

**CITY OF IONIA  
IONIA COUNTY, MICHIGAN  
ORDINANCE NO. 567**

**AN ORDINANCE TO AMEND PART TWELVE, TITLE SIX, CHAPTER 1240 ENTITLED “PLANNING AND ZONING, ZONING, GENERAL PROVISIONS AND DEFINITIONS” TO ADD AND RE-SEQUENCE SECTION 1240.11 ENTITLED “DEFINITIONS” AND TO ADD A NEW CHAPTER 1293 ENTITLED “REGULATION OF MOBILE FOOD VENDING UNITS OR MOBILE FOOD VENDING PARKS” TO THE CODIFIED ORDINANCES OF THE CITY OF IONIA**

**The City of Ionia Ordains:**

**Section One: Amendment**

That Part Twelve, Title Six, Chapter 1240, Subsections 1240.11 (62) through (95), inclusive, entitled “Definitions” of the Codified Ordinances of the City of Ionia are amended to read as follows:

**Sec. 1240.11**

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~~62.~~(62) Mobile Food Vending: Vending, serving, or offering for sale food or beverages from a mobile food vending unit, that may include the ancillary sale of branded items consistent with the food or mobile food vendor, such as a tee-shirt that bears the name of the company, restaurant, or organization engaged in mobile food vending.

~~63.~~(63) Mobile Food Vending Operation: The setup, site preparation, opening, cooking, and preparing food for consumption, sales, and takedown of a mobile food vending unit and its accessory items that may be part of the regular operation of the mobile food vending unit.

~~64.~~(64) Mobile Food Vending Park: An established area designed to accommodate multiple mobile food vending units. This use is commonly referred to as a “food truck park.”

~~65.~~(65) Mobile Food Vending Unit: A vehicle or other structure (e.g., a cart) equipped to create, prepare, store, or package food from which the operator vends, serves, or offers food for sale. This term is intended to include the vendors commonly referred to as “food trucks” and other types of mobile vendors.

~~66.~~(66) Mobile Food Vendor: Any individual, company, restaurant, or organization operating a mobile food vending unit.

~~67.~~ Mobile Home (Trailer Coach): Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

~~68.~~ Mobile Home Park (Trailer Court): Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

(69) Motel: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

(70) Municipality: The City of Ionia, Michigan.

(71) Non-Conforming Building: A building or portion thereof lawfully existing on the effective date of this Zoning Code, or amendments thereto, that does not conform to the provisions of this Zoning Code in the district in which it is located.

(72) Non-Conforming Use: A use which lawfully occupied a building or land on the effective date of this Zoning Code, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

(73) Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as:

- A. noise
- B. dust
- C. smoke
- D. odor
- E. glare
- F. fumes
- G. flashes
- H. vibration
- I. shock waves
- J. heat
- K. electronic or automatic radiation
- L. objectional effluent
- M. noise of congregation of people, particularly at night
- N. passenger traffic
- O. invasion of nonabutting street frontage by traffic

(74) Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Zoning Code does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(75) Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

(76) Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

(77) Parking Space: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the storage of parking of permitted vehicles.

(77a) Person: An individual, partnership, corporation association, club, joint venture, estate, trust, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(77b) Primary Caregiver: A person who is at least 21 years old and who has agreed to assist with a qualifying patient's medical use of marihuana and who has not been convicted of any felony within the past ten years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter x of the Code of Criminal Procedure, 1927 PA 175, M.C.L.A. 770.9a.

(78) Public Utility: A person, firm, or corporation, Municipal department, board or commission, duly authorized to furnish and furnishing, under Federal, State or Municipal regulations, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(78a) Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition and has been registered pursuant to the Michigan Medical Marihuana Act, M.C.L.A. 333.26421 et seq.

(79) Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in a kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2 and 3-bedroom units, and including a "den", "library" or other extra room, shall count such extra room as a bedroom for the purpose of computing density.

~~80-~~(80) Seasonal Food Vending Permit: A permit allowing for up to nine (9) months of mobile food vending.

(81) Setback: The distance required to obtain front, side or rear yard open space provisions of this Zoning Code.

(82) Sign: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as are used to show an individual, firm, profession, or business, and which are visible to the general public.

(83) Sign, Accessory: A sign which is accessory to the principal use of the premises.

(84) Sign, Non-Accessory: A sign which is not accessory to the principal use of the premises.

~~85-~~(85) Single-Day Food Vending Permit: A permit allowing one-day of mobile food vending.

~~86-~~(86) Special Event Food Vending Permit: A permit granted via City Council resolution to allow mobile food vending on public land or public right-of-way when directly associated with a public event.

(87) Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50%, by cubic content, is below the height level of the adjoining ground.

(88) Story, Half: An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches. For the purposes of this Zoning Code, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

(89) Street: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

(90) Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. (See Appendix VIII following the text of this Zoning Code.)

~~91-~~(91) Temporary Food Vending Permit: A permit allowing for up to thirty fifteen (15) days of mobile food vending.

(92) Temporary Use or Building: A use or building permitted by the Board of Zoning Appeals to exist during periods of construction of the main building or use, or for special events.

(93) Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

(94) Yards: The open spaces on the same lot with a main building occupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code, and as defined herein:

A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

B. Rear Yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building. (See Appendix IX following the text of this Zoning Code.)

(95) Zoning Exceptions and Variances:

A. Exception: Exception is a use permitted only after review of an application by the Board of Zoning Appeals or the Planning Commission, other than the administrative official (Community Development Director), such review being necessary because the provisions of this Zoning Code covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Zoning Code.

B. Variance: A modification of the literal provisions of this Zoning Code granted when strict enforcement of this Zoning Code would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

C. The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Zoning Code appear as "special approval" by the Planning Commission, the legislative body, or the Board of Zoning Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

1. They require large areas
2. They are infrequent
3. They sometimes create an unusual amount of traffic
4. They are sometimes obnoxious or hazardous
5. They are required for public safety and convenience.

## **Section Two: Addition**

That Part Twelve, Title Six of the Codified Ordinances of the City of Ionia is amended to add a new Chapter 1293, entitled "Regulation of Mobile Food Vending Units and Mobile Food Vending Parks" to read in its entirety as follows:

### **Ch. 1293 – Regulation of Mobile Food Vending Units or Mobile Food Vending Parks**

#### **1293.01 Intent.**

- 1293.02 Public Lands and Rights-of-Way.**
- 1293.03 Permit Required.**
- 1293.04 General Standards.**
- 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.**
- 1293.06 Permitted Use in the B-1 and B-3 Business Districts and the I-1 – Light Industrial District.**
- 1293.07 Special Land Uses in the B-1 and B-3 Business Districts 1293.08 District Regulations for Mobile Food Vending Parks (Food Truck Parks).**
- 1293.08 District Regulations for Mobile Food Vending Parks (Food Truck Parks).**
- 1293.09 Revocation and Appeals.**
- 1293.99 Penalty.**

**1293.01 – Intent**

This Chapter is intended to regulate the operation of mobile food vending units or mobile food vending parks within designated zoning districts. Mobile Food Vending Operations are permitted in many locations in the business and light industrial districts. Such operations are also permitted in residentially-zoned districts of the City, if an institutional use is also present that provides adequate opportunity for mobile food vending.

**1293.02 –Public Lands and Rights-of-Way.**

No mobile food vending unit or mobile food vending park shall operate on any public land or public right-of-way unless first receiving a special event food vending permit issued via resolution of the City Council.

**1293.03 – Permit Required.**

(a) No mobile food vendor shall operate a mobile food vending unit without a permit issued by the Zoning Administrator authorizing such operation. The Zoning Administrator shall prescribe the form of such permits and the application for such permits. The City Council shall set fees for the available permits from time to time via resolution.

(b) No vending through a mobile food vending unit of food or other human consumables shall

be permitted unless operating pursuant to a permit issued under this Ordinance.

- (c) Notwithstanding the foregoing, no permit shall be required for a mobile food vending unit that is operated in conjunction with a community event approved by City Council through resolution. However, such units must still comply with all other applicable requirements of this Chapter and pay any established fee.
- (d) Duration of Permit; non-transferability. The City Zoning Administrator may issue a Single-Day Food Vending Permit, a Temporary Food Vending Permit valid for up to fifteen (15) days, or a Seasonal Food Vending Permit valid for up to nine (9) months. The mobile food vending unit must be identified on the permit. Any permit issued under this Chapter is nontransferable. Permit holders have no vested right to renew such permits, which may be subject to new conditions not included in the original permit.
- (e) Application for permit. Any mobile food vendor desiring to engage in mobile food vending in the City shall submit a completed application to the Zoning Administrator for a permit under this Chapter. The applicant shall truthfully state all information requested on the application for a permit. Additionally, the applicant shall provide all documentation, such as proof of insurance and a signed indemnity agreement, as required by this Chapter or the application form. The application for a permit shall be accompanied by a fee established by the resolution of the City Council and shall be required at the time of application. Regardless of when the application is submitted during the calendar year, the fee shall be required in full, and the fee shall not be prorated. The applicant must identify on the application the dates for which operation is being requested.
- (f) Notwithstanding any other provision of this Chapter, an application for mobile food vending shall not require a site plan conforming to the requirements in Chapter 1274. Instead, the applicant may submit an annotated aerial sketch showing the proposed location of the mobile food vending unit(s) and any accessory items (tables, trash cans, etc.) that would accompany it to the Zoning Administrator; for review.

#### **1293.04 – General Standards.**

All mobile food vending units shall abide by the general standards listed below unless otherwise specified by the Planning Commission through the special land use process.

- (a) All mobile food vending units shall provide a waste container for public use, which the vendor shall empty at its own expense. All on-site trash and garbage originating from the operation of mobile food vending units shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the ground is permitted.
- (b) No mobile food vending unit shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the City noise ordinance, including generators. No loud music, other high-decibel sounds, horns, "crying out" or any other audible methods to gain attention are permitted.

- (c) 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, including regulations for sidewalk signs (sandwich board signs).
- (d) No flashing or blinking lights, or strobe lights, are allowed on mobile food vending units or related signage at any time. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
- (e) Awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning.
- (f) Seating, tables, and other fixtures used for operation of a mobile food vending unit shall not be permanently placed on the property. All items used in association with the mobile food vending unit must be properly stored and put away at the close of each business day.
- (g) Accessory buildings and structures are not permitted in association with mobile food vending units.
- (h) Any power required for the mobile food vending unit shall be self-contained, and a mobile food vending unit shall not use utilities drawn from the public right-of-way. Mobile food vending units on private property may use electrical power drawn from the property being occupied or an adjacent property, but only if the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any City street, alley, or sidewalk.
- (i) The vendor shall make the mobile food vending unit permit available for inspection by any member of law enforcement, the City Manager, or City Clerk at any time the vendor is operating.
- (j) The vendor shall follow all local, state and federal laws, rules and regulations in their operation of the mobile vending unit. A permit obtained under this Article shall not relieve the vendor of the responsibility of obtaining any other permit or authorization required by other ordinance, statute or administrative rule.
- (k) All permits and licenses shall be prominently displayed on the mobile food vending unit.
- (l) A mobile food vending unit shall not be located closer to 200 feet from any business that sells the same type of food product as the vendor without prior written permission of the local business.
- (m) A mobile food vending unit may only operate within the following hours:
  - (1) 9:00 AM to 9:00 PM in residential districts
  - (2) 6:00 AM to 11:00 PM in non-residential districts
- (n) The F Fairgrounds District shall be exempt from all regulations in Chapter 1293.

**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.**

- (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 operate only on paved surfaces on said lots, shall be set back at least 25 feet from all property lines and at least ten (10) feet from all other buildings and structures, and comply with all mobile food vendor regulations.

**1293.06 – Permitted Use in the B-1 and B-3 Business Districts and the I-1 – Light Industrial 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 operate only on paved surfaces on said lots, and shall be setback at least the minimum setback distance required from all property lines for the district in which the food vending unit is located. All food vending units shall be located at least ten (10) feet from all 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.

**1293.07 – Special Land Uses in the O Office District, B-3 General Business District, and the I-1 Light Industrial 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, 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 Ordinance, an application for a mobile food vending park special use shall not require a site plan conforming to the requirements in Chapter 1274.

### **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 O Office Districts, B-3 Business Districts, and I-1 Light Industrial Districts.
- (c) Buffering Requirements
  - (1) When adjoining a residential district, a six (6) 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 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 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, 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.

#### **1293.09 – Revocation and Appeals.**

- (a) For good cause shown, the City Manager shall be authorized to revoke a mobile food vending permit granted per this Chapter upon the recommendation of a City department that participated in the permit review process.
- (b) Upon revocation of a permit, the mobile food vending unit shall immediately cease operation upon notice by the City Manager or his or her representative. All furnishings and fixtures shall be immediately removed from the site.
- (c) The mobile food vending unit may appeal the revocation to the Zoning Board of Appeals. However, until action is taken by the Zoning Board of Appeals regarding the appeal, the permit shall remain revoked.

#### **1293.99 - Penalty.**

Any person that violates this Chapter shall be subject to such penalties and fines as otherwise provided in this Title Six.

#### **Section Three: Repealer**

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

**Section Four: Publication and 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)

DRAFT