

CITY OF IONIA
IONIA COUNTY, MICHIGAN

Ordinance No. 566

AN ORDINANCE TO AMEND PART TWELVE “PLANNING AND ZONING CODE”, OF TITLE SIX “ZONING”, OF CHAPTER 1286 ENTITLED “MISCELLANEOUS REGULATIONS” AND TO AMEND THE LOT COVERAGE PERCENTAGES OF APPENDIX I “SCHEDULE OF REGULATIONS” OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA

THE CITY OF IONIA ORDAINS:

Section One: Amendment

That Part Twelve, Title Six, Chapter 1286, entitled “Miscellaneous Regulations” of the Codified Ordinances of the City of Ionia, Michigan to read in its entirety as follows:

Chapter 1286: Miscellaneous Regulations

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|---------|--|
| 1286.01 | Accessory buildings. |
| 1286.02 | Uses not otherwise included within a specific use district. |
| 1286.03 | Landscaping. |
| 1286.04 | Exterior lighting. |
| 1286.05 | Residential entranceways. |
| 1286.06 | Corner clearance. |
| 1286.07 | Fences (residential) . |
| 1286.08 | General exceptions. |
| 1286.09 | Outdoor boilers. |
| 1286.10 | Michigan Medical Marihuana Act, M.C.L.A. §§ 333.26421 et seq., as amended (MMMA) and Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq., as amended (MRTMA). |
| 1286.11 | Home occupations. |
| 1286.12 | Donation drop boxes. |

1286.01 ACCESSORY BUILDINGS.

- (a) Accessory Buildings and Structures General Requirements. Accessory buildings, except as otherwise permitted in this Zoning Code, shall be subject to the following general requirements:

- ~~(1) (4)~~ 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

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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 pliable 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 so that they are a permanent fixture on the property. In both cases a permit is required before construction begins.
- (4) For the purposes of this Section, a tent that is erected for a special event on a short-term basis shall not be regulated.
- (5) HVAC and mechanical equipment shall be considered accessory in nature and cannot be located in the front yard unless determined necessary by the Zoning Administrator. Screening shall be provided.
- (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 made structurally a part of the principal building.
 - B. 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 in any way.
 - B. Shall be setback at least six (6) feet from any side or rear property line.
 - C. Must maintain at least ten (10) feet separation between the detached accessory building and the principal structure.
 - D. Shall not be used as dwelling units.
 - E. Detached accessory buildings shall be included in the calculation for maximum lot coverage.
- (8) Detached Accessory Structures
 - A. Detached accessory structures, such as pergolas, arbors, and gazebos, are not physically attached to the principal structure.
 - B. Shall be setback at least six (6) feet from any property line.
 - C. Must maintain at least ten (10) feet separation between the detached accessory structure and the principal structure.
 - D. Shall not be located within any clear vision corner near a driveway or public/private street.
 - E. Detached accessory structures shall be included in the calculation for maximum lot coverage.

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~~(2) Attached accessory buildings and structures shall be made structurally a part of the principal building and shall conform to the minimum setback requirements and other site development standards of the zoning district in which the building or structure is located.~~

~~(3) Accessory buildings and structures shall not be constructed of cloth, canvas, plastic film, nylon or similar pliable material that does not provide long term durability.~~

~~(4) 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 so that they are a permanent fixture on the property. In both cases a building permit is required before construction begins.~~

~~(5) For the purposes of this Section, a tent or awning that is erected for a special event on a short term basis shall not be regulated.~~

(b) Accessory Buildings and Structures; Residential Districts or Uses.

(1) Accessory buildings and structures shall only be located in the rear yard. When an accessory building or structure is located on a corner lot which is considered to have two (2) front yards and two (2) side yards for the purposes of this Section, the side that is larger in terms of square foot shall be considered the rear yard. ~~Detached buildings and structures shall be no closer than six (6) feet from any lot line and shall not be placed closer than ten (10) to any building on the same lot.~~

~~(2) Accessory buildings and structures shall be permitted in conjunction with the table below:~~

~~(2) The total square footage of all principal and accessory buildings and structures shall not exceed the maximum lot coverage defined in Appendix I.~~

	Maximum # Of Accessory Building	Total of All Access. Bldgs Cannot Exceed (Foot print of bldg)	Max. Bldg Height (Per App. IV)
Less than 12,000 square feet	1	720 sq ft	16
12,000 to less than 1 acre	1	960 sq ft	18
1 acre to less than 2 acres	2	3,000 sq ft	24
2 acres or more	3	5,000 sq ft	28

~~NOTE: The maximum building sizes identified above by lot size are subject to the "Maximum of Lot Area Covered By All Buildings" contained in Appendix I Schedule of Regulations contained in this Zoning Code.~~

~~(3) One (1) additional accessory building or structure shall be permitted for a residential district or use not to exceed one hundred twenty (120) square feet in area.~~

~~(4) For the purposes of this Section an above ground or in ground swimming pool shall not be subject to the provisions contained in Subsection (2) above but shall be subject to the setback requirements contained in this Section.~~

~~(3) No accessory building in a residential district shall exceed twenty (20) feet in height from grade to the peak of the highest point of the building.~~

~~(4) Above ground and in ground swimming pools are considered accessory structures as defined in this Section. All pools are subject to lot coverage and setback requirements defined in this Ordinance.~~

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(c) Accessory Buildings and Structures; Non-residential Districts or Uses.

~~(1) The total area of all accessory structures or buildings shall be no greater than 50% of the total gross floor area of the principal structure on site, not exceed one hundred fifty (150) percent of the floor area of the main building on the site.~~

~~(1)(2) Accessory buildings in non-residential districts may only be located in the side or rear yard.~~

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~~(2) Accessory buildings or structures shall meet all setback requirements for the principal building, except that in no case shall they be closer than ten (10) feet from any lot line.~~

~~(3) Accessory buildings or structures under 500 square feet shall be located no closer than ten (10) feet from any lot line. Accessory buildings or structures greater than 500 square feet must be located at least twenty (20) feet from any lot line.~~

~~(4) No accessory building or structure shall be located closer than ten (10) feet to any building.~~

~~(3)(5) The Michigan Building Code and the Michigan State Fire Code must be followed as amended.~~

~~(6) No accessory building or structure shall exceed the height for principal buildings or structures in the district in which it is located.~~

~~(7) For this Ordinance, gasoline station pump canopies are considered accessory structures; however, they are permitted in the front yard and must be setback at least thirty-five (35) feet from the nearest property line or road right-of-way line and are not calculated in the maximum lot coverage. In addition, gasoline station pump canopies have a maximum height limit of fifteen (15) feet.~~

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~~(4)~~ (d) Recreational Vehicles. A recreational vehicle, for the purposes of this Section, is a vehicle designed to be used primarily for recreational purposes which contains sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes including self propelled motor homes, pick-up campers, fifth wheel trailers, travel trailers, tent trailers and folding camping trailers.

All recreational vehicles owned by residents of the City and stored on their ~~individual~~ lots shall be stored in the driveway or ~~in the rear yard of the property~~ property's rear yard and shall further respect the requirements of this Subsection applicable to accessory buildings in terms of setbacks from lot lines and buildings. All recreational vehicles parked or stored shall not be connected to sanitary, water, or gas facilities and shall not be occupied.

~~1286.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT.~~

~~Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Council, under the conditions specified and after a public hearing and after a recommendation has been received from the Planning Commission. However, the uses hereinafter referred to shall be specifically prohibited in any Residential District in every case.~~

~~These uses require special consideration since they service an area larger than the City and require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this section is as follows:~~

- ~~(a) Outdoor Theaters. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 Districts only. Outdoor theaters shall further be subject to the following conditions:~~
- ~~(1) Proposed internal design shall receive approval from the Community Development Director and the City Manager as to adequacy of drainage, lighting and other technical aspects.~~
 - ~~(2) Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.~~
 - ~~(3) All vehicles, waiting or standing to enter the facility, shall be provided off street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right of way.~~
 - ~~(4) The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within and directed onto the premises of the outdoor theater site.~~
- ~~(b) (EDITOR'S NOTE: Division (b) was repealed by Ordinance No. 514, passed September 2, 2014.)~~

1286.023 LANDSCAPING.

- (a) Intent and Purpose. ~~The purpose of this section is to promote the public health, safety and welfare by establishing minimum standards for the design, installation~~ is section aims to promote public health, safety, and welfare by establishing minimum standards for the design, installation, and maintenance of landscaping in parking lots, as buffer zones between uses and along roadways. ~~The City considers landscaping~~ Landscaping is considered by the City to be an ~~important-essential~~ element of land development, which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the City.
- (b) Interpretation. The landscape standards of this section are considered the minimum necessary to achieve the objectives noted above. ~~In several instances, the standards are intentionally flexible to encourage flexibility and creative design. The standards are intentionally adjustable to promote flexibility and creative design. Applicants For~~

example, applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

(c) Applicability.

- (1) The standards ~~contained~~ in this section shall ~~be applicable~~ apply to any site plan, special land use request, condominium, subdivision plan, or PUD submitted for review and approval under this section, subject to the limitations given in paragraph (c)(2) hereof. The regulations of this article shall not apply to individual single-family and two-family dwelling units.
- (2) For existing and proposed uses that require site plan approval to either expand or be built, landscaping should be installed insofar as practical. ~~The Planning Commission in its review of the site plan has the authority to increase, decrease~~ In its review of the site plan, the Planning Commission has the authority to increase, decrease, or otherwise modify the landscaping and screening requirements of this section. In doing so, the Commission shall consider the following criteria:
 - A. The amount of space on the site available for landscaping.
 - B. Existing landscaping on the site and ~~on~~ adjacent properties.
 - C. The type of use on the site and the size of the development.
 - D. Existing and proposed adjacent land uses.
 - E. The effect the required landscaping would have on the existing or proposed land use. ~~operation of the — existing or proposed land use.~~

(d) General Regulations.

- (1) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer ~~more extended~~ period is permitted in writing by the ~~Community Development Director~~ Zoning Administrator.
- (2) All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and ~~or~~ dead plant materials shall be replaced within a reasonable period of time, but no longer than one growing season.
- (3) For ~~the purpose of~~ this section, a corner lot is considered as having a front-yard along each street, and the appropriate landscaping shall be provided for both yards.

(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 RM-1 or RM-2 Zone abuts an R1, R2, R3 or RT Zone. The buffer zone shall be located 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 ~~adjacent zoning districts are separated by a public street~~ separates adjacent zoning districts. In such ~~case, the front yard landscaping requirements of this section~~ a case, this Section's front-yard landscaping requirements shall apply.
- (4) ~~A buffer zone shall be required even if the abutting parcel is unimproved land.~~ 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 greater 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.

(f) Width and Planting Requirements.

- (1) A buffer zone shall be at ~~least minimum of~~ fifteen (15) feet wide.
- (2) ~~For each twenty-five linear feet abutting the adjacent property, one canopy, two evergreen and one ornamental tree shall be planted within the buffer zone. One canopy, two evergreens, and one ornamental tree shall be planted within the buffer zone for each twenty-five linear feet abutting the adjacent property.~~

(g) Plant Spacing and Size Requirements.

- (1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- (2) Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
- (3) Evergreen trees shall be planted not more than twenty-five (25) feet on centers and ~~shall be~~ not less than five (5) feet in height.
- (4) Narrow evergreens shall be planted not more than six (6) feet on centers and ~~shall be~~ not less than three (3) feet in height.
- (5) Ornamental trees or tree-like shrubs shall be planted not more than ten (10) feet on centers and ~~shall be~~ not less than four (4) feet in height.
- (6) Large deciduous shrubs shall be planted not more than four (4) feet on centers and ~~shall be~~ not less than three (3) feet in height.
- (7) Large deciduous trees shall be planted not more than twenty-five (25) feet on centers and ~~shall be~~ not less than three-inch caliper.

(h) Trees Not Permitted. The following trees are not permitted:

- (1) Box Elder.
- (2) Silver Maples.
- (3) Elms.
- (4) Poplars.
- (5) Willows.
- (6) Horse Chestnut (nut-bearing).
- (7) Tree of Heaven.
- (8) Catalpa.
- ~~(8)(9)~~ Walnut.

(i) Suggested Plant Materials. The following plant materials are suggested:

- (1) Evergreen Trees - Juniper, Fir, Spruce, Hemlock, Pine, Douglas Fir.
- (2) Narrow Evergreens - Column Hinoki Cypress, Blue Columnar Chinese Juniper, Pyramidal Red Cedar, Swiss Stone Pine, Pyramidal White Pine, Irish Yew, Douglas Arbor-Vitae, Columnar Giant Arbor-Vitae.
- (3) Ornamental Trees or Tree-Like Shrubs - Flowering Crab, Mountain Ash, Redbud, Horn-beam, Magnolia, Russian Olive, Dogwood, Rose of Sharon, Hawthorn.

- (4) Large Deciduous Shrubs - Honeysuckle, Mock Orange, Lilac, Cottoneaster, Euonymus, Buckthorn, Viburnum, Forsythia and Ninebark, Hazelnut, Privet and Sumac.
- (5) Large Deciduous Trees - Oak, Hackberry, Planetree (Sycamore), Ginkgo, Sweet Gum, Linden, Hard Maple, Birch Beech, Honeylocust, Hop Hornbeam.

(j) Berms, Walls and Fences.

- (1) If a berm is used for all or part of the buffer zone, required plant material quantities may be reduced by twenty-five (25) percent. The berm shall comply with minimum standards contained in this section. All plant materials shall be placed along the top and exterior side slope of the berm. The buffer zone width shall be increased as needed to accommodate maximum berm side slopes of one (1) foot vertical rise to three (3) feet horizontal.
- (2) A screen wall or fence may be used for all or part of the buffer zone. ~~If a fence or screen wall is used as a buffer zone, the following regulations shall apply. The following regulations apply.~~
 - A. Required quantities of plant materials may be reduced by fifty (50) percent for that area abutting the fence or wall.
 - B. All required plant materials shall be on the exterior side of the screen wall or fence.
 - C. The fence or wall shall comply with the applicable provisions of this Zoning Code.

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(k) Cover for Buffer Strip. All ~~areas of the buffer strip~~ buffer strip areas outside of planting beds shall be covered with grass or another living ground cover.

(l) Stormwater Detention/Retention Basins. Stormwater detention/retention areas shall be permitted within buffer zones, provided they do not reduce the screening effect.

(m) Solid Waste Dumpsters. Solid waste dumpsters may be located in buffer zones, provided they are screened on three sides by a continuous opaque wall or fence six feet in height.

(n) Front Yard Landscaping. ~~Except for necessary driveways, frontage roads, service drives or walkways, the front yard shall be landscaped according to the following minimum requirements. The front yard shall be landscaped according to the following minimum requirements except for necessary driveways, frontage roads, service drives, or walkways.~~ If the building is not set back sufficiently to allow adequate area for such landscaping, the Planning Commission or the ~~Zoning Administrator~~ Community Development Director, as the case may be, shall determine the proper ~~amount~~ number of plantings.

- (1) One (1) canopy tree, one (1) ornamental and one (1) evergreen tree for ~~every~~ each seventy-five (75) feet in ~~length of~~ road frontage.
- (2) Shrubs at a rate of one (1) ~~per each~~ tree are required.
- (3) Earthen berms may be permitted within the required front yard landscape area. ~~A~~ credit of up to twenty-five (25) percent may be received against providing the required plantings through the use of berms three (3) feet in height or greater.

- (4) Plantings and berms shall be located so as not to obstruct the vision of drivers entering or leaving a site.
- (o) Off-Street Parking Area Landscaping Requirements. All parking areas having twenty (20) or more parking spaces shall be landscaped according to the following minimum requirements:
- (1) One (1) canopy tree for every twenty (20) parking spaces, with a minimum of two (2) trees, shall be planted adjacent to and/or within the parking area.
 - (2) Trees shall be located to prevent damage by motor vehicles.
 - (3) Landscaping islands shall be dispersed through the parking lot ~~in order~~ to break up large expanses of paved surfaces and improve traffic flow and line of sight for drivers. Each landscape island shall be a minimum of six (6) feet wide and shall contain at least one (1) canopy tree.
 - (4) Landscaping shall be arranged so as not to obscure traffic signs, ~~or~~ fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
 - (5) All landscape acres shall be protected by raised curbs, parking blocks, ~~or other~~ similar methods.
 - (6) ~~Where any parking area, excepting areas serving one-family or two-family dwellings, abuts or faces a public right-of-way, a~~ For any parking area, except locations serving one-family or two-family dwellings that abuts or faces a public right-of-way, a three (3) ~~feet~~ high continuous obscuring screen, at least three (3) but no more than four (4) feet high may be required between the parking area and the public road right-of-way line. The screen may be comprised of natural or ~~artificial man-made~~ material or any combination of these elements. Such screening may be required for parking lots across the street from residential uses where vehicle lights, noise, or appearance may create a nuisance or safety hazard for residents.
 - (7) Landscaping required for buffer zones and front yard landscaping that abuts off-street parking areas may substitute for up to fifty (50) percent of the required parking lot landscaping.
- (p) Minimum Standards for Berms.
- (1) Wherever a berm is used to meet the minimum requirements of this section, it shall have a maximum height of five (5) feet above grade.
 - (2) Berms shall be constructed ~~so as~~ to maintain side slopes not to exceed a one (1)-foot vertical rise to three (3) feet horizontal ratio.
 - (3) Berm areas shall be covered with grass or ~~another~~ living ground cover.
 - (4) Berms shall be constructed ~~so as not to alter drainage patterns on the site or on to~~ not change drainage patterns on the site or adjacent properties.

1286.034 EXTERIOR LIGHTING.

- (a) All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be ~~so arranged as to reflect lights away from all adjacent residential districts or adjacent~~ arranged to deflect the light away from all neighboring residential districts or residences.

- (b) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
- (c) ~~An illumination of signs and any other outdoor features~~ shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color ~~at all times~~ when used.

1286.0~~4~~⁵ RESIDENTIAL ENTRANCEWAYS.

In all Residential Districts, so-called entranceway structures, including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects, may be permitted and may be located in a required yard, except as provided in Section 1286.06, provided that such entranceway structures shall comply with all codes of the City of Ionia, and shall be approved by the ~~City Manager or his or her designee, Community Development Department and a permit issued.~~

1286.0~~5~~⁶ CORNER CLEARANCE.

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

1286.0~~6~~⁷ FENCES, ~~(RESIDENTIAL).~~

~~Fences are permitted or required, subject to the following:~~

(a) General Requirements

- (1) All fences require a permit subject to the requirements of this section unless they are approved by the Planning Commission as part of an overall site plan.
- (2) The application shall require a detailed site plan drawn to scale. A drawing or picture of the fence indicating its style, materials, and height shall also be provided.
- (3) Fences, privacy walls, and retaining walls may be erected along property lines or within yards, irrespective of the setback requirements of this Ordinance. No site plan review is required for a fence, privacy wall, or retaining wall that conforms to a residential district's Ordinance standards. In addition, the Zoning Administrator may waive site plan review for a fence, privacy wall, or retaining wall if no other structural changes or changes in the design or layout of the site are proposed.
- (4) Corner lots are considered to have two front yards for purposes of this section.
- (5) Fences, walls, or obscuring walls shall not contain barbed wire, electric current or charge of electricity, glass, spikes, or other sharp protruding objects, notwithstanding the preceding provision that security fences six (6) feet tall or higher may include up to 18-inches of barbed wire in an industrial area.

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surrounding a public utility, or around a police facility. Such barbed wire shall slant inwards toward the property or be straight up. Security fences with barbed wire in any other location or surrounding any other use require a special use permit approved by the Planning Commission.

(6) Fences that enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct clear vision from intersecting sidewalks, streets, alleyways, or driveways.

(7) Recorded lots having an area in excess of two acres, if not included within the boundaries of a recorded plat, are excluded from these regulations.

(8) The Zoning Administrator may require the removal, reconstruction, or repair of any fence, privacy wall, or retaining wall if it is deemed that the structure is not in good condition and a hazard to the public's safety.

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(b) Residential Districts or Uses

(1) Side or Rear Yard Fences

A. Shall not exceed six (6) feet in height, measured from the surface of the ground.

B. Shall have the finished side of such fence facing the adjacent property.

C. Shall not extend toward the front of the lot nearer than the front of the house unless following the front yard requirements outlined in Section 1286.07 (a)(2).

(a) Fences on all lots of record in all Residential Districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground, shall have the finished side of such fence face the adjacent property, and shall not extend toward the front of the lot nearer than the front of the house except that a decorative fence may be placed in the front yard subject to the following conditions:

(1)(2) Front Yard Fences

A. ~~It~~ shall not block the view of traffic or impede clear vision of an intersecting sidewalk, street, alley, or driveway (See Section 1286.06).

~~B.~~

~~C.~~ It must be approved by the Community Development Director with appropriate fees collected upon application for review.

B. Must be approved by the Zoning Administrator with appropriate fees collected upon application for review.

~~D.~~ ~~It~~ shall consist of split rail, decorative iron, wood, engineered wood, plastic products, or similar material.

~~C.~~

~~E.~~ ~~D.~~ Chain link, snow fence, woven fence, or rubber ~~or any kind~~ shall not be allowed.

~~F.~~ ~~E.~~ ~~It~~ shall not exceed 50% opacity and shall be constructed to allow air passage through the fence to the adjacent property.

~~G.~~ ~~F.~~ ~~It~~ shall not be installed in the right-of-way.

~~H.~~ A building permit application for a front yard decorative fence shall consist of a standard building permit application together with a detailed

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~~site plan drawn to scale. A drawing or picture of the fence indicating its style and height shall also be provided.~~

~~I.G.~~ The finished side of the fence shall face the adjacent property.

~~H.~~ ~~The m~~Maximum height of any part of the posts for a fence installed in the front yard shall not be greater than forty-eight (48) inches absent approval from the ~~Zoning Administrator~~Community Development Director, and the height of the fencing between the posts shall not be greater than forty-two (42) inches.

(c) Business Districts or Uses

(1) Side or Rear Yard Fences

A. Shall not exceed eight (8) feet in height, measured from the surface of the ground.

B. Shall have the finished side of such fence facing the adjacent property.

C. Shall not extend toward the front of the lot nearer than the front of the principal building unless following the front yard requirements outlined in Section 1286.07 (b)(2).

(2) Front Yard Fences

A. Shall not block the view of traffic or impede clear vision of an intersecting sidewalk, street, alley, or driveway (See Section 1286.06).

B. Must be approved by the Zoning Administrator with appropriate fees collected upon application for review.

C. Shall consist of split rail, decorative iron, wood, engineered wood, plastic products, or similar material.

D. Chain link, snow fence, woven fence, or rubber shall not be allowed.

E. Shall not exceed 50% opacity and shall be constructed to allow air passage through the fence to the adjacent property.

F. Shall not be installed in the right-of-way.

G. The finished side of the fence shall face the adjacent property.

H. The maximum height of any part of the posts for a fence installed in the front yard shall not be greater than forty-eight (48) inches absent approval from the Zoning Administrator, and the height of the fencing between the posts shall not be greater than forty-two (42) inches.

(d) Industrial Districts or Uses

~~I.~~ Industrial properties may install privacy or security fencing around the perimeter of the property lines, irrespective of the setback requirements, of up to nine (9) feet in height. Fencing shall not obstruct clear vision from intersecting sidewalks, streets, alleyways, or driveways.

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- (a) Area, Height, and Use Exceptions. The provisions of this Zoning Code shall be subject to the following interpretations and exceptions.
- (b) Essential Services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Zoning Code.
- (c) Voting Places. The provisions of this Zoning Code shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal or other election.
- (d) Height Limits. The height limitations of this Zoning Code shall not apply to farm buildings, chimneys, church spires, elevator or stairwell rooftop bulkheads, flagpoles, or public monuments, provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use. The height of wireless communication towers and equipment shall be ~~as~~ regulated by Chapter 1280.
- (e) Lot Area. Any lot existing and of record on the effective date of this Zoning Code may be used for any principal use, other than conditional uses for which special lot area requirements are specified in this Zoning Code, permitted in the district in which such lot is located, whether or not such lot complies with the lot area requirements of this Zoning Code, except as provided in Section 1278.02. Such use may be made, provided that all requirements other than lot area requirements prescribed in this Zoning Code are ~~satisfied~~complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Zoning Code for the required lot area for each dwelling unit.
- (f) Lots Adjoining Alleys. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Zoning Code, one-half the width of such alley abutting the lot shall be considered as part of such lot.
- (g) Yard Regulations. When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Zoning Appeals.
- ~~(h) Porches. An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten feet, but this shall not be interpreted to include or permit fixed canopies.~~
- ~~(+)(h)~~ (h) Projections ~~into~~into Yards. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet.

~~(i)~~ Access Through Yards. For the purpose of this chapter, access drives may be placed in the required front or side yards ~~so as~~ to provide access to rear yards and ~~or~~ accessory or attached structures. These drives shall not be considered ~~as~~ structural violations in front and side yards. Further, any walk, terrace, or other pavement serving a like function, and not ~~over in excess of~~ nine (9) inches above the grade upon which placed, shall, ~~for the purpose of this chapter, not be considered to be~~ this chapter, not be considered a structure, and shall be permitted in any required yard.

~~(j)~~ Lots Having River Frontage. Those residential lots and ~~or~~ parcels having river frontage and abutting a public thoroughfare shall maintain the yard on the river side as an ~~open~~ unobscured open yard, excepting that a covered and ~~or~~ uncovered boat well shall be permitted after review and approval of plans by the Board of Zoning Appeals. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building, provided the front yard setback required in Appendix I, Schedule of Regulations, is met.

1286.089 OUTDOOR BOILERS.

- (a) Outdoor Boilers, Defined. An outdoor boiler is considered to be an accessory structure consisting of an above or below grade chamber or furnace constructed of metal or other non-combustible material in which wood, wood pellets, grain pellets, or other combustible material is burned to heat water or other liquid ~~that~~ which is piped above ground or underground to provide heat for a house or ~~different~~ other structure.
- (b) Outdoor Boilers, Prohibited. Outdoor boilers are prohibited in all zoning districts ~~until the State or Federal government enacts rules governing outdoor boilers.~~
- (c) Outdoor Boilers, Existing. All existing outdoor boilers must be registered with the City Clerk within thirty days after the effective date of this section. No replacement outdoor boilers shall be installed or ~~put into~~ used within the City.

1286.940 MICHIGAN MEDICAL MARIHUANA ACT, M.C.L.A. §§ 333.26241 ET SEQ., AS AMENDED (MMMA) AND MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, M.C.L.A. §§ 333.27951 ET SEQ., AS AMENDED (MRTMA).

- (a) The medical use of marihuana as defined by the Michigan Medical Marihuana Act, M.C.L.A. §§ 333.26421 et seq., as amended, is permitted ~~in accordance to with~~ in accordance with all requirements of the MMMA and any rules promulgated by the Department of Licensing and Regulatory Affairs of the State of Michigan.
- (b) The following shall apply to the medical use of marihuana as permitted and regulated by the MMMA:
 - (1) A qualifying patient who has been issued and possesses a registry identification card is not subject to arrest or penalty in any manner, provided that the qualifying patient possesses an amount of marihuana that does not exceed a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents in the form

of marihuana-infused products, ~~and~~ In addition, if the qualifying patient has not specified that a primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, the qualifying patient may possess 12 marihuana plants, and any incidental amount of seeds, stalks, and unusable roots, kept in an enclosed, locked facility, as defined herein.

- (2) A primary caregiver who has been issued and possesses a registry identification card is not subject to arrest or penalty in any manner, ~~for~~ assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marihuana in accordance with the MMMA. The privilege from arrest applies only if the primary caregiver presents both his or her registry identification card and a valid driver's license or government-issued identification card that bears a photographic image of the primary caregiver. In addition, the ~~The~~ privilege from arrest applies only if the primary caregiver possesses marihuana in forms and amounts that do not exceed any of the following:

~~D.A.~~ A. For each qualifying patient to whom he or she is connected through the department's registration process, a combined total of 2.5 ounces of usable marihuana and usable marihuana equivalents.

~~E.B.~~ B. For each registered qualifying patient who has specified that the primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility as defined herein, and any incidental amount of seeds, stalks, and unusable roots.

- (c) The use of marihuana, as defined by the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq. (MRTMA), as amended is permitted in accordance with all requirements of the MRTMA and any rules promulgated by the Department of Licensing and Regulatory Affairs of the State of Michigan.

- (d) The following shall apply to the use of marihuana as permitted and regulated by the MRTMA:

- (1) No person under the age of 21 shall possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana.
- (2) No person shall operate, navigate, or be in control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana or while consuming marihuana; and no passenger in any area of a vehicle upon a public way or public road shall smoke marihuana while a passenger in a vehicle.
- (3) No person shall consume marihuana in a public place or smoke marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this Section 1286.10(d)(3) a public place does not include an area designated for consumption when such consumption is authorized by a license issued under the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 et seq., as amended within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age. Additionally, no consumption of marihuana in a public place shall be

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permitted unless a Special Permit is issued according to the regulations of Section 606.01(c) of the City Code.

- (4) No person shall cultivate marihuana plants if the marihuana plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other security devices that restrict access to the area.
- (5) No person shall possess marihuana accessories, or possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, or where students of any age attend an educational facility for non-traditional or special needs learners, in a school bus, or on the grounds of any correctional facility.
- (6) No person shall possess more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- (7) The requirements herein shall not limit the rights of persons as provided by the Michigan Medical Marihuana Act, 2008 IL 1, M.C.L.A. §§ 333.26421 et seq. as amended, or the Medical Marihuana Facilities Licensing Act, 2016 PA 281, M.C.L.A. §§ 333.27201 et seq., as amended.
- (8) A person may prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.
- (9) A person age 21 years or older may possess, use, consume, purchase, transport, or process 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate. In addition, a person age 21 years or older may give away or otherwise transfer without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.
- (10) Within a person's residence, a person may possess, store, and process not more than 10 ounces of marihuana ~~which includes any marihuana produced by marihuana plants cultivated on the premises, and may cultivate not more than, including any marihuana produced by marihuana plants cultivated on the premises, and may cultivate not more than that~~ 12 marihuana plants on the premises at once for personal use.

1286.104 HOME OCCUPATIONS.

- (a) A home occupation is a permitted use in the R-1, R-2, R-3, RT, RM, RM-1 and Planned Unit Development Districts according to the requirements of this section.
- (b) ~~Two levels of home occupations, Level 1 and Level 2, are permitted according to the following requirements.~~ 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~~which is conducted entirely within the dwelling or an attached accessory building and 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 sign shall not be lighted 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~~by~~ or involved in the home occupation.
- (4) The use of the dwelling for a home occupation must be ~~clearly~~ 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 in which 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~~or~~ display of materials, goods, or supplies, used in the conduct of the home occupation is prohibited.
- (6) The dwelling shall not be altered from its residential appearance~~in order 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 ~~becausey reason~~ of noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.
- (8) There shall be no selling of goods, merchandise, supplies, or products, or the offering of services to customers except on an occasional basis, generally less than five times per week.

(d) Level 2 home occupation requirements:

- (1) A Level 2 home occupation is a home occupation ~~that~~which 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~~or~~ 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 ~~a special land use is approved by~~ the Planning Commission ~~approves a special land use following~~in accordance with 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. 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 ~~would normally be 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~~Community Development Director~~ to insure 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/reside 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 ~~gener~~normally 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 in addition to the parking spaces required for the dwelling.
 - (8) A home occupation is permitted to have one (1) sign ~~which shall be~~ attached to the wall of the dwelling or accessory building. Such 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 its approval of 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.

1286.1~~12~~ DONATION DROP BOXES.

- (a) Donation Drop Boxes and Collection Bins, Defined. A receptacle or other portable structure made of metal, steel, ~~or a~~ similar durable material placed outdoors and intended and used for the collection of clothing, shoes, books, toys, household items, or other non-perishable goods and materials donated by the public but not including facilities and structures owned and operated by a governmental entity such as but not limited to post office mail drop boxes, bill payment drop boxes, library collection boxes, and recycling boxes.
- (b) Donation Drop Boxes and Collection Bins, Prohibited. ~~Donation drop boxes and collection bins as~~ defined herein, donation boxes and collection bins are prohibited in all zoning districts.
- (c) Donation Drop Boxes and Collection Bids, Existing. Donation drop boxes and collection bins ~~that~~which are existing as of the effective date of this Section 1286.12 shall be removed from the property on which they are located within 60 days of January 21, 2014, as they are considered to be portable accessory uses and are not considered permanent

non-conforming uses by virtue of the adoption of this Section 1286.12. Failure to remove a donation drop box or collection bin within the 60 days ~~period~~ shall be considered a civil infraction subject to payment of fines as ~~set forth~~ outlined in Section 202.99(b) of this City Code.

1286.12 DECKS AND PORCHES

(a) A deck is an attached accessory structure constructed from wood or composite materials uncovered and attached to the principal building.

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(b) A porch is an attached accessory structure, usually covered, and is often constructed from wood, masonry, or other composite material, located at the principal building's primary or secondary entrance points.

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(c) The area of decks and porches are used to calculate the maximum lot coverage percentages on residential lots.

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(d) All decks and porches must follow the State of Michigan Building Code, as amended.

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(e) Uncovered decks or porches may extend up to ten (10) feet into the front yard setback (See Section 1286.08(h)). No canopy may be erected after the original construction of the deck or porch in the front yard unless it is an attached roof to establish a covered front porch.

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(f) Decks may only be constructed in the side or rear yards and may encroach no more than three (3) feet into the required side or rear yard setback.

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(g) At no time may a deck or porch be located closer than six (6) feet from any property line.

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Section Two: Amendment

That Part Twelve, Title Six, Appendix I, entitled “Schedule of Regulations” of the Codified Ordinances of the City of Ionia, Michigan is hereby amended to read as follows:

ZONE DISTRICT	MINIMUM ZONING LOT SIZE PER UNIT		MAXIMUM HEIGHT OF STRUCTURES IN FEET	MINIMUM YARD SETBACK (PER LOT IN FEET)			MINIMUM FLOOR AREA PER UNIT (SQ. FT.)	MAXIMUM OF LOT AREA COVERED (BY ALL BUILDINGS)
	AREA IN SQ. FT.	WIDTH IN FEET		EACH FRONT	SIDE	REAR		
R-1 One-Family Residential	8,000	65	25	25(b)	10-6b	25b	900	35% 25%
R-2 One-Family Residential	(a) 12,000	(a) 80	25	25(b)	12-8b	25b	900	35% 25%
R-3 One-Family Residential	(a) 16,500	(a) 100	25	30(b)	14-10	35b (b)	900	35% 25%
RT Two-Family Residential	4,000	32.5	25	25(b)	10(b)	25b	700	35% 25%
RM Multiple-Family Residential	4,500	30	25	30	30	25c (c, m) (c)	1 BR-800 2 BR-850 3 BR-1100	35% 25%
RM-1 Multiple-Family Residential	2,900	100	35	30	20	25c (c) (c)	1 BR-500 2 BR-700 3 BR-900	35% 25%
B-1 Local Business	--	--	25	25	e, h	20f (d)	--	--
B-2 Community Business	--	--	40	--	--	--	--	--
B-3 General Business	--	--	--	25	e, h	20f d, l	--	--
I-1 Light Industrial	--	--	40	30	20	j, k i, l h, j, k	--	--
Office District	0	0	35	25(d)	(e)(h)	20	NA	NA

Section Three: Repealer

That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section Four: Effective Date

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect seven (7) days after it, or a summary thereof as permitted by law, along with the date of its adoption, is published in the *Daily News*, a newspaper of general circulation in the City unless otherwise provided by law.

CITY OF IONIA

Dated: _____

By: Mary Patrick, City Clerk

Introduction and First Reading:

Notice of Public Hearing:

Public Hearing, Second Reading, Adoption:

Effective: (7 days after publication)

