



CITY OF IONIA
IONIA CITY COUNCIL
REGULAR MEETING MINUTES
7:00 PM, July 2, 2024
CITY HALL COUNCIL CHAMBERS

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor John Milewski called the meeting of the Ionia City Council to order at 7:00 PM, and led with the Pledge of Allegiance.

ROLL CALL

Roll call revealed a Quorum with Councilmembers Tim Lee, Margot Cook, Tom Millard, Rich Starr, Jeff Winters, Dawn Ketchum, Troy Waterman, Brenda Cowling, and Mayor John Milewski present.

I. APPROVAL OF AGENDA

With no changes or additions to the agenda, Councilmember Winters made a motion, seconded by Councilmember Millard, to approve the agenda as presented.

MOTION CARRIED BY VOICE VOTE

II. APPROVAL OF MINUTES – June 5, 2024, Regular Meeting

Councilmember Ketchum made a motion, seconded by Councilmember Cowling, to approve the June 5, 2024, Regular Meeting minutes as presented.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski
NAYS: None

MOTION CARRIED

III. PROCLAMATIONS

None.

IV. PUBLIC COMMENTS

Ionia resident David O'Mara commented on the hiring of the replacement for retiring Public Safety Director Troy Thomas. Michigan Land Bank Authority Director Joseph Rivet said he was present to answer questions regarding the Deerfield/Riverside site.

V. PUBLIC HEARINGS & ASSOCIATED ACTIONS

(V-1) Public Hearing & Action – Ordinance 588 – Residential Zoning Code Update

For nearly a year, the Ionia Planning Commission has studied the City's various residential zoning districts, looking for opportunities to collapse and simplify the code to increase flexibility and improve development options. The result of this effort, which also included soliciting input from the public through a well-attended workshop in March, produced a "mega ordinance," that proposes to reduce the city's number of residential zoning districts from six to three. The three new proposed residential districts as the relate to current zoning are listed in the table below:

Current Zoning Districts	Proposed Zoning Districts
Chapter 1248: R-1, R-2, and R-3 (One-Family Residential Districts)	Chapter 1248: Low-Density Residential (LDR) District
Chapter 1250: RT (Two-Family Residential District) & Chapter 1252: RM (Multiple-Family Residential District)	Chapter 1250: Medium Density Residential (MDR) District
Chapter 1252: RM & Chapter 1254: RM-1 (Multiple-Family Residential Districts)	Chapter 1252: High Density Residential (HDR) District

Collapsing zone districts creates a more user-friendly ordinance for residents, developers, and everyone involved. Given the City’s large need for housing, the Planning Commission determined this different way to approach zoning should be evaluated as a means of improving housing opportunities. The revised zoning districts permit more flexibility in residential development by allowing greater density in certain areas of the City, reducing minimum zoning requirements, increasing allowable lot coverage, and allowing accessory dwelling units (ADUs). These factors were all studied in detail by the Planning Commission.

Based on past study and continued interest by business property owners, a related amendment to allow ground floor residential in the business districts under specific conditions has also been added to this proposed update. The strictest conditions are planned for the B-2 Central Business District (downtown) where ground floor residential would only be allowed through a special land use in conjunction with redevelopment of upper floors in the building. Additionally, the B-2 District would require ground floor residential location at the rear of the building and could not exceed 40% of the total ground floor square footage, thus still maintaining at least 60% of the building’s main floor area for commercial space.

Another advantage of the proposed ordinance is that it suggests modification to existing dimensional requirements that are more consistent with how lots were originally platted. The result is that the percentage of existing residential lots that are legal, non-conforming within existing residential districts is significantly reduced and converted to legal, conforming lots. The advantage of this change is that in the event of catastrophic property loss, homeowners can rebuild what they currently have on their lot as a use by right.

A detailed analysis with associated mapping was undertaken regarding the current R-1, R-2, and RT districts, comparing actual conditions to what the current zoning districts require for lot size and width. In these categories, parcels were highlighted blue if they did not meet the minimum lot size requirement, yellow if they did not meet the minimum lot width requirement, and pink if the parcel met neither of the minimum requirements. A summary of the data for the R-1 and R-2 districts is provided below.

Map Color	Property Information	R-1 (633 Properties)	New R-1 (LDR)
Blue	Minimum Lot Size	8,000 sq. ft. (0.185 acres)	4,000 sq. ft. (0.092 acres)
	Nonconforming Properties	251 (40%) Smaller than 0.185	48 (8%) Smaller than 0.092
Yellow	Minimum Width	65 ft.	40 ft.
	Nonconforming Properties	290 (46%) Smaller than 65 ft.	43 (7%) Smaller than 40 ft.
Pink (Both)	Nonconforming Properties	212 (33%)	16 (3%)

Map Color	Property Information	R-2 (817 Properties)	New R-2 (LDR)
Blue	Minimum Lot Size	12,000 sq. ft. (0.275 acres)	4,000 sq. ft. (0.092 acres)
	Nonconforming Properties	389 (48%) Smaller than 0.275	19 (2%) Smaller than 0.092
Yellow	Minimum Width	80 ft.	40 ft.
	Nonconforming Properties	419 (51%) Smaller than 80 ft.	15 (2%) Smaller than 40 ft.
Pink (Both)	Nonconforming Properties	326 (40%)	6 (1%)

The map provides a visual snapshot of the remaining number of nonconforming lots after the revised residential standards are applied. In addition to providing property owners with more flexibility, the new standards significantly reduce the number of dimensional nonconformities.

The revised minimum zoning code standards are best summarized in the revised Appendix I – Schedule of Regulations, which appears on page 49 of the draft ordinance. Handwritten notes provide a comparison to the standards associated with the former residential zones.

A brief discussion was held. No comments were received during the Public Hearing which Mayor Milewski opened at 7:10 PM and closed at 7:11 PM. Councilmember Starr made a motion, seconded by Councilmember Ketchum, to approve Ordinance No. 588, an ordinance to amend the residential zoning requirements throughout the codified ordinances of the City of Ionia.

Roll Call Vote: AYES: Ketchum, Lee, Starr, Millard, Waterman, and Milewski

NAYS: Winters, Cook, Cowling

MOTION CARRIED

**CITY OF IONIA
IONIA COUNTY, MICHIGAN
Ordinance No. 588**

At a regular meeting of City Council for the City of Ionia, Michigan held at City Hall on July 2, 2024, beginning at 7:00 P.M., City Council Member Starr made a motion to adopt this Ordinance/Ordinance Amendment, which by motion was supported by Council Member Ketchum.

AN ORDINANCE TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1240 (GENERAL PROVISIONS AND DEFINITIONS), SECTION 1240.10 (RULES OF CONSTRUCTION) AND SECTION 1240.11 (DEFINITIONS); TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1246 (DISTRICTS GENERALLY AND ZONING MAP), SECTION 1246.01; TO AMEND AND RENAME PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1248 (R-1, R-2, AND R-3 ONE-FAMILY RESIDENTIAL DISTRICTS); TO AMEND AND RENAME PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1250 (RT TWO-FAMILY RESIDENTIAL DISTRICT); TO COMBINE, AMEND, AND RENAME PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1252 (RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT) AND CHAPTER 1254 (RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT); TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1256 (B-1 NEIGHBORHOOD BUSINESS DISTRICT); TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING),

CHAPTER 1258 (B-2 CENTRAL BUSINESS DISTRICT; TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1260 (B-3 GENERAL BUSINESS DISTRICT); TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1262 (I-1 LIGHT INDUSTRIAL DISTRICT), SECTION 1262.02; TO AMEND AND RENAME PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1269 (EAST MAIN PRESERVATION DISTRICT); TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1270 (OPEN SPACE NEIGHBORHOODS), SECTION 1270.03 (DEVELOPMENT REQUIREMENTS), TO AMEND PART TWELVE (PLANNING AND ZONING), TITLE SIX (ZONING), CHAPTER 1274 (SPECIAL LAND USES); TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), CHAPTER 1282 (OFF-STREET PARKING AND LOADING), SECTION 1282.01 (OFF-STREET PARKING REQUIREMENTS); TO AMEND PART TWELVE (PLANNING AND ZONING CODE), PART SIX (ZONING), CHAPTER 1284 (SIGNS), SECTION 1284.12 (SIGNS IN RESIDENTIAL DISTRICTS), TO AMEND PART TWELVE (PLANNING AND ZONING CODE), PART SIX (ZONING), CHAPTER 1286 (MISCELLANEOUS REGULATIONS), SECTION 1286.01 (ACCESSORY BUILDINGS), TO AMEND PART TWELVE (PLANNING AND ZONING CODE), PART SIX (ZONING), CHAPTER 1286 (MISCELLANEOUS REGULATIONS) SECTION 1286.02 (LANDSCAPING), TO AMEND PART TWELVE (PLANNING AND ZONING CODE), PART SIX (ZONING), CHAPTER 1286 (MISCELLANEOUS REGULATIONS), SECTION 1286.10 (HOME OCCUPATIONS), TO ADD A NEW SECTION TO PART TWELVE (PLANNING AND ZONING CODE), PART SIX (ZONING), CHAPTER 1286 (MISCELLANEOUS REGULATIONS), TITLED SECTION 1286.14 (ACCESSORY DWELLING UNITS); TO AMEND PART TWELVE (PLANNING AND ZONING), TITLE SIX (ZONING), CHAPTER 1289 (MEDICAL MARIHUANA FACILITIES), SECTION 1289.05 (DEVELOPMENT REQUIREMENTS); TO AMEND PART TWELVE (PLANNING AND ZONING), TITLE SIX (ZONING), CHAPTER 1290 (ADULT USE MARIHUANA ESTABLISHMENTS), SECTION 1290.06 (DEVELOPMENT REQUIREMENTS); TO AMEND PART TWELVE (PLANNING AND ZONING), TITLE SIX (ZONING), CHAPTER 1291 (AUH-PUD ATTACHED URBAN HOUSING PLANNED UNIT DEVELOPMENT DISTRICT), SECTION 1291.02 (PUD AUTHORIZATION); TO AMEND PART TWELVE (PLANNING AND ZONING), TITLE SIX (ZONING), CHAPTER 1293 (REGULATION OF MOBILE FOOD VENDING UNITS OR MOBILE FOOD VENDING PARKS), TO AMEND AND RENAME SECTION 1293.05 (PERMITTED USE IN THE R-1, R-2, AND R-3 ONE-FAMILY DISTRICTS, RT - TWO-FAMILY DISTRICT, RM, AND RM-1 MULTIPLE-FAMILY DISTRICTS, AND THE RHD - EAST MAIN PRESERVATION DISTRICT), TO AMEND SECTION 1293.06 (PERMITTED USE IN THE B-1 AND B-3 BUSINESS DISTRICTS AND THE I-1-LIGHT INDUSTRIAL DISTRICT), SUBSECTION (C), TO AMEND AND RENAME SECTION 1293.07 (SPECIAL LAND USES IN THE O OFFICE DISTRICT, B-3 GENERAL BUSINESS DISTRICT, AND THE I-1 LIGHT INDUSTRIAL DISTRICT), AND TO AMEND SECTION 1293.08 DISTRICT REGULATIONS FOR MOBILE FOOD VENDING PARKS (FOOD TRUCK PARKS); TO AMEND PART TWELVE (PLANNING AND ZONING CODE), TITLE SIX (ZONING), APPENDICES, APPENDIX ONE (SCHEDULE OF REGULATIONS); AND TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF IONIA, IONIA COUNTY, MICHIGAN OF THE OFFICIAL CODE OF THE CITY OF IONIA, MICHIGAN.

The CITY OF IONIA (the “City”) HEREBY ORDAINS:

Section 1. Amendment of Part Twelve, Title Six, Chapter 1240, Section 1240.10. Part Twelve, Title Six, Chapter 1240, Section 1240.10 “Rules of Construction” is hereby amended to add the following.

(j) Interpretations. If a use, building, structure, fixture, or activity is not expressly allowed by this Ordinance, it is unlawful and prohibited. In addition, if a specific use, building, structure, fixture, or activity is not expressly listed as a permitted use or use with special land use approval for a specific zoning district, it is prohibited and unlawful in that zoning district.

Section 2. Amendment of Part Twelve, Title Six, Chapter 1240, Section 1240.11. Part Twelve, Title Six, Chapter 1240, Section 1240.11 “Definitions” is hereby amended to add the following definitions and to be numbered accordingly.

(2) Adult Day Care: A private dwelling or commercial facility in which persons 18 years or older are provided with supervision, personal care, and protection for periods of less than 24 hours a day. If the adult day care is in a residential dwelling, the operator of the day care must be a person who permanently resides as a member of the dwelling.

(3) Adult Foster Care Home, Family: A private residence with the approved capacity to receive at least three but no more than six adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence (Act 218 of 1979, as amended).

(3a) Adult Foster Care Group Home, Small: A home or facility with the approved capacity to receive at least three but no more than twelve adults to be provided with foster care for more than 24 hours per day (Act 218 of 1979, as amended).

(3b) Adult Foster Care Group Home, Large: A home or facility with the approved capacity to receive at least thirteen but not more than twenty adults to be provided with foster care for more than 24 hours per day (Act 218 of 1979, as amended).

(3c) Adult Foster Care Group Home, Congregate: A home or facility with the approved capacity to receive more than twenty adults to be provided foster care for more than 24 hours per day (Act 218 of 1979, as amended).

(12a) Boarding House: A building, typically a home, other than a hotel, motel, or licensed bed and breakfast, where lodging or rooms, or both, are provided for compensation, directly or indirectly. A Boarding House is a commercial use.

(17) Child Care Home, Family: A private home in which at least one, but fewer than seven minor children are received for care or supervision for compensation for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. A Family Child Care Home is permitted to receive an increased capacity of up to one additional child added to the total number of minor children received for care and supervision when approved upon application to the Michigan Department of Health and Human Services and the Michigan Department of Licensing and Regulatory Affairs (Act 116 of 1973, as amended).

(17a) Child Care Home, Group: A private home in which more than six, but not more than twelve minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the

household. A Group Child Care Home is permitted to receive an increased capacity of up to two additional children added to the total number of minor children received for care or supervision when approved upon application to the Michigan Department of Health and Human Services and the Michigan Department of Licensing and Regulatory Affairs (Act 116 of 1973, as amended).

(24) Condominium Unit: The portion of a condominium project designed and intended for separate ownership and use, as described in the condominium master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

(31) Dwelling, Multiple-unit: A building containing four or more individual dwelling units. Multiple-unit buildings may have separate or shared entrances, including, but not limited to, apartments, townhomes (4 units – 8 units), and condominium developments that are four units or greater.

(32) Dwelling, Single-unit: A dwelling unit designed exclusively to function independently. Single-unit dwellings may occur as attached or detached buildings. A single-unit dwelling is designed for and used by a single family.

(32a) Dwelling, Three-unit: A building that contains three attached single-unit dwellings. These buildings are also known as triplexes.

(32b) Dwelling, Townhome: A group of multiple-unit attached dwelling units (by definition in this Ordinance 2 units – 8 units) sharing a common wall and arranged in a linear fashion fronting a street, in which each dwelling unit is individually owned and situated on its lot.

(33) Dwelling, Two-unit: A building that contains only two attached single-unit dwellings. These buildings are also known as duplexes.

(34) Dwelling Unit, Accessory (ADU): A secondary dwelling unit established in conjunction with and subordinate to the principal dwelling unit. Accessory Dwelling Units (ADUs) may exist as either part of the same structure as the principal dwelling unit, as a separate detached structure located on the same lot (i.e., standalone), or as a component of an existing detached accessory structure (i.e., garage).

(34a) Dwelling Unit, Attached: A dwelling unit attached or joined to another dwelling unit on one or more sides by party walls, excluding accessory dwelling units. Examples may include but are not limited to duplexes, triplexes, or townhouses (between 2 units – 8 units, as defined in this Ordinance). For the purpose of this Ordinance, multiple-unit attached dwellings that contain nine units or greater are considered apartment buildings.

(34b) Dwelling Unit, Detached: A dwelling unit that is not attached to any other dwelling unit except for accessory dwelling units or accessory buildings.

(40) Family: Any number of persons related by blood, marriage, adoption, or guardianship, occupying a dwelling unit and living as a single nonprofit housekeeping unit, or not more than four (4) unrelated individuals eighteen (18) years of age or older living together in one (1) dwelling unit, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character, cooking and living as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit.

The following do not qualify as a family: Any society, club, fraternity, sorority, association, lodge, organization, coterie, combine, federation, or organization other than a recognized religious order, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary, transient and/or of resort-seasonal character in nature. The term family does not include any adult foster care facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq.) except an adult foster care family home as defined in Section 3 of that Act (MCL 400.703).

(41a) Fence: A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection; or to prevent uncontrolled access; or for decorative purposes; or to screen from viewers in or on adjoining properties and streets, screen materials stored outdoors, or screen operations conducted behind.

(45a) Garage, Rummage, or Yard Sale: An accessory use through which the public is offered items of personal property for sale on any portion of a lot in a residential district, whether inside or outside a building. These sales shall be limited to items of tangible personal property that were obtained by the person making the sale, through purchase or otherwise, for their personal use. Garage, Rummage, or Yard sales are not the resale of items that were purchased or obtained exclusively for resale to the public.

(54a) Housing, Transitional: A residential facility developed in an individual dwelling unit format that provides accommodations to low-to-moderate income persons and families for periods of up to eighteen (18) months, and which also may provide meals, counseling, and other services, as well as common areas for residents of the housing facility.

(54b) Homes for the Aged: A facility that provides 24-hour room, board, and supervised personal care for persons 55 years or older for twenty-one (21) or more individuals that are non-transient and non-related requiring extended care. Homes for the aged also include those facilities that provide 24-hour room, board, and supervised personal care for persons 55 years or older that are non-transient and non-related and are licensed for twenty (20) or fewer individuals operated in conjunction as a distinct part of a licensed nursing home.

(89a) Nursing Home: A nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven (7) or more individuals suffering or recovering from illness, injury, or infirmity (Act 368 of 1978).

(99a) Recreation Center, Institutional: A private recreational facility owned and operated by a non-profit agency (i.e., YMCA, Salvation Army, etc.) open for use to the public by its members via a membership, subscription, or admission fee basis.

(99b) Recreation Center, Public: A public recreational facility owned and operated by a public entity, such as, but not limited to, a parks and recreation department.

(99c) Recreation Facility, Private Development: A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed in association with development and are typically located within or adjacent to such development.

(99d) Retirement Housing Community: Any age-restricted residential development, principally occupied by senior citizens, which may be in any housing format, including detached and attached-dwelling units and multi-unit apartments, offering private and semi-private rooms.

(102a) Short-Term Property or Lot: A parcel or lot with an STR use or operation thereon.

(102b) Short-Term Rental (“STR”): A dwelling unit, cabin, cottage, or house that is available for rent or use or is used or rented for habitation, accommodation, or lodging of guests, paying a fee or other compensation, for a period of less than 30 consecutive days and nights at a time.

Section 3. Amendment of Part Twelve, Title Six, Chapter 1246. Part Twelve, Title Six, Chapter 1246 “Districts Generally and Zoning Map,” Section 1246.01 “Districts Established” is hereby amended to read in its entirety as follows:

1246.01 DISTRICTS ESTABLISHED.

For the purpose of this Zoning Code, the City of Ionia is divided into the following districts:

Residential Districts

- LDR Low-Density Residential District
- MDR Medium-Density Residential District
- HDR High-Density Residential District

Nonresidential Districts

- B-1 Neighborhood Business District
- B-2 Central Business District
- B-3 General Business District
- HSD Health Services District
- I-1 Light Industrial District

Overlay Districts

- EMP East Main Preservation Overlay District

Section 4. Amendment and Renaming of Part Twelve, Title Six, Chapter 1248. Part Twelve, Title Six, Chapter 1248 “R-1, R-2, and R-3 One Family Residential Districts” is hereby renamed “LDR - Low-Density Residential District” and amended to read in its entirety as follows:

**Chapter 1248
LDR – LOW-DENSITY RESIDENTIAL DISTRICT**

- 1248.01 Intent
- 1248.02 Principal Uses permitted
- 1248.03 Special Land Uses
- 1248.04 Area and Bulk requirements

1248.01 INTENT

The LDR – Low-Density Residential District is intended to provide larger lots for traditional single-dwelling unit homes while permitting two-unit dwellings on corner lots that meet the district’s minimum lot and width standards as a flexible bonus. Typical single-unit lots would be at least 4,000 square feet and have at least a 40-foot frontage, while a two-unit corner lot must be at least 8,000 square feet and have at least a 65-foot-wide frontage. The basis for determining this district's minimum lot width and area was developed using data from many platted traditional neighborhoods in the City of Ionia. The LDR also intends to allow for infill development, recognizing the need for increased housing opportunities in the City. This intended infill

development will be permissible on vacant and larger existing lots that may be subdivided to meet the minimum lot area and width requirement outlined above.

1248.02 PRINCIPAL USES PERMITTED

- (a) Detached single-unit dwellings for a single-family.
- (b) Attached single-unit dwellings of no greater than two units (duplexes) on corner lots of no less than 8,000 square feet in area and at least a 65-foot lot frontage width. Each dwelling unit shall be used only by one family.
- (c) Government parks and other publicly owned recreational facilities.
- (d) Private pre-schools or elementary schools.
- (e) Child Care Family Homes (as defined by the State of Michigan and in this Ordinance).
- (f) State-licensed Adult Foster Care Homes (as defined by the State of Michigan and this Ordinance).
- (g) Government or nonprofit institutional cemeteries that lawfully existed before the adoption of this Zoning Ordinance.
- (h) Utilities and Essential services.
- (i) Accessory Dwelling Units (ADU).
- (j) Accessory buildings, structures, and uses conforming with the regulations of Section 1286.01 customarily incidental and subordinate to uses in the LDR – Low-Density Residential Ordinance.

1248.03 SPECIAL LAND USES

The following land uses may be allowed as a special land use in the Low-Density Residential District subject to the procedures and standards of Chapter 1274 of this Ordinance.

- (a) Places of public assembly.
- (b) Private intermediate or high schools.
- (c) Privately owned and operated recreational facilities.
- (d) Institutional recreation centers.
- (e) Nursing homes, homes for the aged, and retirement housing communities (defined by the State of Michigan and this Ordinance).
- (f) Bed and Breakfasts meeting requirements of Section 1274.09 (defined by the State of Michigan and this Ordinance).
- (g) Child Care Group Homes (defined by the State of Michigan and this Ordinance).
- (h) Adult Group Foster Care Homes (defined by the State of Michigan and this Ordinance).

- (i) Communication towers (defined by the State of Michigan and this Ordinance).
- (j) Funeral Homes.
- (k) Transitional Housing.

1248.04 AREA AND BULK REQUIREMENTS

- (a) See Appendix I, Schedule of Regulations, which defines the permitted height and bulk of buildings, the minimum size of lots permitted, setbacks, and other requirements.
- (b) All buildings hereafter constructed or enlarged in the Low-Density Residential District shall comply with the requirements of Appendix I, Schedule of Regulations, applicable to property located in the Low-Density Residential District.

Section 5. Amendment and Renaming of Part Twelve, Title Six, Chapter 1250. Part Twelve, Title Six, Chapter 1250 “RT Two Family Residential Districts” is hereby renamed “MDR - Medium-Density Residential District” and amended to read in its entirety as follows:

**CHAPTER 1250
MDR – MEDIUM-DENSITY RESIDENTIAL DISTRICT**

- 1250.01 Intent.
- 1250.02 Principal uses permitted.
- 1250.03 Special land uses.
- 1250.04 Area and bulk requirements.

1250.01 INTENT.

While the LDR – Low-Density Residential District is intended to maintain similar lot dimensions that follow historical patterns in the City, the MDR – Medium Density Residential District is designed to act as a transitional buffer between the LDR – Low-Density Residential District, the core downtown, and other more densely populated areas of the City. One intention of the MDR – Medium-Density Residential District is to provide a more comprehensive array of housing options on smaller lots, thereby developing a higher dwelling unit density in a smaller area when compared with the LDR Low-Density Residential District. Minimum lot sizes are at least 4,000 square feet and 40 feet wide. Permitted uses include single, two-, and three-unit dwellings, while special land use approval permits attached dwellings of up to 8 units in townhouse formats.

1250.02 PRINCIPAL USES PERMITTED.

In the MDR – Medium Density Residential District, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Zoning Code.

- (a) Detached single-unit dwellings for one family.
- (b) Two-unit dwellings (duplexes). Only one family shall use each unit.
- (c) Three-unit dwellings (triplexes). Only one family shall use each unit.
- (d) Accessory Dwelling Units (ADU) only if located on a lot containing a detached single-unit dwelling.

- (e) Government parks and other publicly owned recreational facilities.
- (f) Private pre-schools or elementary schools.
- (g) Child Care Family Homes (defined by the State of Michigan and this Ordinance).
- (h) State-licensed Adult Foster Care Family Homes (as defined by the State of Michigan and this Ordinance).
- (i) Government or nonprofit institutional cemeteries that lawfully existed before the adoption of this Zoning Ordinance.
- (j) Utilities and Essential services.
- (k) Accessory buildings, structures, and uses conforming with the regulations of Section 1286.01 customarily incidental and subordinate to permitted uses in the MDR – Medium-Density Residential Ordinance.

1250.03 SPECIAL LAND USES.

The following land uses may be allowed as a special land use in the MDR – Medium-Density Residential District subject to the procedures and standards of Chapter 1274 of this Ordinance.

- (a) Attached single-unit dwellings (i.e., townhomes, etc.) up to eight (8) units per building within 750 feet of the B-2 – Central Business District (see subsection 1250.03(a)).
- (b) Places of public assembly.
- (c) Private intermediate or high schools.
- (d) Private development recreational facilities.
- (e) Institutional recreation centers.
- (f) Nursing Homes, Homes for the Aged, and Retirement Housing Communities (defined by the State of Michigan and this Ordinance).
- (g) Bed and Breakfasts meeting requirements of Section 1274.09 (defined by the State of Michigan and this Ordinance).
- (h) Child Care Group Homes (defined by the State of Michigan and this Ordinance).
- (i) Adult Foster Care Group Homes (defined by the State of Michigan and this Ordinance).
- (j) Communication towers (defined by the State of Michigan and this Ordinance).
- (k) Transitional Housing.
- (l) Funeral Homes.

1250.04 AREA AND BULK REQUIREMENTS.

- (a) See Appendix I, Schedule of Regulations, which defines the permitted height and bulk of buildings, the minimum size of lots permitted, setbacks, and other requirements.
- (b) All buildings hereafter constructed or enlarged in the Medium-Density Residential District shall comply with the requirements of Appendix I, Schedule of Regulations, applicable to property located in the Medium-Density Residential District.

Section 6. Amendment, Combination of, and Renaming of Part Twelve, Title Six, Chapters 1252 and 1254. Part Twelve, Title Six, Chapter 1252 “RM Multiple Family Residential District,” is hereby combined with Part Twelve, Title Six, Chapter 1254 “RM-1 Multiple Family Residential District,” and the combined Chapters are to be renamed “HDR - High-Density Residential District” and amended to read in its entirety as follows:

CHAPTER 1252

HDR – HIGH-DENSITY RESIDENTIAL DISTRICT

- 1252.01 Intent.
- 1252.02 Principal uses permitted.
- 1252.03 Special land uses.
- 1252.04 Area and bulk requirements.

1252.01 INTENT.

The HDR – High-Density Residential District is intended to concentrate dense areas of multi-unit residential land uses in the community. This district will create, maintain, and promote a wider variety of housing needs, providing opportunities for broader development by constructing or rehabilitating various building typologies. These typologies may include, but are not limited to, apartments, condominiums, and townhomes containing several dwelling units that would not be permissible in other areas of the City.

1252.02 PRINCIPAL USES PERMITTED.

In the HDR – High-Density Residential District, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Zoning Code.

- (a) Multiple-unit dwellings consisting of at least four units per building. Only one family shall use each unit.
- (b) Government parks and other publicly owned recreational facilities.
- (c) Private pre-schools or elementary schools.
- (d) Child Care Family Homes (defined by the State of Michigan and this Ordinance).
- (e) State-licensed Adult Foster Care Family Homes (defined by the State of Michigan and this Ordinance).
- (f) Government or nonprofit institutional cemeteries that lawfully existed before the adoption of this Zoning Ordinance.
- (g) Utilities and Essential services.

- (h) Accessory buildings, structures, and uses conforming with the regulations of Section 1286.01 customarily incidental and subordinate to any permitted uses in the HDR – High-Density Residential Ordinance.

1252.03 SPECIAL LAND USES.

The following land uses may be allowed as special land use in the HDR – High-Density Residential District subject to the procedures and standards of Chapter 1274 of this Ordinance.

- (a) Places of public assembly.
- (b) Private intermediate or high schools.
- (c) Private development recreational facilities.
- (d) Institutional recreation centers.
- (e) Nursing Homes, Homes for the Aged, and Retirement Housing Communities (defined by the State of Michigan and this Ordinance).
- (f) Bed and Breakfasts meeting requirements of Section 1274.09 (defined by the State of Michigan and this Ordinance).
- (g) Child Care Group Homes (defined by the State of Michigan and this Ordinance).
- (h) Adult Foster Care Group Homes (defined by the State of Michigan and this Ordinance).
- (i) Communication towers (defined by the State of Michigan and this Ordinance).
- (j) Transitional Housing.
- (k) Funeral Homes.

1252.04 AREA AND BULK REQUIREMENTS.

- (a) See Appendix I, Schedule of Regulations, which defines the permitted height and bulk of buildings, the minimum size of lots permitted, setbacks, and other requirements.
- (b) All buildings hereafter constructed or enlarged in the High-Density Residential District shall comply with the requirements of Appendix I, Schedule of Regulations, applicable to property located in the High-Density Residential District.

Section 7. Amendment to Part Twelve, Title Six, Chapter 1256. Part Twelve, Title Six, Chapter 1256 “B-1 Neighborhood Business District” and amended to read in its entirety as follows:

Chapter 1256

B-1 NEIGHBORHOOD BUSINESS DISTRICT

- 1256.01 Intent.
- 1256.02 Principal uses permitted.

- 1256.03 Required conditions.
- 1256.04 Special land uses.
- 1256.05 Area and bulk requirements.

1256.01 INTENT.

As herein established, the B-1 Neighborhood Business District is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent and nearby residential areas.

1256.02 PRINCIPAL USES PERMITTED.

In the Neighborhood Business District, no building or land shall be used, and no building shall be erected, altered, or created except for one or more of the following specified uses unless otherwise provided in this chapter:

- (a) Banking and other financial institutions, excluding drive-through establishments.
- (b) Dry cleaning establishments or pick-up stations. This does not include central dry-cleaning plants serving more than one retail outlet, which is prohibited.
- (c) General offices.
- (d) Governmental buildings.
- (e) Institutional buildings.
- (f) Medical or Dental Clinics and Laboratories.
- (g) Mortuaries and Funeral Homes.
- (h) Personal service businesses.
- (i) Professional service businesses.
- (j) Retail businesses.
- (k) Small restaurants, cafes, and other establishments under 1,500 square feet in size, excluding drive-through establishments.
- (l) Utilities and Essential Services.
- (m) Accessory buildings, structures, and uses conforming with the regulations of Section 1286.01 customarily incidental and subordinate to permitted uses in B-1- Neighborhood Business District.
- (n) Dwelling units may be permitted within a building subject to the following requirements:

- (1) No more than one (1) dwelling unit may be located on the ground floor of the building.
- (2) Each dwelling unit shall contain a minimum of 500 square feet of floor area.
- (3) Any ground floor dwelling unit shall not exceed 40% of the total gross ground floor square footage.
- (4) One (1) off-street parking space shall be provided for each dwelling. The space shall be either on the same site as the dwelling unit or within 300 feet of the building containing the dwelling as measured by a straight line. Proof of parking shall be provided to the Zoning Administrator before a permit is issued.

1256.03 REQUIRED CONDITIONS.

All business servicing or processing associated with the uses contained in this chapter, except off-street parking or loading, shall be conducted within a completely enclosed building.

1256.04 SPECIAL LAND USES.

The following uses may be allowed as a special land use by the Planning Commission, subject to the general and specific requirements of Chapter 1274.

- (a) Nursing Homes, Homes for the Aged, and Assisted Care Facilities (defined by the State of Michigan and this Ordinance).
- (b) Childcare Centers, also known as daycare centers.

1256.05 AREA AND BULK REQUIREMENTS.

See Appendix I, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lots by permitted land use, providing minimum yard setback requirements, and other requirements.

Section 8. Amendment to Part Twelve, Title Six, Chapter 1258. Part Twelve, Title Six, Chapter 1258 “B-2 Central Business District” and amended to read in its entirety as follows:

**Chapter 1258
B-2 CENTRAL BUSINESS DISTRICT**

- 1258.01 Intent.
- 1258.02 Principal uses permitted.
- 1258.03 Required conditions.
- 1258.04 Special land uses.
- 1258.05 Area and bulk requirements.

1258.01 INTENT.

The B-2 – Central Business District is intended to cater to the needs of the City’s traditional downtown business district, which serves a more significant consumer population than the B-1 – Neighborhood Business District

and is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating more significant volumes of vehicular and pedestrian traffic, along with mixed-use residential dwelling units within this district.

1258.02 PRINCIPAL USES PERMITTED.

In the B-2 – Central Business District, no building or land shall be used, and no building shall be erected, altered, or modified except for one or more of the following specified uses unless otherwise provided in this chapter:

- (a) Any use permitted in the B-1 – District as a principal use permitted, subject to the regulations applicable in the following subsections of this chapter.
- (b) All retail businesses, service establishments, or processing uses as follows:
 - (1) Any retail business whose principal activity is the sale of merchandise stored and displayed in an enclosed building.
 - (2) Any service establishment of an office, showroom, or workshop nature such as of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
 - (3) Private clubs, fraternal organizations, and lodge halls.
 - (4) Restaurants or other places serving food or beverage, except disallowing those having the character of a drive-in or with a drive-through.
 - (5) Hotels and Motels.
 - (6) Theaters, assembly halls, concert halls, or similar places of public assembly when conducted entirely within enclosed buildings.
 - (7) Colleges or universities or private schools operated for profit.
 - (8) Other uses similar to the above as determined by the City Manager.
- (c) Accessory buildings, structures, and uses conforming with Section 1240.11(1) customarily incidental and subordinate to the uses allowed in the B-2 – Central Business District.
- (d) Residential unit(s) on the second and third-floor levels with a minimum of 500 square feet of floor area per unit when one of the following off-street parking conditions is met:
 - (1) Off-street parking shall be provided at the ratio of one (1) per apartment unit when on-site parking is provided or when dedicated off-street parking is provided within 300 feet of the building it is intended to serve; or
 - (2) Utilization of standard remote off-street parking within the B-2 Central Business District.

1258.03 REQUIRED CONDITIONS.

- (a) The B-2 District shall operate as a commercial district with permitted accessory uses and mixed-use developments.

- (b) All businesses shall be retail, office, professional, or service establishments as permitted in this chapter.
- (c) All business servicing, processing, displays, and storage associated with the uses contained in this chapter, shall be conducted entirely within wholly enclosed buildings, unless otherwise allowed herein.
- (d) Main entrances shall be provided along the most traveled/main street frontage and will be architecturally emphasized as such. Secondary rear and side accessory entrances are encouraged where possible but shall be identified as secondary by size and design. The Planning Commission may modify this requirement to allow alternate main entrances based on particular circumstances that make a front entrance impractical.

1258.04 SPECIAL LAND USES.

The following uses may be allowed as a special land use by the Planning Commission subject to the general and specific requirements of Chapter 1274:

- (a) Open-air business uses when developed in a planned relationship with the B-2 – Central Business District as follows:
 - (1) Retail sales of plant material not grown on the site and sales of lawn furniture, playground equipment, and garden supplies, provided such uses shall be located at the rear of the building in the B-2 – Central Business District.
 - (2) Recreational space providing children's amusement park and other similar recreation when part of a planned development, provided that such use is located at the rear of the building in the B-2 – Central Business District but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides with a four-foot decorative fence of permissible materials.
- (b) Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation, when located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
- (c) Automobile service centers, when developed as part of a more significant planned shopping center designed to integrate the automobile service center within the site plan and architecture of the total shopping center, provided that a building permit or zoning permit shall not be issued separately for the construction of any automobile service center within the B-2 District.
- (d) Nursing Homes, Homes for the Aged, and Assisted Care Facilities (defined by the State of Michigan and this Ordinance).
- (e) Childcare Center, also known as a day care center.
- (f) Residential dwelling units may be permitted on the ground floor when the following conditions are met:
 - (1) Residential units on the first floor must not take up more than forty (40%) percent of the gross ground floor square footage at street level facing the front lot line. Corner parcels contain two front lot lines and, therefore, contain two such frontages at street level, which

only permits a maximum of twenty (20%) percent of the gross ground floor square footage as usable residential space.

- (2) Access to the residential unit is located in the rear of the building opposite the front façade, meeting all Americans with Disabilities Act guidelines, as amended.
- (3) Each residential unit must have a minimum floor area of 500 square feet.
- (4) Each residential unit must be part of a more significant residential development with dwelling units located on upper floors that must be developed concurrently or within 36 months of the ground floor dwelling unit. The upper floor residential unit(s) must be of a fifty-one percent (51%) or greater structural renovation of that floor or be a newly-created use for the building.
- (5) Off-street parking requirements outlined for second and third-floor residential units(s) in Section 1258.02(d) shall apply to the ground-floor residential unit as authorized herein.
- (6) The commercial front of the principal or ground floor shall also maintain a rear entrance to enable delivery and customer access.
- (7) The Planning Commission, in its best judgment and reasonable discretion, has the authority to alter or waive any of Section 1258.04(f) provision requirements during the special land use review.

1258.05 AREA AND BULK REQUIREMENTS.

(a) Build-To-Line Requirement:

- (1) The B-2 – Central Business District shall have a zero (0) linear foot front yard build-to-line, meaning that all new construction must be built up to the public sidewalk (right-of-way).
- (2) All development within this B-2 – Central Business District shall be built along the entire width of the lot unless otherwise permitted by the Planning Commission, which, in its best judgment and reasonable discretion, may address unique design considerations and permit an alteration or waiver of Section 1258.05(a).
- (3) This standard will apply to redeveloping an existing principal building within the district if the building is being expanded or rebuilt.

(b) See Appendix I, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lots by permitted land use, providing minimum yard setback, and other requirements.

Section 9. Amendment to Part Twelve, Title Six, Chapter 1260. Part Twelve, Title Six, Chapter 1260 “B-3 General Business District” and amended to read in its entirety as follows:

**Chapter 1260
B-3 GENERAL BUSINESS DISTRICT**

- 1260.01 Intent.
- 1260.02 Principal uses permitted.
- 1260.03 Special land uses.
- 1260.04 Area and bulk requirements.

1260.01 INTENT.

The B-3 – General Business District is intended to provide sites for more diversified business types that are often incompatible with the pedestrian movement in the B-1 – Neighborhood Business District or the B-2 – Central Business District.

1260.02 PRINCIPAL USES PERMITTED.

In the B-3 – General Business District, no building or land shall be used, and no building shall be erected, altered, or modified except for one or more of the following specified uses unless otherwise provided in this Zoning Ordinance:

- (a) Banking and financial institutions, including drive-through facilities, are subject to the following conditions:
 - (1) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - (2) Access points shall be located at least sixty (60) feet from the intersection of any two streets.
 - (3) All lighting shall be shielded from adjacent residential districts and subject to the provisions of Section 1286.03.
 - (4) A six-foot tall privacy fence or wall shall be erected when abutting or adjacent to residential districts or uses. The height of the fence or wall shall be measured from the ground's surface. The fence or wall shall further meet the requirements of Section 1286.06.
 - (5) A buffer strip shall be provided at a twenty (20) foot depth along the front lot line suitably landscaped with trees, shrubs, or grass, neatly maintained in a healthy condition meeting the requirements of Section 1286.02.
- (b) Bowling alleys and billiard halls.
- (c) Breweries and distilleries.
- (d) Car washes.
- (e) Childcare centers or pre-schools, also known as day care centers.
- (f) Places of public assembly.
- (g) Dry cleaning establishments or pick-up stations, including central dry-cleaning plants serving more than one retail outlet.
- (h) Educational institutions.

- (i) Event centers.
- (j) Fine arts galleries and instruction.
- (k) Fraternal clubs and lodges.
- (l) Gasoline service station for selling gasoline, oil, and minor automotive accessories. The following design standards shall apply to gasoline service stations:
 - (1) The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts and shall not exceed two (2) access points for each service station site. The Planning Commission, in its best judgment and reasonable discretion, may allow for additional access points if deemed necessary.
 - (2) The minimum lot area shall be 15,000 square feet so that ample space is available for motor vehicles that are required to wait.
 - (3) All permitted repairs and services shall be conducted within a building except for the sale of products and performance of services not involving a prolonged wait by consumers.
 - (4) All tires, batteries, and accessories, except motor oils, shall be stored within the principal building.
 - (5) All areas between the street curbs and street right-of-way lines (except for accessways and sidewalks) shall be suitably landscaped with trees, shrubs, or grass and neatly maintained in a healthy condition meeting the requirements of Section 1286.02.
 - (6) At least ten percent (10%) of the total site area shall be landscaped with trees, shrubs, or grass and neatly maintained in a healthy condition.
- (m) General offices.
- (n) Governmental buildings and uses.
- (o) Heavy automotive repair and bodywork.
- (p) Hotels and Motels.
- (q) Indoor recreational facilities.
- (r) Institutional uses.
- (s) Medical or Dental Clinics and Laboratories.

- (t) Mortuaries, Funeral Homes, and Crematoriums.
- (u) New and used car sales, showrooms, and service shops.
- (v) Personal service businesses.
- (w) Professional service businesses.
- (x) Restaurants, cafes, and similar uses, including drive-through facilities, subject to the following conditions:
 - (1) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - (2) Access points shall be located at least sixty (60) feet from the intersection of any two streets.
 - (3) All lighting shall be shielded from adjacent residential districts and subject to Section 1286.03.
 - (4) A six-foot high privacy fence or wall shall be provided when abutting or adjacent to residential districts or uses. The height of the fence or wall shall be measured from the ground's surface. The wall or fence shall further meet the requirements of Section 1286.06.
 - (5) A buffer strip shall be provided at a twenty (20) foot depth along the front lot line suitably landscaped with trees, shrubs, or grass, neatly maintained in a healthy condition meeting the requirements of Section 1286.02.
- (y) Retail businesses.
- (z) Research, development, and technology establishments.
- (aa) Personal storage facilities (indoor or outdoor).
- (bb) Utilities and Essential Services.
- (cc) Vehicle rental facilities.
- (dd) Accessory buildings, structures, and uses following the regulations of Section 1286.01 that are customarily incidental and subordinate to any permitted use in the B-3 – General Business District.
- (ee) Dwelling units may be permitted within a building subject to the following conditions:
 - (1) The sum of all ground floor dwelling units shall not contain more than 40% of the total gross square footage of the ground floor of the building.

- (2) Each dwelling unit shall contain a minimum of 500 square feet of floor area.
- (3) One (1) off-street parking space shall be provided for each dwelling. The space shall be located on the same site as the dwelling unit, and the total number of off-street parking spaces must be maintained for all on-site residential and commercial uses.

1260.03 SPECIAL LAND USES.

The following uses may be allowed subject as a special land use by the Planning Commission subject to the general and specific requirements of Chapter 1274:

- (a) Business in the character of a drive-in or open front store.
- (b) Indoor and outdoor commercial storage and warehousing facilities.
- (c) Lumber yards, provided they comply with the following conditions:
 - (1) Primary access shall be provided on a major street or highway.
 - (2) The maximum size allowed when considering total land size shall not exceed 2.25 acres.
 - (3) No greater than thirty percent (30%) of the sellable goods shall be stored in the open air.
- (d) Plant materials nursery for the retail sale of plant materials not grown on the site and sales of lawn furniture, playground equipment, and garden supplies, subject to the following conditions:
 - (1) The storage and/or display of any materials and/or products shall meet all structure setback requirements.
 - (2) All loading and parking shall be provided off-street.
 - (3) The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained to prevent any effects on adjacent use.
- (e) Outdoor theaters and open space venues - because outdoor theaters are unique in that they are used only after dark and since they develop a concentration of vehicular traffic entering and leaving their parking area, they shall be permitted in B-3 and I-1 districts only. Outdoor theaters shall further be subject to the following conditions:
 - (1) The proposed internal design shall receive approval from the Planning Commission and City Engineer regarding the adequacy of drainage, lighting, and other technical aspects based on applicable legal requirements.

- (2) Outdoor theaters shall abut a major thoroughfare, and points of ingress and egress shall be available only from such major thoroughfares.
 - (3) All vehicles queueing up to enter the facility shall be provided with off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - (4) The area shall be laid out to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be confined within and directed onto the outdoor theater site premises and subject to Section 1286.03.
- (f) Veterinary Hospitals or Veterinary Clinics, provided that all activities are conducted within an enclosed building and provided, further, that all buildings are set back at least 200 feet from abutting residential districts on the same side of the street.

1260.04 AREA AND BULK REQUIREMENTS.

See Appendix I, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lots by permitted land use, providing minimum yard setback, and other requirements.

Section 10. Amendment of Part Twelve, Title Six, Chapter 1262, Section 1262.02. Part Twelve, Title Six, Chapter 1262 “I-1 – Light Industrial District,” Section 1262.02 is to be read in its entirety as follows:

1262.02 PRINCIPAL USES PERMITTED.

In the I-1 – Light Industrial District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (a) Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building.
- (b) Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be obscured by a fence or wall on those sides abutting a residential or business district and in any front yard abutting a public thoroughfare in accordance with Section 1286.06 except as may be otherwise provided in this Zoning Code. In the I-1 – Light Industrial District, the extent of such fence or wall in their best judgment and reasonable discretion may be determined by the Planning Commission based on usage. Such a fence or wall shall not be less than four feet-six inches in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of Chapters 1278 through 1286. A chain-link fence, with intense evergreen shrub planting, may be considered a privacy fence. The height shall be determined in the same manner as the fence or wall height is above set forth.
 - (1) Warehousing and wholesale establishments and trucking facilities.

- (2) The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops.
 - (3) The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
 - (4) The manufacture of pottery, figurines, or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - (5) Manufacturing musical instruments, toys, novelties, metal or rubber stamps, or other molded rubber products.
 - (6) Manufacture or the assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
 - (7) Laboratories - experimental, film, or testing.
 - (8) Manufacturing and repair of electric or neon signs and light sheet metal products, including heating and ventilating equipment, cornices, eaves, etc.
 - (9) Central dry-cleaning plants or laundries, provided that such plants shall not deal directly with a consumer at retail.
 - (10) All public utilities, including buildings, necessary structures, storage yards, and other related uses.
- (c) Warehouse, storage, and transfer facilities, electric and gas service buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders. Railroad transfer and storage tracks. Railroad rights-of-way. Freight terminals.
 - (d) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or an obscuring fence or wall on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any I-1 – Light Industrial District, the extent of such fence or wall in their best judgment and reasonable discretion may be determined by the Planning Commission based on usage. Such fence or wall shall not be less than five feet in height and may, depending on land usage, be required to be eight feet tall. A chain-link fence, with heavy evergreen shrubbery inside of said fence, shall be considered a privacy fence.
 - (e) Municipal uses, including water treatment plants, reservoirs, and sewage treatment.
 - (f) Commercial kennel.

- (g) Greenhouses.
- (h) Trade or industrial schools.
- (i) Other uses of a similar and no more objectionable character to the above uses.
- (j) Accessory buildings, structures, and uses conforming with Section 1240.11(1) that are customarily incidental and subordinate to any of the above-permitted uses in the I-1 – Light Industrial District and located in the side or rear yards, no taller than 20 feet, and no less than 20 feet from the side or rear property lines.

Section 11. Amendment and Renaming of Part Twelve, Title Six, Chapter 1269. Part Twelve, Title Six, Chapter 1269 “East Main Preservation District” is hereby renamed “EMP – East Main Preservation Overlay District” and to read in its entirety as follows:

**Chapter 1269
EMP – East Main Preservation Overlay District**

- 1269.01 Intent.
- 1269.02 Principal permitted uses.
- 1269.03 Special land uses.
- 1269.04 District regulations.
- 1269.05 Design standards.
- 1269.06 Review standards.

1269.01 INTENT.

- (a) The East Main Preservation Overlay District is recommended by the City of Ionia Master Plan to be established along both sides of East Main Street between Library Street and Jackson Street.
- (b) This area contains many large houses of historic and architectural distinction that contribute significantly to the character and identity of the City. High maintenance costs or conversion to multi-family or non-residential uses can threaten such houses' historical and architectural viability if proper review standards are not provided.
- (c) This district intends to allow such houses to be used for various purposes deemed compatible with the area to encourage their continued maintenance and appearance as residential structures, thereby preserving the historic and architectural character of East Main Street.

1269.02 PRINCIPAL PERMITTED USES.

- (a) Single, two, and three-unit dwellings and any accessory use conforming to Section 1240.11(1)(A), 1240.11(1)(B), 1240.11(1)(E), 1240.11(1)(G), and 1240.11(1)(J). are permitted in the East Main Preservation Overlay District.

1269.03 SPECIAL LAND USES.

- (a) The following uses may be allowed as special land uses in the East Main Preservation Overlay District subject to the procedures and standards of Chapter 1274 of these Codified Ordinances.

- (b) A scaled architectural drawing of the proposed building shall be submitted as part of the application requirements.
- (c) Allowed special land uses are as follows:
 - (1) Multifamily dwellings within an existing historic building.
 - (2) Offices and office buildings of an executive, administrative or professional nature.
 - (3) Medical, dental, and optical offices.
 - (4) Public and semi-public buildings such as, but not restricted to:
 - a. Places of public assembly and related accessory uses;
 - b. Municipal offices;
 - c. Libraries;
 - d. Museums; and
 - e. Private schools.
 - (5) A building may be used for both residential and non-residential uses subject to the following conditions:
 - a. Every dwelling unit shall be wholly separated from the non-residential use by walls and doors or on a separate floor.
 - b. Each dwelling unit shall contain a minimum of 500 square feet of floor area.
 - c. Off-street parking for residential use shall be provided as required by Section 1282.01.
 - (6) Bed and Breakfasts (defined by the State of Michigan and this Ordinance).
 - (7) Other similar uses that the Planning Commission determines to be compatible with the above uses and that would satisfy the intent of this district.

1269.04 DISTRICT REGULATIONS.

- (a) The Planning Commission shall have the authority to decrease the required setback by no more than five (5) feet if it can be demonstrated that such decrease is necessary for the viable operation of the proposed use and that the reduced setback will not have a significant negative impact on adjacent residents or properties.
- (b) For non-residential use of a residential structure, the parking requirements of Section 1282.01 may be modified in their best judgment and reasonable discretion by the Planning Commission to achieve the intent of the East Main Preservation Overlay District; provided, however, that a minimum of four (4) parking spaces shall be provided on-site. If such spaces are located in the rear yard, they shall be screened by a privacy fence at least six feet in height as defined by Chapter 1286.06 or by sufficient landscaping to provide a year-round screen.

1269.05 DESIGN STANDARDS.

The construction (and use) of a new building or the alteration of an existing building that is to be used for a non-residential use as permitted by this chapter shall comply with the following standards:

- (a) The building shall have roofs compatible with nearby buildings, meaning that roof pitches and material shall be similar in design and composition to those in the surrounding neighborhood and must match that of other buildings on the same lot as deemed appropriate by the Zoning Administrator.
- (b) The exterior walls shall be covered with material (i.e., brick, wood, aluminum, or vinyl siding) similar to adjacent dwellings.
- (c) A walkway shall be provided from the existing or proposed public sidewalk to the front building entrance.
- (d) Landscaping or fences may be required along lot lines used for residential purposes to provide visual and audible privacy for neighboring residents. The Planning Commission, in its best judgment and reasonable discretion, shall determine whether landscaping or fencing would best accomplish this objective. Fencing shall comply with the requirements of Section 1286.06 and Landscaping with Section 1286.02.
- (e) Dumpsters shall not be located within the front yard; they shall be screened by a six-foot-high purpose-built enclosure containing a durable metal frame, solid fence with the finished side facing out, latching gate, and bollards to prevent vehicles from colliding and damaging the enclosure; while being constructed at the most visually unobtrusive location as possible on the site.
- (f) Signs.
 - (1) One (1) non-residential use shall be permitted one sign, which shall not exceed 16 square feet in size or four feet in height if placed on the ground or 10 feet above the ground if attached to the wall. Signs shall be setback a minimum of five feet from all lot lines or attached to the street side of the building.
 - (2) A sign may be illuminated only through external, shielded light fixtures or internal illumination. Blinking lights on signs are prohibited. A light fixture for a sign shall be placed to avoid glare when viewed off-site. The source of the light shall not exceed 150 watts total, and any such light source shall be enclosed and directed to prevent the light source from shining directly or indirectly onto traffic or adjacent or nearby property.
 - (3) All other regulations applicable per Chapter 1284 must be followed.
- (g) Exterior lights, except those with an incandescent bulb of 150 watts or less, shall have a cut-off type fixture and not exceed 12 feet above grade. No light source shall exceed 200 watts. All outdoor lighting must comply with Section 1286.03. The Planning Commission, in their best judgment and reasonable discretion, shall have the authority to modify the above lighting standards or the standards of Section 1286.03 to ensure that any proposed lighting will not create a hazard or nuisance from glare or light spilling on adjacent property.

1269.06 REVIEW STANDARDS.

The Planning Commission shall hold a public hearing as required by Section 1274.03 and decide on the requested special land use. To approve a special land use under this section, the Planning Commission shall find that the request meets all the standards of Section 1274.04 and all of the following standards:

- (a) Any proposed accessory building must meet the standards of Section 1286.01 and the required design standards of the overlay district.

- (b) The proposed building's size, location, appearance, and architectural style will be compatible with the existing building characteristics of the immediate neighborhood.

Section 12. Amendment of Part Twelve, Title Six, Chapter 1270, Section 1270.03. Part Twelve, Title Six, Chapter 1270 "Open Space Neighborhoods," Section 1270.03 is hereby amended to read in its entirety as follows:

1270.03 DEVELOPMENT REQUIREMENTS.

The following regulations shall apply to an Open Space Neighborhood:

- (a) The site shall be developed subject to the City of Ionia Subdivision Regulations or the City of Ionia Site Condominium Regulations.
- (b) Public water and sewer shall be available to serve the site.
- (c) Density calculations shall be as follows:
 - (1) The total number of dwelling units permitted within an OSN shall be determined by multiplying the net acreage of the site by the density permitted within the zoning district in which the OSN is located. In determining net acreage, the following shall be deducted from the total size of the parcel:
 - a. One-half of those areas within the 100-year flood plain.
 - b. One-half of wetland areas or those areas permanently inundated by water, including lakes, ponds, streams, and rivers
 - c. One-half of those areas with existing slopes of twenty (20%) percent or greater.
 - (2) Maximum density for OSN developments is as follows:
 - a. LDR – Low-Density Residential District = 12.45 dwelling units per acre.
 - b. MDR – Medium-Density Residential = 14.52 dwelling units per acre.
- (d) Additional dwelling units above what is permitted by Sections 1270.03(c)(1) and 1270.03(c)(2) hereof may be permitted within the OSN in the best judgment and reasonable discretion of the Planning Commission and the City Council if the development provides additional amenities or dedicates additional open space which would result in a significant recognizable benefit to the City or the residents of the OSN. Additional amenities might include, by way of example only:
 - (1) Playgrounds with play equipment, ballfields, golf courses, bike paths, walking paths, created lakes, community buildings, or similar facilities.
 - (2) Additional landscaping, walkways, benches, or similar items within a village square area.
 - (3) Trails through natural areas such as wetlands, woodlands, and meadows.

- (e) If additional dwelling units are permitted, the maximum number of dwelling units shall be determined by multiplying the density permitted in subsection (c) hereof by the total acreage of the site, including the wetlands, floodplains, bodies of water, and steep slopes.
- (f) Lot size standards shall be as follows:
 - (1) Lots within an OSN shall be permitted to be smaller in area and width and have narrower setbacks than the minimum requirements of the zoning district in which the OSN is to be located to achieve the objectives of this chapter. The lot size in the LDR – Low-Density Residential District shall be permitted a ten (10%) percent reduction.
 - (2) The minimum permitted lot sizes, lot widths, and building setbacks in an Open Space Neighborhood shall be as outlined in Table 1 below:

TABLE 1

ZONE	LDR	MDR
Min. Permitted Lot Size	3,500 sq. ft.	3,000 sq. ft.
Min. Permitted Lot Width	40 ft.	40 ft.
Min. Front Setback	15 ft.	15 ft.
Min. Rear Setback	15 ft.	15 ft.
Min. Side Setback (total/min.)	13-foot side yard minimum, one side no less than 5 feet.	13-foot side yard minimum, one side no less than 5 feet.

- (g) The height of any building within an OSN shall not exceed thirty feet except as provided for in Section 1286.07(d).
- (h) The minimum size for any structure within the OSN shall be the same as that required by the district in which the OSN is located.

Section 13. Amendment of Part Twelve, Title Six, Chapter 1274. Part Twelve, Title Six, Chapter 1274 “Special Land Uses”) is hereby amended to read in its entirety as follows:

**CHAPTER 1274
Special Land Uses**

- 1274.01 Purpose.
- 1274.02 Authority of Planning Commission.
- 1274.03 Special land use procedure.
- 1274.04 Standards for approval.
- 1274.05 Imposition of conditions.
- 1274.06 Expiration of permit.
- 1274.07 Revocation of permit.
- 1274.08 Special land use standards.
- 1274.09 Two-family dwellings
- 1274.10 Bed and breakfast establishments.

1274.01 PURPOSE.

The purpose of this chapter is to provide regulations for uses that are not necessarily incompatible with uses permitted by right in a given district but which should not be permitted without restrictions or conditions being imposed because of unique problems presented by the use itself or its particular location to neighboring properties. The special use permit procedure established herein is designed to allow the Planning Commission to review and act upon any application for a special use permit.

1274.02 AUTHORITY OF PLANNING COMMISSION.

The Planning Commission shall have the power to hear and decide such questions as are involved in determining whether special use permit applications should be granted, to approve special use permit applications with such conditions and safeguards as are appropriate under this chapter, or to deny special use permit applications where not in harmony with the purpose and intent of this chapter.

1274.03 SPECIAL LAND USE PROCEDURE.

Application for a special land use shall be submitted and processed under the following procedures:

- (a) An application shall be submitted to the Planning Commission on a form for that purpose. Each application shall be accompanied by the payment of a fee and escrow as determined by resolution of the City Council.
- (b) Applications for a special land use permit shall also accompany a site plan containing the information for final site plans required by Chapter 1276.
- (c) The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include, but shall not be limited to, traffic analysis, environmental impact analysis, an economic analysis justifying the need for a proposed commercial use or uses, impact on public utilities and services, and effect on the public school system.
- (d) A public hearing shall be held upon receipt of an application for a special land use. The public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this section concerning public notification.
 - (1) Responsibility for public notice. The City Clerk, or their designee, shall be responsible for preparing the content of the public notice and having it published, mailed, or delivered as provided in this section.
 - (2) Notice requirements. Notice of a public hearing for a special land use shall be given not less than fifteen days before the public hearing date. The notice shall be given as follows:
 - a. Newspaper notice. The notice shall be published in a newspaper that circulates in the City.
 - b. Mail and personal notice. The notice shall be sent by first-class mail or personal delivery to:

- i. The owner of the property for which approval is being considered and the applicant, if different than the property owner.
 - ii. Except for rezoning requests that are proposed for eleven (11) or more adjacent parcels, the notice shall be sent to all persons to whom property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the municipal boundaries of the City. If the name of the occupant is not known, the term "occupant" may be used to make the notification. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. In structures containing four (4) or fewer dwelling units, only one (1) occupant of each unit must be given notice of the public hearing.
 - iii. All neighborhood organizations, public utility companies, airports, railroads, and other persons who have requested to receive notice pursuant to this section.
- (3) Record of Mailing. The City Clerk, or his or her designee, shall prepare an affidavit of mailing, which shall include those to whom the notice was mailed and the date of mailing.
- (4) Content of Notice. The public notice shall:
 - i. Describe the nature of the request.
 - ii. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist for the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross streets, or including a map showing the property's location.
 - iii. Indicate the public hearing date, time, and place.
 - iv. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.
- (5) Registration to receive notice by mail. Any neighborhood organization, public utility company, railroad, or any other person may register with the City Clerk to receive written notice of any public hearing held pursuant to Part Twelve, Planning and Zoning, of the City Code.
- (e) Following the public hearing or within a reasonable time thereafter, the Planning Commission shall deny, approve, or approve, with conditions, the request for a special land use. The decision shall be incorporated in a statement containing the findings relative to the special land use under consideration, which specifies the basis for the decision and any conditions imposed.

The decision of the Planning Commission rendered pursuant to the request shall be final unless such decision is reversed or modified by a court of competent jurisdiction. The Board of Zoning Appeals is without jurisdiction to accept appeals or grant variances from the decision of the Planning Commission.

1274.04 STANDARDS FOR APPROVAL.

The following general standards shall serve as the basis for decisions by the Planning Commission involving special land use permits. The Commission shall find that, in addition to specific standards for a particular use, the proposed use shall:

- (a) Be designed, constructed, operated, and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not significantly change the essential character of the area in which it is proposed.
- (b) Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- (c) Not create excessive additional requirements for public facilities and services at public cost.
- (d) Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (e) Be consistent with the intent and purpose of the zoning district where such use will be located.

1274.05 IMPOSITION OF CONDITIONS.

Reasonable conditions may be imposed with approval of a special land use. The conditions may include conditions necessary to ensure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The conditions imposed shall meet all of the following requirements:

- (a) Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will exercise the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- (c) Be necessary to meet the intent and purpose of this Zoning Code, be related to any standards established in this Zoning Code for the land use or activity under consideration, and ensure compliance with those standards.

- (d) The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except as provided by law.

1274.06 EXPIRATION OF PERMIT.

A special land use permit shall expire one year after it is granted unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request by the applicant and for good cause shown, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area, which would require reconsideration of the special land use application or site plan.

1274.07 REVOCATION OF PERMIT.

If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit will be revoked within fifteen days of such notification. If said violation is not corrected within fifteen days, the Planning Commission may, following a noticed hearing and reasonable opportunity to be heard by the property owner, revoke the special land use permit. Furthermore, such a violation is hereby declared to be a violation of this Zoning Code, subject to all of the remedies and penalties provided for in this Zoning Code.

1274.08 SPECIAL LAND USE STANDARDS.

The following provisions are standards and requirements for specific land uses that must be satisfied to qualify for a special land use, in addition to the general standards outlined in this chapter.

1274.09 BED AND BREAKFAST ESTABLISHMENTS.

- (a) The term "lodger" is defined as a person who rents a room in a bed and breakfast for fewer than 30 consecutive days.
- (b) There shall be a minimum lot size of 8,000 square feet in area and a minimum street frontage of 65 linear feet.
- (c) The minimum livable area of the building must be 2,500 square feet.
- (d) A site plan to scale shall be submitted showing property lines, structures, driveways, parking area, and sign, along with dimension drawings showing the interior room layout or arrangement, size, entrances, and exits of the structure.
- (e) Easily accessible off-street parking must be available in the following proportion:
 - (1) Two (2) off-street parking spaces for the owner/occupant/innkeeper; and
 - (2) One (1) off-street parking space for each bedroom available for rent.

- (f) There shall be a minimum distance of 1,500 feet from the property line to the property line of an existing bed and breakfast facility.
- (g) Smoke detectors shall be installed and maintained in operable condition in locations where local, county, state, or federal agencies require them to protect the lodgers reasonably.
- (h) All present or future city, county, state, or federal laws regarding regulations for building, health, safety, and welfare as they relate to bed and breakfast shall be required to be followed.
- (i) All present or future city, county, state, or federal inspections required of a bed and breakfast shall be completed and approved prior to occupancy, along with any other required periodic or timely inspections presently required or required in the future.
- (j) A residential structure shall not have been or be converted to more rental rooms than the number of bedrooms existing in said structure at the time of enactment of this Section and adequate living space must be preserved for the manager's, innkeeper's or owner's quarters.
- (k) Additions to a structure to provide additional rental rooms shall not be allowed unless made a part of said approval when granted.
- (l) Only one identification two-faced sign not to exceed eight square feet shall be allowed if made a part of the application with approval granted.

Section 14. Amendment of Part Twelve, Title Six, Chapter 1282, Section 1282.01, Subsection I, Part One (1). Part Twelve, Title Six, Chapter 1282 “Off-Street Parking and Loading,” Section 1282.01, Subsection I, Part One (1) is hereby amended to read in its entirety as follows:

- I) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

(1)	<u>Residential</u>		
	A.	Single-unit, two-unit, and three-unit dwellings	Two spaces for each dwelling unit.
	i.	Accessory Dwelling Units (ADU) detached single-family lots only.	One additional space for the ADU.
	B.	Multiple-unit dwellings	1.5 spaces for each dwelling unit.
	C.	Senior Housing and Retirement Communities	One for each dwelling unit plus one for each employee.
	D.	Assisted Living and Congregate Care Facilities	One for every three dwelling units, plus one per employee.
	E.	Bed and Breakfasts, Boarding Houses	One for each guest room plus two additional spaces for the dwelling unit.

Section 15. Amendment of Part Twelve, Title Six, Chapter 1284, Section 1284.06, Section 1284.12, and Section 1284.14. Part Twelve, Title Six, Chapter 1284 “Signs,” Section 1284.06 “Signs Not Requiring a Permit,” Section 1284.12 “Signs Permitted in the Residential Districts,” and Section 1284.14 “Signs for Certain Streets in the B-1 – Neighborhood Business District and B-3 – General Business District” are hereby amended to read in their entirety as follows:

1284.06 SIGNS NOT REQUIRING A PERMIT.

The following signs shall not require a permit but shall be subject to all other applicable regulations of this chapter:

- (a) Flags, provided that not more than four flags are permitted per lot. Flags located in residential districts and the B-2 Central Business District are permitted to be no larger than three feet by five feet in dimension or 15 square feet in area. Flags located in all other districts are permitted up to eight (8) feet by twelve (12) feet in dimension or ninety-six (96) square feet in area.
- (b) Sign message changes on signs with changeable copy or other similarly adjustable reader boards, or replacing a sign panel in an existing sign structure provided that it does not structurally alter the sign.
- (c) Temporary signs on residential lots, including garage or yard sale signs.
- (d) Window signs.
- (e) Sidewalk (sandwich board) signs.
- (f) Incidental signage displaying access, hours of operation, safety, hazards, or emergency content is permitted without permit upon the dimensional regulations of this provision, provided the size of each sign does not exceed four (4) square feet in area, six (6) feet in height, and contains no commercial speech. The number of incidental signs that distinguish locations for incidental purposes such as, but not limited to, "curbside pick-up" and "order pick-up" are subject to the size of the parcel on which the signage will be placed by the following schedule:

Signs Permitted for Nonresidential Uses in the Business, Health Services, and Industrial Districts						
Type	Maximum Number		Maximum Area	Maximum Height	Illumination Permitted	Minimum Setback
Access or Directional	2 per ingress/egress location		4 sq. ft.	6 ft.	Yes	5 ft. from the right-of-way and lot lines
Safety, Emergency, or Hazard	As necessary		4 sq. ft.	6 ft.	No	5 ft. from the right-of-way and lot lines
Incidental Convenience Signs (curbside pick-up, order pick-up, etc.)	Parcels less than 14,999 sq. ft.	3	4 sq. ft.	6 ft.	No	5 ft. from the right-of-way and lot lines
	Parcels between 15,000 sq. ft. and 29,999 sq. ft.	5				
	Parcels between 30,000 sq. ft. and 43,560 sq. ft. (1 ac.)	7				
	Parcels between 1 acre and 2 acres	10				
	Parcels greater than 2 acres	No limit				

1284.12 Signs Permitted in the Residential Districts.

The following signs are permitted in the residential zoning districts.

Signs Permitted for Nonresidential Uses in the Residential Districts					
Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted	Minimum Setback
Monument	1 per lot	32 sq. ft.	6 ft.	No	5 ft. from the right-of-way and lot lines
Wall	1 per frontage	10% of wall area or 50 sq. ft., whichever is less	N/A	No	N/A

(a) Additional signs permitted in the residential districts:

- (1) Temporary signs as permitted and regulated by Sections 1284.11.
- (2) One permanent monument sign not to exceed 32 square feet in area and a sign at a maximum of a six-foot height may be provided at the entrance to a subdivision, condominium, site condominium, or mobile home park. Such a sign shall require a permit and shall be located outside the right of way. The sign shall be constructed primarily with carved wood, brick, stone wrought iron, terra cotta, glazed tile, or similar decorative material to reflect and enhance the area's character.

1284.14 Signs Permitted on Certain Streets in the B-1 – Neighborhood Business District, B-3 – General Business District, and HSD – Health Services District.

Signs Permitted on Certain Streets in the B-1, B-3, and HSD Districts with Frontage on M-66, M-21, Steele Street, or Adams Street					
Type	Maximum Number	Maximum Area	Maximum Height	Illumination Permitted	Minimum Setback
Wall Sign	N/A	10% of the wall area or 100 sq. ft., whichever is less	N/A	YES	N/A
OR					
Roof Sign	1 per building	10% of the roof area to which it is affixed	Not beyond the highest point of the roof.	No	N/A
AND					
Pole Sign	1 per frontage	48 sq. ft.	25 ft.	Yes	10 ft. from rights-of-way, front, and side lot lines.

OR					
Monument Sign	1 per frontage	50 sq. ft.	6 ft.	Yes	5 ft. from the front lot line or right-of-way; 10 ft. from the side lot line.
AND					
Sidewalk Sign (Sandwich Board)	1 per use	8 sq. ft.	4 ft.	No	N/A

Section 16. Amendment of Part Twelve, Title Six, Chapter 1286, Section 1286.01(a), 1286.02(e), 1286.10 and to add a New Section 1286.14. Part Twelve, Title Six, Chapter 1286 “Miscellaneous Regulations,” is amended as follows:

Section 1286.01 (a) is hereby amended to read in its entirety as follows: Section 1286.01 – Accessory Buildings.

- a) Accessory Buildings and Structures General Requirements. Accessory buildings, except as otherwise permitted herein, shall be subject to the following general requirements:
- 1) Accessory buildings and structures that are customarily incidental and subordinate to an existing principal building or structure or use permitted by right within the applicable zoning district, located on the same lot and not otherwise regulated by this Zoning Code, shall be permitted subject to the regulations of this Zoning Code.
 - 2) Accessory buildings and structures shall not be constructed of cloth, canvas, plastic film, nylon, or similar material that does not provide long-term durability.
 - 3) Accessory buildings and structures six hundred (600) square feet in floor area or greater shall be securely attached to a frost-free footing meeting building code requirements. Accessory buildings and structures less than six hundred (600) square feet in floor area but two hundred (200) square feet and greater shall be securely attached to a foundation, footing, or a concrete slab to be a permanent fixture on the property. In both cases, a zoning permit is required before construction begins.
 - 4) A tent that is otherwise lawfully erected for a special event on a short-term basis shall not be regulated under this section.
 - 5) HVAC and mechanical equipment are deemed accessory structures and may not be located in the front yard unless necessary by the Zoning Administrator. Screening shall be provided in all circumstances unless waived by the Zoning Administrator.
 - 6) Attached Accessory Buildings and Structures.
 - a. Attached accessory buildings and structures (i.e., attached garages, covered porches, decks (with a height greater than eight (8) inches above grade) shall be joined structurally to the principal building.

- b. Attached accessory buildings and structures shall conform to the minimum setback requirements and other site development standards of the zoning district where the accessory building or structure is located.
 - c. Attached accessory buildings and structures shall be included in the calculation for maximum lot coverage.
- 7) Detached Accessory Buildings.
- a. Detached accessory buildings, such as garages and sheds, are not physically attached to the principal structure.
 - b. Detached accessory buildings shall be set back at least six (6) feet from any side or rear property line.
 - c. Detached accessory buildings must maintain at least ten (10) feet separation between the detached and principal structures.
 - d. Detached accessory buildings shall be included in the calculation for maximum lot coverage.
- 8) Detached Accessory Structures.
- a. Detached accessory structures, such as pergolas and gazebos, are not physically attached to the principal structure.
 - b. Detached accessory structures shall be set back at least six (6) feet from any property line.
 - c. Detached accessory structures must maintain at least ten (10) feet separation between the detached and principal structures.
 - d. Detached accessory structures shall not be located within any dead vision corner near a driveway or public/private street.
 - e. Detached accessory structures shall be included in the calculation for maximum lot coverage.
 - f. Detached accessory structures may be constructed in the front yard of a through lot opposite the principal structure's address, for a through lot is defined as having two front yards, so long as the detached accessory structure is not within a front yard setback requirement of said opposite front yard of the non-addressed side.
 - g. To the extent of any conflict between this subsection 1286.01(a) and other subsections of 1286.01, the more restrictive provisions shall govern and control.

Section 1286.02 (e) is hereby amended to read in its entirety as follows: Section 1286.02 – Landscaping

- (e) Buffer Zone Requirements.
 - (1) A landscape or buffer zone as required herein shall be provided wherever a non-residential zone or use abuts a residential use or zone and wherever an HDR – High-Density zone abuts an LDR or MDR Zone. The buffer zone shall be along the boundary between adjoining lands in different zoning districts.

- (2) Where the boundary between zoning districts lies on an active or abandoned railroad right-of-way, parcels adjacent to and separated solely by the railroad right-of-way shall be considered adjoining and subject to buffer zone requirements.
- (3) Buffer zone requirements shall not apply where a public street separates adjacent zoning districts. In such a case, this section's front-yard landscaping requirements shall apply.
- (4) Even if the abutting parcel is unimproved land, a buffer zone shall be required.
- (5) Where the buffer zone width requirements of this section are more significant than the minimum setback requirements for the zoning district of the subject property, a building footprint may encroach into the required buffer zone. However, no parking area or driveway shall be permitted to encroach within a required buffer zone.

Section 1286.10 is hereby amended to read in its entirety as follows: Section 1286.10 – Home Occupations

- (a) A home occupation is a permitted use in all residential districts and Planned Unit Development districts according to the requirements of this section.
- (b) According to the following requirements, two home occupations, Level 1 and Level 2, are permitted.
- (c) Level 1 home occupation requirements:
 - (1) A Level 1 home occupation is a home occupation that is conducted entirely within the dwelling or an attached accessory building. It is conducted in such a manner that under normal circumstances, there is no external evidence of the home occupation operation except that a Level 1 home occupation is permitted to have one (1) sign, which shall be attached to the wall of the dwelling or accessory building. Such a sign shall not be illuminated and shall not be more than four (4) square feet in size.
 - (2) A permit from the City is not required to conduct a Level 1 home occupation.
 - (3) Only family members who reside on the premises shall be employed or involved in the home occupation.
 - (4) The use of the dwelling for a home occupation must be accessory, incidental, subordinate, and attached to the permitted principal use. A home occupation shall occupy no more than 25 percent of the total floor area of the dwelling where it is conducted, exclusive of any porch, attached garage, or similar space not suited or intended to be occupied as living quarters provided.
 - (5) Exterior storage of equipment or accessory items and display of materials, goods, or supplies used in the home occupation is prohibited.
 - (6) The dwelling shall not be altered from its residential appearance to conduct the home occupation but for the addition of an advertising sign as permitted above.
 - (7) The home occupation shall be conducted so it does not constitute a nuisance or annoyance to adjoining residents because of noise, smoke, odor, electrical disturbance, outdoor lighting, or the creation of unreasonable traffic to the premises.
 - (8) There shall be no selling of goods, merchandise, supplies, or products or offering services to customers except occasionally, generally less than five times per week.

- (d) Level 2 home occupation requirements:
- (1) A Level 2 home occupation is a home occupation that has one (1) employee or one (1) individual involved in the operation of the business outside of the family members who reside on the premises and which has customers coming to the home occupation for services or products offered by the home occupation on more than an occasional basis, generally more than five (5) times per week.
 - (2) A Level 2 home occupation shall only be permitted if the Planning Commission approves a special land use following the procedures and standards of Chapter 1274 herein.
 - (3) An application for a Level 2 home occupation shall contain the following information:
 - a. Name and address of property owner and occupant of the dwelling.
 - b. Provide a description of the proposed home occupation, including materials to be used, days and hours of operation, estimated customer and delivery vehicle trips per week, and if an employee will be involved in the business.
 - c. A site plan, as typically required by Chapter 1276 herein, shall not be required. Instead, an accurate drawing shall be submitted illustrating the property, buildings on the property, the area within the building to be devoted to the home occupation, parking for the business, screening, sign, and other information as may be required by the Zoning Administrator to ensure compliance with the requirements of this section.
 - (4) The home occupation shall be conducted only within the dwelling or an attached or detached accessory building.
 - (5) Only family members who live on the premises and no more than one (1) other person who does not reside on the premises shall be employed by or involved in the home occupation.
 - (6) Traffic generated by the home occupation shall be compatible with traffic generally expected in the zoning district in which the home occupation is located.
 - (7) A home occupation shall provide a minimum of two (2) on-site parking spaces and the parking spaces required for the dwelling.
 - (8) A home occupation is permitted to have one (1) sign attached to the dwelling or accessory building wall. Such a sign shall not be lighted and shall not be more than four (4) square feet in size.
 - (9) A Level 2 home occupation shall also comply with the requirements for a Level 1 home occupation contained in Section 1286.01(c)(4)-(7) herein.
 - (10) In approving a Level 2 home occupation, the Planning Commission may prescribe certain conditions to ensure that the home occupation can be compatible with its residential surroundings. Such conditions may include but are not limited to restricting the hours of operation, the number and type of delivery vehicles, and limiting the number of customer visits to the home occupation.

Section 1286.14 is hereby added to read in its entirety as follows: Section 1286.14 – Accessory Dwelling Units

Not more than one (1) Accessory Dwelling Unit (ADU) may be included within a detached single-unit dwelling (principal dwelling unit) or accessory building, existing separately from but located on the same lot as a detached single-unit dwelling.

- (a) Minimum Lot Area. An ADU may be developed on a lot meeting the minimum lot size for the applicable zone district.
- (b) Building Height. When newly added, the portion of a single-unit detached dwelling with an ADU shall not exceed the permissible main building height of the Zoning District. The maximum permitted height for a detached ADU is twenty-five (25) feet, where the applicable zoning district setback requirements for a principal structure are met. Where zoning district setback requirements for a primary structure cannot be satisfied, the detached ADU shall be no higher than (20) feet (i.e., an existing detached accessory structure that does not meet the principal structure setback requirements, etc.).
- (c) Front Yard Prohibited. If not part of the main building, the ADU shall not be in the front yard.
- (d) Minimum/Maximum ADU Size. The ADU shall not exceed forty (40) percent of the gross floor area of the principal dwelling unit and, in any case, shall be at least four hundred (400) square feet and not larger than eight hundred fifty (850) square feet in gross floor area.
- (e) Bedroom Maximum. A maximum of two (2) bedrooms are permitted within an ADU.
- (f) Owner Occupancy. At least one (1) of the dwelling units on a lot shall be owner-occupied.
- (g) Leasing or Rental. No ADU shall be leased or rented for less than thirty (30) days and shall not be used as a short-term rental.
- (h) Alterations or New Construction. Any alterations to existing buildings or structures or the construction of a new structure to accommodate the ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a detached single-family dwelling, including but not limited to entrances, roof pitch, siding, and windows, and exterior building materials.
- (i) Deed Restriction. A binding deed restriction enforceable and approved by the City shall be recorded prior to the issuance of a building permit stipulating that the ADU will not be conveyed separately from the primary dwelling unit and including other provisions specified by the City.

Section 17. Amendment of Part Twelve, Title Six, Chapter 1289, Section 1289.05. Part Twelve, Title Six, Chapter 1289, Section 1289.05 is hereby amended to read as follows:

1289.05 DEVELOPMENT REQUIREMENTS.

- (a) Medical marihuana facilities as defined herein are permitted with special land use approval in the following zoning districts:
 - (1) Grower facilities are permitted only in the I-1 Light Industrial District.
 - (2) Processor facilities are permitted only in the I-1 Light Industrial District.
 - (3) Provisioning center facilities are permitted only in the B-1 Neighborhood Business District, the B-3 General Business District, and the I-1 Light Industrial District.
 - (4) Provisioning centers shall not be permitted on land recommended for Central Business District land use or East Main Preservation Overlay land use on the currently adopted Future Land Use Map of the City.
 - (5) Secure transporter facilities are permitted only in the B-1 Neighborhood Business District, the B-3 General Business District, and the I-1 Light Industrial District.

Secure transporter facilities shall not be permitted on lands recommended for Central Business District land use or East Main Preservation Overlay land use on the currently adopted Future Land Use Map of the City.

- (6) Safety compliance facilities are permitted only in the B-1 Neighborhood Business District, the B-3 General Business District, and the I-1 Light Industrial District. Safety compliance facilities shall not be permitted on lands recommended for Central Business District land use or East Main Preservation Overlay land use on the currently adopted Future Land Use Map of the City.
- (7) A medical marihuana facility permitted as a special land use in the B-1 Neighborhood Business District or the B-2 Central Business District shall not be permitted as a principal use by right in the B-3 General Business Zoning District but shall be subject to special land use approval in the B-3 zoning district.
- (8) Parking shall be as required by Chapter 1282 of the City of Ionia Zoning Ordinance, with the exception that all parking for a medical marihuana facility shall be subject to Section 1289.05(d) herein.
- (9) Landscaping shall be as required by Section 1286.02 of the City of Ionia Zoning Ordinance.
- (10) Exterior lighting shall be as required by Section 1286.03 of the City of Ionia Zoning Ordinance with the exception that any additional or alternate lighting, as recommended by the City of Ionia Public Safety Director, shall be provided.
- (11) Signs shall be as required by Chapter 1284 of the City of Ionia Code of Ordinances; and by any requirements of the City of Ionia Zoning Ordinance; with the exception that where the regulations of this Chapter 1289 shall conflict with any other regulations for signs of the City of Ionia, or shall be more restrictive than the requirements of any other regulations for signs of the City of Ionia, the regulations of this Chapter 1289 shall apply.

(b) The following development regulations shall apply to all medical marihuana facilities:

- (1) Any medical marihuana facility approved as a special land use in any zoning district shall be subject to all requirements for uses in that zoning district, and shall be subject to all other applicable regulations including but not limited to requirements for accessory buildings and uses; landscaping; screening; lighting; access; and signs. Where the regulations of this Chapter 1289 shall conflict with any other regulations of the City of Ionia Zoning Ordinance or shall be more restrictive than the requirements of any other regulations for the City of Ionia, the regulations of this Chapter 1289 shall apply.
- (2) Any medical marihuana facility approved as a special land use shall be subject to all requirements for review and the standards for approval according to Chapter 1274 Special Land Uses.
- (3) Medical marihuana facilities may be permitted in a structure that contains multiple tenants, provided the medical marihuana use is approved as a special land use; meets all applicable occupancy restrictions; and that the medical marihuana facility meets all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, M.C.L.A. §§ 333.27101 et seq.; and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including by not limited to security. Marihuana facilities shall be partitioned from any other marihuana facility, activity, business, or dwelling.

- (4) Any combination of medical marihuana facilities may operate as separate marihuana facilities at the same location, provided the marihuana facility meets all requirements of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, M.C.L.A. §§ 333.27101 et seq.; and all rules promulgated by the Michigan Licensing and Regulatory Affairs Department, including by not limited to requirements for partitioned facilities, separate entrances and exits, separation of inventory, record keeping, transfer of marihuana, and point of sale operations. Each marihuana facility operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous. A licensed provisioning center operating at the same location with any other licensed medical marihuana facility shall have retail entrances and exits clearly identified.
 - (5) One or more owners may own medical marihuana facilities at the same location; one or more licensees may be licensed to operate medical marihuana facilities at the same location.
 - (6) No medical marihuana provisioning center shall be located within another business.
 - (7) No medical marihuana facility shall be located in an un-zoned area.
- (c) Location and buffering requirements:
- (1) No medical marihuana provisioning center shall be located within the following:
 - a. One thousand (1,000) feet of an operational school as defined herein and within one thousand (1,000) feet of school property or a library that constitutes a drug-free zone as required by the Michigan Public Health Code § 333.7410.
 - b. Five hundred (500) feet of the following buffered uses:
 - c. Public playground as defined herein;
 - d. Park as defined herein;
 - e. Commercial child care facility that is required to be licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency;
 - f. Church.
 - (2) For the purpose of calculating the buffering distance requirements of this section, the distance shall be measured as the distance along a horizontal straight line beginning at the nearest point to the buffered use on the parcel line of the parcel upon which a provisioning center is proposed, to the nearest point on the parcel line of the parcel upon which the buffered use is located.
 - (3) For provisioning centers located within a multi-tenant commercial retail structure or center, the distance to a buffered use shall be measured from the closest boundary line of the occupied property of the provisioning center to the closest parcel or boundary line of the occupied property of the buffered use. Property for a multi-tenant retail structure shall not include the parking area of the structure.
- (d) Parking associated with any medical marihuana facility shall be on the same lot or parcel as the facility, or on a contiguous lot under the same ownership or control as the owner of the lot or parcel on which the medical marihuana facility is located, and shall not be permitted to be on a non-contiguous lot.

Section 18. Amendment of Part Twelve, Title Six, Chapter 1290, Section 1290.06. Part Twelve, Title Six, Chapter 1290, Section 1290.06 is hereby amended to read as follows:

1290.06 DEVELOPMENT REQUIREMENTS.

- (a) Marihuana establishments as defined herein are permitted with special land use approval in the following zoning districts:
 - (1) Marihuana grower establishments are permitted only in the I-1 Light Industrial District.
 - (2) Marihuana processor establishments are permitted only in the I-1 Light Industrial District.
 - (3) Marihuana retailer establishments are permitted only in the B-1 Neighborhood Business District, the B-3 General Business District, and the I-1 Light Industrial District.
 - (4) Marihuana retailer establishments shall not be permitted on land recommended for Central Business District land use or East Main Preservation Overlay land use on the currently adopted Future Land Use Map of the City.
 - (5) Secure transporter establishments are permitted only in the B-1 Neighborhood Business District, the B-3 General Business District, and the I-1 Light Industrial District. Secure transporter establishments shall not be permitted on lands recommended for Central Business District land use or East Main Preservation Overlay land use on the currently adopted Future Land Use Map of the City.
 - (6) Safety compliance facility establishments are permitted only in the B-1 Neighborhood Business District, the B-3 General Business District, and the I-1 Light Industrial District. Safety compliance facility establishments shall not be permitted on lands recommended for Central Business District land use or East Main Preservation Overlay land use on the currently adopted Future Land Use Map of the City.
 - (7) A marihuana establishment permitted as a special land use in the B-1 Neighborhood Business District or the B-2 Central Business District shall not be permitted as a principal use by right in the B-3 General Business Zoning District but shall be subject to special land use approval in the B-3 zoning district.
- (b) Parking shall be as required by Chapter 1282 of the City Code, with the exception that all parking for a marihuana establishment shall be subject to Section 1290.06(h) herein.
- (c) Landscaping shall be as required by Section 1286.02 of the City Code.
- (d) Exterior lighting shall be as required by Section 1286.03 of the City Code with the exception that any additional or alternate lighting as recommended by the City's Public Safety Director shall be provided.
- (e) Signs shall be as required by Chapter 1284 of the City Code; and by any requirements of the City Code; with the exception that where the regulations of this Chapter 1290 shall conflict with any other regulations for signs of the City or shall be more restrictive than the requirements of any other regulations for signs of the City, the regulations of this Chapter 1290 shall apply.
- (f) The following development regulations shall apply to all marihuana establishments:

- (1) Any marihuana establishment approved as a special land use in any zoning district shall be subject to all requirements for uses in that zoning district, and shall be subject to all other applicable regulations including but not limited to requirements for accessory buildings and uses; landscaping; screening; lighting; access; and signs. Where the regulations of this Chapter 1290 shall conflict with any other regulations of the City Code, or shall be more restrictive than the requirements of any other regulations for the City, the regulations of this Chapter 1290 shall apply.
- (2) Any marihuana establishment approved as a special land use shall be subject to all requirements for review and the standards for approval according to Chapter 1274 Special Land Uses.
- (3) Marihuana establishments may be permitted in a structure that contains multiple tenants, provided the marihuana use is approved as a special land use; meets all applicable occupancy restrictions; and that the marihuana establishment meets all requirements of the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq., as amended (MRTMA), and all rules promulgated by the Michigan Department Licensing and Regulatory Affairs, including but not limited to security. Marihuana establishments shall be partitioned from any other marihuana establishment, activity, business, or dwelling.
- (4) Operation at the same location and equivalent licenses shall be regulated as follows:
 - a. Any combination of marihuana establishments may operate as separate marihuana establishments at the same location, provided the marihuana establishment meets all requirements of the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq., as amended (MRTMA); and all rules promulgated by the Michigan Department of Licensing and Regulatory Affairs, including but not limited to requirements for partitioned establishments, separate entrances and exits, separation of inventory, record keeping, transfer of marihuana, and point of sale operations.
 - b. Each marihuana establishment operating at the same location shall have distinct and identifiable areas with designated structures that are contiguous. Each marihuana establishment specific to the marihuana license shall have distinct and identifiable areas with designated structures that are on the same parcel or contiguous parcels. A licensed retailer operating at the same location with any other licensed marihuana establishment shall have retail entrances and exits clearly identified.
 - c. A licensee that has any combination of marihuana licenses may operate separate marihuana businesses at the same location, provided each business is permitted in the zoning district in which the marihuana business is proposed. A stacked license is considered a single marihuana business for the purposes of operation at the same location; however, a stacked license shall not be considered a single marihuana establishment for the purposes of the annual fee required to be paid to the City.
 - d. A laboratory licensed as a marihuana safety compliance facility establishment may be co-located with an existing accredited laboratory that is not a licensed safety compliance facility establishment with approval by the Agency according to criteria required by the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq., as amended (MRTMA) and Rules.

- e. A marihuana grower establishment, marihuana processor establishment, and a marihuana retailer establishment shall not be prohibited from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, M.C.L.A. §§ 333.27101 et seq., as amended (MMFLA).
 - f. A person who holds equivalent licenses with common ownership as defined herein, may operate those equivalent licenses at the same location, according to the requirements of the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq., as amended (MRTMA) and Rules, and in accordance with this Chapter 1290.
 - g. A licensee with common ownership of a marihuana retailer and a medical marihuana provisioning center and operating equivalent licenses at the same location shall physically separate the entire inventories and the items on display for sale so that individuals may clearly identify medical marihuana products from adult-use marihuana products.
 - h. A person who holds equivalent licenses with common ownership under the Acts, and operates at the same location, is not required to have any of the following:
 - i. Separate business suites, partitions, or addresses.
 - ii. Separate entrances and exits.
 - iii. Distinct and identifiable areas with designated structures that are contiguous and specific to the state license and the state operating license.
 - iv. Separate point of sale area and operations.
 - i. One or more owners may own marihuana establishments at the same location; one or more licensees may be licensed to operate marihuana establishments at the same location.
- (5) No marihuana retailer shall be located within another business.
 - (6) No marihuana establishment shall be located in an un-zoned area.

(g) Location and Buffering Requirements:

- (1) With the exception of a marihuana retailer as permitted under the Michigan Regulation and Taxation of Marihuana Act, no marihuana establishment as permitted by the Michigan Regulation and Taxation of Marihuana Act shall be required to be located 1,000 feet from a pre-existing public or private school providing education in kindergarten or any grades 1 through 12.
- (2) No marihuana retailer shall be located within the following:
 - a. One thousand (1,000) feet of an operational school as defined herein, and within one thousand (1,000) feet of school property or a library as defined by the Michigan Public Health Code § 333.7410.
 - b. Five hundred (500) feet of the following buffered uses:
 - i. Public playground as defined herein;
 - ii. Park as defined herein;
 - iii. Commercial child care establishment that is required to be licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency;
 - iv. Church as defined by Section 1240.11 of the City Code.

- c. For the purpose of calculating the buffering distance requirements of this section, the distance shall be measured as the distance along a horizontal straight line beginning at the nearest point to the buffered use on the parcel line of the parcel upon which a marihuana retailer is proposed, to the nearest point on the parcel line of the parcel upon which the buffered use is located.
- d. For marihuana retailers located within a multi-tenant commercial retail structure or center, the distance to a buffered use shall be measured from the closest boundary line of the occupied property or unit of the marihuana retailer to the closest parcel or boundary line of the occupied property of the buffered use. Property for a multi-tenant retail structure shall not include the parking area of the structure.

(h) Parking associated with any marihuana establishment shall be on the same lot or parcel as the establishment or on a contiguous lot under the same ownership or control as the owner of the lot or parcel on which the marihuana establishment is located and shall not be permitted to be on a non-contiguous lot.

Section 19. Amendment of Part Twelve, Title Six, Chapter 1291, Section 1291.02. Part Twelve, Title Six, Chapter 1291, Section 1291.02 is hereby amended to read as follows:

1291.02 PUD AUTHORIZATION.

A rezoning to AUH-PUD may be approved for any size parcel in all zoning districts with the exception that a rezoning to AUH-PUD shall not be permitted in the following zoning districts:

- (a) MDR – Medium-Density Residential District, with the exception that parcels that front East or West Lincoln Avenue (M-21) may be approved for rezoning to AUH-PUD according to the recommendations of the City of Ionia Master Plan;
- (b) HDR – High-Density Residential District;
- (c) MDR – Medium-Density Residential District with the exception that on parcels which abut East or West Lincoln Avenue (M-21) or that front North State Street (M-66) may be approved for rezoning to AUH-PUD according to the recommendations of the City of Ionia Master Plan;
- (d) EMP - East Main Preservation Overlay District;
- (e) F-Fairgrounds District;
- (f) I-1 Light Industrial District;
- (g) A rezoning to AUH-PUD shall not be permitted on any parcel currently zoned B-2 Central Business District, B-3 General Business District, or PUD-2 Resurrection Life Planned Unit Development District which abuts Main Street, North Steele Street, South Steele Street, North Depot Street, South Depot Street, North Kidd Street, South Kidd Street, or any public or private alley with access to Main Street, according to the goals and objectives recommended by City of Ionia Downtown Development Authority Development Plan.

Section 20. Amendment of Part Twelve, Title Six, Chapter 1293, Section 1293.05, Section 1293.06, Subsection (c), Section 1293.07, and Section 1293.08. Part Twelve, Title Six, Chapter 1293 is amended as follows:

Section 1293.05 is hereby renamed and amended to read in its entirety as follows: Section 1293.05 - PERMITTED USE IN THE RESIDENTIAL DISTRICTS AND EAST MAIN PRESERVATION OVERLAY DISTRICT

- (a) A maximum of one (1) mobile food vending unit may operate on a residential property as permitted through the single-day food vending permit. This use is only permitted up to two (2) times per calendar year.
- (b) Subject to the provisions of this Chapter, up to two (2) mobile food vending units may operate as a temporary accessory use on any institutional lot in any residential zoning district (e.g., churches or schools).
- (c) A permit is required for all residential mobile food vending as noted in Section 1293.03.
- (d) Mobile food vending unit(s) shall be set back at least ten (10) feet from all property lines, buildings, and structures on the property. The units shall comply with all mobile food vendor regulations.

Section 1293.06 is hereby renamed and amended to read in its entirety as follows: Section 1293.06 - PERMITTED USE IN THE B-1 AND B-3 BUSINESS DISTRICTS, I-1-LIGHT INDUSTRIAL DISTRICT, AND HSD HEALTH SERVICES DISTRICT

- (a) Subject to the provisions of this Chapter, mobile food vending units may operate as a temporary accessory use on any lot in the district, except that lots with nonconforming residential uses shall follow the requirements of Section 1293.05.
- (b) A permit is required as noted in Section 1293.03.
- (c) Mobile food vending units shall be setback at least ten (10) feet from all property lines, buildings, and structures on the property. The units shall be oriented such that the food vending window faces toward the principal structure on the lot and shall comply with the applicable regulations for mobile food vendors

Section 1293.07 is hereby renamed and amended to read in its entirety as follows: Section 1293.07 - SPECIAL LAND USES IN THE B-3 GENERAL BUSINESS DISTRICT, I-1 LIGHT INDUSTRIAL DISTRICT, AND HSD HEALTH SERVICES DISTRICT

Mobile food vending parks are intended to create spaces where a mobile food vending unit(s) can make improvements to a property in support of recurring seasonal food vending. Mobile food vending parks are not considered an accessory use and thus do not require a permanent principal structure on site.

- (a) Mobile food vending parks shall be permitted by special land use permit only when conforming with all requirements outlined in Section 1293.08.

- (b) Notwithstanding any other provision of this Chapter, an application for a mobile food vending park special use shall not require a site plan conforming to the requirements in Chapter 1274.

Section 1293.08 is hereby amended to read in its entirety as follows: Section 1293.06 - 1293.08 DISTRICT REGULATIONS FOR MOBILE FOOD VENDING PARKS (FOOD TRUCK PARKS).

- (a) An applicant must submit a detailed drawing showing the proposed location of the mobile food vending unit(s), accessory structures, and any fixtures (tables, trash cans, etc.) that would accompany it. The plans must include all dimensional distances from any adjoining property lines, buildings, or structures. All mobile food vending parks are special land uses and must be reviewed and approved by the City of Ionia Planning Commission.
- (b) Mobile food vending parks shall be permitted only in the B-3 Business Districts, and 1-1 Light Industrial Districts.
- (c) Buffering Requirements.
 - (1) When adjoining a residential district, a six-foot-high wall, fence, or dense vegetation strip shall be erected and maintained along the connecting interior lot line.
 - (2) All lighting shall be shielded from adjacent residential districts.
- (d) Performance Standards.
 - (1) A parking plan must be submitted with the application for Planning Commission review identifying a designated parking area separated from the mobile food vending park space. The use of a fence or vegetation strip to separate the two areas is encouraged.
 - (2) A minimum of one (1) but no more than five (5) mobile food vending units may be parked on a site at any given time. There shall be designated locations defined on the site plan submitted within the mobile food vending park for the parking of mobile food vending units. Each mobile food vending unit may have no less than ten feet of separation from other mobile food vending units.
 - (3) A seasonal food vending permit will be required annually for each mobile food vending unit located in the mobile food vending park.
 - (4) Mobile food vending parks shall provide an aesthetically pleasing environment that includes seating elements.
 - (5) Mobile food vending parks shall have restrooms available for patrons on-site.
 - (6) Accessory structures are permitted per Chapter 1286.01 and must be designated on any site plan submitted for a special land use.

- (7) The hours of operation for a mobile food vending unit shall be limited to 6:00 a.m. to 11:00 p.m.
- (8) The property owner or his/her designee is responsible for the orderly setup of the mobile food vending units, site cleanliness, and site compliance with all rules and regulations during business hours. Contact information for the owner or designee shall be made available to City staff.
- (9) At least one electrical outlet shall be required at each designated mobile food vending unit site unless the mobile food vending unit is able to self-generate electricity.
- (10) Lighting shall be as necessary to illuminate the mobile food vending park for patrons and staff. Flashing/blinking lights shall be prohibited.
- (11) The mobile food vending park shall be kept clear of litter, food scraps, or other debris. Sweeping debris or spilled materials into the gutters of public streets shall be prohibited.
- (12) At least one waste receptacle shall be provided for each mobile food vending unit and shall be emptied whenever full and at park closing. The mobile food vending park shall also be equipped with a large commercial dumpster into which bags from individual waste receptacles can be deposited. The commercial dumpster shall be appropriately screened.
- (13) Tables, chairs, and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by the wind.
- (14) Signage is permitted when placed directly on mobile food units, so long as it does not extend above or beyond the mobile vending unit itself. The vendor must otherwise follow the City's sign ordinance (Chapter 1284), including regulations for sidewalk signs (e.g., sandwich board signs).
- (15) After expiration of the seasonal food vending permit the mobile food vending unit must be removed from the property. Storage of mobile food vending units will not be permitted on-site during the off-season.

Section 21. Amendment of Part Twelve, Title Six, Appendices, Appendix I. Part Twelve, Title Six, Appendices, Appendix I is hereby amended the table to read as follows:

APPENDIX I - SCHEDULE OF REGULATIONS

Zone District by Typology and Unit Size	Minimum Zoning Lot Size		Maximum Height	Minimum Yard Setbacks			Minimum Floor Area Per Residential Unit	Maximum Lot Area Covered (By All Buildings)
	Area in Sq. Ft.	Width in Feet	Height in Feet	Front Yard	Side Yard	Rear Yard	Area in Sq. Ft.	Area in Maximum Percentage of Total Lot Area
LDR – Low-Density Residential								
Single-Unit	4,000 sq. ft.	40 ft.	30 ft.	20 ft.	Minimum 6 feet on one side and 10 feet on the other (16 feet total).	20 ft. (b)	700 sq. ft. min.	40 % max. coverage
Two-Unit (corner lot only)	8,000 sq. ft.	65 ft.						
MDR – Medium-Density Residential								
Single-Unit	4,000 sq. ft.	40 ft.	35 ft.	20 ft.	Minimum 10 feet on each side (20 feet total).	20 ft. (b)	600 sq. ft. min.	45% max. coverage
Two-Unit	5,000 sq. ft.	50 ft.						
Three-Unit	7,500 sq. ft.	75 ft.						
Multifamily (up to 8 total units)	15,000 sq. ft (i)	125 ft. (i)						
HDR – High-Density Residential								
Multifamily (4 units or greater)	15,000 sq. ft. (i)	125 ft. (i)	45 ft.	30 ft. (c)	Minimum 20 feet on each side (40 feet total).	50 ft. (c)	500 sq. ft. min.	55% max. coverage
EMP – East Main Preservation Overlay	8,000 sq. ft.	65 ft.	35 ft.	Average setback distance (ft.) of neighboring houses to either side or around the corner	Minimum 12 feet on each side (24 feet total). (b)	35 ft.	500 sq. ft.	40% max. coverage
B-1 – Neighborhood Business	n/a	n/a	30 ft.	25 ft. (e)(f)	20 ft. (e)	20 ft. (e)	500 sq. ft. min.	n/a
B-2 – Central Business	n/a	n/a	40 ft.	0 ft. (no setback)	n/a	n/a	500 sq. ft. min.	n/a
B-3 – General Business	n/a	n/a	n/a	30 ft.(e)(f)	20 ft. (e)	20 ft.(e)	500 sq. ft. min.	n/a
I-1 – Light Industrial	n/a	n/a	40 ft.	30 ft.(g)(h)	20 ft. (g)(h)	20 ft. (g)(h)	n/a	n/a
HSD – Health Services	n/a	n/a	35 ft.	25 ft. (e)(f)	20 ft. (e)	20 ft. (e)	500 sq. ft. min.	n/a

I-A. Notes To Schedule.

- (a) See I-B below for the Subdivision Open Space Plan regarding flexibility allowances.
- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in Section 1248.03 or Appendix I, whichever is greater.
- (c) The minimum distance between principal buildings in the HDR district shall be at least 35 feet.
- (d) Reserved.
- (e) No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building and Housing Code, provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided.
- (f) A corner lot in a business district that borders a residential district from across the street shall maintain a front yard setback of 20 feet on the residential district side. If the other corner lot frontage lies within a business district, a front yard setback of no less than 10 feet shall be maintained.
- (g) No building shall be located closer than 50 feet to the District's outer perimeter (property line) when said property line abuts any Residential District.
- (h) All storage shall be in the side yard or rear yard and shall be wholly screened with an obscuring wall or fence, not less than six feet high, or with a chain-link type fence and a green belt planting so as to obscure all view from any adjacent residential or business districts from a public street.
- (i) The Planning Commission shall have the authority to alter or waive the minimum requirement outlined in Section 1248.03 or Appendix I.

I-B. Subdivision Open Space Plan.

- (a) The intent of the Subdivision Open Space Plan is to promote the following objectives.
- (1) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills, and similar natural assets.
 - (2) Encourage developers to use a more creative approach in the development of residential areas.
 - (3) Encourage more efficient, aesthetic, and desirable use of the open area while recognizing a reduction in development costs by allowing the developer to bypass natural obstacles on the site.
 - (4) Encourage the provision of open space within a reasonable distance from all lot development of the subdivision and further encourage the development of recreational facilities.
- (b) Modifications to the standards as outlined in the Schedule of Regulations, may be made in the LDR – Low-Density Residential and MDR – Medium-Density Residential Districts when the following conditions are met:
- (1) The area of lots in the LDR and MDR Residential Districts, which are served by a public sanitary sewer system, may be reduced by up to ten percent. In the LDR and MDR Districts this reduction may be accomplished in part by reducing lot widths up to ten feet. These lot area reductions shall be permitted, provided that dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for the LDR and MDR districts under the Schedule of Regulations. All calculations shall be predicated upon the LDR and MDR Districts having the following gross densities (including roads):
LDR – 12.45 dwelling units per acre;
MDR – 14.52 dwelling units per acre;
 - (2) Rear yards may be reduced to 15 feet when such lots border on land dedicated for parks, recreation, and/or open space purposes, provided that the width of said dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot.
 - (3) Under the provisions of paragraph (b)(1) hereof, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in the Schedule of Regulations, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the City.
 - (4) The area to be dedicated for subdivision open space purposes shall in no instance be less than four acres and shall be in a location and shape approved by the Planning Commission.
 - (5) The land area necessary to meet the minimum requirements of Section I-B shall not include bodies of water, swamps, or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.
 - (6) This plan, for creating reduced lot sizes, shall be permitted only if it is mutually agreeable to the legislative body and the subdivider or developer.
 - (7) This plan, for reduced lot sizes, shall be started within six months after having received approval of the final plat and must be completed in a reasonable time. Failure to start within this period shall void all previous approvals.
 - (8) Under this planned unit approach, the developer or subdivider shall dedicate the total park area on all or any portion of the plat at the time of filing of the final plat.

Section 22. Severability. Should any portion of this Ordinance/Ordinance Amendment be declared to be invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect any other portion or provision of this Ordinance/Ordinance Amendment, which shall remain valid and in full force and effect.

Section 23. Effective Date. This Ordinance/Ordinance Amendment shall become effective upon the expiration of seven (7) days after this Ordinance/Ordinance Amendment adoption appears in the newspaper (or a summary thereof appears in the newspaper) as provided by law.

The vote to approve and adopt this Ordinance/Ordinance Amendment was as follows:

YEAS: Ketchum, Lee, Starr, Millard, Waterman, and, Milewski

NAYS: Winters, Cook, Cowling

ABSENT/ABSTAIN: None

ORDINANCE No. 588 APPROVED

VI. COMMUNICATIONS

(VI-1) Life EMS Annual Report Presentation

Deputy Director of Eastern Operations for Life EMS James Nave presented the annual report, in accordance with the Advanced Emergency Medical Service Agreement between the City of Ionia and Life EMS, executed in 2013. Mark Meijer, President of Life EMS, was also present and responded to questions from Council.

(VI-2) 2023 Ionia County Economic Alliance (ICEA) Annual Report Presentation

ICEA Executive Director Ryan Wilson presented the ICEA Annual Report, as required by the City of Ionia for economic development activities undertaken on its behalf and in exchange for its annual contribution.

(VI-3) Application for Street Closure with Mobile Food Vending Units – Back to Church Pancake Breakfast – September 15, 2024

Council reviewed an application submitted by Restore Church for a “Back to Church Pancake Breakfast” event to be held on September 15, 2024. The application requests closure of a portion of the 400 W. Main Street block from S&K Printing to the Community Center/Armory parking lot. A self-contained food truck, “Chris Cakes of Michigan,” is also proposed for location within the closed area to serve pancakes to Restore Church members. The proposed closure is requested from 9 AM to 2 PM. City Code requires that any food truck proposing to operate on public land or public right-of-way must first receive a special event food vending permit approved by the City Council.

Councilmember Cowling made a motion, seconded by Councilmember Waterman, to approve the application for street closure with mobile food vending units, for September 15, 2024 in conjunction with the Back to Church Pancake Breakfast, contingent upon final staff approval.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling Waterman, and Milewski

NAYS: None

MOTION CARRIED

(VI-4) Application for Street Closure with Mobile Food Vending Unit – First Impressions Tourism (FIT) Community Forum – September 23, 2024

Council reviewed an application submitted by City staff for a “First Impressions Tourism (FIT) Community Forum” event to be held on September 23, 2024. The application requests closure of a portion of W. Main Street between Kidd Street and the alley west of the Ionia Theatre. A self-contained food truck, “Goblin Good,” is also proposed for location in front of the Ionia Theatre serving hot dogs

only. The proposed closure is requested from Noon to 9 PM. City Code requires that any food truck proposing to operate on public land or public right-of-way must first receive a special event food vending permit approved by the City Council.

Councilmember Millard made a motion, seconded by Councilmember Winters, to approve the application for street closure with mobile food vending unit as proposed for September 23, 2024 in conjunction with the First Impressions Tourism (FIT) Community Forum, contingent upon final staff approval.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling Waterman, and Milewski

NAYS: None

MOTION CARRIED

VII. CITY MANAGER'S REPORT

(VII-1) Michigan Municipal League – Membership Renewal (July 1, 2024 – June 30, 2025)

The Michigan Municipal League (MML) is a membership organization that has worked for over a century to improve Michigan communities and strengthen local government. The City of Ionia has been a member of MML for decades and has benefitted from many of the programs and initiatives. The annual dues and contribution to the MML Legal Defense Fund are as follows:

MML Dues	\$5,779 (includes subscription to <i>The Review</i>)
Legal Defense Fund	<u>\$ 578</u>
TOTAL	\$6,357 (5% increase over prior year)

Councilmember Winters made a motion, seconded by Councilmember Millard, to continue membership in the Michigan Municipal League for the period July 1, 2024 – June 30, 2025.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski

NAYS: None

MOTION CARRIED

(VII-2) Ionia County Economic Alliance Partnership

The City of Ionia has been a partner organization of the Ionia County Economic Alliance (ICEA) since 2011. The ICEA is a private, non-profit organization committed to promoting local economic development through the provision of local economic development services. ICEA collaborates with community leaders in Ionia County to ensure long-term job creation, investment, and overall economic prosperity for the county.

City Manager Garland has been a member of the ICEA Board since 2021 and its chairperson since 2023. The information and services available through ICEA and its executive director are very resourceful and represent a great collaboration with other local units of government within Ionia county to achieve professional services that none have the capacity to fund alone.

Councilmember Millard made a motion, seconded by Councilmember Ketchum, to approve Resolution 2024-15, authorizing a \$10,000 contribution to Ionia County Economic Alliance in exchange for economic development services.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski

NAYS: None

MOTION CARRIED

(VII-3) Predevelopment Agreement for Deerfield-Riverside Site

Council reviewed a Predevelopment Agreement proposed between the City of Ionia, State Land Bank Authority (SLBA), and Allen Edwin Homes, LLC (AE Homes). The agreement is consistent with the process that has been followed to date regarding the proposed redevelopment of the Deerfield-Riverside site located at 777 W. Riverside Drive, which included issuance of a Request for Qualifications (RFQ) statement to enable a competitive process for soliciting a qualified developer. Through that process, Allen Edwin Homes was the lone respondent, expressing interest in developing the north half of the site in various forms of housing.

The predevelopment agreement provides a timeline and associated work products to be developed during that timeline. The end goal is to ascertain whether a housing development by AE Homes is feasible and the specific proposed conditions or needs under which the development would occur. Assuming the products of the predevelopment planning process are positive, thereafter, the parties would execute a development agreement, identifying the specific terms and conditions under which the proposed housing development would proceed.

The proposed predevelopment agreement gives the parties 180 days in which to undertake the following activities:

AE Homes

- Develop a Conceptual Site Plan that includes:
 - Proposed development details with construction materials and graphic renderings
 - Financial proforma, including public economic development incentives to be requested

City

- Evaluate capacity of public infrastructure necessary to support site development
- Assist AE Homes with information required to analyze financial proforma

SLBA

- Assist City and AE Homes with information required to analyze financial proforma
- Assist with plan for property acquisition in the future by AE Homes
- Maintain liability insurance on the property

Mayor Milewski made a motion, seconded by Councilmember Starr, to approve the proposed Deerfield-Riverside Predevelopment Agreement as presented.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski
NAYS: None

MOTION CARRIED

(VII-4) Policy 2-005: Utilities – Water, Sanitary, Storm, Cable, Phone, Electric

Council reviewed the City's existing Policy 2-005 regarding Utilities – Water, Sanitary, Storm, Cable, Phone and Electric with a proposed amendment to the section regarding sanitary sewer. The policy coincides with applicable City ordinances and other agreements (i.e., water franchise agreements, 425 agreements) regarding the provision and coordination of utility services.

Historically, the city has provided municipal water outside its corporate boundaries on a limited basis, primarily in accordance with water franchise agreements and at least one 425 agreement. As a matter of general policy since the late 1980's, sanitary sewer collection has not been provided outside the city's

corporate boundaries without a 425 agreement, which results in the conditional transfer of such areas into the City. Prior to the 1980's, a limited number of areas in adjacent townships were served with sanitary sewer at the City's discretion, without a 425 agreement. Examples include the residential South Ionia and North Street neighborhoods in Ionia Township and the residential neighborhood in Easton Township, contiguous to the City's western corporate boundary (i.e., Jermyn, Beresford, Price and Nicholson Streets).

There are a few remaining lots in these areas that are not presently served by the City's sanitary sewer collection system. Given that development of such areas has occurred decades previously, it does not make sense to require a 425 agreement in such instances to provide additional service within such areas. Rather, the following, limited conditions (as excerpted from the proposed policy amendment) were suggested to determine when and where sanitary sewer service may be provided to township infill development:

Per the City of Ionia Code of Ordinances, specifically Section 1042.16 CONNECTION OF PREMISES LOCATED OUTSIDE THE CITY, premises located outside the City shall be permitted to connect to the sewage collection system only upon the consent of the City. This determination will be made on a case by case basis with the goal of ensuring that City services are provided principally to City taxpayers, which promotes proper funding equity, sound community development, and the long-term financial sustainability of the City and the System.

By way of further guidance for decision-making, properties outside the City to which sanitary sewer taps will be considered for approval will possess all of the following characteristics (use will be **either residential or commercial** as detailed below):

1. The property will be within 200 feet of an existing City sanitary sewer main that was put into service prior to January 1, 1990.
2. The use of the property is limited to residential only, with no more than two taps per parcel, each utilizing a three-quarter (3/4") meter size or less. The size of the parcel will be limited to one acre or less.
3. The use of the property is limited to commercial only, with no more than one single-occupant structure containing less than 5,000 sq. ft. utilizing a one inch (1") meter size or less. The size of the parcel will be limited to one acre or less.
4. Remaining sanitary sewerage treatment capacity under the Ionia Regional Utilities Authority (IRUA) must exist for the township in which the property is located.

The City explicitly retains all rights to reasonably interpret the above criteria and determine if consent will be granted to permit a sanitary sewer tap outside the city limits.

Councilmember Winters made a motion, seconded by Councilmember Waterman, to approve amended City of Ionia Policy 2-005: Utilities – Water, Sanitary, Storm, Cable, Phone, Electric, as presented.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski
NAYS: None

MOTION CARRIED

(VII-5) Director of Public Safety Appointment

After nearly 34 years of dedicated service to the City of Ionia, Director of Public Safety Troy Thomas announced his plans for retirement. Director Thomas provided ample notice of his future retirement, which allowed for a competitive search and selection process to be conducted prior to his departure.

The Director of Public Safety position was posted on April 29, 2024, and widely advertised. A comprehensive evaluation of qualified applicants was recently conducted, which included interviews with an experienced law enforcement/human resources panel, an in-basket assessment conducted by a professional testing consultant, along with background, criminal, and reference checks. The highest scoring and preferred candidate, Corland McDiarmid, has received and accepted a contingent offer of employment.

Mr. McDiarmid has successfully satisfied the pre-employment contingencies associated with the City's offer of employment, apart from the final contingency, which requires City Council confirmation, as provided in Section 4.01(b) of the City Charter, which states,

Section 4.01(b) Direction by City Manager. All departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the City Council, the City Manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them. The appointment or dismissal of a department head must be approved by a majority vote of the total membership of the Council.

Councilmember Cook made a motion, seconded by Councilmember Ketchum, to confirm the appointment of Corland McDiarmid to the position of Director of Public Safety.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, and Milewski

NAYS: Waterman

MOTION CARRIED

(VII-6) MERS Defined Contribution Plan

As a previous retiree of the City of Ionia, Corland McDiarmid, is ineligible to participate in the City's standard MERS hybrid retirement plan, if rehired by the City. Thus, to provide him with a new retirement benefit associated with his rehire, it is necessary to establish a MERS Defined Contribution plan. Council reviewed the proposed plan.

Councilmember Starr made a motion, seconded by Councilmember Lee, to approve Resolution 2024-16, which will adopt the MERS Defined Contribution Plan as described in the MERS Defined Contribution Plan Adoption Agreement and Contribution Addendum for MERS Defined Contribution.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski

NAYS: None

MOTION CARRIED

(VII-7) Wellhead Protection Plan Update

The City's Wellhead Protection Plan from 2001 is over 20 years old and in need of updating. A proposal for a plan update was recently solicited from Peerless Midwest, the company that assists in maintaining the wellfield and the author of the 2001 plan document. This proposal was required to submit a Wellhead Protection Plan grant application to EGLE, which if approved, will fund 50% of the cost of preparing a new plan. The grant application was submitted on its due date of June 14 and is a competitive program.

Because the grant application was not complete without a cost professional services proposal to update the City of Ionia Wellhead Protection Plan, it includes wording such that the City is not obligated to proceed with the proposal unless the grant is approved. The total proposal cost is \$47,200; if the City's grant application is approved, the local match will be \$21,350. Council reviewed the professional services proposal from Peerless Midwest.

Councilmember Cook made a motion, seconded by Councilmember Cowling, to approve the professional services proposal from Peerless Midwest in the amount of \$47,200 for preparation of a revised Wellhead Protection Plan.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski
 NAYS: None

MOTION CARRIED

(VII-8) Information Technology (IT Services)

Like many smaller communities, the City of Ionia has contracted for its Information Technology (IT) services since at least the late 1990s rather than employ an in-house department. IT Right of Bath, Michigan has been under contract to provide IT services to the City of Ionia since 2012. In 2022, IT Right was acquired by and changed its name to VC3.

Ionia’s contract with VC3 expired earlier this year and the City has operated on a month-to-month basis while evaluating options for a new IT services contract. Two firms were evaluated for this purpose: VC3 and TRACE3. Generally speaking, each firm proposed the following IT services:

- Unlimited remote service
- Unlimited onsite service
- Software patching
- Anit-Virus/Anti-Ransomware protection
- 24/7 Endpoint Detection and Response Software
- Managed Online Backup
- Cyber Security Management
- Strategic IT Planning/IT Asset Administration/Procurement Assistance

Proposed pricing from each firm for its services was as follows:

Firm	Pricing
VC3 Bath, MI (Headquarters: Columbia, SC)	Year 1 - \$4,207.97/mo. Year 2 - \$4,950.94/mo. Year 3 - \$5,683.91/mo. Thereafter, 4% or CPI increase, whichever is more (90 day cancellation notice required prior to annual renewal)
TRACE3 Grand Rapids, MI (Headquarters: Irvine, CA)	One time set up fee - \$5,249 + Year 1 - \$5,249/mo. Year 2 – Pricing adjusted based on experience

After evaluating both proposals, staff recommended a new IT Services contract be executed with VC3, in accordance with the proposal. Primary advantages of retaining VC3 as the City’s IT Services contractor include no set-up fee; continuity of existing services; more advantageous pricing; and municipal IT expertise (particularly with BS&A software).

Councilmember Winters made a motion, seconded by Councilmember Waterman, to approve the three-year, evergreening IT Services agreement as proposed by VC3 at the year one rate of \$4,207.97 per

month (\$50,495.64 annually), year two rate of \$4,950.94 per month (\$59,411.28 annually), and year three rate of \$5,683.91 per month (\$68,206.92 annually). The annual rate thereafter would increase by 4% or the Consumer Price Index (CPI), whichever is more.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski
NAYS: None

MOTION CARRIED

(VII-9) City Hall Parking Lot Repaving

The recently approved FY2024-2025 budget included an appropriation to repave the parking lot and drive area at Ionia City Hall. The work does not require formal engineering so a bid was sought from CL Trucking, which is already mobilized in town to complete all of this year's street reconstruction and repaving projects.

Council reviewed the bid from CL Trucking with two possible options, dependent upon the thickness of the existing parking lot. If it is found to be 3.5" thick, the cost is \$40,474; if it is only 3" thick, then the repaving will be performed at a cost of \$37,059.

Councilmember Millard made a motion, seconded by Councilmember Winters, to approve repaving of the parking lot and drive area at Ionia City Hall at a price not to exceed \$40,474.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski
NAYS: None

MOTION CARRIED

(VII-10) Geographic Information System (GIS) Engineering Services

The City of Ionia maintains a Geographic Information System (GIS), which maps the entire city and tracks valuable information regarding public infrastructure, such as the location of underground utilities and property easements. As time has passed, staff have worked to enhance the system by recording more and more information in the GIS, such as location and condition of manholes, water and sewer system valves, water and sewer services, etc. Recent projects have afforded an opportunity to include much more detailed information than before, which is invaluable for asset management, capital improvement planning and reporting purposes.

The City utilizes the expertise of its engineering firm to ensure the GIS is up to date. Council reviewed a proposal from Fishbeck to add significant information to the GIS, including as built plans from recent public infrastructure projects and findings associated with the lead service line verification process, at a not-to-exceed price of \$12,000.

Councilmember Cowling made a motion, seconded by Councilmember Cook, to approve the proposal from Fishbeck to provide GIS update services as presented, not to exceed a cost of \$12,000.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski
NAYS: None

MOTION CARRIED

VIII. APPOINTMENTS

(VIII-1) Appointments to various City Boards and Commissions

Per Section 2.03 Mayor of the City Charter of the City of Ionia, it is the duty of the mayor to appoint with the advice and consent of the City Council the members of citizen advisory boards and commissions. The following individual has been recommended by Mayor John Milewski to start and/or continue service on the following boards and commissions, subject to council approval:

Brownfield Redevelopment Authority – (3 year terms)

Melinda Braman – Term Expires 6/30/24; Reappointment through 6/30/27

Local Development Finance Authority – (4 year terms following initial staggered terms)

Mark Vroman – Appointment beginning 7/1/24; ending 7/1/28

Councilmember Winters made a motion, seconded by Councilmember Waterman, to appoint the aforementioned individual to the boards and commissions indicated for the terms specified.

Roll Call Vote: AYES: Ketchum, Winters, Cook, Lee, Starr, Millard, Cowling, Waterman, and Milewski

NAYS: None

MOTION CARRIED

IX. CITY DEPARTMENT REPORTS & MINUTES FROM BOARDS & COMMISSIONS

Written reports provided to Council.

X. GOOD OF THE ORDER/CITY COUNCILMEMBER COMMENTS

City Manager Precia Garland: (1) Work continues to identify service lines that may contain lead at a rate of 40 per day being checked; (2) Expected completion dates for various projects: King Street will be done by the end of July; the dog park will be completed in August; Hale Park updates will be done mid-October.

Mayor John Milewski: (1) Thanked Director Troy Thomas for his years of service to Ionia Public Safety, wishing him a good retirement. (2) Welcomed Mr. McDiarmid to his new position as Public Safety Director; (3) Fireworks were held the usual Thursday before Independence Day and they were great. The event included a city-staffed tent, providing everyone an opportunity to comment on the Master Plan if they were unable to attend the previous sessions held at schools.

All Council Members: Thanked and expressed appreciation to Troy Thomas for his years of leadership of the Department of Public Safety, and best wishes for an enjoyable retirement. They also congratulated incoming Public Safety Director McDiarmid on his new position.

Brenda Cowling: Looking forward to the Fair.

Tom Millard: (1) Fireworks were well-attended; (2) The number of entries for the Fair parade has reached 64, with a few more likely.

Rich Starr: Happy Independence Day to everyone.

Troy Waterman: Fireworks were great.

XI. CLOSED SESSION

In accordance with the Open Meetings Act, Sec. 8 (1)(c), Councilmember Millard made a motion, seconded by Councilmember Lee, to enter into closed session at 9:10 PM for the purpose of a strategy and negotiation session connected with the negotiation of a collective bargaining agreement at the City's request. Motion carried by Voice Vote. Councilmember Ketchum made a motion to end the closed session at 9:25 PM and it was seconded by Councilmember Cowling.

Upon return to open session, Councilmember Cowling made a motion, seconded by Councilmember Winters, to ratify the POAM agreement.

Roll Call Vote: AYES: Ketchum, Winters, Lee, Starr, Millard, Cowling, Waterman, and Milewski

NAYS: Cook

MOTION CARRIED

Councilmember Starr made a motion, seconded by Councilmember Millard, to ratify the AFSCME agreement.

Roll Call Vote: AYES: Ketchum, Winters, Lee, Starr, Millard, Cowling, Waterman, and Milewski

NAYS: Cook

MOTION CARRIED

XII. ADJOURNMENT

Councilmember Starr made a motion, seconded by Councilmember Cook, to adjourn. The meeting was adjourned at 9:28 PM.

Submitted by:

Mary Patrick
Ionia City Clerk