### **Agenda Address**

1. Carlton Jones addressed items #2
2. Dr. Deirdre Waterman addressed items #6 & #7
3. Darlene Clark addressed item #3
4. Chuck Johnson addressed item #3 & #4
5. Gloria Miller addressed item #3

### **Ordinance**

**Motion to amend Donation Boxes Section 4.104(c)(4) Waiver of Permit Fee of a Zoning Text Amendment for Mixed Use District Language Updates including Zoning Text Amendment regulating Donation Bins and Zoning Text Amendment regulating Container Pods.**  
Moved by Councilperson Rutherford and second by Councilperson James.

Section 4.104(C)(4) Waiver of Permit Fee.

- a. The City will waive the permit fee if the Applicant can provide the following:
  - i. Documentation showing that the organization is a registered 501(C)(3) Charitable Organization as defined by the Internal Revenue Service.
  - ii. Proof of ownership of both the proposed donation box(es) and the real property on which the donation box is proposed to be located, as well as documentation showing that the Charitable Organization intends to utilize the items donated to benefit the charitable purpose for which the organization was organized. Proof of ownership of the real property must be in the form of a property deed recorded with the Oakland County Register of Deeds. Proof of ownership of the donation box can come in the form of an affidavit executed by the owner of the donation box. Similarly, documentation of intent can come in the form of an affidavit executed by the owner of the donation box and real property.
- b. The intent of this waiver provision is to encourage charitable donations to charitable organizations located within the City of Pontiac which regularly maintain their property and contribute to the health, safety, and welfare of the residents of the City.

Ayes: Parker, Rutherford, Goodman, James and McGuinness

No: Carrington

**Motion Carried**

**Motion to amend PODS Section 4.105 B Permitted Usage of a Zoning Text Amendment for Mixed use District Language Updates including Zoning Text Amendment**

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**regulating Donation Bins and Zoning Text Amendment regulating Container Pods.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Section 4.105(B) Permitted Usage

The use of PODs for storage is prohibited within the city of Pontiac for any period longer than thirty (30) days in a 12 month period. In the event a resident would like to utilize a POD for storage, they must submit an application on a prescribed form to the City Planner's office to notify the City of the intended use of a POD for a period of no longer than thirty (30) days prior to the installation of the POD. This application must be signed by a member of the Planning Division before installation of the POD. This first thirty (30) day period shall begin upon the installation of the POD by the resident. Residents are entitled to seek a maximum of two (2) extensions from the initial thirty (30) day approval. In order to seek an extension of the initial approval, a resident must provide proof of an open building permit to substantiate the need for additional storage due to an ongoing construction project. In no circumstances can any resident utilize a POD for a period longer than ninety (90) days in one (1) twelve-month period.

Ayes: Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

**Motion Carried**

**Motion to amend MUD Section 3.704 (O)(2) and Section 3.704 (O)(3) Principal Permitted Uses and/or Exceptions of a Zoning Text Amendment for Mixed use District Language Updates including Zoning Text Amendment regulating Donation Bins and Zoning Text Amendment regulating Container Pods.** Moved by Councilperson Rutherford and seconded by Councilperson Goodman.

Section 3.704(O)(2): A separate drop off and pick up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane and shall be of sufficient size so as not to create congestion on the site or within a public roadway unless otherwise stated in the Development Agreement approved by City Council.

Section 3.704(O)(3): There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front setback unless otherwise stated in the Development Agreement approved by City Council.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness and Parker

No: None

**Motion Carried**

2409 **Adoption of a Zoning Text Amendment for Mixed use District Language Updates including Zoning Text Amendment regulating Donations Bins and Zoning Text Amendment regulating Container Pods. (Second Reading postponed from 4/25/2023 Council Meeting)** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Carrington, Goodman, James, McGuinness, Parker and Rutherford

No: None

**Ordinance Adopted**

**\*\*See Ordinance #2409 as Exhibit A after the minutes\*\***

**Resolutions**

Economic Development



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23-161            **Resolution to approve the Traffic and Safety Control Systems, Inc. for parking kiosk repair and monthly maintenance.** Moved by Councilperson Carrington and second by Councilperson Parker.

WHEREAS, The Purchasing Manager has ensured that the purchase is classified as a Sole Source and is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases;

WHEREAS, the Purchasing Manager is requesting approval to execute a City contract with Traffic & Safety Control Systems, Inc.;

NOW, THEREFORE, The Pontiac City Council approves the Mayor or Mayor Designee to execute a City contract with Traffic & Safety Control Systems, Inc.

Ayes: Goodman, James, McGuinness, Parker and Rutherford

No: Carrington

**Resolution Passed**

Grants

23-162            **Resolution to approve and execution of a grant agreement with the Michigan Economic Development Corporation for the Enhancement Grant Program award in the amount of \$7,500,000 for the Meadow Street Extension and Clinton River Trail Expansion Project.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City of Pontiac was awarded \$7,500,000 assigned to the Meadow Street Extension and Clinton River Trail Expansion Project through the Michigan Economic Development Corporation's Enhancement Grant Program; and,

WHEREAS, the grant will allow the City to extend Meadow Drive to connect with Opdyke Road, extend Clinton River Trail to connect to Murphy Park and to M-59, and to repair the concrete on Centerpointe Parkway North; and,

WHEREAS, this grant is part of a larger strategic project to acquire at least 40 acres of land to offset the City's park deficit; and,

WHEREAS, the MEDC agrees to pay the Grantee a sum not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000). A disbursement of 50% of the funds may be made following Grant Agreement execution and authorization by the Grant Administrator. Additional funds shall only be disbursed after verification that the previous payment has been expended, in full, in accordance with the Agreement; and,

WHEREAS, the Grantee agrees to submit documentation of the expenditures of funds in accordance with Exhibit A and submit quarterly progress reports in a form and to the satisfaction of the MEDC, that provides at a minimum the status of the project and an accounting of all funds expended on Grant Activities during that quarter; and,

WHEREAS, during the Term, and for seven (7) years after the Ending Date, the Grantee shall maintain reasonable records, including evidence that the services were performed and the identity of all individuals paid for such services, and shall allow access to those records by the MEDC or their authorized representative at any time during this period.

NOW THEREFORE, be it resolved that the Pontiac City Council hereby authorizes Mayor Tim Greimel to execute the Agreement with the Michigan Economic Development Corporation for the Enhancement Grant Program award for the Meadow Street Extension and Clinton River Trail Expansion Project.

Ayes: James, McGuinness, Parker, Rutherford, Carrington and Goodman

No: None

**Resolution Passed**



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Department of Public Works (DPW)

23-163        **Resolution proposal to amend the contract with DRJ Corporation. (Bostick)**  
**(Agenda Add-on)** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, the City of Pontiac lease with DRJ ends on May 7, 2023; and,  
Whereas, the City of Pontiac still needs space for DPW operations, and;  
Whereas, Bostick has agreed to lease the city adjacent space at the same price, and;  
Whereas, the City of Pontiac DPW Director finds the new space to be adequate for the short term needs;  
Now, Therefore, Be It Resolved that the Pontiac City Council authorizes the Mayor to execute an amendment to the agreement DRJ Corporation (Bostick) in a form to be approved by the City Attorney.

Ayes: McGuinness, Parker, Rutherford, Carrington, James

No: None

**Resolution Passed**

Councilman Goodman was absent during the vote

#### **Public Comment**

1. Carlton Jones
2. Beatrice Wright
3. Robert Bass
4. Deirdre Waterman
5. Darlene Clark
6. Chuck Johnson
7. Gloria Miller

#### **Discussions**

City Council Budget Hearings for Fiscal Year 2023-2024 Schedule

Thursday, May 4, 2023 – 5:00 pm to 9:00 pm Special Meeting on the Budget

Thursday, May 11, 2023 – 5:00 pm to 9:00 pm Special Meeting on the Budget

Thursday, May 18, 2023 – 5:00 pm to 9:00 pm Special Meeting on the Budget

Thursday, May 25, 2023 – 5:00 pm to 9:00 pm Special Meeting on the Budget

Tuesday, May 30, 2023 – Public Hearing on Proposal Budget and Fee Schedule 6:00 pm

Tuesday, June 6, 2023 – First Reading of 2023-2024 Fiscal Year Budget Ordinance 6:00 pm

Tuesday, June 13, 2023 – Second Reading of 2023-2024 Fiscal Year Budget Ordinance 6:00 pm

Warren Clinic (Agenda Add-on)

#### **Closed Session**

23-164        **Resolution to proceed in Closed Session at 8:42 p.m. to consider and discuss the confidential legal opinion concerning collective bargaining strategy.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the Mayor directed the City's outside legal counsel, Clark Hill PLC, to provide an attorney-client privileged legal opinion addressing legal issues related to the union election results of April 26, 2023 and the upcoming collective bargaining process with the IUOE and Clark Hill PLC has prepared a Memorandum dated April 27, 2023; and

Whereas, the Michigan Open Meetings Act provides that a public body may meet in Closed Session to discuss collective bargaining strategy pursuant to Section 8© of the Open Meetings Act, MCL 15.268(c); and

WHEREAS, the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider material exempt from discussion or disclosure by state or federal statute; and

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WHEREAS, written confidential communications that are the subject of attorney-client privilege are exempt from disclosure and may be discussed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h).

NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Sections 8(c), (h) of the Open Meetings Act, MCL 15.268(c)), (h), to review and discuss the confidential attorney-client Memorandum dated April 27, 2023 concerning legal issues in connection with the April 26, 2023 union election results and upcoming collective bargaining process.

Ayes: Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

**Resolution Passed**

**Motion to come out of Closed Session at 10:00 p.m.** Moved by Councilperson Goodman and second by Councilperson Parker.

Ayes: Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

**Motion Carried**

#### **Communications**

City Council and Mayor's Office

#### **Mayor, Clerk and Council Closing Comments**

Councilwoman Melanie Rutherford, Council President Pro-Tem William Carrington and Council President Mike McGuinness made closing comments.

#### **Adjournment**

**Motion to adjourn the meeting.** Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness and Parker

No: None

**Motion Carried**

Council President Mike McGuinness adjourn the meeting at 10:07 p.m.

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Garland S. Doyle  
City Clerk



CITY OF PONTIAC

ORDINANCE No. 2409

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO  
TO AMEND ARTICLE 3, CHAPTER 7 REGARDING MIXED USE DEVELOPMENT  
STANDARDS, INCLUDE REGULATION OF PODS AND DONATION BINSAS  
FOLLOWS:

ARTICLE 3, CHAPTER 7

ARTICLE 4, CHAPTER 1, SECTION 4.104 and SECTION 4.105

The City of Pontiac Ordains:

Amend Article 3, Chapter 7.

Amend Article 4, Chapter 1 – Accessory Structures and Fences is amended  
to add Section 4.104 Donation Boxes

Amend Article 4, Chapter 1 – Accessory Structures and Fences is amended  
to add Section 4.105

**Chapter 7**  
**MUD Mixed Use District**

**3.701 Intent.**

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The Michigan Zoning Enabling Act, PA 110 of 2006, as amended, authorizes the creation of one (1) or more planned development districts designed to achieve specific objectives of the Zoning Ordinance and implement the goals and policies of the Master Plan. ~~This~~

The Mixed-Use District (MUD) is a planned district that may be applied for in any district as set forth herein. The MUD District is dedicated ~~solely~~ to the former Clinton Valley Center premises (the "CVC property"), current and former General Motors/R.A.C.E.R. (Revitalizing Auto Communities Environmental Response) Trust property, or any other property that ~~is similar in size~~ the City determines, in its sole discretion, will advance the goals and policies, of the Master Plan and meet the intent of this district. This district is designed to serve a variety of urban functions through the provision of a mixture of residential, office, light industrial, research and development, governmental, educational, and low intensity commercial uses pursuant to the City's ~~comprehensive~~ Master ~~p~~-Plan, as amended. It is the intent of this

section that the basic principles of good land use planning, including an orderly and compatible relationship between various uses, be maintained, and that the sound zoning standards as set forth in this MUD, and statutes concerning land use, be maintained.

It is the intent of the MUD District to encourage the development of traditional neighborhoods through a coordinated land use pattern of residential, office, research and development, and local commercial uses. Upper floor residential, above retail, or office uses is encouraged. It is further the intent of this District to encourage the use of land in accordance with its character and adaptability, promote excellence in the design of buildings and sites, maintain the existing natural features and natural resources, ensure compatibility of design and use between neighboring properties, and to encourage safe vehicular and pedestrian movement within the development. The MUD is designed to give the City and applicant more flexibility than would be allowed under the existing zoning, and encouraging development of property according to its unique characteristics.

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

- A. Provide for planned growth, ~~which maintains the~~ that will result in long-term contribution to social, economic, and environmental sustainability and overall livability of the City;
- B. Maintain and encourage a diversity of housing;
- C. Provide commercial, education and recreational facilities and employment opportunities conveniently located in relation to housing;
- D. Promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities;
- E. Create new and innovative residential, industrial, and commercial development opportunities.
- F. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values.
- G. Encourage the use, redevelopment and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites.



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

(Ord. No. 2291, § 1(E), 6-27-13)

### **3.702 Procedure for Review and Approval.**

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- A. The granting of a MUD application shall require a rezoning by way of amendment to this Ordinance upon the recommendation of the Planning Commission and approval of the City Council. The procedure for rezoning is that which is authorized by the Zoning Enabling Act (Public Act 110 of 2006, as amended), as contained in Section 503.
- B. Prior to the submission of an application for planned unit development approval, the [applicant](#), with appropriate experts, shall meet with the Planning Department, together with applicable City staff and consultants. The applicant shall present at such conference, or conferences, a sketch plan of the proposed mixed-use development meeting the requirements set forth in Section 6.208 , as well as the following information:
  - 1) Total number of acres in the project;
  - 2) A statement of the number of residential units, if any, the number and type of nonresidential units, and the number of acres to be occupied by each type of use;
  - 3) The known deviations from Ordinance regulations to be sought;
  - 4) The number of acres to be preserved as open or recreational space; and
  - 5) All known natural resources and natural features and/or historic resources and historic features to be preserved.
- C. Following the meeting with the Planning Department, an applicant may request a -pre-application review of the rezoning application and site plan prior to submittal of a formal application with the Planning Commission. The scheduling of a brief review by the Planning Commission shall be

subject to the availability of time on the agenda or determined by the Chairperson of the Planning Commission.

D. The applicant shall submit to the Planning Department copies of a ~~final-site~~ sketch plan conforming with the requirements set forth in Section ~~6.201-D~~ 6.208. This plan shall constitute an application to amend this Ordinance and shall be noticed for public hearing before the Planning Commission. With and in addition to the regular report submitted by the Planning Commission in connection with a rezoning application, the Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the project, including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion and shall review the ~~Final-Site-Plan~~ application and shall take one of the following actions:

1) Approval. Upon finding that the ~~Final-Plan~~ application meets the criteria set forth in the intent of this section, the Planning Commission may recommend Final Plan approval to the City Council.

2) Approval with Changes or Conditions. The Planning Commission may recommend to the City Council conditional approval, subject to modifications as performed by the applicant. These conditions may include review and approval of Easements and Rights-of-Way Instruments by the Building Department, Assessor's Office, City Attorney, or City Planning and Engineering consultants.

3) Postponement. Upon finding that the ~~Final-Plan~~ application does not meet the criteria set forth in this intent of this section, but could meet such criteria if revised, the Planning Commission may recommend postponing action to the City Council until a revised Final Plan is submitted.

4) Denial. Upon finding that the ~~Final-Plan~~ application does not meet the criteria set forth in the intent of this section, the Planning Commission shall recommend denial of the ~~Final-Plan~~ application to the City Council.

5) Request Changes. If the Planning Commission requests changes, the applicant shall submit the revised drawings and/or information within the time frame expressly approved by the Planning Commission. Failure to submit the revised plans and/or information within the requisite time frame shall void all prior approvals.



- E. Upon receiving a recommendation from the Planning Commission a Public Hearing shall be scheduled before the City Council, at which time Council will consider the proposal along with the recommendations of the Planning Commission, the City staff, and comments of all interested parties. The City Council shall then take action to approve, approve with conditions, deny, or refer back to the Planning Commission the application for rezoning to MUD, MUD site sketch plan and Development Agreement. The City Council shall set forth in their resolution the reasons for such action, including reasons for approval, conditional approval, postponement, denial, or referral back to the Planning Commission.
  
- F. Following approval by the City Council, and the signing of the plans, the City Planner shall amend the City zoning map to reflect the MUD approval by amending the zoning designation. Final site plan approval in accordance with Chapter 2, Site Plan shall be required for an approved MUD project. Final site plan approval may be submitted in phases, as set forth in the Development Agreement with consideration for required improvements.

### **3.703 Mixed Use District (MUD) Conditions**

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- A. Reasonable conditions may be required by the Planning Commission and City Council before the approval of a MUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment, and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. The conditions of approval may be drafted in writing, specifying conditions of approval and use. Conditions may stipulate that the MUD may only be used for selective land uses, provided the restraints advance (rather than injure) the interests of adjacent landowners; are a means of harmonizing private interests in land, thus benefiting the public interest; are for the purposes of ensuring that the MUD fulfills the purposes and intent of this section and thus, benefits the public interest; and/or possess a reasonable relationship to the promotion of the public health, safety, and welfare.
  
- B. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as

a whole; reasonably related to the purposes affected by the MUD; and, necessary to meet the intent and purpose of this Ordinance and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the written record of the Final Plan that shall include a site plan and written Development Agreement signed by the City Mayor and the applicant.

- C. In the event that conditions set forth herein are not complied with, then the Mayor shall have the right to compel a show cause hearing by the Planning Commission or issue a violation pursuant to Section 6-26 of this Ordinance. At the show cause hearing, additional conditions may be imposed by the City and/or a new MUD application required.

### **3.7042 Principal Permitted Uses and/or Exceptions.**

Subject to the applicable standards, requirements, and other provisions of the MUD and subject to final site plan review by the Planning Commission:

- A. One-family dwellings detached or attached, two-family or townhouse, or multiple-family dwellings, aesthetically compatible in design and appearance within the MUD.
- B. Residential dwellings as the exclusive occupant of a lot or as a mixed use with a permitted non-residential use.
- C. Neighborhood public parks, libraries, playgrounds, recreational facilities, and community facilities primarily for the use of neighborhood residents.
- D. Public and private; pre-school, elementary, middle, and high schools.
- E. Training and/or educational schools licensed by the State of Michigan, where such schools are designed and intended to provide training at the business, technical, or professional level.
- F. Any Principal Permitted Use allowed in the C-1 Local Business District.
- G. Utility structures, Tele-Communication facilities such as electrical receiving or transformer stations, radio and television broadcasting stations, wireless communication equipment, public service buildings and uses (without storage yards), as required to provide necessary services to the businesses and residents in the immediate vicinity. However, such facilities shall be setback from residential uses a distance equal to their height.



H. Research, Development and Light Industrial Uses. It is recognized by this MUD that the value to the public of designating certain areas of this District for a compatible mixture of uses within a campus type environment is represented in the employment opportunities to the citizens and the resultant economic benefits to the City. These Uses are characterized by an insignificant amount of such nuisance factors as noise, heat, glare, and the emission of air pollutants and are permitted no less than ~~fifty (50)~~ *two hundred and fifty (250) feet* from any residential use and all products or equipment shall be stored within enclosed buildings.

- 1) Any use which is charged with the principal business function of research, such as scientific, business, industrial research developments, training centers, and testing laboratories.
- 2) The manufacturing, compounding, processing, or treatment of such products as drugs, pharmaceuticals, and medical devices.
- 3) Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.
- 4) Manufacturing of machine vision systems, robotics, automated testing and manufacturing systems, drugs, jewelry, musical instruments, sporting goods, glass products, small household appliances, electronic and fiber optic products, cameras and photographic equipment and supplies, printed matter, and other similar uses.
- 5) Any other Principal Permitted Use allowed in the IP-1 Industrial Park District.

I. Unimproved Open Space.

- 1) Woodlands.
- 2) Wetlands.
- 3) Undeveloped Portions of Floodplains.

J. Improved Open Space.

- 1) Public or private playgrounds, picnic areas, water sports areas, and similar outdoor recreation areas.

- 2) Educational facilities, such as zoological gardens, wilderness preserves and sanctuaries, botanical gardens and arboretums which necessarily include open space as an integral part of the facility.
- K. Business, professional, and medical offices.
- L. Banks, credit unions, and savings and loan associations.
- M. Personal service establishments, such as, but not limited to, repair shops (watches, radio, television, shoes, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and dry cleaners.
- N. Sidewalk cafe service, operated by a restaurant or other food establishment which sells food for immediate consumption, subject to the following:
- 1) An application depicting the location and layout of the cafe facility shall be submitted to the Office of Land Use and Strategic Planning for review, prior to an occupancy permit being granted by the Building Department. The permit shall remain in effect, unless there is a change in ownership, or the operation of the cafe fails to meet the standards contained herein.
  - 2) A sidewalk cafe may be located in front or adjacent to the establishment. A sidewalk cafe that extends beyond the applicant's property lines shall require the permission of the affected property owners.
  - 3) Sidewalk cafes shall be located on a public sidewalk only by approval of the City Engineering Division and in accordance with the City Subdivision Code.
  - 4) A sidewalk cafe shall be allowed during normal operating hours of the establishment.
  - 5) The exterior of the premises shall be kept clean, orderly, and maintained or the permit may be revoked. All food preparation shall be inside the premises.
  - 6) The City shall not be held liable or responsible for any type of damage, theft, or personal injury, which may occur as a result of a sidewalk cafe operation.

- 7) All sidewalk cafes shall comply with applicable regulations of the County Health Department and the State.

O. Child Day-Care Centers subject to the following:

- 1) The property is maintained in a manner that is consistent with the character of the neighborhood and surrounding uses.
- 2) A separate drop off and pick up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane and shall be of sufficient size so as not to create congestion on the site or within a public roadway unless otherwise stated in the Development Agreement approved by City Council.
- 3) There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front setback unless otherwise stated in the Development Agreement approved by City Council.
- 4) An ornamental fence that is designed to discourage climbing and is at least four (4) feet high but no higher than six (6) feet shall enclose all outdoor play areas.
- 5) Appropriate licenses with the State of Michigan shall be maintained.

P. Housing for the Elderly, subject to the following conditions:

- 1) All housing for the elderly shall provide for the following:
  - a. Cottage-type dwellings and/or non-rental apartment-type dwelling units; and,
  - b. Activity space, including, but not limited to, central dining rooms, library/reading rooms/barber/beauty shops, card rooms, recreational rooms, central lounges, and workshops.
- 2) All developments shall have a density consistent with the approved overall density of the development.

**3.7053 Permitted Accessory Uses.**

- A. Permitted accessory uses as specified in the Development Agreement.



- B. Off-Street parking and loading.
- C. Home occupations subject to the requirements of Section [2.536](#).
- D. Any use customarily incidental to the permitted principal use.

**3.706 Area, Height, Bulk and Placement.**

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- A. For areas dedicated to the former Clinton Valley Center premises (the "CVC" property) and current or former General Motors/R. A. C. E. R. (Revitalizing Auto Communities Environmental Response) Trust property, the following Area, height, bulk, and placement regulation as specified in the Development Agreement, shall apply:

- 1) ~~A.~~ **Minimum District Size** shall be two hundred (200) gross acres.
- 2) ~~B.~~ The **Residential Community** shall occupy approximately one hundred twenty-six (126) acres in the southern portion of the District, as designated on the conceptual Site Plan, that was prepared on December 14, 2000 for review and approved by the City Council and then revised on January 22, 2001 and labeled a Neo-Traditional Neighborhood Plan for use in this MUD. The Mixed-Use Residential Development will not exceed a density greater than five (5) Units per Gross Acre or approximately six hundred thirty (630) Residential Units. Approximately fifty percent (50%) of the six hundred thirty (630) Residential Units or approximately three hundred (300) units will be dedicated to Single-Family Low-Density Units; approximately thirty-five percent (35%) of the Residential Units or approximately two hundred thirty (230) units will be Medium Density Housing Units; and approximately fifteen percent (15%) of the Residential Units or approximately one hundred (100) units will be Higher Density Housing Units.
- 3) ~~C.~~ **Mixed Use/Commercial/Office Uses.** No more than 50,000 square feet of floor area within the District shall be allocated to commercial and/or office uses.
- 4) ~~D.~~ **Research, Development and Light Industrial Uses.** Maximum acreage allocated to research, development and light industrial uses shall not exceed forty-five percent (45%) of the overall District. These uses shall be located in the northern portion of the District per the Neo-Traditional Neighborhood Plan developed for use in this MUD and dated January 22, 2001.

- B. For all properties, other than those designated in Section 3.705 A, area, height, bulk, and placement regulations shall be specified on the MUD Site Plan and Development Agreement. The Planning Commission and City Council may use reasonable discretion in evaluating the area, height, bulk, and placement regulations proposed by the applicant based upon Zoning Ordinance standards for similar uses.
- C. The **Residential Community** of single-family, two-family, and multiple-family uses may occupy a minimum of 25% and a maximum of 90% of the total floor area of all structures in the entire Mixed-Use Development. This floor area calculation does not include the area of any accessory structures within the development. The City Council may grant a deviation from the requirement upon a finding that the mix of uses is consistent with the Master Plan and provides overall benefit to both the uses of the project and the City as a whole.

### **3.7075 Development Regulations.**

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Uses located within the MUD Mixed Use District are subject to the following development standards and regulations, in addition to standards set forth in the Development Agreement.

- A. **Open Space Requirement and Computation.** A minimum of fifteen percent (15%) of the gross area of the District shall be maintained as landscaped open space. All required setbacks may be included in the landscape computation; however, public, or private street right-of-way and parking lots may not be included. These areas shall be planted and maintained in accordance with a landscape plan approved by the Planning Commission. Up to fifty percent (50%) of the required open space may be included in a public plaza element or elements. "Public Plaza" for purposes of this section is defined as "a community amenity or space that serves a variety of users including building tenants, visitors, and members of the public."
- B. **District Access.** Access to public roads for both pedestrians and vehicles shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service area, shall be subject to the following restrictions:
  - 1) Provisions for circulation between adjacent parcels are required through coordinated or joint parking systems.

- 2) Driveway placement must be such that loading and unloading activities will not hinder vehicle ingress or egress.
  - 3) When applicable, the primary access point into the District may be permitted to be via a rear access drive/alley to be shared by all adjoining uses. The drive shall be no less than twenty (20) feet wide within a twenty-five (25) foot easement and shall be subject to approval by the City Engineering Division.
- C. **Pedestrian Pathways and Sidewalks.** Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian systems shall provide safe, all-weather, efficient, and aesthetically pleasing means of on-site movement and shall be an integral part of the overall District design concept. Pedestrian pathway connections to parking areas, buildings, other amenities and between on-site and perimeter pedestrian systems shall be planned and installed wherever feasible. All paths and sidewalks shall be constructed in accordance with the City Subdivision Code.
- D. **Signage.** Signs in the MUD district shall comply with the requirements for signs in the C-2 district. See Article [5](#) for sign regulations.
- E. **Lighting.** All lighting shall conform to the requirements of this MUD, in order to maintain vehicle and pedestrian safety, site security, and accentuate architectural details. Architectural lighting, where used, shall articulate the particular building design, as well as provide the required functional lighting for safety of pedestrian movement.
- F. **Landscaping/Greenbelts/Buffers/Screening Elements.** All landscape features of the District shall ensure that the image of the City is promoted by the organization, unification, and character of the Mixed-Use District. A landscape plan shall be provided along with the Site Plan for the entire District.
- G. **General District Design/Architectural Guidelines:** It is the intent of this District to provide an environment of high quality and complementary building architecture and District design. Special emphasis shall be placed upon methods that tend to reduce the large-scale visual impact of buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the streetscape.
- H. **Screening of Exterior Electrical Equipment and Transformers.**



- 1) Transformers that may be visible from any primary visual exposure area shall be screened with either plantings or a durable non-combustible enclosure, which are unified and harmonious with the overall architectural theme.
- 2) Exterior-mounted electrical equipment shall be mounted on the interior of a building wherever possible, or shall be located where it is substantially screened from public view. Such equipment shall never be located on the street side or primary exposure side of any building.

**I. Utilities and Communication Devices.**

- 1) All exterior on-site utilities, including but not limited to, drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communication wires and equipment, shall be installed and maintained underground whenever possible.
- 2) On-site underground utilities shall be designed and installed to minimize disruption of off-site utilities, paving, and landscaping during construction and maintenance.

**3.7086 Development Agreement.**

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No development shall proceed within the District without the execution of a mutually acceptable Development Agreement between the City and the applicant. The Development Agreement shall be drafted in a form acceptable to the City Attorney and shall specify the uses permitted, all regulations and requirements to ensure protection of the health, safety and welfare of the citizens, a quality development, and the responsibilities of the developer and the City. Strict adherence to the terms of the Development Agreement shall be required.

In addition to the design guidelines specified above, the Development Agreement shall address the following items in detail:

- A. Site Plan Review according to the requirements of this Zoning Ordinance.
- B. Building elevations / Pattern book, materials used, facade treatments including windows, porches etc. Building placement, area, height, bulk, and placement regulations.
- C. Trash Receptacles – location and screening.

- D. Conformance with the City's Land Use Plan.
- E. A phasing plan if the project is proposed to be constructed in phases. Each phase should be capable of standing on its own in terms of services, facilities and shall contain the necessary components to ensure protection of the health, safety, and welfare of the residents.
- F. Improvements to be covered by performance guarantee, the amount required to guarantee completion of the improvements plus an administrative fee in an amount approved by the City Council, and the time for completion of the improvement.
- G. The relative mix of different uses and the scheduled completion of construction dates.

### **3.7097 Planning Commission Review and Decision.**

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If an application for a site plan amendment for a project located in areas zoned MUD at the time of passage of this Ordinance amendment is submitted, the Planning Commission shall review and approve or reject the proposed District plans of all proposed project developments, in accordance with the standards and requirements of this MUD and the Development Agreement.

For proposed projects that are not zoned MUD at the time of passage of this Ordinance amendment, the Planning Commission shall make a recommendation to the City Council on the zoning map amendment along with the MUD Sketch Plan and Development Agreement.

### **Sec. 4.104 – Donation Boxes.**

#### **A. Intent and definitions.**

1. The donation boxes ordinance is intended to be a regulatory ordinance in the public's health, safety and welfare for the protection of all citizens who use donation boxes. The intent of this ordinance is to impose restrictions and conditions on all donation boxes in the city so that they are, and remain, clean, safe and do not create hazards to pedestrians and to vehicular traffic. The article is passed under the city's regulatory authority pursuant to MCLA 117.4 et seq., and the Pontiac City Charter.
2. Definitions:
  - a. Donation box means any metal container, receptacle, or similar device that is located on any parcel or lot of record within the city and that is used for soliciting and collecting the receipt of clothing, household items, or other salvageable personal property. This term does not include recycle bins for

the collection of recyclable material, any rubbish or garbage receptacle or any collection box located within an enclosed building.

- b. Operator means a person who owns, operates or otherwise is in control of donation boxes to solicit collections of salvageable personal property.
- c. Permittee means a person over 18 years of age or an entity who is issued a permit authorizing placement of donation box(es) on real property.
- d. Property owner means the person who is an owner of real property where the donation box(es) are located.
- e. Real property, property or land means a lot of record located in the City of Pontiac.

B. Donation box permit.

No later than 30 days from the effective date of this ordinance, no person shall place, operate, maintain or allow any donation box on any real property without first obtaining an annual permit issued by the Department of Building and Safety ("department"), to locate a donation box.

C. Application for a permit.

- 1. Any person desiring to secure a permit shall make an application to the Department of Building and Safety.
- 2. A permit shall be obtained for each donation box(es) proposed. Combining fees for donation box(es) located on a lot of record may be addressed in the fee resolution.
- 3. The application for a permit shall be upon a form provided by the department and be signed by an individual who is an officer, director, member or manager of an entity applicant. The applicant shall furnish the following information:
  - a. Name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than five percent of the stock of a non- publicly traded corporate applicant, and any other person who is financially interested directly in the ownership or operation of the business, including all aliases.
  - b. Date of birth of individuals and date of establishment of an entity or the birthdate of an individual applicant.
  - c. Whether the applicant has previously received a permit for a donation box in the city or operates a donation box or similar type receptacle without a permit in the city.
  - d. The name, address, email and telephone number of a contact person for all matters relating to a donation box located in the city.
  - e. The physical address of the real property where the donation box is proposed to be located.
  - f. A scaled drawing sufficient to illustrate the proposed location of the donation box on the real property, the dimensions of the proposed donation box and



that the location complies with all code requirements.

- g. If not the owner of the real property, an affidavit from the property owner providing written permission to place the donation box(es) on the property, as well as an acknowledgment from the property owner of receipt of a copy of this article, shall be provided on a form provided by the director. For purposes of this subsection, the affidavit and acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.
- h. A nonrefundable fee in an amount established by resolution of city council.
- i. A payment in the amount of \$500.00 which shall be held in escrow to ensure compliance with this Ordinance;
- j. Proof of general liability insurance no less than \$1 million per occurrence.

4. Waiver of Permit Fee.

- a. The City will waive the permit fee if the Applicant can provide the following:
    - i. Documentation showing that the organization is a registered 501(C)(3) Charitable Organization as defined by the Internal Revenue Service.
    - ii. Proof of ownership of both the proposed donation box(es) and the real property on which the donation box is proposed to be located, as well as documentation showing that the Charitable Organization intends to utilize the items donated to benefit the charitable purpose for which the organization was organized. Proof of ownership of the real property must be in the form of a property deed recorded with the Oakland County Register of Deeds. Proof of ownership of the donation box can come in the form of an affidavit executed by the owner of the donation box. Similarly, documentation of intent can come in the form of an affidavit executed by the owner of the donation box and real property.
  - b. The intent of this waiver provision is to encourage charitable donations to charitable organizations located within the City of Pontiac which regularly maintain their property and contribute to the health, safety, and welfare of the residents of the City.
- 5. Within ten days of receiving an application for a permit, the director shall notify the applicant whether the permit is granted or denied. If the director denies an application, the director shall state in writing the specific reasons for denial.
  - 6. No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person or legal entity.
  - 7. A person shall be issued a permit by the director if the requirements of this article are satisfied.

D. Requirements for a permit.

- 1. A permittee shall operate and maintain, or cause to be operated and maintained, all donation boxes located in the city for which the permittee has been granted a permit as follows:

- a. Donation boxes shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
- b. Donation boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
- c. Donation boxes shall have, at minimum, one-half-inch type visible from the front of each donation box the name, address, email, website and phone number of the operator, as well as whether the donation box is owned and operated by a for profit company or a not-for-profit company. The donation box shall not have information, advertising or logos other than those relating to the operator.
- d. Donation boxes shall be serviced and emptied as needed, but at least every 30 days.
- e. The permittee and property owner shall maintain, or cause to be maintained, the area surrounding the donation boxes, free from any junk, debris or other material. The property owner shall be responsible to the extent provided by law for the city's cost to abate any nuisance, in accordance with the City Code.
- f. Donation boxes shall:
  - i. Not be permitted on any land used for residential purposes;
  - ii. Not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than 30 days;
  - iii. Not be less than 1,000 feet from another donation box as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two donation boxes on a single lot of record are permitted if the two donation boxes are side by side and are no more than one foot apart;
  - iv. Not exceed seven feet in height, six feet in width and six feet in depth;
  - v. Not cause a visual obstruction to vehicular or pedestrian traffic;
  - vi. Not be placed closer than ten feet from: (i) a public or private sidewalk; (ii) a public right-of-way; (iii) a driveway; or (iv) a side or rear property line of adjacent property used for residential purposes;
  - vii. Not be placed within any public easement;
  - viii. Not cause safety hazards with regard to a designated fire lane or building exit;
  - ix. Not: (i) interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic; or (ii) encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space; and



- x. Be placed on a level, hard (asphalt or concrete) paved, dust-free surface.
- xi. Shall have adequate screening to shield the same from neighboring properties.

E. Term of permit and renewal of permit.

1. The permit year shall begin on January 1 in each year and shall terminate on December 31 of the same calendar year. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the calendar year next following issuance thereof. For year 2023 only, the annual permit fee shall be prorated.
2. A donation box permit shall be renewed annually. The application for renewal must be filed not later than 30 days before the permit expires. The application for renewal shall be upon a form provided by the director.
3. The director shall either approve or deny the renewal of a permit within ten days of receipt of the complete renewal application and payment of the renewal fee. Failure of the director to act before expiration of the permit shall constitute approval of the renewal of the permit.
4. A permit renewal fee set by resolution of the city council shall be submitted with the application for renewal.
5. Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the director in writing of the intent to cancel the permit. The permit shall become void upon the director's receipt of a written notice of intent to cancel the permit.
6. The director shall approve the renewal of a permit if the director finds that no circumstances existed during the term of the permit which would cause a violation to exist, and that at the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding required for approval of a new permit. Any permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.
7. If the permit expires and is not renewed, the donation box(es) must be removed from the real property within a maximum of ten days after expiration of the permit.

F. Revocation of permit, removal of donation boxes and liability.

1. The director shall have the right to revoke any permit issued hereunder for a violation of this ordinance. Any of the grounds upon which the director may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this ordinance or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The director shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the director and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.



2. Upon revocation, the donation box shall be removed from the real property within ten days and, if not so removed within the time period, the city may remove, store or dispose of the donation box at the expense of the permittee and/or real property owner, the cost of which shall be paid from the escrow fee secured at the time of the permit application. All costs exceeding the escrow fee associated with the removal of the donation box incurred by the city, or the city's contractor shall be the responsibility of the property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the city may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the city, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.
3. A permit for a donation box may be revoked if any governmental authority or agency determines that the donation box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

G. Appeal to Planning Commission.

Any person aggrieved by the decision rendered by the director in granting or denying an application for a permit under this ordinance or in revoking a permit issued under this ordinance may appeal the decision to the Planning Commission. The appeal shall be made by filing a written notice thereof with the Department of Community Development setting forth the grounds for the appeal not later than ten days after receiving notice of the decision of the director. The planning commission may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the director.

H. Penalty and remedies.

1. In addition to revocation of permit pursuant to Section F, any person violating the provisions of this ordinance is guilty of a civil infraction.
  2. In addition to the penalty provided in subsection 1 of this section, any condition caused or permitted to exist in violation of the provisions of this ordinance, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
  3. Nothing in this ordinance shall prevent the city from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this ordinance.
  4. The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.
  5. No fines shall be imposed for a violation of this ordinance until 90 days after its effective date. All donation boxes existing at the effective date of the article shall apply for a permit as required herein within 30 days of the effective date. Any donation boxes not in compliance with this ordinance after 90 days of the effective date shall be subject to all remedies for violation as provided herein.
- I. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

## Sec. 4.105 – PODs

### A. Intent and definitions.

1. The PODs ordinance is intended to be a regulatory ordinance in the public's health, safety and welfare for the protection of all citizens who use donation boxes. The intent of this ordinance is to restrict the use of PODs in the city as they are unsafe, unsanitary and create hazards to pedestrians and to vehicular traffic. The article is passed under the city's regulatory authority pursuant to MCLA 117.4 et seq., and the Pontiac City Charter.
2. PODs are defined as portable containers that are placed on a property for the purpose of storing, loading, and/or unloading furniture, clothing, or other personal or household belongings other than donation boxes as defined in Sec. 4.104.

### B. Permitted Usage

*The use of PODs for storage is prohibited within the city of Pontiac for any period longer than thirty (30) days in a 12 month period. In the event a resident would like to utilize a POD for storage, they must submit an application on a prescribed form to the City Planner's office to notify the City of the intended use of a POD for a period of no longer than thirty (30) days prior to the installation of the POD. This application must be signed by a member of the Planning Division before installation of the POD. This first thirty (30) day period shall begin upon the installation of the POD by the resident. Residents are entitled to seek a maximum of two (2) extensions from the initial thirty (30) day approval. In order to seek an extension of the initial approval, a resident must provide proof of an open building permit to substantiate the need for additional storage due to an ongoing construction project. In no circumstances can any resident utilize a POD for a period longer than ninety (90) days in one (1) twelve-month period.*

### C. Penalty and remedies.

1. Any person violating the provisions of this ordinance is guilty of a civil infraction.
2. In addition to the penalty provided in subsection 1 of this section, any condition caused or permitted to exist in violation of the provisions of this ordinance, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
3. Nothing in this ordinance shall prevent the city from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this ordinance.
4. Any PODs not in compliance with this ordinance after 90 days of the effective date shall be subject to all remedies for violation as provided herein.

### D. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.