



City of East Grand Rapids
Regular City Commission Meeting
Agenda

YouTube Livestream:
<https://bit.ly/2xXILvn>
Begins at 6 pm.

September 20, 2021 – 6:00 p.m.
(EGR Community Center – 750 Lakeside Drive)

1. Call to Order.
2. Approval of Agenda.
3. Public Comment.
4. Report of Mayor, City Commissioners and City Manager.

Regular Agenda Items

5. Final Reading of an ordinance to amend Section 5.37 of Chapter 50 of Title V of the City Code pertaining to area, height and placement requirements in the C-1 Commercial District (*courtesy hearing; approval requested*).
6. Final Reading of an ordinance to amend Sections 5.100, 5.101(A), and 5.103 of Chapter 50 of Title V of the City Code establishing a separate Zoning Board of Appeals (*courtesy hearing; approval requested*).
7. Final Reading of an ordinance to amend Sections 8.24 and 8.25 of Chapter 81 of Title VIII of the City Code pertaining to sign variance procedures (*no hearing required; approval requested*).
8. Final Reading of an ordinance to amend Sections 8.61(L), 8.62(A) and 8.62(B) of Article I of Chapter 83 of Title VIII of the City Code pertaining to fence variance procedures (*no hearing required; approval requested*).

Consent Agenda Items (*no hearing required; approval requested unless noted*).

9. Minutes of the regular meeting held September 7, 2021.
10. Disbursement of funds: payroll disbursements of \$234,614.67; county and school disbursements of \$2,677,683.15, and total remaining disbursements of \$461,133.92.
11. Purchase of mobile data terminals for Public Safety vehicles.
12. Preliminary minutes of the Library Commission meeting held April 26, 2021 (*no action requested*).

An executive session is scheduled to take place following the regular meeting to conduct a personnel evaluation for the City Manager in accordance with Section 8(a) of the Open Meetings Act.

* * *

Public hearings will be held if noted in each agenda item. If no hearing is noted, comments should be made during “Public Comment” in Item 3. The City will provide reasonable auxiliary aids for individuals requiring them for effective communication in programs and services of the City. Notice must be made to the City five (5) days prior to the program or service requesting the specific auxiliary aid.



CITY OF EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE • EAST GRAND RAPIDS, MICHIGAN 49506
(616) 940-4817 www.eastgr.org

JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

Hearing Required?	Yes
Notices Mailed	N/A
Notice Published	7/27/2021
Public Hearing (PC):	8/10/2021
Introduction (CC):	9/7/2021
Final Reading:	9/20/2021
Effective Date:	10/1/2021

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Jay Gianotti, Zoning Administrator
DATE: September 13, 2021

RE: **Final Reading for a Zoning Ordinance Amendment
Section 5.37 – Lot Area & Width Modification in the C-1 Business District**

Action Requested:

That the City Commission consider a final reading and adoption of amendments to Section 5.37 of the Zoning Ordinance to revise minimum lot width and area requirements in the C-1 Business District.

Background:

In May of this year, City Staff began discussions with the Planning Commission regarding potential amendments to the East Grand Rapids Zoning Ordinance to address a variety of different issues. One topic that was introduced was modifying or eliminating the minimum lot width and lot area requirements in the C-1 Commercial District. These changes were proposed to eliminate potential nonconformities in this district, as the current zoning ordinance does not have a means to handle nonconformities in the C-1 District. As a response, City staff and Planning Consultant Paul LeBlanc recommended eliminating these minimum lot width and area standards. The Planning Commission responded favorably to this notion, leading City staff and consultants to prepare a proposed revision to these standards. All of the proposed revisions would be confined to Section 5.37 of the Zoning Ordinance.

Attached to this memo is a redline version of the proposed modifications, as well as the formal amendment language prepared by City Attorney John Huff. This proposed amendment was first introduced to the Planning Commission at their July 13, 2021 meeting. At that time, there were no changes requested. The Planning Commission then held a public hearing for this proposed amendment at their August 10, 2021 meeting and voted unanimously to recommend that the City Commission approve this amendment. Following this recommendation, the proposed amendment was introduced to the City Commission on September 7, 2021, and is now presented for a final reading and approval. If approved, the amendment would take effect on October 1, 2021.

Shea Charles, City Manager

AN ORDINANCE TO AMEND SECTION 5.37 OF CHAPTER 50
OF TITLE V OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.37 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.37. Area, height and placement requirements.

All lots in the non-residential district shall conform to the requirements of Table 5.37. The requirements in footnotes are an intracule part of this Article and shall apply in all instances.

Table 5.37 Dimensional Requirements: C-1 Commercial District			
Requirement		C-1	
Minimum area per unit (sq. ft.)		0	
Minimum lot width (ft.)		0	
Minimum yard setback (ft.)	Front	0 ⁶	
	Side	Adjoining C-1 or MFR	0
		Adjoining R-1, R-2 or R-3	7
		Adjoining a street	0
	Rear ⁷	Adjoining C-1	0
Adjoining Residential		24	
Maximum building height	Feet	35	
	Stories	2-1/2	
Maximum lot coverage		N/A	
<p>6. Buildings shall be located at the right-of-way line; provided, the Planning Commission (and if applicable, the City Commission) may approve a site plan for a commercial building in the C-1 District that is set back no more than 15 feet from the right-of-way line, if one or more of the following conditions is present:</p> <p>A. The proposed building or addition is in line with a setback established by existing buildings located on either side of the subject property;</p> <p>B. The setback is necessary to provide for clear vision around corners or at driveway entrances; or</p> <p>C. The proposed use is a restaurant that will provide outdoor seating in the front yard.</p> <p>7. Where an alley separates the C-1 District from property in a residential district, the full alley width may be counted as part of the required rear yard.</p>			

Section 2. This Ordinance shall be effective on September ____, 2021.

Section 3. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids:

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

Notice is hereby given that the East Grand Rapids City Commission adopted an amendment to Section 5.37 of Chapter 50 of the City Code. The purpose of the amendment was to modify portions of table 5.37 to reduce the minimum area per unit and the minimum lot width in order to eliminate nonconformities.

The full text of the amended section is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____

Karen K. Brower
City Clerk

ARTICLE 5 C-1, COMMERCIAL DISTRICT

Section 5.35 Intent

The C-1 Commercial District is designed primarily to provide services to the adjacent residential area and to provide shopping and entertainment that appeals to an area-wide market.

Section 5.36 Schedule of Uses

Uses permitted in the nonresidential districts are listed in **Table 5.36**. Additional requirements related to a specific use, if any, are referenced in the “Specific Requirements” column. Any use not specifically listed shall be prohibited, unless the use is determined to be a similar use according to *Section 5.75(A)*.

Table 5.36 Schedule of Uses: Commercial District

P = Permitted use by right S = Special Land Use	C-1	Additional Requirements
Accessory		
Accessory uses clearly ancillary to the principal use (accessory structures are not permitted)	P	
Accessory outdoor customer service activities such as delivery of products to customers’ vehicles, grocery cart use, escorting of customers and home delivery	P	<i>Section 5.70(C)</i>
Accessory outdoor dining	P	<i>Section 5.70(C)</i>
Accessory outdoor sales and display (including temporary sales)	P	<i>Section 5.70(C)</i>
Accessory outdoor storage	S	<i>Section 5.70(C)</i>
Dining and Entertainment		
Microbrewery or brew pub	S	<i>Section 5.71(A)</i>
Restaurants, including standard service and carry-out, excluding drive-through service and entertainment/floor shows	P	
Soda fountain, ice cream shop or candy store	P	
Recreation/Cultural		
Art gallery/studio	P	
Parks and recreational facilities, publicly owned	P	
Public facilities (government buildings, public museums, public galleries, public libraries, etc.)	S	
Residential		
Residential dwellings above the ground floor of a commercial building	S	<i>Section 5.74(B)</i>
Retail		
Retail sales other than food/groceries, up to 10,000 sq. ft. gross floor area	P	
Retail food/grocery, up to 50,000 sq. ft. gross floor area, which may also include food items prepared on site for sale on the premises	P	

Table 5.36 Schedule of Uses: Commercial District

P = Permitted use by right S = Special Land Use	C-1		Additional Requirements
Services			
Automatic teller machines, walk-up only, accessory to or separate from a bank or similar financial institution	P		
Banks and similar financial institutions, without drive-through facilities	P		
Barber or beauty salon	P		
Business service establishments, including printing/copy centers, postal centers, travel agents, graphics services	P		
Dance or music studio	P		
Drive-through facilities for banks and pharmacies, but not including any other uses	S		
Dry cleaner/laundry (including pick-up stations and self-service laundries)	P		
Health clubs and fitness centers, not including physical therapy clinics staffed by medical professionals	P		
Personal service establishments, including small electronics/ appliance repair, shoe repair, dressmakers/tailors, tanning salons, decorating and upholstery shops	P		
Photographer	P		
Other Uses			
Essential services	P		<i>Section 5.59</i>
Radio and television broadcasting stations	S		
Similar uses	P/S		<i>Section 5.75(A)</i>
Wireless telecommunications systems	S		<i>Section 5.75(D)</i>
Offices			
	On ground floor	Above ground floor	Specific Requirements (special land uses only)
Medical/dental offices and clinics of physicians, dentists, psychologists, chiropractors, optometrists, physical therapists and similar or allied professions (not including veterinary establishments)	S	P	<i>Section 5.72(A)</i>
Non-profit professional, civic, social, fraternal, political and religious organizations	S	P	<i>Section 5.72(A)</i>
Professional office services such as: insurance, real estate, legal, sales and similar or allied professions	S	P	<i>Section 5.72(A)</i>
Serviced offices		S	<i>Section 5.72(B)</i>

Section 5.37 Area, Height and Placement Requirements

All lots in the nonresidential districts shall conform to the requirements of **Table 5.37**. The requirements in footnotes are an integral part of this article and shall apply in all instances.

Table 5.37 Dimensional Requirements: C-1 Commercial District				
Requirement			C-1	
Minimum area per unit (sq. ft.)			5,000 ¹	
Minimum lot width (ft.)			500	
Minimum yard setback (ft.)	Front		0 ¹	
		Adjoining C-1 or MFR	0	
		Adjoining R-1, R-2, or R-3	7	
	Side	Adjoining a street	0	
		Rear ²	Adjoining C-1	0
			Adjoining Residential	24
Maximum building height	Feet	35		
	Stories	2½		
Maximum lot coverage			N/A	

Commented [JG1]: Revised from 5,000 to 0 to eliminate lot nonconformities

Commented [JG2]: Revised from 50 to 0 to eliminate lot nonconformities

Section 5.38 Uses Specifically Prohibited

Although any use not listed in **Table 5.36** is not permitted, the following uses are specifically determined to be contrary to the intent and character of the C-1 District and shall not be permitted:

- A. **Drive-through and drive-in restaurants.**
- B. **Medical Marihuana Dispensaries.** No medical marihuana dispensary shall be commenced, conducted, operated, or utilized from any property in the C-1 District. Any person who violates this section shall be subject to a fine and/or imprisonment as provided in Section 1.13 of the City Code of Ordinances. In addition, any medical marihuana used or possessed in violation of this section shall be seized and forfeited to the city.

¹ Buildings shall be located at the right-of-way line; provided, the planning commission (and if applicable, the city commission) may approve a site plan for a commercial building in the C-1 District that is set back no more than 15 feet from the right-of-way line, if one or more of the following conditions is present:

- A. The proposed building or addition is in line with a setback established by existing buildings located on either side of the subject property;
- B. The setback is necessary to provide for clear vision around corners or at driveway entrances;
- C. The proposed use is a restaurant that will provide outdoor seating in the front yard.

² Where an alley separates the C-1 District from property in a residential district, the full alley width may be counted as part of the required rear yard.

Section 5.39 Additional Requirements Applying to the Commercial District

- A. All sales of products on the premises, whether primary or incidental, shall be at retail.
- B. All business and service activities or uses shall be conducted entirely within a completely enclosed building, except accessory outdoor uses according to Section 5.70.
- C. The production, fabrication or processing of goods within the C-1 District is prohibited unless specifically permitted in the Schedule of Uses or under the following conditions:
 - 1. Production, fabrication or processing of goods may be carried on as an accessory use to a permitted principal use;
 - 2. The entire output shall be sold at retail on the premises; and
 - 3. A maximum of 25 percent of the floor area occupied by the principal use may be used for production, fabrication or processing.

Section 5.40 Reserved

**CITY OF EAST GRAND RAPIDS PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

A public hearing will be held at the date, time, and place below to consider an amendment to the zoning ordinance in regard to the C-1 Lot Dimensional Requirements and associated table (Section 5.37). The Planning Commission will discuss amending the minimum lot width and area requirements in the C-1 Business District to eliminate nonconformities in this zoning district.

The Planning Commission may or may not make a recommendation to the City Commission at the conclusion of the public hearing. Final approval of the zoning ordinance amendment would be made by the City Commission. The proposed amendment may be viewed in the Public Works Administration office at the Community Center, or by linking from this notice at www.eastgr.org/notices.

The Planning Commission welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Planning Commission at 750 Lakeside Drive SE, East Grand Rapids, MI 49506. To be included in the hearing, written communications must contain the sender's name and address.

If you have any questions regarding this request, please contact the undersigned at (616) 940-4817, or jgianotti@eastgr.org.

Date: Tuesday, August 10, 2021
Time: 5:30 p.m.
Place: East Grand Rapids Community Center Commission Chambers
750 Lakeside Drive SE, East Grand Rapids, MI 49506

Jay Gianotti, AICP
Zoning Administrator

AN ORDINANCE TO AMEND SECTION 5.37 OF CHAPTER 50
OF TITLE V OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

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Section 5.37. Area, height and placement requirements.

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Minimum yard setback (ft.)	Front	0 ⁶	
	Side	Adjoining C-1 or MFR	0
		Adjoining R-1, R-2 or R-3	7
		Adjoining a street	0
	Rear ⁷	Adjoining C-1	0
Adjoining Residential		24	
Maximum building height	Feet	35	
	Stories	2-1/2	
Maximum lot coverage		N/A	
<p>6. Buildings shall be located at the right-of-way line; provided, the Planning Commission (and if applicable, the City Commission) may approve a site plan for a commercial building in the C-1 District that is set back no more than 15 feet from the right-of-way line, if one or more of the following conditions is present:</p> <p>A. The proposed building or addition is in line with a setback established by existing buildings located on either side of the subject property;</p> <p>B. The setback is necessary to provide for clear vision around corners or at driveway entrances; or</p> <p>C. The proposed use is a restaurant that will provide outdoor seating in the front yard.</p> <p>7. Where an alley separates the C-1 District from property in a residential district, the full alley width may be counted as part of the required rear yard.</p>			

Section 2. This Ordinance shall be effective on September ____, 2021.

Section 3. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids:

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

Notice is hereby given that the East Grand Rapids City Commission adopted an amendment to Section 5.37 of Chapter 50 of the City Code. The purpose of the amendment was to modify portions of table 5.37 to reduce the minimum area per unit and the minimum lot width in order to eliminate nonconformities.

The full text of the amended section is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____

Karen K. Brower
City Clerk



SHEA CHARLES
CITY MANAGER

CITY OF EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE · EAST GRAND RAPIDS, MICHIGAN 49506

(616) 940-4817

www.eastgr.org

Hearing Required?	No
Notices Mailed	N/A
Notice Published	N/A
Introduction:	September 7, 2021
Final Reading:	September 20, 2021
Effective Date:	January 1, 2022

MEMORANDUM

TO: Honorable Mayor and City Commissioners
 FROM: Shea Charles, City Manager
 DATE: September 15, 2021


RE: Zoning Board of Appeals – Ordinance Adoption

Action Requested: That the City Commission adopt an ordinance to amend Sections 5.100, 5.101(A), and 5.103 of Chapter 50 of Title V of the City Code creating a separate Zoning Board of Appeals.

Background: At City Commission’s request staff prepared the attached draft ordinance creating a separate Zoning Board of Appeals. The proposed ordinance, drafted by the City Attorney with input from Paul LeBlanc, establishes a seven-person board with one member being a City Commissioner and one being a Planning Commissioner. The ZBA would also include two alternates, all these positions would be by City Commission appointment. ZBA appointments are for three years expect for initial appointments that would be staggered one, two and three years. This will allow for at least two members to be up for reappointment each year.

The ZBA’s basis for granting an appeal would be the same as the current structure. Any appeal of the ZBA’s decision would be made to courts, which is common practice. If the ordinance is enacted the newly created board would create its own by-laws

The proposed ordinance would become effective January 1, 2022 to allow for appointments to the new board as well as to provide time for training. The Planning Commission held the required public hearing on August 10, 2021 and voted to recommend approval by the City Commission.



Shea Charles
City Manager

**AN ORDINANCE TO AMEND SECTION 5.100, SUBSECTION (A) OF SECTION
5.101, AND SECTION 5.103 OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.100 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

5.100 Creation and Membership.

- A. A Zoning Board of Appeals is hereby established having the powers, duties, and membership which are set forth in Act 110 of Michigan Public Acts of 2006, as amended, and in accordance with the City Charter.
- B. The Zoning Board of Appeals shall consist of seven members appointed by the City Commission who are electors residing in the City, one of whom shall be a member of the Planning Commission, and one of whom shall be a member of the City Commission, plus two alternate members.
- C. Members shall be appointed for terms of three years, except that the terms for the Planning Commission or City Commission members shall be the same as that for their office. Members can be reappointed. Terms shall be staggered so that at least two members are up for appointment every year. Of the initial members, some shall be appointed for a one year term, some for a two year term, and some for a three year term so that the terms of approximately 1/3 of the members will expire each year. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The City Commission shall appoint two alternate members to serve on the Zoning Board of Appeals, who shall also serve for three year terms. The alternate members shall have the same voting rights as a regular member and shall sit as regular members of the Zoning Board of Appeals in the absence of a regular member, or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. Once an alternate has been called to serve in a particular case, the alternate shall continue to participate in that case until a decision has been rendered.
- E. Members of the Zoning Board of Appeals or alternates shall be removable by the City Commission for malfeasance, misfeasance, or nonfeasance in office upon filing of written charges and following a public hearing.
- F. A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves

from a vote in which the member has a conflict of interest constitutes malfeasance in office. Any Planning Commission or City Commission member on the Zoning Board of Appeals shall abstain from any vote on an issue which they had previously voted upon as a member of the Planning Commission or the City Commission.

Section 2. Subsection A of Section 5.101 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the Zoning Board of Appeals may specify in its Rules of Procedure.

Section 3: Section 5.103 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

5.103 Decisions

- A. The concurring vote of majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision or determination of the administrative official or body or to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a variance to the zoning ordinance. A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Director of Public Works. Such decision shall be binding upon the Director of Public Works and observed by him or her, and he or she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. The decision of the Board shall be final.
- B. The Board, after public hearing, shall have the power to decide applications, filed as hereafter provided, for variances:
 - (1) Where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Director of Public Works or other administrative officer in the carrying out or enforcement of the provisions of this chapter;
 - (2) Where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship; or

- (3) Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter relating to the construction, structural changes in equipment, or alterations of building or structures or the use of land, building or structures so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.
- C. A dimensional variance from the provisions or the requirements of this Chapter shall be authorized only upon an affirmative finding by the Board, based upon competent material and substantial evidence on the whole record, that the following criteria are satisfied:
- (1) Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures or buildings in the same district;
 - (2) The special conditions or circumstances do not result from the actions of the applicant;
 - (3) Authorizing a variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this chapter; and
 - (4) A nonconforming use of neighboring lands, structures or buildings shall not, in itself, be considered grounds for granting a variance.
- D. A use variance request shall be subject to the following requirements and criteria. In addition to the information required for dimensional variance requests, an application for a use variance shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:
- (1) Applicant's property cannot be used for the purposes permitted in the zoning district;
 - (2) Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions;
 - (3) Applicant's suggested use would not alter the essential character of the area;
 - (4) Applicant's problem has not been self-created;
 - (5) Unavailability of administrative relief which may afford reasonable use of applicant's property.

- E. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court.

Section 4. This Ordinance shall be effective on January 1, 2022.

Section 5. Notice of adoption of this Ordinance shall be published within ten days of its enactment by a publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

Notice is hereby given that on September 20, 2021, the City Commission of the City of East Grand Rapids adopted an ordinance amendment with an effective date of January 1, 2022, restating Sections 5.100, 5.101(A) and 5.103 of Chapter 50 of Title V of the City Code. The purpose of these amendments was to change the membership of the Zoning Board of Appeals, to clarify the time in which a decision has to be made, and to set forth the standards for both a dimensional variance and a use variance. The full text of the ordinance is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

City of East Grand Rapids

By _____
Karen K. Brower
City Clerk

18066612.1



CITY OF
EAST GRAND RAPIDS

7 8

750 LAKESIDE DRIVE SE · EAST GRAND RAPIDS, MICHIGAN 49506
(616) 949-4817

www.eastgr.org

JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

Hearing Required?	No
Notices Mailed	N/A
Notice Published	N/A
Introduction:	August 16, 2021
Final Reading:	September 20, 2021
Effective Date:	January 1, 2022

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Jay Gianotti, Zoning Administrator
DATE: September 14, 2021

RE: **Ordinance Amendments**
- **Chapter 81 of Title VIII – Signs**
- **Chapter 83 of Title VIII – Fences**

Action Requested: That the City Commission adopt amendments to Sections 8.24 and 8.25 of Chapter 81 of Title VIII of the City Code and to Sections 8.61, 8.62A, and 8.62B of Chapter 83 of Title VIII allowing a separate Zoning Board of Appeals to hear sign and fence variance requests.

Background: At the request of the City Commission, City Staff has begun the process to establish a separate Zoning Board of Appeals (ZBA) to hear variance requests. The Planning Commission is currently discussing an ordinance amendment establishing a ZBA, as required by Michigan Law.

During City Commission’s initial review of the amendment, it was asked if the ZBA could also hear sign and fence variance requests. Accordingly, staff prepared two ordinance amendments to transfer the authority to hear sign and fence variances to the new Zoning Board of Appeals.

Attached are the two proposed amendments that replace all references to “City Commission” with “Zoning Board of Appeals” or “Board of Appeals” as necessary. The City Commission can introduce both amendments at this time or give feedback to staff for any changes necessary. These are two separate chapters of the city code, requiring separate votes to adopt the amendments.

REVIEWED & APPROVED FOR SUBMISSION:

Shea Charles
City Manager

AN ORDINANCE TO AMEND SECTIONS 8.24 AND 8.25
OF CHAPTER 81 OF TITLE VIII OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 8.24 of Chapter 81 of Title VIII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

8.24 APPEALS, INTERPRETATIONS AND VARIANCES.

(A) *Board of Appeals.* The Zoning Board of Appeals shall act as the Board of Appeals for these regulations. The Board of Appeals shall have the authority to interpret, consider appeals of administrative decisions and consider requests for variances; provided, the Board of Appeals shall have no authority to hear an appeal, interpret provisions or consider a variance from any matter that relates to the construction or design specifications established by the City Building Code. Such decisions shall be the sole province of the Construction Board of Appeals.

(B) *Appeals.* Any person aggrieved by any decision or order of the Director of Public Works or Zoning Administrator in connection with any provision of these regulations may appeal to the Board of Appeals within 30 days of the decision or order.

(C) *Interpretation.* The Board of Appeals may interpret any aspect of the regulations of this chapter. Such *interpretation* may be requested by an applicant, business owner, city official, the Zoning Administrator or the Director of Public Works.

(D) *Variances.*

(1) The Board of Appeals shall hear variance requests on all applications that do not conform to the provisions of these regulations, relating to the location, maintenance, design, illumination, size, height, number and type of signs. The Board of Appeals may require the applicant to present photographs of similar signs, color renderings of the proposed sign or such other evidence, information or exhibits it determines to be necessary prior to making a decision.

(2) The Board of Appeals shall use the following standards to determine if a variance is warranted. All of the following standards shall be satisfied, as applicable.

(a) The applicant has demonstrated a variance is needed due to a practical difficulty on the site or unique condition that is more than mere inconvenience or mere inability to attain a supposed higher financial return or incur additional costs. These conditions may include varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limits visibility of a sign on the premises compared to similar sites with conforming signs in the same zoning district.

(b) A variance is warranted due to circumstances exceptional and peculiar to the property for which the variance is requested, and those conditions do not exist generally throughout the city. These conditions may include such considerations as the

significantly larger size of the site, frontage or building in comparison to other establishments in the same zoning district.

(c) If applicable, a variance would significantly bring a nonconforming sign closer to conformity with this chapter.

(d) That allowing the variance will result in substantial justice being done, considering the public benefits intended by the regulations, the rights of others whose property would be affected by the allowance of the variance are not impaired, or adversely affect the health, safety and welfare of the public.

(e) The variance will not be contrary to the purpose and intent of the regulation(s) being considered for the variance.

(f) The variance granted will be the minimum necessary to allow the applicant to enjoy the same rights as other establishments in the same zoning district, and ensure a reasonable outlet for free speech where no others may reasonably exist.

Section 2. Section 8.25 of Chapter 81 of Title VIII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

8.25 BOARD OF APPEALS HEARINGS AND DECISIONS

(A) Notice regarding a proposed appeal, interpretation (if applicable to a specific property) or variance shall be sent by mail at least 15 days prior to the Board of Appeals meeting at which the request will be considered, to all property owners of record within 300 feet of the property in question. The notice shall contain a brief description of the request, the time and place of the Board of Appeals meeting, the hours and location where the application may be inspected, and the address to which written comments may be sent.

(B) Meetings to hear appeals, interpretations or variances may be held the same evening as the regularly scheduled Zoning Board of Appeals meeting, unless a special meeting is called.

(C) Decisions required under this section shall be by majority vote of the full membership of the Zoning Board of Appeals, not just a majority of those present.

(D) The Board of Appeals may affirm, annul or modify the order or action of the Department of Public Works or applicable portion of the regulations of this chapter.

(E) All decisions are final and may not be appealed, except as may be provided by law.

(F) In its capacity as Appellate Board, the Board of Appeals shall either:

(1) Approve the application as presented upon a finding, point by point, that all the criteria in § 8.24(D) are met;

(2) Subject the approval to certain changes or conditions, such as, but not limited to, changes to sign dimensions or proposed location, changes to materials of the sign or

sign base/framework to be more complementary with the overall site design or character of the area, addition of landscaping around the base of the sign, or changes to sign illumination; or

(3) Deny the application.

(G) Any decision shall be in writing and the applicant shall be provided a written explanation of the reasons for the decision and any conditions attached to an approval.

Section 3. This Ordinance shall be effective on January 1, 2022.

Section 4. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids:

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

Notice is hereby given that on September 20, 2021, the East Grand Rapids City Commission adopted an amendment with an effective date of January 1, 2022, restating Sections 8.24 and 8.25 of Chapter 81 of Title VIII of the City Code. The purpose of the amendment is to provide that the Zoning Board of Appeals would hear any and all variances or appeals under the Sign Ordinance. The full text of the Ordinance is available for inspection by and distribution to the public at the office of the City Clerk or at eastgr.org. No further or additional publication of this ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____

Karen K. Brower
City Clerk

AN ORDINANCE TO AMEND SECTION 8.61, SECTION 8.62A
AND SECTION 8.62B OF CHAPTER 83 OF TITLE VIII OF THE CODE
OF THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Subsection L of Section 8.61 of Chapter 83 of Title VIII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

"(L) The Board of Appeals may, for good cause, authorize exceptions from the strict requirements of this chapter upon written application and following a public hearing. The procedure for such application and hearing shall be as set forth in §§ 8.62A and 8.62B of this chapter."

Section 2. Section 8.62A of Chapter 83 of Title VIII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

8.62A APPEALS, INTERPRETATIONS AND VARIANCES.

(A) *Board of Appeals.* The Zoning Board of Appeals shall act as the Board of Appeals for these regulations. The Board of Appeals shall have the authority to interpret, consider appeals of administrator decisions, and consider request for variances; provided, the Board of Appeals shall have no authority to hear an appeal, interpret provisions or consider a variance from any matter that relates to the construction or design specifications established by the City Building Code. Such decisions shall be the sole province of the Construction Board of Appeals.

(B) *Appeals.* Any person aggrieved by any decision or order of the Director of Public Works or Zoning Administrator in connection with any provisions of these regulations may appeal to the Board of Appeals within 30 days of the decision or order.

(C) *Interpretation.* The Board of Appeals may interpret any aspect of the regulations of this chapter. Such interpretation may be required by an application, business owner, property owner, city official, the Zoning Administrator or the Director of Public Works.

(D) *Variances.*

(1) The Board of Appeals shall hear variance requests on all applications that do not conform to the provisions of these regulations, relating to location, height, maintenance and opaqueness.

(2) The Board of Appeals shall use the following standards to determine if a variance is warranted. All of the following standards shall be satisfied, as applicable.

(a) The applicant has demonstrated a variance is needed due to a practical difficulty on the site or unique condition that is more than mere inconvenience.

(b) A variance is warranted due to circumstances exceptional and peculiar to the property for which the variance is requested, and those conditions do not exist generally throughout the city.

(c) The variance will not be a hazard to either clear vision or overall safety and will be harmonious with the surrounding environment.

(d) If applicable, a variance would significantly bring a nonconforming fence closer to conformity with this chapter.

(e) The variance will not be contrary to the purpose and intent of the regulation(s) being considered for the variance.

Section 3. Section 8.62B of Chapter 83 of Title VIII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

8.62B BOARD OF APPEALS HEARINGS AND DECISIONS.

(A) Notice regarding a proposed appeal, interpretation (if applicable to a specific property) or variance shall be sent by mail at least 15 days prior to the Board of Appeals meeting at which the request will be considered, to all property owners of records within 300 feet of the property in question. The notice shall contain a brief description of the request, the time and place of the Board of Appeals meeting, the hours and location where the application may be inspected, and the address to which written comments may be sent.

(B) Meetings to hear appeals, interpretations, or variance may be held the same evening as the regularly scheduled Zoning Board of Appeals meeting, unless a special meeting is called.

(C) Decisions required under this section shall be by majority vote of the full membership of the Zoning Board of Appeals, not just a majority of those present.

(D) The Board of Appeals may affirm, annul or modify the order or action of the Department of Public Works or applicable portion of the regulations of this chapter.

(E) All decisions are final and may not be appealed, except as may be provided by law.

(F) In its capacity as appellate board, the Board of Appeals shall either:

(1) Approve the application as presented upon a finding, point by point, that all the criteria in § 8.62A(D)(2) are met;

(2) Subject the approval to certain changes or conditions, such as, but not limited to, changes to fence height, location, material, or opaqueness; or

(3) Deny the application.

(G) Any decision shall be in writing and the applicant shall be provided a written explanation of the reasons for the decision and any conditions to an approval.

Section 4. This Ordinance shall be effective on January 1, 2022.

Section 5. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids:

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

Notice is hereby given that on September 20, 2021, the East Grand Rapids City Commission adopted an Ordinance Amendment with an effective date of January 1, 2022, restating Sections 8.61, 8.62A, and 8.62B of Chapter 83 of Title VIII of the City Code. The purpose of these amendments was to provide that the Zoning Board of Appeals would hear appeals under the Fence Ordinance. The full text of the Ordinance is available for inspection by and distribution to the public at the office of the City Clerk or at eastgr.org. No further or additional publication of this ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____

Karen K. Brower
City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held September 7, 2021

Mayor Favale called the meeting to order at 6:00 p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present in Person: Commissioners Arendshorst, Duncan, Hamrick, Hecksel, Pachla, Walters and Mayor Favale

Absent: None

Also Present: City Manager Charles; Deputy City Manager LaFave; City Attorney Huff; Finance Director Seath; Parks & Recreation Director Melville; City Clerk Brower; Zoning Administrator Gianotti

2021-158. The agenda was approved as published.

2021-159. No public comment was received.

2021-160. Commissioner Hecksel announced there would be a fundraiser for the Fred Bunn Trails at Manhattan Park on September 8 from 4-7 pm.

Commissioner Pachla reminded everyone to drive carefully and pay special attention to kids on bikes now that school is back in session for the semester.

Mayor Favale invited everyone to participate in the Mayor's Grand River Cleanup events taking place this weekend around the area.

City Manager Charles noted the first of the education sessions for the parks millage proposal would take place next week. He further noted the strategic plan proposal and a review of the city manager's first six months would be on the next agenda. Mr. Charles also noted the Reeds Lake Triathlon would take place on Saturday, September 11 and volunteers were still needed.

2021-161. Mayor Favale presented a plaque to the EGR High School Art Club and thanked the student artists involved in repainting the Lakeside Drive Mural earlier this year. The students worked with officials and staff on the approval of a new design, budget and logistics to replace the fading mural originally painted in 2003. Everyone thanked the students for their work and complimented the finished mural's historical design.

2021-162. Zoning variance hearing on the request of Ron & Ginger Springer of 1750 Robinson to allow the installation of a driveway increasing lot coverage by impervious surfaces to 55.9% instead of the 40% allowed.

Zoning Administrator Gianotti explained the Springers have submitted a drainage analysis on their proposed circular driveway as requested by the commission in May and are again requesting approval of the original circular design. Mr. Gianotti noted the city's consulting engineer suggested a T-shape turnaround to reduce the amount of non-porous surfacing and to avoid a second driveway exiting onto Robinson Road. Mr. Gianotti suggested two conditions be added to any approval requiring the exact specifications of a driveway and requiring a post-construction inspection. He also noted that even a smaller T-shape turnaround would require a lot-coverage variance since this property was already over the percentage allowed by ordinance.

Commissioner Walters questioned whether the commission could grant a smaller variance for a T-shape turnaround at this meeting or if the original request would have to be tabled to allow time for the applicant to revise their request. City Attorney Huff stated the commission could grant a less intrusive variance request than what was proposed.

Commissioner Walters asked if the end of the construction at Blodgett Hospital would mean less traffic in this area when the hospital was no longer using the parking lot across the street for employee shuttles. Deputy City Manager LaFave stated the hospital's original goal was to provide enough spaces on site that off-site shuttles would no longer be needed once all the construction work wrapped up.

Commissioner Hamrick questioned whether staff felt that Standard A regarding special conditions existed in this situation. Mr. Gianotti responded that the existing driveway seems sufficient for vehicles to be able to turn around and there are no major safety concerns in the area, even being on a busier road.

Ron Springer, 1750 Robinson, stated the new portion of the driveway would have a sand/aggregate base to absorb all of the runoff from the new driveway. He felt a T-shape turnaround would be only slightly less pavement and would not meet their needs as well. He requested the full circular driveway be approved. He noted there were other circular driveways in the area due to the busy streets.

Commissioner Walters stated that for him it was less about the amount of paving and more about avoiding a second driveway from this property onto Robinson Road adding to the potential for accidents on the street.

Mayor Favale opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Susan Jones, 251 Plymouth In Favor.

No other public comment was received. Mayor Favale closed the public hearing.

Commissioner Walters noted he struggled with the variance condition about not being a detriment to the neighborhood as he remained concerned about adding another driveway on Robinson. He felt other options existed to avoid the second driveway and suggested tabling the variance request or approving a smaller T-shape turnaround.

Commissioner Arendshorst stated that while the circular driveway may not be the smallest variance possible, it would have the advantage of allowing vehicles to exit onto the street driving forward instead of backing out, which would be more beneficial than the detriment of a second driveway.

Commissioner Pachla was concerned about approving lot coverage of 55.9% when the normal allowance is 40%. He would like to see a less impactful solution with a smaller lot coverage, such as using permeable pavers in a small T-shape turnaround to allow room for vehicles to turn around safely while keeping the lot coverage variance to the minimum possible.

Commissioner Hamrick agreed there are other less impactful options and shared the concern about lot coverage of nearly 56%. She understood the desire for a circular driveway, but felt there should be more effort to minimize the lot coverage and limit non-conformity. Mayor Favale agreed.

2021-162-A. Walters-Hamrick. That the request of Ron & Ginger Springer of 1750 Robinson to allow the installation of a driveway increasing lot coverage by impervious surfaces to 55.9% instead of the 40% allowed be tabled to allow the applicant to explore a smaller turnaround area.

Commissioner Arendshorst favored continued discussion as he supported the request. He felt the additional surface and second driveway were not significant and would not raise the lot coverage much above what a smaller turnaround would.

Commissioner Hecksel also supported the original request as he felt the new sand sub-base would do a better job with drainage than the current situation and that the traffic situation made this property unique. He did not support tabling the motion and making the applicant revise their design.

Yeas: Duncan, Hamrick, Pachla, Walters and Favale – 5

Nays: Arendshorst and Hecksel – 2

- 2021-163. Introduction of an ordinance to amend Sections 5.100, 5.101(A), and 5.103 of Chapter 50 of Title V of the City Code establishing a separate Zoning Board of Appeals.

City Manager Charles reported the Planning Commission had reviewed this amendment and recommends approval. The ordinance effective date will be January 1, 2022 to allow the appointment and training of the new members of the Zoning Board of Appeals.

- 2021-163-A. Hamrick-Arendshorst. That an ordinance to amend Sections 5.100, 5.101(A), and 5.103 of Chapter 50 of Title V of the City Code establishing a separate Zoning Board of Appeals be introduced as attached in Exhibit "A."

Yeas: Arendshorst, Duncan, Hamrick, Hecksel, Pachla, Walters and Favale – 7
Nays: -0-

- 2021-164. Introduction of an ordinance to amend Section 5.37 of Chapter 50 of Title V of the City Code pertaining to area, height and placement requirements in the C-1 Commercial District.

Zoning Administrator Gianotti outlined the amendment that would eliminate area, height and placement requirements in Gaslight Village to eliminate current nonconformities and allow flexibility for businesses in smaller spaces.

- 2021-164-A. Pachla-Hamrick. That an ordinance to amend Section 5.37 of Chapter 50 of Title V of the City Code pertaining to area, height and placement requirements in the C-1 Commercial District be introduced as attached in Exhibit "B."

Yeas: Arendshorst, Duncan, Hamrick, Hecksel, Pachla, Walters and Favale – 7
Nays: -0-

- 2021-165. Duncan-Pachla. To approve the consent agenda as follows:

- 2021-165-A. Minutes of the regular meeting held August 16, 2021.
2021-165-B. Payroll disbursements of \$235,177.10; county and school disbursements of \$7,696,123.09, and total remaining disbursements of \$872,134.92.
2021-165-C. A contract with American Athletix in the amount of \$15,660.00 for the repair of bleachers at Memorial Field, Mehney Field and Remington Field from the Joint Facilities Fund.
2021-165-D. Payment of invoices totaling \$12,741.38 from Rieth-Riley Construction Co of Wyoming for asphalt materials for street maintenance projects throughout East Grand Rapids.
2021-165-E. Preliminary minutes of the Parks & Recreation Commission meeting held August 9, 2021.

Yeas: Arendshorst, Duncan, Hamrick, Hecksel, Pachla, Walters and Favale – 7
Nays: -0-

The meeting adjourned at 7:05 p.m., subject to the call of the Mayor until September 20, 2021.

Karen K. Brower, City Clerk

Attachments: A – Ordinance Amendment to Sections 5.100, 5.101 and 5.103 establishing a Zoning Board of Appeals
B – Ordinance Amendment to Section 5.37 regarding the C-1 Commercial District

Attachments listed above are available for inspection at the office of the City Clerk.

**AN ORDINANCE TO AMEND SECTION 5.100, SUBSECTION (A) OF SECTION
5.101, AND SECTION 5.103 OF CHAPTER 50 OF TITLE V
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.100 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

5.100 Creation and Membership.

- A. A Zoning Board of Appeals is hereby established having the powers, duties, and membership which are set forth in Act 110 of Michigan Public Acts of 2006, as amended, and in accordance with the City Charter.
- B. The Zoning Board of Appeals shall consist of seven members appointed by the City Commission who are electors residing in the City, one of whom shall be a member of the Planning Commission, and one of whom shall be a member of the City Commission, plus two alternate members.
- C. Members shall be appointed for terms of three years, except that the terms for the Planning Commission or City Commission members shall be the same as that for their office. Members can be reappointed. Terms shall be staggered so that at least two members are up for appointment every year. Of the initial members, some shall be appointed for a one year term, some for a two year term, and some for a three year term so that the terms of approximately 1/3 of the members will expire each year. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The City Commission shall appoint two alternate members to serve on the Zoning Board of Appeals, who shall also serve for three year terms. The alternate members shall have the same voting rights as a regular member and shall sit as regular members of the Zoning Board of Appeals in the absence of a regular member, or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. Once an alternate has been called to serve in a particular case, the alternate shall continue to participate in that case until a decision has been rendered.
- E. Members of the Zoning Board of Appeals or alternates shall be removable by the City Commission for malfeasance, misfeasance, or nonfeasance in office upon filing of written charges and following a public hearing.
- F. A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves

from a vote in which the member has a conflict of interest constitutes malfeasance in office. Any Planning Commission or City Commission member on the Zoning Board of Appeals shall abstain from any vote on an issue which they had previously voted upon as a member of the Planning Commission or the City Commission.

Section 2. Subsection A of Section 5.101 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the Zoning Board of Appeals may specify in its Rules of Procedure.

Section 3: Section 5.103 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

5.103 Decisions

- A. The concurring vote of majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision or determination of the administrative official or body or to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a variance to the zoning ordinance. A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Director of Public Works. Such decision shall be binding upon the Director of Public Works and observed by him or her, and he or she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. The decision of the Board shall be final.
- B. The Board, after public hearing, shall have the power to decide applications, filed as hereafter provided, for variances:
 - (1) Where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Director of Public Works or other administrative officer in the carrying out or enforcement of the provisions of this chapter;
 - (2) Where by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause undue hardship; or

- (3) Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter relating to the construction, structural changes in equipment, or alterations of building or structures or the use of land, building or structures so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.
- C. A dimensional variance from the provisions or the requirements of this Chapter shall be authorized only upon an affirmative finding by the Board, based upon competent material and substantial evidence on the whole record, that the following criteria are satisfied:
- (1) Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures or buildings in the same district;
 - (2) The special conditions or circumstances do not result from the actions of the applicant;
 - (3) Authorizing a variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this chapter; and
 - (4) A nonconforming use of neighboring lands, structures or buildings shall not, in itself, be considered grounds for granting a variance.
- D. A use variance request shall be subject to the following requirements and criteria. In addition to the information required for dimensional variance requests, an application for a use variance shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:
- (1) Applicant's property cannot be used for the purposes permitted in the zoning district;
 - (2) Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions;
 - (3) Applicant's suggested use would not alter the essential character of the area;
 - (4) Applicant's problem has not been self-created;
 - (5) Unavailability of administrative relief which may afford reasonable use of applicant's property.

- E. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court.

Section 4. This Ordinance shall be effective on January 1, 2022.

Section 5. Notice of adoption of this Ordinance shall be published within ten days of its enactment by a publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

Notice is hereby given that on September 20, 2021, the City Commission of the City of East Grand Rapids adopted an ordinance amendment with an effective date of January 1, 2022, restating Sections 5.100, 5.101(A) and 5.103 of Chapter 50 of Title V of the City Code. The purpose of these amendments was to change the membership of the Zoning Board of Appeals, to clarify the time in which a decision has to be made, and to set forth the standards for both a dimensional variance and a use variance. The full text of the ordinance is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

City of East Grand Rapids

By _____
Karen K. Brower
City Clerk

18066612.1

AN ORDINANCE TO AMEND SECTION 5.37 OF CHAPTER 50
OF TITLE V OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.37 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.37. Area, height and placement requirements.

All lots in the non-residential district shall conform to the requirements of Table 5.37. The requirements in footnotes are an intracule part of this Article and shall apply in all instances.

Table 5.37 Dimensional Requirements: C-1 Commercial District			
Requirement		C-1	
Minimum area per unit (sq. ft.)		0	
Minimum lot width (ft.)		0	
Minimum yard setback (ft.)	Front	0 ⁶	
	Side	Adjoining C-1 or MFR	0
		Adjoining R-1, R-2 or R-3	7
		Adjoining a street	0
	Rear ⁷	Adjoining C-1	0
Adjoining Residential		24	
Maximum building height	Feet	35	
	Stories	2-1/2	
Maximum lot coverage		N/A	
<p>6. Buildings shall be located at the right-of-way line; provided, the Planning Commission (and if applicable, the City Commission) may approve a site plan for a commercial building in the C-1 District that is set back no more than 15 feet from the right-of-way line, if one or more of the following conditions is present:</p> <p>A. The proposed building or addition is in line with a setback established by existing buildings located on either side of the subject property;</p> <p>B. The setback is necessary to provide for clear vision around corners or at driveway entrances; or</p> <p>C. The proposed use is a restaurant that will provide outdoor seating in the front yard.</p> <p>7. Where an alley separates the C-1 District from property in a residential district, the full alley width may be counted as part of the required rear yard.</p>			

Section 2. This Ordinance shall be effective on September ____, 2021.

Section 3. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of the following digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids:

NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:

Notice is hereby given that the East Grand Rapids City Commission adopted an amendment to Section 5.37 of Chapter 50 of the City Code. The purpose of the amendment was to modify portions of table 5.37 to reduce the minimum area per unit and the minimum lot width in order to eliminate nonconformities.

The full text of the amended section is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____

Karen K. Brower
City Clerk



MEMORANDUM

TO: Mayor and City Commissioners
FROM: Gary Veldhof, IT Specialist
DATE: August 25, 2021
RE: Mobile Data Computer Purchase

Action Requested: The City Commission approve the purchase of six (6) Dell Latitude 5420 Notebook PCs from Dell Technologies for \$16,350.

Background: The 2020/21 Budget includes \$19,800 for the purchase of six (6) Mobile Data Computers (MDC) and docking stations. MDCs are ruggedized laptop computers mounted in the Public Safety Department's police cruisers. The units being replaced are a minimum of 4 years old. With advancements in CAD (computer aided dispatch) and in-car video systems performance of the existing units is degraded. These units are used by Public Safety Officers for communication with Kent County Sheriff Department (KCSO) dispatch, Law Enforcement Information Network (LEIN) access, writing reports and in-car video recording. The Dell MDCs specified are recommended by KCSO and a similar spec to those used by their department. The docking stations will be purchased from another vendor.

This purchase was originally approved in March 2021 based on proposals received through a reverse auction (RA-4256) conducted on behalf of the City by Kent County. The award went to SBC Tech Partners but they have been unable to provide the equipment and the PO has been cancelled. Dell has indicated that they can supply the units 30 days after ordering.

The City has purchased Dell equipment before, but not directly through Dell. There were no issues with the equipment and warranty support was good. Any issues would be handled by Dell through the extended ProSupport warranty that is being purchased on the units.

REVIEWED & APPROVED FOR SUBMISSION:



Shea Charles
City Manager

MUNICIPAL OFFICES

750 Lakeside Drive SE · East Grand Rapids, Michigan 49506
Telephone (616)-949-1750 Fax (616)-831-6144 www.eastgr.org

Partners with





A quote for your consideration.

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your [Premier page](#), or, if you do not have Premier, use this [Quote to Order](#).

Quote No.	3000094894053.1	Sales Rep	Georgia Armstrong
Total	\$16,350.00	Phone	(800) 456-3355, 6180262
Customer #	31643614	Email	Georgia_Armstrong@Dell.com
Quoted On	Aug. 12, 2021	Billing To	ACCOUNTS PAYABLE
Expires by	Sep. 11, 2021		KENT COUNTY FISCAL SERVICES
Contract Name	Midwestern Higher Education Compact (MHEC)		300 MONROE AVE NW
Contract Code	C000000181093		COUNTY ADMIN BLDG
Customer Agreement #	MHEC-07012015		GRAND RAPIDS, MI 49503-2206
Deal ID	16992143		

Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you're ready to place an order. Thank you for shopping with Dell!

Regards,
Georgia Armstrong

Shipping Group

Shipping To	Shipping Method
WAYNE ARNDT KENT COUNTY FISCAL SERVICES 1500 SCRIBNER AVE NW GRAND RAPIDS, MI 49504-3233 (616) 632-7719	Express Delivery

Product	Unit Price	Quantity	Subtotal
Dell Latitude 5420 Rugged	\$2,725.00	6	\$16,350.00

Subtotal:	\$16,350.00
Shipping:	\$0.00
Non-Taxable Amount:	\$16,350.00
Taxable Amount:	\$0.00
Estimated Tax:	\$0.00

Total:	\$16,350.00
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Special lease pricing may be available for qualified customers. Please contact your DFS Sales Representative for details.

Shipping Group Details

Shipping To

WAYNE ARNDT
KENT COUNTY FISCAL SERVICES
1500 SCRIBNER AVE NW
GRAND RAPIDS, MI 49504-3233
(616) 632-7719

Shipping Method

Express Delivery

	Quantity	Subtotal
Dell Latitude 5420 Rugged	6	\$16,350.00
\$2,725.00		

Estimated delivery if purchased today:
Sep. 08, 2021
Contract # C000000181093
Customer Agreement # MHEC-07012015

Description	SKU	Unit Price	Quantity	Subtotal
Dell Latitude 5420 Rugged, CTO	210-AQPT	-	6	-
8th Gen Intel Core i7-8650U Processor (Quad Core, 8M Cache, 1.9GHz,15W, vPro)	379-BDHD	-	6	-
Windows 10 Pro English, French, Spanish	619-AHKN	-	6	-
No Microsoft Office License Included – 30 day Trial Offer Only	658-BCSB	-	6	-
Intel Core i7-8650U Processor Base with AMD Radeon RX540 Graphics 128 Bit	338-BPTH	-	6	-
No Out-of-Band Systems Management - vPro Disabled	631-ABWH	-	6	-
16GB, 2x8GB, 2400MHz DDR4 Non-ECC	370-AGKD	-	6	-
M.2 256GB PCIe NVMe Class 40 Solid State Drive	400-BBTW	-	6	-
14" FHD WVA (1920 x 1080) Embedded Touch, Outdoor-Readable Screen	391-BDVP	-	6	-
No Security Options	346-BEVE	-	6	-
Dell USB,USB,AUDIO,BLANK left I/O module	590-TEYE	-	6	-
SYSTEM RATING LABEL	389-DOPP	-	6	-
Sealed Internal RGB Backlit English Keyboard	580-ABYR	-	6	-
Intel Dual Band Wireless AC 8265 (802.11ac) 2x2 (No BT) Driver (Later upgrade not possible for the system)	555-BEPC	-	6	-
Intel Dual Band Wireless AC 8265 (802.11ac) 2x2	555-BDGD	-	6	-
WLAN Bracket	575-BBYW	-	6	-
Qualcomm Snapdragon X20 (DW5821e) Vrz	556-BBZJ	-	6	-
WWAN Bracket	575-BBYX	-	6	-
3 Cell 51Whr ExpressCharge Capable Battery	451-BCHG	-	6	-
90 Watt AC Adapter	492-BCNQ	-	6	-
No Anti-Virus Software	650-AAAM	-	6	-
OS-Windows Media Not Included	620-AALW	-	6	-
E5 US Power Cord	537-BBBD	-	6	-
Quick Referene Guide	340-CHGB	-	6	-
Factory Installed Rigid handle tied sku	540-BCIH	-	6	-
US Order	332-1286	-	6	-
2nd 3 Cell 51Whr ExpressCharge Capable Battery	451-BCHH	-	6	-

SERI Guide (English/Spanish)	340-AGIN	-	6	-
Regulatory Label included	389-BEYY	-	6	-
TPM Enabled	340-AJPV	-	6	-
System Driver, Dell Latitude 5420	640-BBRG	-	6	-
Dell Developed Recovery Environment	658-BCUV	-	6	-
Shuttle SHIP Material	328-BCXL	-	6	-
Directship Info Mod	340-CKTD	-	6	-
Intel(R) Core(TM) i7 Processor Label	389-CGBC	-	6	-
No Option Included	340-ACQQ	-	6	-
No Resource USB Media	430-XXYG	-	6	-
ENERGY STAR Qualified	387-BBNJ	-	6	-
BTO Standard shipment Air	800-BBGF	-	6	-
No UPC Label	389-BDCE	-	6	-
No Additional IO Ports	590-TEYC	-	6	-
Dedicated u-blox NEO-MQN GPS Card	540-BCIG	-	6	-
RGB Camera	319-BBFN	-	6	-
No AutoPilot	340-CKSZ	-	6	-
ProSupport Plus: Next Business Day Onsite, 2 Years Extended	808-6796	-	6	-
ProSupport Plus: Next Business Day Onsite, 3 Years	808-6797	-	6	-
Dell Limited Hardware Warranty Initial Year	808-6805	-	6	-
ProSupport Plus: Accidental Damage Service, 5 Years	808-6826	-	6	-
ProSupport Plus: Keep Your Hard Drive, 5 Years	808-6827	-	6	-
ProSupport Plus: 7X24 Technical Support, 5 Years	808-6845	-	6	-
Dell Limited Hardware Warranty Extended Year(s)	975-3461	-	6	-
Thank you for choosing Dell ProSupport Plus. For tech support, visit www.dell.com/contactdell or call 1-866-516-3115	997-8367	-	6	-

Subtotal:	\$16,350.00
Shipping:	\$0.00
Estimated Tax:	\$0.00
<hr/>	
Total:	\$16,350.00

Important Notes

Terms of Sale

This Quote will, if Customer issues a purchase order for the quoted items that is accepted by Supplier, constitute a contract between the entity issuing this Quote ("Supplier") and the entity to whom this Quote was issued ("Customer"). Unless otherwise stated herein, pricing is valid for thirty days from the date of this Quote. All product, pricing and other information is based on the latest information available and is subject to change. Supplier reserves the right to cancel this Quote and Customer purchase orders arising from pricing errors. Taxes and/or freight charges listed on this Quote are only estimates. The final amounts shall be stated on the relevant invoice. Additional freight charges will be applied if Customer requests expedited shipping. Please indicate any tax exemption status on your purchase order and send your tax exemption certificate to Tax_Department@dell.com or ARSalesTax@emc.com, as applicable.

Governing Terms: This Quote is subject to: (a) a separate written agreement between Customer or Customer's affiliate and Supplier or a Supplier's affiliate to the extent that it expressly applies to the products and/or services in this Quote or, to the extent there is no such agreement, to the applicable set of Dell's Terms of Sale (available at www.dell.com/terms or www.dell.com/oemterms), or for cloud/as-a-Service offerings, the applicable cloud terms of service (identified on the Offer Specific Terms referenced below); and (b) the terms referenced herein (collectively, the "Governing Terms"). Different Governing Terms may apply to different products and services on this Quote. The Governing Terms apply to the exclusion of all terms and conditions incorporated in or referred to in any documentation submitted by Customer to Supplier.

Supplier Software Licenses and Services Descriptions: Customer's use of any Supplier software is subject to the license terms accompanying the software, or in the absence of accompanying terms, the applicable terms posted on www.Dell.com/eula. Descriptions and terms for Supplier-branded standard services are stated at www.dell.com/servicecontracts/global or for certain infrastructure products at www.dellemc.com/en-us/customer-services/product-warranty-and-service-descriptions.htm.

Offer-Specific, Third Party and Program Specific Terms: Customer's use of third-party software is subject to the license terms that accompany the software. Certain Supplier-branded and third-party products and services listed on this Quote are subject to additional, specific terms stated on www.dell.com/offeringsspecificterms ("Offer Specific Terms").

In case of Resale only: Should Customer procure any products or services for resale, whether on standalone basis or as part of a solution, Customer shall include the applicable software license terms, services terms, and/or offer-specific terms in a written agreement with the end-user and provide written evidence of doing so upon receipt of request from Supplier.

In case of Financing only: If Customer intends to enter into a financing arrangement ("Financing Agreement") for the products and/or services on this Quote with Dell Financial Services LLC or other funding source pre-approved by Supplier ("FS"), Customer may issue its purchase order to Supplier or to FS. If issued to FS, Supplier will fulfill and invoice FS upon confirmation that: (a) FS intends to enter into a Financing Agreement with Customer for this order; and (b) FS agrees to procure these items from Supplier. Notwithstanding the Financing Agreement, Customer's use (and Customer's resale of and the end-user's use) of these items in the order is subject to the applicable governing agreement between Customer and Supplier, except that title shall transfer from Supplier to FS instead of to Customer. If FS notifies Supplier after shipment that Customer is no longer pursuing a Financing Agreement for these items, or if Customer fails to enter into such Financing Agreement within 120 days after shipment by Supplier, Customer shall promptly pay the Supplier invoice amounts directly to Supplier.

Customer represents that this transaction does not involve: (a) use of U.S. Government funds; (b) use by or resale to the U.S. Government; or (c) maintenance and support of the product(s) listed in this document within classified spaces. Customer further represents that this transaction does not require Supplier's compliance with any statute, regulation or information technology standard applicable to a U.S. Government procurement.

For certain products shipped to end users in California, a State Environmental Fee will be applied to Customer's invoice. Supplier encourages customers to dispose of electronic equipment properly.

Electronically linked terms and descriptions are available in hard copy upon request.

^Dell Business Credit (DBC):

OFFER VARIES BY CREDITWORTHINESS AS DETERMINED BY LENDER. Offered by WebBank to Small and Medium Business customers with approved credit. Taxes, shipping and other charges are extra and vary. Minimum monthly payments are the greater of \$15 or 3% of account balance. Dell Business Credit is not offered to government or public entities, or business entities located and organized outside of the United States.

East Grand Rapids Library Commission Meeting Minutes

April 26, 2021

Present:	Dawn Lewis	Betsy Brown	Mary Dersch
	Brian Hartigan	Ryan Duffield 📞	Deirdre Honner 📞
	Erik Daly 📞	Claudine Duncan 📞	Chuck Myers 📞
	Chad Balon 📞		

I. Call to Order

- Deirdre Honner called the meeting to order at 7:01 pm

II. Approval of January 25, 2021 Minutes

- Motion to approve made by Erik Daly, seconded by Dawn Lewis, and supported by Claudine Duncan

III. Friends of the Library Report – Mary Dersch

- May 22nd Book Sale has been canceled due to COVID-19.
- Books that were originally allocated for this sale will be stored until the next sale
- Patrons are encouraged to visit FOL’s eBay store to browse and purchase
- Alternative fundraisers such as a read-a-thon, are being evaluated. Updates will be posted to the FOL Facebook page and branch website
- Updated FOL Newsletter is scheduled to go out this week
- Updated FOL website (<https://www.friendsoftheegrlibrary.org/>) is now live
- FOL continues to accept book donations and will make tax receipt available to those who request. Multiple drop-off options are available depending on volume of books being donated.

IV. Branch Manager’s Report – Dawn Lewis

- The branch is currently allowed to operate at 50% of capacity
- 4 study rooms at the branch have reopened
- In-person programming will be done outside this summer, weather permitting
 - Story Time will scheduled/offered initially
 - Presenter programs will continue to be virtual
- The branch will begin evaluating Fall 2021 programming in late May 2021. Dates will remain flexible and will initially not be published to prevent confusion if reschedule is needed
- Annual spring appeal for summer program donations (Summer Wonder) to kick-off soon
- The branch is in the process of forming a Diversity, Equity & Inclusion (DE&I) work group, to be led by Shaunna Martz.
 - Branch goals to be developed, with a focus on unconscious bias
 - *Paradigm* is being utilized to support training
 - KDL branches will close on specified days for in-service trainings

- Free document printing of up to 50 pages per week per patron will continue through the remainder of 2021; document scanning and faxing remain free to patrons as
- The branch will continue to offer curbside pickup for patrons
- The branch is planning to bring back Tech Tutors service

V. New Business

- Betsy Brown advised that the summer volunteer program has been suspended this year
- Efforts are underway to determine if these individuals can assist or engage virtually
- The branch will be employing interns this summer
- Deirdre Honner will continue serving as Chair of the Library Commission

VI. Public Comment

No public comments

VII. Adjournment

Deirdre Honner adjourned the meeting at 7:23pm



CITY OF
EAST GRAND RAPIDS

*Executive
Session*

750 LAKESIDE DRIVE SE · EAST GRAND RAPIDS, MICHIGAN 49506

(616) 940-4817

www.eastgr.org

SHEA CHARLES
CITY MANAGER


MEMORANDUM

TO: Honorable Mayor and City Commissioners
FROM: Shea Charles, City Manager
DATE: September 15, 2021

RE: Closed Session Request – City Manager Six Month Evaluation

Action Requested: That the City Commission enter closed session to conduct the City Manager's six-month performance review.

Background: The City Manager's employment agreement calls for a performance review after the first six months of employment. Pursuant to the Michigan Open Meetings Act, I am requesting a closed session to conduct this review.



Shea Charles
City Manager