



City of East Grand Rapids
Regular City Commission Meeting
Agenda

YouTube Livestream:
<https://bit.ly/3s8WgQY>
Begins at 6 pm.

May 2, 2022 – 6:00 p.m.
(EGR Community Center – 750 Lakeside Drive)

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

Regular Agenda Items

5. Final Reading of an ordinance to amend Sections 5.26B, 5.27, 5.28A, 5.30, 5.37, 5.59, and 5.77A of Chapter 50 of Title V of the City Code pertaining to the Multi-Family Residential Zoning District (*courtesy hearing; approval requested*).
6. Final Reading of an ordinance to amend Section 8.17 of Chapter 81 of Title VIII of the City Code pertaining to signage in the Multi-Family Residential Zoning District (*courtesy hearing; approval requested*).
7. ~~Public Safety quarterly report for the period ending March 31, 2022 (no action requested).~~ **POSTPONED**

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

8. Minutes of the special meeting held March 31, 2022.
9. Minutes of the regular meeting held April 18, 2022.
10. Disbursement of funds: payroll disbursements of \$231,828.76; county and school disbursements of \$-0-, and total remaining disbursements of \$500,411.95.

Work Session

11. FY 2022-2023 Capital and Departmental Budget Requests.

* * *

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



CITY OF EAST GRAND RAPIDS

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

JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Jay Gianotti, Zoning Administrator
DATE: April 25, 2022

Hearing Required?	Yes
Notices Mailed	N/A
Notice Published	2/22/2022 ü
Public Hearing (PC):	3/8/2022 ü
Introduction (CC):	4/18/2022 ü
Final Reading:	5/2/2022
Effective Date:	5/13/2022

RE: **Final Reading for a Zoning Ordinance Amendment
Sections 5.26B, 5.27, 5.28A, 5.30, 5.37, 5.59, and 5.77A of Zoning Ordinance –
MFR Residential District and Related Provisions**

Action Requested:

That the City Commission adopt amendments to Sections 5.26B, 5.27, 5.28A, 5.30, 5.37, 5.59, and 5.77A of the Zoning Ordinance to amend standards for development in the MFR Residential District.

Background:

In May 2021, the City and the Planning Commission began discussing potential actions to implement various recommendations of the 2018 East Grand Rapids Master Plan and update various parts of the zoning ordinance. As part of this discussion, the Planning Commission showed interest in investigating the rezoning of areas around Gaslight Village to MFR and reducing required setbacks for R-3 and MFR Residential Districts, based on the recommendations in the Master Plan¹. After further review, however, City staff determined that the current MFR Regulations did not appear to be well tailored to promote the type of development that was recommended in the Master Plan. Accommodating new multi-family housing that the Master Plan contemplated would require more work than simply adjusting setbacks or lot sizes. To address this before undertaking any new rezoning efforts, the City and the Planning Commission began the process of updating the zoning ordinance to match this intent.

Once this course of action was determined, the Planning Commission, City Staff, and their consultants undertook several months of study sessions and discussions to identify the overall themes and concepts that should be promoted with these amendments. Overall, the Planning Commission devoted seven different meetings and study sessions to discuss and help formulate the preferred path for these amendment revisions. The following is a summary of the work performed in developing these proposed amendments.

- July 2021 – Visual Preference Survey to help determine the types of development that would be most appropriate in the MFR District.
- August 2021 – Additional discussion and visual surveys regarding development density, parking, design standards/characteristics, new development vs. reuse/conversion, and unintended consequences of any new regulations.
- October 2021 – Review of first draft of ordinance amendments. In addition to this general feedback, the Planning Commission requested additional information regarding density,

¹ See [EGR Master Plan](#), p.28

- accessory building sizes, parking, stormwater management, porches & encroachments, window well & encroachments, and potential standards for building design & conversions.
- November 2021 – Deeper dive into the topics identified at the October 2021 meeting. The Planning Commission also provided guidance on design standards to incorporate for two-family and multiple family uses.
- January 2022 – Review of design standards for two-family and multiple family uses. In addition, the notion of incentivizing the conversion of existing single-family homes to multi-family use was discussed, including standards that would make it easier for such uses to develop.
- February 2022 – Formal introduction of the final draft of the ordinance. Based on the discussion from this discussion, some revisions and clarifications to the proposed multi-family design standards were suggested.
- March 2022 – Public hearing for the proposed ordinance revisions. After hearing public comment, the Planning Commission unanimously recommended the amendments be approved by the City Commission.
- April 2022 – Introduction to the City Commission. After the introduction, the City Commission unanimously approved the amendment to move to a final reading. Also, two open houses were held in April to allow residents to learn more about the amendment, ask questions, and garner additional feedback.

Throughout all of these efforts, several themes emerged that drove the development for these updated requirements and standards. These themes are listed in the chart to the right. The overarching goal in these revisions is to support the Master Plan’s recommendations for adding housing diversity to the City and increasing vitality and activity in Gaslight Village, while maintaining the existing character of the MFR districts to the greatest extent possible.

In summary, the amendments under review incorporate the following changes and additions.

- Refine the intent of the MFR District to better align with the goals and recommendations of the City Master Plan.
- Revised development standards for all uses in these districts to minimize nonconformities and allow more flexibility in design.
- Adjust permitted and special uses to better match the character of the MFR Districts.
- Introduces new standards to protect existing development and neighborhood character through the following measures:
 - Adding “Single Family Conversions” as a new permitted use, allowing an existing single-family home to be converted to a two-family or multiple family use.
 - Changes new multiple family construction to a special use to allow a higher level of review and approval standards.
 - Incorporates new design standards to ensure a basic level of development quality and integration in the existing MFR districts.

THEMES FOR MFR DISTRICT REVISIONS
New development in the MFR District should be denser in character with higher design standards relative to the single-family districts.
Designs and development that can work on smaller, more compact sites would be appreciated.
Single-family homes and multi-family dwelling units can both co-exist in an MFR District.
Remember that there are different characters among the City’s MFR Districts, including the area around Gaslight Village. Also, not all MFR Districts are located around Gaslight Village.
Keep intended and unintended consequences of revising these standards in mind, relative to the desired character sought for these districts.

Although the majority of the revisions are contained in Article 4 of the zoning ordinance², other provisions in the zoning ordinance are also proposed for amendment to complement these new regulations. The following is a brief summary of these other proposed amendments³.

- Section 5.27 (C-1 Commercial District) – Revise the maximum building height to 40’ and 3 stories to put these standards in line with the revised height standards in the MFR Residential District.
- Section 5.59 (General Provisions, Height Exceptions) – Adding a provision to allow enclosed stairways used to access a rooftop patio or terrace in the MFR Residential District to exceed the maximum allowable height by nine feet, subject to other provisions.
- Section 5.77A (Minimum Parking requirements, Residential & Institutional Uses) – Reduction in the amount of required parking for two-family and multiple family uses.

It should be stressed that the amendments under consideration do not involve any rezoning of any area in the City. These amendments only modify the allowable uses and development standards within the MFR Districts themselves. While the Master Plan does recommend some areas of the City around Gaslight Village be rezoned to MFR, any action to effect such changes would be completely separate from these ordinance amendments.

As noted above, the Planning Commission formally and unanimously recommended in March 2022 that these amendments be approved by the City Commission. This proposed amendment was introduced to the City Commission on April 18, 2022, where it was unanimously approved to advance to a final reading. This amendment is now presented for a final reading and approval. If approved, the amendment would take effect on May 13, 2022. Attached are the following materials for City Commission review.

- Final language of the proposed ordinance reviewed and recommended for approval by the Planning Commission.
- Redline/markup version of the proposed ordinance text to compare and highlight the sections that have been changed, added, or deleted.
- An FAQ prepared by City Staff that answers some of the most common questions and concerns raised by residents during the review and comment period.

Future Steps:

As noted above, the original impetus that led to this proposed ordinance revision was the rezoning of selected areas to MFR as recommended in the City’s Master Plan. To that end, if these amendments are ultimately approved by the City Commission, City Staff will then be seeking guidance from the City Commission regarding how to proceed with rezoning efforts. This discussion would not happen until after the formal approval of these amendments. This feedback would be then taken to the Planning Commission to begin discussions on the rezoning of areas to MFR Districts based on the direction of the City Commission.

REVIEWED & APPROVED FOR SUBMISSION:


Shea Charles
City Manager

² Specifically, Sections 5.26B, 5.27, and 5.28A, plus the addition of Section 5.30.

³ Additional amendments related to the MFR Residential District are proposed for the City’s Sign Ordinance. (Section 8.17B) Because those regulations are part of the Building Requirements, not the Zoning Ordinance, the Planning Commission was not able to formally review or provide a recommendation on those amendments. Instead, review and approval of those sections by the City Commission will be handled separately.

AN ORDINANCE TO AMEND SECTIONS
5.26, 5.27, 5.28, 5.37, 5.59 AND 5.77 AND TO ADD
SECTION 5.30 OF CHAPTER 50 OF TITLE V OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Subsection B of Section 5.26 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

- B. Multiple Family Districts. MFR Multiple Family Residential District.** The MFR District is established to accommodate a mix of complementary housing options within specific locations where varied unit types and higher densities create a suitable transition from adjacent land uses, accommodate varied lifestyle choices, provide affordable options, and support the recommendations of the City Master Plan.

Section 2. Section 5.27 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.27 Schedule of Uses

Uses permitted in the districts are listed in **Table 5.27**. Additional requirements related to a specific use, if any, are referenced in the “Specific Requirements” column. Any use not specifically listed shall be prohibited, unless the use is determined to be a similar use according to *Section 5.75(A)*. The requirements in footnotes are an integral part of this chapter and shall apply in all instances.

Table 5.27 Schedule of Uses: Residential Districts

	R-1	R-2	R-3	MFR	Additional Requirements
P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements)					
Accessory					
Accessory buildings, structures and uses	P	P	P	P	<i>Section 5.70(A)</i>
Home occupation	P	P	P	P	<i>Section 5.70(B)</i>
Home occupation, with no more than one employee who is not a member of the family	S	S	S	S	<i>Section 5.70(B)</i>
Adult foster care family home	P	P	P		
Adult foster care group home		S	S		
Day care home, family	P	P	P		
Day care home, group		S	S		
Foster family home	P	P	P	P	
Foster family group home		S	S		
Residential					
Multiple family dwellings, new construction				S	<i>Sections 5.28(A), 5.30 & 5.77(A)</i>
Single-family conversions to multi-family dwellings, up to four units				P	<i>Sections 5.28(A), 5.30, & 5.77(A)</i>
Single family dwellings	P	P	P	P	<i>Section 5.28(A)</i>

Table 5.27 Schedule of Uses: Residential Districts

P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements)	R-1	R-2	R-3	MFR	Additional Requirements
Two-family dwellings				P	Sections 5.28(A), 5.30 & 5.77(A)
Independent and assisted living				S	Section 5.74(A)
Recreation/Cultural					
Public facilities (government buildings, public museums, public galleries, public libraries, etc.)	S	S	S	S	
Parks and recreational facilities, publicly owned	P	P	P	P	
Public and Institutional					
Convalescent and nursing homes				S	Section 5.73(B)
Hospital	S	S			Section 5.77(A)
Private or parochial school	S	S	S	S	Section 5.73(C)
School Residential Campus	S	S	S	S	Section 5.73 (C)
Churches and places of worship	S	S	S	S	Section 5.73(A)
Services					
Child care center				S	
Other Uses					
Essential services	P	P	P	P	Section 5.66
Similar uses	P/S	P/S	P/S	P/S	Section 5.75(A)
Wind energy conversion systems	S	S			Section 5.75(C)
Wireless telecommunications facilities	S	S	S	S	Section 5.75(D)

Section 3. Table 5.28-2 of Subsection A of Section 5.28 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Table 5.28-2 Dimensional Requirements: MFR Multiple Family Residential District				
Requirement		Single family	Two family	Multiple family
Minimum area per unit (sq. ft.)		4,000	For Single-family Conversions: 2,000; For New Construction: 2,500	1
Minimum lot width (ft.)		40	For Single-family Conversions: 40; For New Construction: 50	n/a
Minimum yard setback (ft.)	Side	Front	10	10
		Total	10	10
		Least side	5	5
		Adjoining a street	12	12
	Rear	25	25	
Maximum yard setback (ft.)	Front	25	25	25

Table 5.28-2 Dimensional Requirements: MFR Multiple Family Residential District

Requirement		Single family	Two family	Multiple family
Maximum building height	Feet	35	35	For properties fronting on Croswell Ave. or Bagley Ave., 40; for all other areas, 35
	Stories	2½	2½	For properties fronting on Croswell Ave. or Bagley Ave., 3; for all other areas, 2½
Maximum lot coverage (percent)	Buildings	²	50	60
	Pavement and buildings	²	65	80

¹ See Section 5.30.

² Lot coverage requirements for single family dwellings shall be as specified in Table 5.28-1a.

Section 4. Section 5.37 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.37 Area, Height and Placement Requirements

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

Table 5.37 Dimensional Requirements: C-1 Commercial District			
Requirement		C-1	
Minimum area per unit (sq. ft.)		0	
Minimum lot width (ft.)		0	
Minimum yard setback (ft.)	Front	0 ¹	
	Side	Adjoining C-1 or MFR	0
		Adjoining R-1, R-2, or R-3	7
	Rear ²	Adjoining a street	0
		Adjoining C-1	0
		Adjoining Residential	24
Maximum building height	Feet	40	
	Stories	3	
Maximum lot coverage		N/A	

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

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

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

Section 5. Subsection C is added to Section 5.59 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to read as follows:

C. An enclosed stairway used to access a rooftop terrace or patio in the MFR Residential District may exceed the height requirements of the district by not more than nine feet, provided that the area of the enclosed stairway above the allowable building height does not exceed 160 square feet. Only one such enclosed stairway exceeding the height requirement shall be permitted per building.

Section 6. The “Residential and Institutional Parking Space Requirements” table found in Subsection A of Section 5.77 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.77 Minimum Parking Requirements (Subsection A only)

A. **Residential and Institutional Uses.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the “Residential and Institutional Parking Space Requirements” table.

Residential and Institutional Parking Space Requirements	
Use	Minimum Number of Parking Spaces Per Unit of Measurement
Residential Uses	
Single family residential uses	Two (2) spaces per dwelling unit
Two family and Multiple family residential uses	- Efficiency, studio, and one-bedroom units: 1.1 parking spaces per dwelling unit - Two-bedroom units: 1.4 parking spaces per dwelling unit - Units with more than two bedrooms: 1.8 parking spaces per dwelling unit
Institutional Uses	
Churches and similar places of worship	One (1) space for each three (3) seats or six (6) feet of pews in the main unit of worship
Hospitals	Two (2) for each one (1) inpatient bed, plus four (4) spaces per each 1,000 square feet of usable floor area dedicated to administrative offices, pharmacies, medical clinics and similar uses.
Private and parochial elementary and junior high schools	One (1) space for each teacher, employee, or administrator
Private and parochial senior high schools	One (1) space for each teacher, employee, or administrator, and one (1) space for each ten (10) students

Section 7. A new Section 5.30 is added to Chapter 50 of Title V of the Code of the City of East Grand Rapids to read as follows:

Section 5.30 Standards Applicable to Two-Family and Multiple Family Dwellings

Two-family and multiple family dwellings in the MFR Residential District shall comply with the following standards:

A. General Standards

1. Single-family conversions to multi-family dwellings shall be encouraged to promote the intent of the MFR Residential District while preserving the existing character and housing stock to the greatest extent possible. For the purposes of this article, **Single-Family Conversions** are defined as the repurposing of a single-family home to accommodate up to four dwelling units. All other development shall be considered **New Construction**.
2. All developments in the MFR District shall conform to the standards in Table 5.30.

Table 5.30 Development Standards in MFR Residential District		
Lot Size (square feet)	Single-Family Conversion	New Construction
Minimum Unit size (square feet)	Studio: 300 1 bdrm: 450 2 bdrm: 650 3 bdrm: 850	Studio: 350 1 bdrm: 550 2 bdrm: 800 3 bdrm: 1,000
Minimum Lot Area Per Unit (s.f./unit)	Duplex: 2,000 3-4 units: 1,660	Duplex: 2,500 3+ units: 2,100

3. Wherever two or more different building materials are used on a building façade, the heavier material in weight or appearance shall be placed below the lighter material.
4. In the case of multiple family buildings where the dwelling units are accessed from a common hallway or gathering area, the main entrance to the building shall face a public street and be directly accessible from the sidewalk adjoining the front yard.
5. Rooftop terraces or patios atop a flat roof structure shall subject to the following.
 - (a) No part of the rooftop terrace or patio, including the floor or base level, shall exceed the maximum allowable building height except as provided in Section 5.59 of the zoning ordinance.
 - (b) Rooftop terraces shall maintain the following setbacks:
 - i. Minimum 20 feet from the front lot line;
 - ii. Minimum 25 feet from the rear lot line; and

- (e) Decorative columns and dormers.
 - (f) Windows featuring shutters, muntins, grills, or transoms.
 - (g) Windows covering at least 25 percent of each exterior wall, not including walls less than five feet in width. For the purposes of calculating this area, only wall areas that cover habitable floors or stories may be used.
 - (h) Bay, bow, or similarly articulated windows.
 - (i) Decorative pediments over front and side entries.
 - (j) Foundation plantings along the front façade, minimum four foot depth.
3. No uninterrupted building façade that faces a public street shall exceed 30 feet in length. Building wall offsets of at least one foot (projection or recesses), cornices, pilasters, and plinths shall be acceptable means to break up the building mass.
 4. Surface parking or detached parking structures for new construction shall not be located in the front or side yards. In addition, such parking areas or structures shall be screened from public view from adjoining streets and adjacent properties to the extent practical. Where attached parking garages are provided, garage doors and entries shall be located behind the frontmost façade of the principal building and shall be oriented toward the side or rear of the lot only.
 5. For multiple family developments with five or more dwelling units, access to parking areas shall be provided by a driveway with a minimum 24 foot width. Such driveway shall have a minimum five foot setback from side lot lines.

Section 8. This Ordinance shall be effective on May ____, 2022.

Section 9. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5, of the Charter of the City of East Grand Rapids:

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

On May ____, 2022, the East Grand Rapids City Commission adopted an Ordinance amending Sections 5.26, 5.27, 5.28, 5.37, 5.59, and 5.77 of Chapter 50 of the City Code as well as adding a new Section 5.30. The purpose of these amendments was to modify dimensional and lot coverage requirements for the MFR district. The full text of the amended sections is available for inspection by and distribution to the public at the office of the City Clerk or at eastgr.org. No further or additional publication of this Ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____
Karen K. Brower, City Clerk

AN ORDINANCE TO AMEND SECTIONS
5.26, 5.27, 5.28, 5.37, 5.59 AND 5.77 AND TO ADD
SECTION 5.30 OF CHAPTER 50 OF TITLE V OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Subsection B of Section 5.26 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

- B. Multiple Family Districts. MFR Multiple Family Residential District.** The MFR District is ~~designed primarily for medium density garden-type apartments, row housing, and group housing, regulated so as to cover a minimum of ground area and to provide a maximum of open space. This zone also serves a useful function as a buffer along some major streets and neighborhood shopping areas.~~ established to accommodate a mix of complementary housing options within specific locations where varied unit types and higher densities create a suitable transition from adjacent land uses, accommodate varied lifestyle choices, provide affordable options, and support the recommendations of the City Master Plan.

Section 2. Section 5.27 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.27 Schedule of Uses

Uses permitted in the districts are listed in **Table 5.27**. Additional requirements related to a specific use, if any, are referenced in the “Additional Requirements” column. Any use not specifically listed shall be prohibited, unless the use is determined to be a similar use according to *Section 5.75(A)*. The requirements in footnotes are an integral part of this chapter and shall apply in all instances.

Table 5.27 Schedule of Uses: Residential Districts

P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements)	R-1	R-2	R-3	MFR	Additional Requirements
Accessory					
Accessory buildings, structures and uses	P	P	P	P	<i>Section 5.70(A)</i>
Adult foster care family home	P	P	P		
Adult foster care group home		S	S		
Day care home, family	P	P	P		
Day care home, group		S	S		
Foster family group home		S	S		
Foster family home	P	P	P	P	
Home occupation	P	P	P	P	<i>Section 5.70(B)</i>
Home occupation, with no more than one employee who is not a member of the family	S	S	S	S	<i>Section 5.70(B)</i>
Residential					
Independent and assisted living				S	<i>Section 5.74(A)</i>

Table 5.27 Schedule of Uses: Residential Districts

P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements)	R-1	R-2	R-3	MFR	Additional Requirements
Multiple family dwellings, four to 24 units <u>new construction</u>				S	<i>Section 5.28(A), 5.30, & 5.77(A)</i>
Multiple family dwellings, three to four units <u>Single-family conversions to multi-family dwellings, up to four units</u>				P	<i>Section 5.28(A), 5.30, & 5.77(A)</i>
Single family dwellings	P	P	P	P	<i>Section 5.28(A)</i>
Two-family dwellings				P	<i>Sections 5.28(A), 5.30 & 5.77(A)</i>
Recreation/Cultural					
Parks and recreational facilities, publicly owned	P	P	P	P	
Public facilities (government buildings, public museums, public galleries, public libraries, etc.)	S	S	S	S	
Public and Institutional					
Churches and places of worship	S	S	S	S	<i>Section 5.73(A)</i>
Convalescent and nursing homes				S	<i>Section 5.73(B)</i>
Hospital	S	S	§	§	<i>Section 5.77(A)</i>
Private or parochial school	S	S	S	S	<i>Section 5.73(C)</i>
School Residential Campus	S	S	S	S	<i>Section 5.73 (C)</i>
Services					
Child care center				S	
Other Uses					
Essential services	P	P	P	P	<i>Section 5.66</i>
Similar uses	P/S	P/S	P/S	P/S	<i>Section 5.75(A)</i>
Wind energy conversion systems	S	S			<i>Section 5.75(C)</i>
Wireless telecommunications facilities	S	S	S	S	<i>Section 5.75(D)</i>

Section 3. Table 5.28-2 of Subsection A of Section 5.28 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Table 5.28-2 Dimensional Requirements: MFR Multiple Family Residential District					
Requirement		Single family	Two family	Multiple family	
Minimum area per unit (sq. ft.)		5,000 <u>4,000</u>	3,000 <u>For Single-family Conversions: 2,000;</u> <u>For New Construction: 2,500</u>	1	
Minimum lot width (ft.)		50 <u>40</u>	80 <u>For Single-family Conversions: 40;</u> <u>For New Construction: 50</u>	n/a	
Minimum yard setback (ft.)	Front	25 <u>10</u>	25 <u>10</u>	30 <u>10</u>	
		Total	14 <u>10</u>	20 <u>10</u>	40 <u>20</u>
	Side	Least side	7 <u>5</u>	8 <u>5</u>	20 <u>10</u>
		Adjoining a street	12	12	30 <u>12</u>
	Rear	25	25	25	
<u>Maximum yard setback (ft.)</u>	<u>Front</u>	<u>25</u>	<u>25</u>	<u>25</u>	
Maximum building height	Feet	35	35	35 <u>For properties fronting on Croswell Ave. or Bagley Ave., 40; for all other areas, 35</u>	
	Stories	2½	2½	2½ <u>For properties fronting on Croswell Ave. or Bagley Ave., 3; for all other areas, 2½</u>	
Maximum lot coverage (percent)	Buildings	2	45 <u>50</u>	50 <u>60</u>	
	Pavement and buildings	2	60 <u>65</u>	75 <u>80</u>	

¹ Density of multiple family units shall not exceed 18 units per gross acre. [See Section 5.30.](#)

² Lot coverage requirements for single-family dwellings shall be as specified in Table 5.28-1a.

Section 4. Section 5.37 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.37 Area, Height and Placement Requirements

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

Table 5.37 Dimensional Requirements: C-1 Commercial District			
Requirement		C-1	
Minimum area per unit (sq. ft.)		0	
Minimum lot width (ft.)		0	
Minimum yard setback (ft.)	Front	0 ¹	
	Side	Adjoining C-1 or MFR	0
		Adjoining R-1, R-2, or R-3	7
		Adjoining a street	0
	Rear ²	Adjoining C-1	0
		Adjoining Residential	24
Maximum building height	Feet	35 <u>40</u>	
	Stories	2.5 <u>3</u>	
Maximum lot coverage		N/A	

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

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

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

Section 5. Subsection C is added to Section 5.59 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to read as follows:



C. An enclosed stairway used to access a rooftop terrace or patio in the MFR Residential District may exceed the height requirements of the district by not more than nine feet, provided that the area of the enclosed stairway above the allowable building height does not exceed 160 square feet. Only one such enclosed stairway exceeding the height requirement shall be permitted per building.

Section 6. The “Institutional and Residential Parking Space Requirements” table found in Subsection A of Section 5.77 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.77 Minimum Parking Requirements (Subsection A only)

A. Residential and Institutional Uses. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the “Residential and Institutional Parking Space Requirements” table.

Residential and Institutional Parking Space Requirements	
Use	Minimum Number of Parking Spaces Per Unit of Measurement
Institutional Uses	
Churches and similar places of worship	One (1) space for each three (3) seats or six (6) feet of pews in the main unit of worship
Hospitals	Two (2) for each one (1) inpatient bed, plus four (4) spaces per each 1,000 square feet of usable floor area dedicated to administrative offices, pharmacies, medical clinics and similar uses.
Private and parochial elementary and junior high schools	One (1) space for each teacher, employee, or administrator
Private and parochial senior high schools	One (1) space for each teacher, employee, or administrator, and one (1) space for each ten (10) students
Residential Uses	
Multiple family residential uses <u>Two-family and Multiple family residential uses</u>	Two (2) spaces per dwelling unit - <u>Efficiency, studio, and one-bedroom units: 1.1 parking spaces per dwelling unit</u> - <u>Two-bedroom units: 1.4 parking spaces per dwelling unit</u> - <u>Units with more than two bedrooms: 1.8 parking spaces per dwelling unit</u>
Single family and two family residential uses	Two (2) spaces per dwelling unit

Section 7. A new Section 5.30 is added to Chapter 50 of Title V of the Code of the City of East Grand Rapids to read as follows:



Section 5.30 Standards Applicable to Two-Family and Multiple Family Dwellings

Two-family and multiple family dwellings in the MFR Residential District shall comply with the following standards:

A. General Standards

1. Single-family conversions to multi-family dwellings shall be encouraged to promote the intent of the MFR Residential District while preserving the existing character and housing stock to the greatest extent possible. For the purposes of this article, **Single-Family Conversions** are defined as the repurposing of a single-family home to accommodate up to four dwelling units. All other development shall be considered **New Construction**.
2. All developments in the MFR District shall conform to the standards in Table 5.30.

<u>Table 5.30 Development Standards in MFR Residential District</u>		
<u>Lot Size (square feet)</u>	<u>Single-Family Conversion</u>	<u>New Construction</u>
<u>Minimum Unit size (square feet)</u>	<u>Studio: 300</u> <u>1 bdrm: 450</u> <u>2 bdrm: 650</u> <u>3 bdrm: 850</u>	<u>Studio: 350</u> <u>1 bdrm: 550</u> <u>2 bdrm: 800</u> <u>3 bdrm: 1,000</u>
<u>Minimum Lot Area Per Unit (s.f./unit)</u>	<u>Duplex: 2,000</u> <u>3-4 units: 1,660</u>	<u>Duplex: 2,500</u> <u>3+ units: 2,100</u>

3. Wherever two or more different building materials are used on a building façade, the heavier material in weight or appearance shall be placed below the lighter material.
4. In the case of multiple family buildings where the dwelling units are accessed from a common hallway or gathering area, the main entrance to the building shall face a public street and be directly accessible from the sidewalk adjoining the front yard.
5. Rooftop terraces or patios atop a flat roof structure shall subject to the following.
 - (a) No part of the rooftop terrace or patio, including the floor or base level, shall exceed the maximum allowable building height except as provided in Section 5.59 of the zoning ordinance.
 - (b) Rooftop terraces shall maintain the following setbacks:
 - i. Minimum 20 feet from the front lot line;
 - ii. Minimum 25 feet from the rear lot line; and

- (d) Horizontal siding, excluding vinyl siding.
 - (e) Decorative columns and dormers.
 - (f) Windows featuring shutters, muntins, grills, or transoms.
 - (g) Windows covering at least 25 percent of each exterior wall, not including walls less than five feet in width. For the purposes of calculating this area, only wall areas that cover habitable floors or stories may be used.
 - (h) Bay, bow, or similarly articulated windows.
 - (i) Decorative pediments over front and side entries.
 - (j) Foundation plantings along the front façade, minimum four foot depth.
3. No uninterrupted building façade that faces a public street shall exceed 30 feet in length. Building wall offsets of at least one foot (projection or recesses), cornices, pilasters, and plinths shall be acceptable means to break up the building mass.
 4. Surface parking or detached parking structures for new construction shall not be located in the front or side yards. In addition, such parking areas or structures shall be screened from public view from adjoining streets and adjacent properties to the extent practical. Where attached parking garages are provided, garage doors and entries shall be located behind the frontmost façade of the principal building and shall be oriented toward the side or rear of the lot only.
 5. For multiple family developments with five or more dwelling units, access to parking areas shall be provided by a driveway with a minimum 24 foot width. Such driveway shall have a minimum five foot setback from side lot lines.

Section 8. This Ordinance shall be effective on March ____, 2022.

Section 9. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5, of the Charter of the City of East Grand Rapids:

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

Notice is hereby given that on March ____, 2022, the East Grand Rapids City Commission adopted an Ordinance amending Sections 5.26, 5.27, 5.28, 5.37, 5.59, and Section 5.77 of Chapter 50 of the City Code as well as adding a new Section 5.30 to said Chapter. The purpose of these amendments was to modify dimensional and lot coverage requirements for the MFR district. The full text of the amended sections is available for inspection by and distribution to the public at the Office of the City Clerk or at eastgr.org. No further or additional publication of this Ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____
Karen K. Brower, City Clerk



Proposed MFR Amendment FAQ

Q: What is the basis for this amendment?

The City's 2018 Master Plan included many recommendations for future growth and development in East Grand Rapids. One of these goals was to "focus on additional diverse housing opportunities for new families, aging in place, and young professionals." Among the ways to meet this goal was to allow modest increases in housing density and promote more diverse housing options for these groups. The Master Plan also recommended these actions to help increase activity and vitality in the Gaslight Village Business District.

Q: Why is the City doing this now?

The Planning Commission and City Commission have approved several other plans and ordinance amendments since the master plan was adopted to implement and fulfill the goals and objectives the plan laid out. These efforts include revisions to permitted uses in the C-1 Commercial District to encourage a wider range of commercial/office uses, and the creation of the Mobility Bicycle Action Plan to promote non-motorized transportation options in the City. These proposed amendments to the MFR Residential District represent the continuation of these efforts.

Q: What was the process for creating these new regulations?

In May 2021, the Planning Commission began discussing different methods to continue implementation of the City's current Master Plan and identify areas where the zoning ordinance needed to be updated to match current development trends. One of the recommendations was to look at implementing the multi-family recommendations set forth in the Master Plan. After determining that the City's current multi-family regulations were not aligned to these recommendations, the Planning Commission began a multi-month study session process to identify ways to make updates and improvements. In all, the Planning Commission considered and discussed these amendments at seven different meetings from July 2021-March 2022.

Q: Has the public been able to review or comment on any of these discussions?

All Planning Commission meetings are open to the public and provide the opportunity for the public to give comments on all items before the Commission, including these amendments. In addition, all agenda materials related to these meetings were posted to the City's website (eastgr.org) under the Agendas & Minutes section. Major updates on City activities are also routinely provided in the City's water bills and E-Newsletter.

Q: What areas will this affect?

This amendment will only change the regulations in the MFR Residential District, where multi-family uses are already allowed. No other residential districts in the City permit multi-family development, so those areas will not be affected by these amendments.

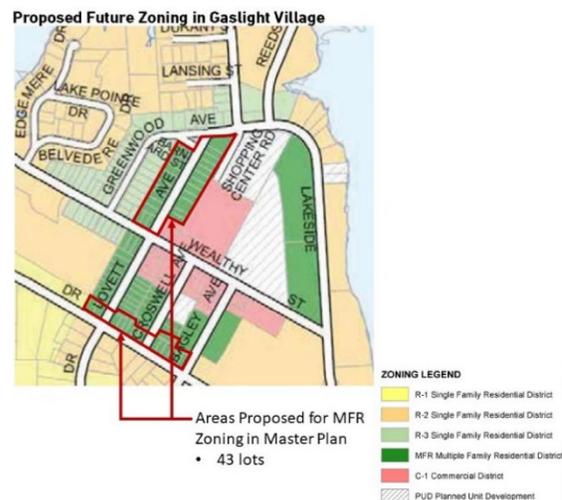
Q: Where are these MFR Districts?

The majority of the City's MFR Districts are in the area around Gaslight Village. However, there is also a small pocket of MFR zoned area around the intersection of Wealthy St. and Gladstone Ave. that borders Grand Rapid's Eastown Business District. These areas are highlighted in the map to the right.



Q: Doesn't the City's Master Plan call for expanding these MFR Districts too? Will this amendment change my zoning?

The City's master plan does recommend a small expansion of the City's current MFR Districts around the Gaslight Village area. The graphic to the right highlights areas proposed to be rezoned in the Master Plan. However, this ordinance amendment does NOT rezone any properties. It only modifies the regulations within the current MFR District areas. Any rezoning of any property will be handled separately and under a different set of meetings with the Planning Commission and City Commission.



Q: Won't these amendments greatly affect the current character of the City?

There are already several newer duplex and multi-family developments in the MFR districts. The proposed amendments only modify the standards for developing such uses. In addition, many of the proposed amendments were tailored to complement these newer multi-family developments, as well as respond to current trends in multi-family development. This means the proposed amendments are specifically tailored to preserve and promote the existing character of these neighborhoods.

Q: Does this mean these areas will turn into nothing but apartments and condominiums?

No. Single-family uses will still be allowed as a permitted use in MFR Districts. Nothing in these new regulations will force people to develop multi-family housing. The goal with these amendments is simply to allow for more variety in housing options where they do not currently exist.

Q: I don't live in an MFR District, but there are still multi-family buildings and duplexes near me. How is this possible? What will prevent more of them from being developed in my neighborhood?

Some older duplex and multi-family uses may exist in older City neighborhoods. These buildings were developed prior to the enactment of the current zoning ordinance and zoning districts. As a result, they are considered legally non-conforming, meaning their use does not comply with their current zoning district regulations, but are "grandfathered" to allow them to remain in use. The City's zoning ordinance does not allow any new duplex and multi-family development in the R-1, R-2, and R-3 Districts, so there is no opportunity to develop any new multi-family uses in these districts.

Q: The MFR Districts are already denser areas. How will stormwater be managed?

The City already has stormwater management practices and requirements in place for all new development and expansions. For single-family homes and duplexes, all plans that increase the existing level of building and impervious surface coverage must provide a drainage and stormwater plan showing how stormwater will be managed on-site. Larger projects (over 400 s.f. in area) are required to have these plans reviewed and stamped by a licensed civil engineer. In addition to managing additional stormwater runoff, the drainage plan must also protect all adjacent properties and city utilities from the impacts of increased water runoff. This is required as outlined in Section 8.9 in the City's Building Regulations. For all multi-family uses, an engineered stormwater management plan is required as part of the site plan review process. These plans are required to be fully engineered, designed, and permanently located to manage stormwater runoff on-site, including the capability to handle a 100-year stormwater event. Chapter 28 (Storm Water) of the City Code covers the standards for such plans.

Q: How can I learn about future updates about this amendment and future actions?

The easiest way to get updates on any topic before the Planning Commission and City Commission is to sign up for E-notifications. You can sign up at the following link: <https://www.eastgr.org/list.aspx> From this link, you can register to receive e-mail or text notifications anytime a new agenda or public notice is posted. While you are there, you can also sign up to receive the East Express E-Newsletter which will keep you informed of all activities happening in East Grand Rapids.



CITY OF
EAST GRAND RAPIDS

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JAY GIANOTTI, AICP
ZONING ADMINISTRATOR

Hearing Required?	No
Notices Mailed	N/A
Notice Published	N/A
Introduction (CC):	4/18/2022
Final Reading:	5/2/2022
Effective Date:	5/13/2022

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Jay Gianotti, Zoning Administrator
DATE: April 25, 2022

RE: **Final Reading for an Amendment to Title VIII – Building Regulations
Section 8.17B of Chapter 81 (Signs) – Signs in Residential Districts**

Action Requested: That the City Commission considers a final reading and adoption of amendments to Section 8.17B of Chapter 81 of Title VIII of the City Code to amend standards for residential signs related to the MFR Residential District.

Background: In conjunction with the Planning Commission’s work to update the MFR Residential District Regulations, City Staff also recommended an amendment to revise the sign regulations for multi-family uses to complement these changes. As the Sign Ordinance is part of the Building Regulations, not the Zoning Ordinance, the Planning Commission is unable to formally review this particular amendment. Therefore, it is now being formally introduced to the City Commission for their consideration.

This proposed amendment would modify the standards for residential identification signs for multi-family uses. The general intent of this amendment is to maintain appropriately sized signage for these uses depending on the number of dwelling units on the property. The current text only allows ground signs for this purpose. However, this type of signage may not be appropriate for all such multi-family uses, particularly in the case of smaller multi-family developments. This amendment would make the following modifications.

- Revise the existing standards for identification ground signs to only apply to multi-family uses with five or more dwelling units.
- Adds new standards for identification wall signs for multi-family uses up to four dwelling units. Among the proposed standards, these signs would be limited to four square feet in area and would need to be placed within one foot of the building entrance.

The formal text for this amendment is attached to these materials. This proposed amendment was introduced to the City Commission on April 18, 2022, where it was unanimously approved to advance to a final reading. This amendment is now presented for a final reading and approval. If approved, the amendment would take effect on May 13, 2022.

REVIEWED & APPROVED FOR SUBMISSION:


Shea Charles
City Manager

AN ORDINANCE TO AMEND SECTION 8.17
OF CHAPTER 81 OF TITLE VIII OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Subsection (B) (5) of Section 8.17 of Chapter 81 of Title VIII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

"5. Multiple-family development identification ground signs for five dwelling units or more: one sign shall be permitted per frontage at the entrance to the development, not to exceed 36 square feet in area and six feet in height. A multiple-family development identification sign may be illuminated in accordance with the requirements of § 8.15(G)."

Section 2. A new subsection (B) (6) is added to Section 8.17 of Chapter 81 of Title VIII of the Code of the City of East Grand Rapids to read as follows:

"6. Multiple-family development identification wall signs, up to four dwelling units: one sign shall be permitted on the front of the building, not to exceed four square feet in area. At least one edge of the sign shall be located within one ft. of the building entrance. Internal illumination and external raceways for such signs are prohibited.

Section 3. This Ordinance shall be effective on May _____, 2022.

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

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

Notice is hereby given that on May __, 2022, the East Grand Rapids City Commission adopted amendments to Section 8.17 of Chapter 81 of the City Code to modify and add requirements dealing with signs in the multi-family residential zone. The full text of the amended Section is available for inspection by and distribution to the public at the office of the City Clerk or at eastgr.org. No further or additional publication of this Ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____
Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Special Meeting Held March 31, 2022

Mayor Favale the meeting to order at 5:35 p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Arendshorst, Hamrick, Pachla, Schulz and Mayor Favale

Absent: Commissioners Schwartz and Wessely

Also Present: City Manager Charles; Deputy City Manager LaFave; City Attorney Huff; City Clerk Brower; Parks & Recreation Director Melville

2022-59. The agenda was approved as published.

2022-60. No public comment was received.

2022-61. Commissioners Hamrick, Pachla and Favale wished everyone safe travels and lots of fun on spring break.

2022-62. Contract for consulting services relating to elementary school playground replacements.

Parks & Recreation Director Melville explained the planned replacement of playground structures as approved in the Parks Improvement Millage. Proposals were solicited for consulting services to oversee the public engagement, design and bidding for the three elementary playgrounds that will be replaced in 2023. Seven proposals were received and three firms were interviewed. Staff has selected MCSA Group as the firm best understanding the scope and required services, public engagement experience and knowledge of East Grand Rapids parks and recreation offerings.

City Manager Charles reported a second interview was held with the MCSA Group principals to go over the entire process in more detail and he is confident the firm will do an excellent job on these projects.

2022-62-A. Pachla-Schulz. That a contract be awarded to MCSA Group, Inc. in the amount of not to exceed \$90,046.00 for consulting, design services, bidding and construction management of the elementary school playground replacement projects as provided in the Parks Improvement Millage.

Commissioner Schulz asked that reuse/recycling of old equipment and selecting eco-friendly materials be a consideration when planning and implementing the new playgrounds.

Commissioner Hamrick suggested the online survey be publicized extensively to gather input from residents who will be using the playgrounds during the initial design period.

Mayor Favale opened the meeting for public comment:

- John Matthews, 618 Crosswell Questioned why the city did not select or work with the low bidder to adjust any incomplete items or estimates. He felt the low bid could be adjusted to meet the expectations and still be less than the firm selected. City Manager Charles noted staff felt MCSA had a better proposal and approach to engaging parents and school staff.

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

Commissioner Pachla felt the quality of the proposal and past work done by MCSA justified not using the low bid and noted the final contract cost may be less as it was a not-to-exceed amount.

Commissioners Arendshorst and Hamrick agreed they were impressed with MCSA's knowledge of the community during the Parks & Recreation Master Plan process and were comfortable with staff's recommendation.

Yeas: Arendshorst, Hamrick, Pachla, Schulz and Favale – 5

Nays: -0-

The meeting adjourned at 6:07 p.m., subject to the call of the Mayor until April 18, 2022.

Karen K. Brower, City Clerk

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held April 18, 2022

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

Present: Commissioners Arendshorst, Hamrick, Pachla, Schulz, Schwartz, Wessely and Mayor Favale

Absent: None

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

2022-63. The agenda was approved as published.

2022-64. No public comment was received.

2022-65. Mayor Favale extended condolences to the family of Patrick Lyoya on behalf of the commission.

Commissioner Arendshorst asked the Public Safety Department to evaluate their policies to make sure this type of situation doesn't happen in East Grand Rapids.

Mayor Favale announced that former City Commissioner and Planning Commissioner Bill Graham had passed away over the weekend and expressed her sympathy to his family.

City Manager Charles commended the Public Safety Department for their quick and thorough response to a house fire on Robinson Road on Sunday and thanked the fire departments from Grand Rapids, Grand Rapids Township and Kentwood for their assistance at the scene.

Mayor Favale introduced Aaron Robert from SaboPR as the new communications specialist working with the city on the various communications efforts of the city.

2022-66. KDL Board Representative Chuck Myers, KDL Director Lance Werner and KDL Branch Manager Scott Ninemeier presented the Kent District Library 2021 Annual Report.

2022-67. Final Reading of an ordinance to amend Chapter 28 of Title II of the City Code pertaining to storm water regulations.

2022-67-A. Pachla-Schwartz. That an ordinance to amend Chapter 28 of Title II of the City Code pertaining to storm water regulations be adopted as attached in Exhibit "A."

Yeas: Arendshorst, Hamrick, Pachla, Schulz, Schwartz, Wessely and Favale – 7

Nays: -0-

2022-68. Introduction of an ordinance to amend Sections 5.26, 5.27, 5.28 and 5.30 of Chapter 50 of Title V of the City Code pertaining to the Multi-Family Residential Zoning District.

Zoning Administrator Gianotti reviewed proposed changes to the multi-family residential zoning district recommended by the Planning Commission. He noted the changes are in response to the master plan goal to expand the diversity of housing and offer more options for residents. The changes allow for more density,

height, and lot coverage while reducing setbacks to encourage new and converted multi-family housing. Mr. Gianotti further noted some sections of the C-1 commercial district were being changed to match the proposed multi-family district standards. He stated the Planning Commission will next look at expanding the multi-family residential district by rezoning several properties on Lovett and on Lake Drive.

Mayor Favale opened this issue for public comment. No public comment was received. Mayor Favale closed the public comment.

- 2022-68-A. Schulz-Arendshorst. That an ordinance to amend Sections 5.26, 5.27, 5.28 and 5.30 of Chapter 50 of Title V of the City Code pertaining to the Multi-Family Residential Zoning District be introduced as attached in Exhibit "B."

Commissioner Hamrick expressed support for these changes as she felt they were long overdue and the city needed additional diversity of housing stock.

Commissioner Arendshorst noted these changes were envisioned in the master plan and were discussed in depth by the Planning Commission.

Commissioner Pachla supported the changes as a good way to reduce existing non-conformities.

Yeas: Arendshorst, Hamrick, Pachla, Schulz, Schwartz, Wessely and Favale – 7
Nays: -0-

- 2022-69. Introduction of an ordinance to amend Section 8.17 of Chapter 81 of Title VIII of the City Code pertaining to signage in the Multi-Family Residential Zoning District.

Zoning Administrator Gianotti explained the changes would reduce the signage sizes allowed for multi-family homes with under four units to keep the signs appropriate for smaller units in residential areas.

- 2022-69-A. Pachla-Schulz. That an ordinance to amend Section 8.17 of Chapter 81 of Title VIII of the City Code pertaining to signage in the Multi-Family Residential Zoning District be introduced as attached in Exhibit "C."

Yeas: Arendshorst, Hamrick, Pachla, Schulz, Schwartz, Wessely and Favale – 7
Nays: -0-

- 2022-70. Residential Composting Pilot Program.

Deputy City Manager LaFave outlined a new program to be piloted in East Grand Rapids to offer food-scrap composting for up to 100 homes and 3 commercial businesses. Staff would work with the vendor to develop rules and educate those who sign up to participate. He requested authorization to begin the program, to allow staff to develop procedures and regulations, and to expand the program up to \$7,000 in costs if necessary.

Mayor Favale opened this issue for public comment. The following people expressed their opinions:

- John Chronowski, 775 Bagley Supported residential composting on behalf of the EGREEN Sustainability Initiative.

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

- 2022-70-A. Hamrick-Schwartz. To award a contract for food scrap composting services with Organiccycle LLC of Grand Rapids at a cost of \$3,120 per year with optional renewals through December 31, 2025, and to authorize staff to negotiate additional capacity per year if needed up to \$7,000 and to create rules and regulations as needed to operate the site.

Mayor Favale thanked Mr. LaFave for the year of research that went into this pilot program.

Commissioner Schulz looked forward to getting a report on the first year's efforts.

Yeas: Arendshorst, Hamrick, Pachla, Schulz, Schwartz, Wessely and Favale – 7
Nays: -0-

2022-71. Demonstration Projects for Mobility-Bike Action Plan.

Deputy City Manager LaFave requested authorization to initiate demonstration projects this summer on York/Lake Grove and on Alexander illustrating how pavement markings and signage would be used to assist those commuting by bike through our network of local streets to surrounding areas.

2022-71-A. Arendshorst-Schwartz. To approve the temporary Mobility-Bike Action Plan demonstration projects on Alexander, York Drive and Lake Grove.

Commissioner Arendshorst asked that public safety officers be made aware of the safe passing distance regulations for vehicles and bicycles so they can help educate the public.

Yeas: Arendshorst, Hamrick, Pachla, Schulz, Schwartz, Wessely and Favale – 7
Nays: -0-

2022-72. Contract for replacement of lead water service lines.

Deputy City Manager LaFave explained the city has a plan to replace 5% of lead water service lines each year in accordance with Federal drinking water standards. In addition to the service line replacements undertaken by city staff during routine maintenance projects, this contract will allow the replacement of about 40 services.

2022-72-A. Pachla-Schulz. To award a contract to Groundhawg Excavating of Lowell for lead service line replacements in the amount not to exceed \$189,897 plus 15% contingencies for FY 2022-23.

Yeas: Arendshorst, Hamrick, Pachla, Schulz, Schwartz, Wessely and Favale – 7
Nays: -0-

2022-73. Schultz-Pachla. To approve the consent agenda as follows:

2022-73-A. Minutes of the regular City Commission meeting held March 28, 2022.

2022-73-B. Payroll disbursements of \$231,843.99; county and school disbursements of \$231.27, and total remaining disbursements of \$206,886.21.

2022-73-C. A Letter of Understanding with the Mary Dersch as the volunteer curator for the East Grand Rapids History Room for maintenance and expansion of the historical archives owned by the City as attached in Exhibit "D."

2022-73-D. A Letter of Understanding with the Kent District Library for the operation of the East Grand Rapids History Room within the space leased for the library as attached in Exhibit "E."

Yeas: Arendshorst, Hamrick, Pachla, Schulz, Schwartz, Wessely and Favale – 7
Nays: -0-

2022-74. Budget Overview Work Session.

City staff presented highlights, trends and the timeline for reviewing and adopting the budget for fiscal year 2022-2023. City Manager Charles described the financial position and projects completed for FY 2021-22 and answered questions from the commission. He also reviewed forecasts for state-shared revenue, property assessments, and the capital investments scheduled for city properties and utility infrastructure. Mr. Charles reported staff is also working to begin implementation of several projects related to the Parks Improvement Millage, various road construction projects, and new programs throughout the departments. The details of the capital requests and budget line items will be discussed at work sessions in the upcoming weeks.

The meeting adjourned at 7:58 p.m., subject to the call of the Mayor until May 2, 2022.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Chapter 28 regarding storm water regulations
B – Ordinance amendment to Chapter 50 regarding the multi-family zoning district
C – Ordinance amendment to Chapter 81 regarding signs for multi-family housing
D – Letter of Understanding with the Kent District Library for location of EGR History Room
E – Letter of Understanding with EGR History Room Volunteer Curator

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

AN ORDINANCE TO AMEND
CHAPTER 28 OF TITLE II OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 28 of Title II of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 28 STORM WATER

§ 2.180 GENERAL

§ 2.181 STORMWATER PERMITS

§ 2.182 STORMWATER SYSTEM, FLOODPLAIN AND OTHER STANDARDS, SOIL
EROSION CONTROL

§ 2.183 PROHIBITIONS AND EXEMPTIONS

§ 2.184 INSPECTION, MONITORING, REPORTING, AND RECORDKEEPING

§ 2.185 ENFORCEMENT

§ 2.186 STORMWATER EASEMENTS AND MAINTENANCE AGREEMENTS

§ 2.187 PERFORMANCE AND DESIGN STANDARDS

§ 2.188 OTHER MATTERS

AN ORDINANCE to provide for the regulation and control of stormwater runoff; to provide for stormwater permits and the procedures and standards for the issuance thereof; to provide for payment or reimbursement of costs and expense incurred by the city associated with stormwater permits and the consideration thereof; to establish standards and requirements for the protection of floodways and for the control of soil erosion and sedimentation; to adopt other provisions for the establishing, maintaining and protection of drains and drainageways; to provide regulations for the inspection, sampling and monitoring of stormwater and other discharges; to establish performance and design standards for stormwater management in the city; and to provide penalties for violations of the ordinance.

§ 2.180 GENERAL.

(A) **Statutory Authority and Title.** This ordinance shall be known and may be cited as the City of East Grand Rapids Stormwater Management Ordinance.

(B) **Findings.** The City of East Grand Rapids finds that:

(1) Water bodies, roadways, structures, and other property within, and downstream of the city are at times subjected to flooding;

(2) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the city and the region;

(3) Land developed alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;

(4) Stormwater runoff produced by land development contributes to increased quantities of water-borne pollutants;

(5) Increases of stormwater runoff, soil erosion, and non-point sources pollution have occurred as a result of land development, and cause deterioration of the water resources of the city and downstream municipalities;

(6) Stormwater runoff, soil erosion, and non-point source pollution, due to land development within the city, have resulted in a deterioration of the water resources of the city and downstream municipalities;

(7) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the city will, absent reasonable regulation and control, adversely affect the city water bodies and water resources, and those of downstream municipalities;

(8) Stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of stormwater runoff from development;

(9) Post-construction stormwater runoff program requirements for new development and redevelopment within the city are set forth in the 2013 Michigan

Department of Environment, Great Lakes, and Energy (formerly Michigan Department of Environmental Quality) Permit Application for Discharge of Storm Water to Surface Waters of the State from a Municipal Separate Storm Sewer System (MS4) under the National Pollution Discharge Elimination System (NPDES) program (Rev 10/2014).

(10) Adopting the standards, criteria and procedures contained in this ordinance and implementing the same will address many of the deleterious effects of stormwater runoff.

(11) Adopting these standards is necessary for the preservation of the public health, safety, and welfare;

(12) Adopting these standards is necessary to comply with the NPDES MS4 permit;

(13) Illicit discharges contain pollutants that will significantly degrade the City's water bodies and water resources;

(14) Illicit discharges enter the city's MS4 through either direct connections (e.g. sanitary sewer laterals mistakenly or deliberately connected to the storm sewers) or indirect connections (e.g. infiltration, or spills conveyed by surface flow into the storm sewer system); and,

(15) Establishing and implanting measures for controlling illicit discharges and connections will address many of their deleterious effects.

(C) *Purpose.* It is the purpose of this ordinance to establish minimum stormwater management requirements and controls to accomplish, among others, the following objectives:

(1) To reduce artificially induced flood damage;

(2) To minimize increased stormwater runoff rates and volumes from identified new land development;

(3) To minimize the deterioration of existing watercourses, culverts and bridges, and other structures;

(4) To encourage water recharge into the ground where geologically favorable conditions exist;

(5) To prevent an increase in non-point source pollution;

(6) To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;

(7) To minimize the impact of development upon stream bank and streambed stability;

(8) To reduce erosion from development or construction projects;

(9) To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;

(10) To reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution, wherever practicable, from lands that were developed without stormwater management controls meeting the purposes and standards of this ordinance;

(11) To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient stormwater management controls;

(12) To regulate the contribution of pollutants to the MS4 from stormwater discharges;

(13) To prohibit illicit discharges and connections to the MS4; and,

(14) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

(D) ***Applicability, Exemptions and General Provisions***

(1) This ordinance shall apply to all new development and all redevelopment projects, including private, commercial and public projects that disturb one (1) acre or more, and projects less than one (1) acre that are part of a larger common plan of development or sale that would disturb one (1) acre or more.

(2) This ordinance shall not apply to the following provided, however, that this ordinance does not supersede any other city ordinance:

(a) The installation or removal of individual mobile homes within a mobile home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park;

(b) Construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling;

(c) Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to greenhouses and other similar structures; and,

(d) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this ordinance, where such approvals remain in effect.

(E) **Definitions.** For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise:

(1) **BASE FLOOD** – A flood having a one (1) percent chance of being equaled or exceeded in any given year

(2) **Base Flood Elevation** – The high-water elevation of the base flood, commonly referred to as the “100-year flood elevation”

(3) **Base Flood Plain** – The area inundated by the base flood

(4) **Best Management Practices (BMPs)** – A practices, or combination of practices and design criteria that accomplish the purposes of this ordinance (including, but not limited to reducing stormwater runoff rates, reducing stormwater runoff volume, and reducing the amount of pollutants in stormwater) as determined by the city and, where appropriate, the standards of the County Drain Commissioner

(5) **Building Opening** – Any opening of a solid wall such as a window or door, through which floodwaters could penetrate

(6) **Clean Water Act** – The Federal Water Pollution Control Act, 33 USC Sec. 1251 et seq., as amended, and the applicable regulations promulgated thereunder

(7) **Construction Site Stormwater Runoff** – Stormwater runoff from a development site following an earth change and before final site stabilization

(8) **Detention** – A system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate

(9) **Development** – The installation or construction of buildings, structures or other impervious surfaces on a site that disturbs one (1) acre of land or more, including projects less than one (1) acre that are part of a larger common plan or sale that would disturb one (1) acre or more. A development may include a land division, plat, site condominium, planned unit development, mobile home park, private road or other special land use requiring land use or other review and approval by the city.

(10) **Developer** – Any person or entity proposing or implementing the development of land

(11) **Development Site** – Any land that is being or has been developed, or that a developer proposed for development

(12) **Discharger** – Any person or entity who directly or indirectly discharges stormwater from any property

(13) **Drain** – Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et seq

(14) Drainage – The collection or conveyance of stormwater, ground water, and/or surface water

(15) Drainageway – The area within which surface water or ground water is conveyed from one part of a lot or parcel to another part of the lot or parcel or to adjacent land or to a watercourse

(16) Earth Change – Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots

(17) EGLE - Michigan Department of Environment, Great Lakes and Energy

(18) EPA – The United States Environmental Protection Agency

(19) Erosion – The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof

(20) Federal Emergency Management Agency (FEMA) – The agency of the federal government charged with emergency management

(21) Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source

(22) Flood-Proofing – Any structural and/or non-structural additions, changes, or adjustments to structures or property that reduce or eliminate flood damage to land, improvements, utilities, or structures

(23) Flood Protection Elevation (FPE) – The base flood elevation plus one (1) foot at any given location

(24) Floodway – The channel of a river or stream and the portions of the floodplain adjoining the channel that are reasonably required to carry and discharge a 100-year flood

(25) Grading – Any stripping, excavating, filling, and stockpiling of soil or any combination thereof, and the land in its excavated or filled condition

(26) Groundwater – Water below the land surface in the zone of saturation as defined by EGLE Part 213

(27) Hazardous Material(s) – Any material including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the

environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(28) High Groundwater – A groundwater elevation which does not meet minimum distance from the bottom of proposed practice as defined in the Stormwater Standards Manual

(29) Illicit Connection – Any method or means for conveying an illicit discharge into water bodies or city’s stormwater system

(30) Illicit Discharge – Any discharge to water bodies or stormwater systems that does not consist entirely of stormwater, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this ordinance

(31) Impervious Surface – Any surface that does not allow stormwater to percolate into the ground

(32) Local Floodplain – Any land area subject to periodic flooding as determined by Federal Emergency Management Agency (FEMA)

(33) Local Government – The City of East Grand Rapids, or a properly delegated official

(34) Lowest Floor – The lowest floor or the lowest enclosed area (including a basement), but not including an unfinished or flood-resistant enclosure which is usable solely for parking of vehicles or building access

(35) MS4 – Municipal Separate Storm Sewer System is a system of drainage (including roads, storm drains, pipes and ditches, etc.) that is not a combined sewer or part of a sewage treatment plant. During wet weather, pollutants are transported through MS4s to local water bodies

(36) MS4 Permit – Regulated communities with MS4s that discharge to waters of the state are required to obtain a permit under Section 402 of the Federal Clean Water Act, as amended, and under the Water Resources Protection (Part 31, Act 451, PA 1994) of the Michigan Natural Resources and Environmental Protection Act (NREPA), as amended

(37) NPDES – National Pollution Discharge Elimination System. The NPDES program protects the surface waters of the state by assuring that discharges of wastewater comply with state and federal regulations. Anyone discharging or proposing to discharge wastewater to the surface waters of the state are required to make application for and obtain a valid NPDES permit prior to wastewater discharge

(38) Overland Flow-Way – Surface area that conveys a concentrated flow of stormwater runoff

(39) Person – An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity

(40) Plan – Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these

(41) Pollutant – A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defines as a pollutant under the Clean Water Act

(42) Project Site – Area of earth change or disturbance

(43) Property Owner – Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property

(44) Retention – A system which is designed to capture stormwater and contain it until it infiltrates the soil or evaporates

(45) Riparian Property Owner – A property owner whose land is adjacent to a waterbody

(46) Sewershed – A catchment defined by storm drain infrastructure emptying into a common outlet

(47) Soil Erosion – The stripping of soil and weather rock from land creating sediment for transportation by water, wind, or ice, and enabling formation of new sedimentary deposits

(48) State of Michigan Water Quality Standards – All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Par 31 of 1994 PA 451, as amended

(49) State-Regulated Floodplain – Any area of land adjoining a river or stream that will be inundated by a base flood that has a drainage area of two (2) square miles or more when measured at the downstream limits of the proposed development site

(50) Storm Drain – A system of open or enclosed conduits and appurtenant structures intended to convey or manage stormwater runoff, ground water and drainage

(51) Stormwater Permit – A permit issued pursuant to this ordinance

(52) Stormwater Runoff – Water that originates during precipitation events or with snowmelt. Stormwater that does not soak into the ground or evaporates becomes stormwater runoff, which either flows directly into surface waters or is channeled into storm drainage systems

(53) Stormwater Management Facility – The method, structure, area, system, plantings, trees, or other equipment or measures which are designed to receive, control, store, convey, infiltrate, or treat stormwater

(54) Stormwater Standards Manual – Establishes a uniform set of minimum stormwater design standards necessary to provide for public safety, the protection of property, and to comply with the NPDES MS4 individual permit

(55) Stream – A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water

(56) Substantial Improvement – A repair, reconstruction, or improvement of an existing structure, such that the cost equals or exceeds fifty percent (50%) of the true cash value of the structure either:

(a) Before the improvement is started, or

(b) Before the damage occurred if the structure has been damaged and is being restored, or

(c) Substantial improvement is started when the first alteration of any structural part of the building commences

(57) Uncontaminated Pumped Groundwater – Pumped groundwater from dewatering wells at sites where no known soil or groundwater contamination exists

(58) Wastewater – Any water or other liquid other than uncontaminated stormwater discharged from a facility

(59) Water Body – A river, lake, stream, creek or other watercourse or wetlands

(60) Watershed – A land area draining into a water body

(61) Wetlands – Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation and aquatic life

§ 2.181 STORMWATER PERMITS

(A) *Permit Required*

(1) No person shall engage in any development activity without first receiving a stormwater permit from the city pursuant to Section 2.181(B).

(2) The granting of a stormwater permit only authorizes the discharge of stormwater from the development for which the permit is required, subject to the terms of the permit. It shall not be deemed to approve other development, other land use activities, or replace other required permits.

(B) **Stormwater Permit Review Procedures.** The city shall grant a stormwater permit, which may impose terms and conditions in accordance with Section 2.181(I), only upon compliance with each of the following requirements:

(1) The developer has submitted a site (drainage) plan complying with Section 2.181(C).

(2) The developer has paid or deposited the stormwater permit review fee pursuant to Section 2.181(D).

(3) The developer has paid or posted an applicable performance guarantee pursuant to Section 2.181(F).

(4) The developer agrees to provide all easements necessary to implement the approved drainage plan and to otherwise comply with this ordinance including, but not limited to, Section 2.186(B). All easements shall be acceptable to the city in form and substance and shall be recorded with the County Register of Deeds. At the discretion of the city the final easement may be required to be recorded prior to permit issuance.

(5) The developer provides the required maintenance agreement for routine, emergency, and long-term maintenance of all structural and vegetative BMPs installed and implemented to meet the performance standards, and to comply with the approved drainage plan and this ordinance including, but not limited to, Section 2.186(C). The maintenance agreement shall be acceptable to the city in form and substance, may not be amended without the approval of the city, shall be binding on all future property owners, and shall be recorded with the county Register of Deeds.

(C) **Drainage Plan.** The developer shall provide adequate stormwater management facilities for the Development site. Adequate facilities reduce the exposure of people to drainage-related adverse impacts and to health and safety hazards. They reduce the exposure of real and personal property to damage through stormwater inundation. The stormwater management system and stormwater best management practices (BMPs) shall be designed in accordance with the latest version of the document "Stormwater Standards Manual" of The City of East Grand Rapids.

(1) The Developer shall provide a drainage plan prepared by a civil engineer to the city for review and approval by the city. The drainage Plan shall identify and contain all the information required in the "Stormwater Standards" manual, including an implementation Plan relative to the Development site.

(2) The implementation Plan for construction and inspection of all stormwater management facilities necessary to the overall drainage Plan shall include a schedule of the estimated dates of completing construction of the stormwater management facilities shown on the Plan and an identification of the proposed inspection procedures to ensure that the stormwater management facilities are constructed in accordance with the approved drainage Plan.

(D) **Stormwater Permit Review Fees**

(1) All expenses and cost incurred by the city directly associated with processing, reviewing and approving or denying a stormwater permit application shall be paid to the city from the funds in a separate escrow account established by the developer, as provided in subsection (2). The city shall draw funds from a developer's escrow account to reimburse the city for out-of-pocket expenses incurred by the city relating to the application. Such reimbursable expenses include, but are not limited to the following:

- (a) Services of the city attorney directly related to the application
- (b) Services of the engineer or city engineering consultants directly related to the application
- (c) Services of other independent contractors or consultants working for the city which are directly related to the application
- (d) Any additional public hearings, required mailings and legal notice requirements necessitated by the application

(2) At the time a developer applies for a stormwater permit they may be required to deposit with the city an escrow deposit, an initial amount as determined by the director of public works for such matters, and shall provide additional amounts as requested by the city in such increments as are specified. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed, and the final city approval and acceptance of the development has occurred will be refunded to the developer with no interest to be paid on those funds. At no time prior to the city's final decision on an application shall the balance in the escrow account fall below the amount as designated by the director of public works. If the funds in the account are reduced to less than the required amount, the developer shall deposit into the account an additional amount as determined by the director of public works, before the application review process will be continued. Additional amounts necessary to process the application may be required to be placed in the escrow account by the developer, at the discretion of the city and based upon the criteria set forth in this ordinance.

(E) **Construction Site Runoff Controls.** Prior to making any earth change on a Development site regulated by this ordinance, the Developer shall first obtain a Soil Erosion Permit issued in accordance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, if otherwise required by law. The Developer shall install stormwater management facilities and shall phase the Development activities to prevent construction site stormwater runoff and off-site sedimentation. During all construction activities on the Development site, the city or Kent County Road Commission may inspect the Development site to ensure compliance with the approved construction site runoff controls

(F) **Performance Guarantee**

(1) The city shall not approve a stormwater permit until developer submits to the city a letter of credit or other performance guarantee in a form and amount satisfactory to the city, a letter of credit or other performance guarantee to ensure the timely and satisfactory construction of all approved stormwater management facilities and to complete site grading in accordance with the approved drainage plan. Upon 1) certification by a registered professional engineer that the stormwater management facilities have been completed in accordance with the approved drainage plan including, but not limited to, the implementation plan required to be submitted in Section 2.181(C), and 2) receipt of construction record drawings meeting the minimum requirements of the city or the County Drain Commissioner, the city may release the letter of credit, or other performance guarantee subject to final city acceptance and approval.

(2) Except as provided in subsection (3), the amount of the performance guarantee shall be the amount of the construction estimate provided by a registered professional engineer, unless the city reasonably determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the developer in writing. In determining whether an amount greater than the construction estimate is appropriate, the city shall consider the size and type of the development, the size and type of the on-site stormwater system, and the nature of the off-site stormwater management facilities the development will utilize.

(3) The Director of Public Works may reduce or waive the amount of the performance guarantee for a development that will not increase the percentage of impervious surface of the development site by more than ten percent (10%) and in accordance with those factors set forth in subsection (2).

(4) This ordinance shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private stormwater management facilities as well as those costs arising from the need to make other drainage improvements in order to reduce a development's impact on a drain consistent with adopted design standards.

(G) **Certificate of Occupancy.** No final certificate of occupancy shall be issued to a development until stormwater management facilities have been completed in accordance with the approved drainage plan; provided, however, the city may issue a certificate of occupancy if an acceptable letter of credit or other performance guarantee has been submitted to the city, for the timely and satisfactory construction of all stormwater management facilities and site grading in accordance with the approved drainage plan.

(H) **No Change in Approved Facilities.** Stormwater management facilities, after construction and approval, shall be maintained in good operational condition, in accordance with the approved drainage plan, and shall not be subsequently altered, revised or replaced except in accordance with the approved drainage Plan, or in accordance with approved amendments or revisions to that plan.

(I) **Terms and Conditions of Permits.** In granting a stormwater permit, the city may impose such terms and conditions as are reasonably necessary to effectuate the purposes of this ordinance. A developer shall comply with such terms and conditions.

§ 2.182 STORMWATER SYSTEM, FLOODPLAIN AND OTHER STANDARDS, SOIL EROSION CONTROL.

(A) **Management of and Responsibility for Stormwater System.** The city is not responsible for providing drainage facilities on private property for the management of stormwater on said property. It shall be the responsibility of the property owner to provide for, and maintain, private stormwater management facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body or the functioning of such drainage.

(B) **Stormwater System.** All stormwater management facilities shall be constructed and maintained in accordance with all applicable federal, state, and local ordinances, and rules and regulations.

(C) **Stormwater Discharge Rates and Volumes.** Minimum design standards set forth in Article VIII of this ordinance shall apply to all new development and redevelopment projects, including preventing or minimizing water quality impacts. Specific exemptions are listed in the Stormwater Standards Manual.

(D) Floodplain Standards

(1) All new buildings and substantial improvements to existing buildings shall be protected from flood damage up to the flood protection elevation (FPE) and shall be in accordance with all applicable federal, state, and local ordinances, and rules and regulation. Floodway alteration in a local floodplain shall be permitted only upon review and approval by a FEMA Letter of Map Amendment (LOMA) , in accordance with an approved drainage plan.

(2) A drainage plan providing for the filling or alteration of a floodway within a local floodplain shall include provisions for maintaining stability of banks of streams or other water bodies. Establishing buffer zones is one means of providing protection of the slopes and banks or water bodies.

(3) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan. Such a plan may also include provisions for the replacement of local flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

(4) Any earth change with a state-regulated floodplain shall only be undertaken in accordance with any required state or federal permit.

(a) Advisability of additional flood protection. The degree of flood protection required by this ordinance is hereby found to be the minimum necessary and reasonable for regulator purposes. Larger floods may occur, and higher floodwater heights may occur than will be mitigated or controlled by compliance with these

requirements. This ordinance shall not be interpreted to imply or guarantee that areas outside the floodway or the state-regulated floodplain or uses permitted within such areas, shall remain free from flooding or flood damage. Compliance with the terms of this ordinance will not guarantee freedom from damage, injury or loss of life. This ordinance shall not be interpreted or applied to create liability for the City of East Grand Rapids or any officer, agent, or employee of the city for any flood or flood related damage.

(E) *Soil Erosion and Sedimentation Control*

(1) All persons who cause, in whole or in part, any earth change to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited onto adjacent properties or into a stormwater drainage system, a public street or right of way, wetland, creek, stream, water body, or floodplain. All development shall be in accordance with all applicable federal, state, and local ordinances, rules and regulations.

(2) During any earth change which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other persons causing or participating in the earth change shall do the following:

(a) Comply with the stormwater management standards of this ordinance.

(b) Obtain and comply with the terms of a soil erosion and sedimentation control permit if required by law.

(c) Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment.

(d) Prevent damage to or impairment of any water body on or near the location of earth change or affected thereby.

(e) Prevent damage to adjacent or nearby land.

(f) Apply for all required approvals or permits prior to the commencement of work.

(g) Proceed with the proposed work only in accordance with the approved plans and in compliance with this ordinance and the Stormwater Standards Manual.

(h) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this ordinance.

(i) Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, as directed by the regulatory agency issuing the soil erosion and sediment control permit. Removal of all such soil, sediment, debris or other

materials within twenty-four (24) hours shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety.

(j) Refrain from grading lands at locations near or adjoining lands, public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage.

(k) The property owner shall have the soil erosion and sediment control measure inspected weekly and within twenty-four (24) hours of a rain event of sufficient quantity to cause runoff. The inspection for sites one (1) acre or greater shall be conducted by an EGLE certified construction site stormwater operator who shall maintain written inspection logs. Logs shall be made available to the city.

(F) ***Building Openings***

(1) No building opening shall be constructed below the following elevations:

(a) One foot above the base flood elevation.

(b) One foot above the 100-year water surface hydraulic grade line of the stormwater system.

(c) The building opening established at the time of plat or development approval and on file with the city.

(2) No lowest floor shall be constructed below the following elevations:

(a) Two (2) feet above the highest known ground water elevation.

(3) The lowest allowable floor established at the time of plat or redevelopment approval and on file with the city. A waiver from elevations stated in Section 2.182(E) may be granted by the city following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding and with a FEMA LOMA approval

(4) Upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening or lowest floor elevation specified by this ordinance. This certificate shall attest that the building opening or lowest floor elevation complies with the standards of this ordinance. The permittee for the building permit shall submit the certificate to the city building inspections official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening or lowest floor elevation is below the elevation specified in Section 2.182(F) (a) through (c), that opening must be raised using a method that meets with the approval of the city. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum

building opening or lowest floor elevation complies with the standards of this ordinance prior to the commencement of framing and/or structural steel placement.

(G) Sump Pump Discharge

(1) Whenever building footing drains are required or utilized, a direct connection between the footing drains and the storm sewer through a sump pump-check valve system, or a gravity pipe with a double flap gate valve for backflow prevention is required. The check valve system shall be installed on private property and maintained by the property owner.

(2) A stormwater lateral shall be constructed for each parcel at the time of storm sewer construction if feasible. If no lateral is constructed, the property owner shall discharge said water in such a manner as to not impact neighboring land or public streets. If a stormwater lateral does not exist, and if it is technically feasible to construct one, the property owner may install one at their expense. Any work to be conducted within the right-of-way must be expressly authorized by the city.

(3) The property owner assumes all risks associated with connecting directly into the storm sewer system. The requirements outlined in subsection (1) of this section 2.182(G) are the minimum required for the city to allow a property owner to connect a foundation drain to the storm sewer system. Additional measures may be considered to reduce the risk of storm sewer backups, such as the inclusion of a physical air gap between the residential stormwater discharge line and the public storm sewer system. All backflow prevention devices shall be installed on private property and maintained by the property owner. Stormwater runoff shall not be redirected or infiltrated within the influence of footing drains.

(4) None of the requirements of this section 2.182(G) shall be interpreted to require a property owner to connect into the storm sewer system.

(5) If a storm sewer connection is not utilized, foundation drain outlets shall comply with other applicable city ordinances.

§ 2.183 PROHIBITIONS AND EXEMPTIONS.

(A) Prohibited Discharges

(1) No person shall discharge to a water body, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively prevent pollutants from being discharged with the stormwater, except in accordance with BMPs.

(2) The city is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs as necessary, to prevent or reduce the discharge of pollutants into the city's stormwater drainage system.

(3) No person shall discharge or cause to be discharged into the city storm drain system or watercourse any materials, including, but not limited to, pollutants,

or water containing any pollutants that cause or contribute to a violation of applicable water quality standards other than stormwater. The commencement, conduct, or continuance of any illicit discharge to the storm drain system is prohibited except for discharges authorized by the city as being necessary to protect public health and safety.

(4) Prohibition of illicit connections

(a) The construction, use, maintenance, or continued existence of illicit connections to the MS4 is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) Without limitation, a person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the MS4 or allows such a connection to continue.

(5) The prohibitions of this section shall not apply to any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

(B) ***Exempted Discharges***

(1) The following non-stormwater discharges shall be exempted from the requirement of this article, provided that they do not result in a violation of State of Michigan water quality standards:

- (a) Water supply line flushing
- (b) Landscape irrigation
- (c) Diverted stream flows
- (d) Rising ground water
- (e) Uncontaminated ground water infiltration to storm drains
- (f) Uncontaminated pumped ground water
- (g) Discharges from potable water sources
- (h) Foundation drains
- (i) Air conditioning condensate

- (j) Individual residential car washing
- (k) Dechlorinated swimming pool water
- (l) Street wash water
- (m) Discharges or flows from emergency firefighting activities
- (n) Discharges for which a specific federal or state permit has

been issued

(2) None of the above exemptions eliminate the need to provide appropriate pollution control or pollution prevention measures required under this ordinance or under any other Federal or State law, rule or regulation.

(C) *Interference with Natural or Artificial Drains*

(1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, ditch, swale, culvert, water body, floodplain, or flood prone area without first submitting a drainage plan to the city and receiving approval of that plan. Any deviation from the approved plan is a violation of this ordinance. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.

(2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodway.

(3) No shrubs or trees shall be planted below the top of the bank of a water body.

(4) For an overland flow-way:

(a) Silt screen fences shall not be permitted below the top of the bank of a water body.

(b) Chain link fences shall be permitted if the city determines that the fence will not obstruct or diver the flow of water.

(c) If a fence is removed by the city for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense.

(5) Shrubs, trees or other above-ground vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

(D) *Storage of Materials in Drainageway.* It shall be unlawful for any person to store, stockpile or dispose of any hazardous, toxic, or non-toxic material including, but

not limited to, chemicals, explosives, buoyant materials, yard wastes, log and brush piles, unsecured landscaping materials, play or work sheds, animal wastes, fertilizers, flammable liquids and pollutants within an overland flow-way, drainage system or a floodplain unless adequate protection and or containment has been provided to prevent such materials from entering, diverting or blocking the city drainage system, except as specifically permitted by State and Federal law.

§ 2.184 INSPECTION, MONITORING, REPORTING, AND RECORDKEEPING

(A) ***Inspection and Sampling.*** To assure compliance with the standards outlined in Article VIII, the city may inspect and/or obtain stormwater samples from stormwater management facilities of any discharger to determine compliance with the requirements of this ordinance. Upon request, the discharger shall allow the city's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling absent exigent circumstances. The city shall make a reasonable effort to provide the discharger with advance notice of such inspection and/or sampling. Unreasonable delays in allowing access to a discharger's facility is a violation of this ordinance. As a condition of the issuance of any permit in accordance with this ordinance, a permittee is deemed to consent to the city's exercise of its right to place on the discharger's property the equipment or devices used for such sampling or inspection.

(B) ***Stormwater Monitoring Facilities.*** A discharger of stormwater runoff shall install and operate equipment or devices for the monitoring of stormwater runoff, at its own expense, so as to provide for inspection, sampling, and flow measurement of each discharge to a water body or a stormwater management facility, when directed in writing to do so by the city or its designee. The city may require a discharger to provide an operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from or as a result of such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances, and regulations.

(C) *Accidental Discharges*

(1) Any discharger who accidentally discharges into a water body any substance other than stormwater or an exempted discharge shall immediately inform the city concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the city within five (5) days. The written report shall specify:

- (a) The composition of the discharge and the cause thereof;
- (b) The exact date, time, and estimated volume of the discharge;
- (c) All measures taken to date to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence; and,

(d) The name and telephone number of the person making the report and the name of a person who may be contacted for additional information on the matter.

(2) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of Section 2.184(C)(1).

(D) **Record Keeping Requirement.** Any person subject to this ordinance shall retain and preserve for no less than three (3) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling, and chemical analysis of any discharge or stormwater runoff from any property.

§ 2.185 ENFORCEMENT

(A) **Sanctions for Violation**

(1) Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction and subject to a fine, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in Section 2.185(A)(2) shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender for compliance with the requirements of this ordinance. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The city designated enforcement officer is authorized to issue municipal civil infraction citations for a violation of any provision of this ordinance.

(2) Any person who neglects or fails to comply with a stop work order issued under Section 2.185(B) shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of no more than five hundred (500) dollars or imprisonment for no more than ninety three (93) days, or both such fine and imprisonment, and such person shall also pay such costs of prosecution and other charges as may be imposed in the discretion of the court.

(3) Any person who aids or abets a person in a violation of this ordinance shall be subject to the sanctions provided in this section.

(B) **Stop Work Order.** Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this ordinance, the city is authorized to issue a stop work order to prevent further or continuing violations or adverse effects. All persons to whom a stop work order is directed, or who are involved in any way with the work or matter described in a stop work order shall fully and promptly comply therewith.

(C) **Failure to comply; Completion.** In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the city may, after giving reasonable notice and an opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of such work. Without limiting the foregoing, a failure to comply or otherwise bring property into compliance with this ordinance is deemed a public nuisance and shall be subject to abatement.

(D) **Emergency Measures.** When emergency measures are necessary to protect public safety, health and welfare, and/or to prevent loss of life, injury, or damage to property, the city is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this ordinance and shall promptly reimburse the city for all such costs.

(E) **Cost Recovery for Damage to Storm Drain System.** A discharger shall be liable for all costs incurred by the city as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this ordinance. Costs include, but are not limited to, those penalties levied by the EPA or MEDQ for violation of a NPDES permit, attorney fees, and other costs and expenses.

(F) **Collection of Costs; Lien.** To the extent permitted by law, service charge incurred by the city and/or the County Drain Commissioner in any manner authorized by law including, but not limited to, all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended. When applicable, said costs shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time or as otherwise authorized by law with any such charges which are delinquent for six (6) months or more may be certified annually to the city treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien of taxes.

(G) **Appeals.** Any person as to whom any provision of this ordinance has been applied may appeal in writing, no later than thirty (30) days after the action or decision being appealed from, to the City Manager or his/her designee the action or decision whereby any such provision was so applied. Such appeal shall identify the manner being appealed, and the basis for the appeal. The City Manager or his/her designee shall consider the appeal and may affirm, reject, or modify the action being appealed based on the standards set forth in this ordinance. The City Manager or his/her designee may impose reasonable conditions on an affirmative decision in an appeal. City Manager or

his/her designee shall make its decision in writing and shall furnish a copy of the decision to the person making the appeal. In considering any such appeal, the City Manager or his/her designee may consider the recommendations of the city engineer and the comments of other persons having knowledge of the matter.

(H) ***Suspension of MS4 Access***

(1) The city may, without prior notice, suspend a person's discharge access to the MS4 when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of person or the MS4. If the person fails to comply with a suspension order issued herein, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the environment, or to minimize danger to persons. A person failing to comply with a suspension order pursuant to this section shall be liable for all cost incurred by the city as the result of such failure to comply and a violation shall constitute a public nuisance.

(2) Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated in such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4. A person violates this ordinance if the person reinstates MS4 access to a premise terminated pursuant to this section, without the prior approval of the city.

§ 2.186 STORMWATER EASEMENTS AND MAINTENANCE AGREEMENTS

(A) ***Applicability of Requirements.*** The requirements of this article concerning stormwater easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the city for review and approval.

(B) ***Stormwater Management Easements.*** The property owner shall provide all stormwater management easements necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance required by the city and shall record such easements as directed by the city. The easements shall assure access for proper inspection and maintenance of stormwater management facilities and shall provide adequate emergency overland flow-ways.

(C) ***Maintenance Agreements***

(1) Maintenance agreement required. The developer shall provide all stormwater maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this ordinance in form and substance as required by the city and shall record such agreements as directed by the city. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance or corrective actions of stormwater CMPs, including emergency overland flow-ways, and include provisions for tracking the transfer of operation and maintenance responsibility to ensure the performance standards are met in perpetuity.

(2) Maintenance agreement provisions:

The maintenance agreement shall include a maintenance plan and schedule for routine, emergency and long-term maintenance of all structural and vegetative stormwater BMPs installed and implemented to meet the performance standards, with a detailed annual estimated budget for the initial three years, and a clear statement that only future maintenance activities in accordance with the maintenance agreement plan shall be permitted without the necessity of securing new permits.

(a) Written notice and submittal of maintenance documentation shall be provided to the city by the property owner at the interval set forth in the maintenance agreement and subject to the provisions of Sections 2.184(A) through 2.185(G).

(b) If it has been found by the city, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this ordinance and/or as required in the approved maintenance agreement as required here under, the city shall then be authorized, but not required, to hire an entity with qualifications and experience in the subject matter to undertake the monitoring and maintenance required, in which event the property owner shall be obligated to advance or reimburse payment for all costs and expense associated with such monitoring and maintenance, together with a reasonable administrative fee. The maintenance agreement required under this ordinance shall contain a provision spelling out the requirements and, if the applicant objects in any respect to such provision or the underlying rights and obligations, such objection shall be resolved prior to the commencement of construction of the proposed development of the property.

(D) **Establishment of County Drains.** Prior to final approval of a platted subdivision, all stormwater management facilities for platted subdivisions shall be established as county drains, as authorized in Section 433, Ordinance 18 of the Michigan Drain Code (P.A. 40 of 1956, as amended) for long-term maintenance.

§ 2.187 PERFORMANCE AND DESIGN STANDARDS

(A) **Design Standards.** Stormwater BMPs shall be designed to manage stormwater flow within the available capacity of the downstream conveyance system as determined by the city.

In addition, stormwater BMPs shall be designed to meet performance standards as described in Section 2.187(B). Stormwater system design shall be in accordance with the latest version of the Stormwater Standards manual published by the city.

(B) **Performance Standards.** In order to achieve the goals and purposes of this ordinance, the following stormwater management performance standards are hereby established;

(1) **Water Quality Treatment:** Treat the calculated site runoff for the entire project site from the ninety percent (90%) annual non-exceedance storm, which is approximately equal to one (1) inch of rain (i.e. on average, ninety percent (90%) of the storm in a given year, produces one (1) inch or less). The treatment volume specified is

based on capturing and treating the volume of stormwater that is the first to runoff in a storm and expected to contain the majority of pollutants. This volume of runoff is often referred to as the “first flush”. The water quality treatment standard is required for all sites.

(a) Total Suspended Solids (TSS). The methods selected to treat the volume of water calculated for the water quality treatment performance standard shall be designed on a site-specific basis to achieve either a minimum of eighty percent (80%) removal of TSS, as compared with uncontrolled runoff, or discharge concentration of TSS that does not exceed eighty (80) milligrams per liter (mg/l). This performance standard is based on TSS as a surrogate for other pollutants normally found in stormwater runoff. Control of TSS to meet this standard is expected to achieve control of other pollutants to an acceptable level that protects water quality.

(2) Channel Protection: Maintain the post-development project site runoff volume and peak flow rate at or below pre-development levels for all storms up to the two (2) year, twenty-four (24) hour event. At a minimum, pre-development is defined as the last land use prior to the planned new development or redevelopment. The channel protection standard is required for stormwater discharges to surface waters or the MS4.

(3) Flood Control: Control the volume of site runoff from the flood control rainfall event with a maximum allowable release rate to reduce the potential for property damage for overbank flooding and preserve existing floodplains. The flood control event and maximum allowable release rate shall be determined by Kent County. The flood control standard is required for all sites.

(a) Overflow Routes: Acceptable overflow routes for the one hundred (100) year flood shall be identified for the site and for downstream areas between the site and the nearest acceptable floodway or outlet. Stormwater conveyance systems are usually designed to handle flows generated by the ten (10) year storm. When larger storms generate higher flows, the conveyance system is expected to surcharge resulting in stormwater accumulating on the surface of the ground. Gravity will cause such stormwater to flow overland to lower elevations. By carefully managing the shape of the land surface such overland stormwater flow can be directed to locations that will not cause property damage. Adequate emergency overland flow-ways will direct stormwater flows generated by the one hundred (100) year storm to avoid damage to structures and facilities.

(4) Site-Specific Requirements:

(a) Pretreatment: Pretreatment of site runoff is required on a site-specific basis prior to discharging to certain stormwater BMPs. Pretreatment provides for the removal of fine sediment, trash and debris, and preserves the longevity and function of the BMP.

(b) Hot Spots and Groundwater Contamination: Some land use activities have a potentially greater risk of polluted runoff than others. Project sites with these types of activities are referred to as “hot spots” and include uses such as gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers,

and scrap yards. Hot spots also include areas with the potential for contaminating public water supply intakes. Pretreatment of stormwater runoff to address pollutants associated with hot spots is required for the site. Stormwater management strategies and BMPs that reduce the potential to mobilize existing soil and groundwater contaminants, or that capture and treat stormwater runoff and/or accidental spills to protect groundwater or nearby surface waters are required.

(c) Coldwater Streams: Stormwater management strategies and BMPs that minimize thermal impacts from site runoff and maximize groundwater recharge are required for sites with a surface water discharge to a coldwater stream as determined by the Michigan Department of Natural Resources (MDNR).

(C) **Alternative Approach for Channel Protection.** In many cases, infiltration will likely be used as the primary means of retention. It is not, however, the sole means of providing onsite retention, and the developer must include consideration of stormwater reuse, interception, evapotranspiration, and other vegetative (non-structural) BMPs at the project site. Site constraints that limit the use of infiltration may include:

- (1) Poorly draining soils (<0.24 inches per hour; typically, hydrologic soil groups C and D)
- (2) Bedrock
- (3) High groundwater, or the potential of mounded groundwater to impair other uses
- (4) Wellhead protection areas
- (5) Stormwater hot spots
- (6) Part 201 and 213 sites, and areas of soil or groundwater contamination

The city may grant a waiver of the onsite retention criteria for channel protection described in Section 2.187(B) and allow an alternative approach to meet the channel protection performance standard if the developer demonstrates that site constraints preclude sufficient retention onsite. If a waiver is granted, the developer must meet the following extended detention criteria:

- (1) Extended Detention: Detain the portion of the channel protection volume unable to be retained onsite for a minimum of twenty-four (24) hours with a maximum release rate no greater than the existing one (1) year peak discharge, and a drawdown time no greater than seventy two (72) hours. A waiver from the city must be granted to use this alternative approach.

(D) **Resolution to Implement Performance and Design Standards.** The City Commission of the City of East Grand Rapids may adopt a resolution establishing more detailed design and performance standards for stormwater management facilities,

consistent with the terms of this ordinance, and in order to further implement its goals and purposes.

§ 2.188 OTHER MATTERS

(A) **Interpretation.** Words and phrases in this ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 2.180(E) shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this ordinance, but which have acquired particular meanings in law or in technical usage, shall be construed according to such meanings.

(B) **Catch-Line Headings.** The catch-line headings of the articles and sections of this ordinance are intended for convenience only and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

(C) **Severability.** The provisions of this ordinance are hereby declared to be severable, and if any part or provision of this ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

Section 2. This Ordinance shall be effective April 29, 2022

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

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

On April 18, 2022, the East Grand Rapids City Commission restated Chapter 28 of the City Code. The purpose of this amendment is to modify, add and update requirements regarding storm water regulation, control storm water runoff, provide permits and manage expenses incurred. The full text of the amended and restated Ordinance is available for inspection by and distribution to the public at the office of the City Clerk or at eastgr.org. No further or additional publication of this Ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____
Karen K. Brower, City Clerk

AN ORDINANCE TO AMEND SECTIONS
5.26, 5.27, 5.28, 5.37, 5.59 AND 5.77 AND TO ADD
SECTION 5.30 OF CHAPTER 50 OF TITLE V OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Subsection B of Section 5.26 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

- B. **Multiple Family Districts. MFR Multiple Family Residential District.** The MFR District is established to accommodate a mix of complementary housing options within specific locations where varied unit types and higher densities create a suitable transition from adjacent land uses, accommodate varied lifestyle choices, provide affordable options, and support the recommendations of the City Master Plan.

Section 2. Section 5.27 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.27 Schedule of Uses

Uses permitted in the districts are listed in **Table 5.27**. Additional requirements related to a specific use, if any, are referenced in the “Specific Requirements” column. Any use not specifically listed shall be prohibited, unless the use is determined to be a similar use according to *Section 5.75(A)*. The requirements in footnotes are an integral part of this chapter and shall apply in all instances.

Table 5.27 Schedule of Uses: Residential Districts					
P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements)	R-1	R-2	R-3	MFR	Additional Requirements
Accessory					
Accessory buildings, structures and uses	P	P	P	P	<i>Section 5.70(A)</i>
Home occupation	P	P	P	P	<i>Section 5.70(B)</i>
Home occupation, with no more than one employee who is not a member of the family	S	S	S	S	<i>Section 5.70(B)</i>
Adult foster care family home	P	P	P		
Adult foster care group home		S	S		
Day care home, family	P	P	P		
Day care home, group		S	S		
Foster family home	P	P	P	P	
Foster family group home		S	S		
Residential					
Multiple family dwellings, new construction				S	<i>Sections 5.28(A), 5.30 & 5.77(A)</i>
Single-family conversions to multi-family dwellings, up to four units				P	<i>Sections 5.28(A), 5.30, & 5.77(A)</i>
Single family dwellings	P	P	P	P	<i>Section 5.28(A)</i>

Table 5.27 Schedule of Uses: Residential Districts

P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements)	R-1	R-2	R-3	MFR	Additional Requirements
Two-family dwellings				P	Sections 5.28(A), 5.30 & 5.77(A)
Independent and assisted living				S	Section 5.74(A)
Recreation/Cultural					
Public facilities (government buildings, public museums, public galleries, public libraries, etc.)	S	S	S	S	
Parks and recreational facilities, publicly owned	P	P	P	P	
Public and Institutional					
Convalescent and nursing homes				S	Section 5.73(B)
Hospital	S	S			Section 5.77(A)
Private or parochial school	S	S	S	S	Section 5.73(C)
School Residential Campus	S	S	S	S	Section 5.73 (C)
Churches and places of worship	S	S	S	S	Section 5.73(A)
Services					
Child care center				S	
Other Uses					
Essential services	P	P	P	P	Section 5.66
Similar uses	P/S	P/S	P/S	P/S	Section 5.75(A)
Wind energy conversion systems	S	S			Section 5.75(C)
Wireless telecommunications facilities	S	S	S	S	Section 5.75(D)

Section 3. Table 5.28-2 of Subsection A of Section 5.28 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Table 5.28-2 Dimensional Requirements: MFR Multiple Family Residential District				
Requirement		Single family	Two family	Multiple family
Minimum area per unit (sq. ft.)		4,000	For Single-family Conversions: 2,000; For New Construction: 2,500	1
Minimum lot width (ft.)		40	For Single-family Conversions: 40; For New Construction: 50	n/a
Minimum yard setback (ft.)	Side	Front	10	10
		Total	10	10
		Least side	5	5
		Adjoining a street	12	12
	Rear	25	25	
Maximum yard setback (ft.)	Front	25	25	25

Table 5.28-2 Dimensional Requirements: MFR Multiple Family Residential District

Requirement		Single family	Two family	Multiple family
Maximum building height	Feet	35	35	For properties fronting on Croswell Ave. or Bagley Ave., 40; for all other areas, 35
	Stories	2½	2½	For properties fronting on Croswell Ave. or Bagley Ave., 3; for all other areas, 2½
Maximum lot coverage (percent)	Buildings	²	50	60
	Pavement and buildings	²	65	80

¹ See Section 5.30.

² Lot coverage requirements for single family dwellings shall be as specified in Table 5.28-1a.

Section 4. Section 5.37 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.37 Area, Height and Placement Requirements

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

Table 5.37 Dimensional Requirements: C-1 Commercial District			
Requirement		C-1	
Minimum area per unit (sq. ft.)		0	
Minimum lot width (ft.)		0	
Minimum yard setback (ft.)	Front	0 ¹	
	Side	Adjoining C-1 or MFR	0
		Adjoining R-1, R-2, or R-3	7
	Rear ²	Adjoining a street	0
		Adjoining C-1	0
		Adjoining Residential	24
Maximum building height	Feet	40	
	Stories	3	
Maximum lot coverage		N/A	

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

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

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

Section 5. Subsection C is added to Section 5.59 of Chapter 50 of Title V of the Code of the City of East Grand Rapids to read as follows:

C. An enclosed stairway used to access a rooftop terrace or patio in the MFR Residential District may exceed the height requirements of the district by not more than nine feet, provided that the area of the enclosed stairway above the allowable building height does not exceed 160 square feet. Only one such enclosed stairway exceeding the height requirement shall be permitted per building.

Section 6. The “Residential and Institutional Parking Space Requirements” table found in Subsection A of Section 5.77 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.77 Minimum Parking Requirements (Subsection A only)

A. **Residential and Institutional Uses.** The minimum number of off-street parking spaces by type of use shall be determined in accordance with the “Residential and Institutional Parking Space Requirements” table.

Residential and Institutional Parking Space Requirements	
Use	Minimum Number of Parking Spaces Per Unit of Measurement
Residential Uses	
Single family residential uses	Two (2) spaces per dwelling unit
Two family and Multiple family residential uses	- Efficiency, studio, and one-bedroom units: 1.1 parking spaces per dwelling unit - Two-bedroom units: 1.4 parking spaces per dwelling unit - Units with more than two bedrooms: 1.8 parking spaces per dwelling unit
Institutional Uses	
Churches and similar places of worship	One (1) space for each three (3) seats or six (6) feet of pews in the main unit of worship
Hospitals	Two (2) for each one (1) inpatient bed, plus four (4) spaces per each 1,000 square feet of usable floor area dedicated to administrative offices, pharmacies, medical clinics and similar uses.
Private and parochial elementary and junior high schools	One (1) space for each teacher, employee, or administrator
Private and parochial senior high schools	One (1) space for each teacher, employee, or administrator, and one (1) space for each ten (10) students

Section 7. A new Section 5.30 is added to Chapter 50 of Title V of the Code of the City of East Grand Rapids to read as follows:

Section 5.30 Standards Applicable to Two-Family and Multiple Family Dwellings

Two-family and multiple family dwellings in the MFR Residential District shall comply with the following standards:

A. General Standards

1. Single-family conversions to multi-family dwellings shall be encouraged to promote the intent of the MFR Residential District while preserving the existing character and housing stock to the greatest extent possible. For the purposes of this article, **Single-Family Conversions** are defined as the repurposing of a single-family home to accommodate up to four dwelling units. All other development shall be considered **New Construction**.
2. All developments in the MFR District shall conform to the standards in Table 5.30.

Table 5.30 Development Standards in MFR Residential District		
Lot Size (square feet)	Single-Family Conversion	New Construction
Minimum Unit size (square feet)	Studio: 300 1 bdrm: 450 2 bdrm: 650 3 bdrm: 850	Studio: 350 1 bdrm: 550 2 bdrm: 800 3 bdrm: 1,000
Minimum Lot Area Per Unit (s.f./unit)	Duplex: 2,000 3-4 units: 1,660	Duplex: 2,500 3+ units: 2,100

3. Wherever two or more different building materials are used on a building façade, the heavier material in weight or appearance shall be placed below the lighter material.
4. In the case of multiple family buildings where the dwelling units are accessed from a common hallway or gathering area, the main entrance to the building shall face a public street and be directly accessible from the sidewalk adjoining the front yard.
5. Rooftop terraces or patios atop a flat roof structure shall subject to the following.
 - (a) No part of the rooftop terrace or patio, including the floor or base level, shall exceed the maximum allowable building height except as provided in Section 5.59 of the zoning ordinance.
 - (b) Rooftop terraces shall maintain the following setbacks:
 - i. Minimum 20 feet from the front lot line;
 - ii. Minimum 25 feet from the rear lot line; and

- (e) Decorative columns and dormers.
 - (f) Windows featuring shutters, muntins, grills, or transoms.
 - (g) Windows covering at least 25 percent of each exterior wall, not including walls less than five feet in width. For the purposes of calculating this area, only wall areas that cover habitable floors or stories may be used.
 - (h) Bay, bow, or similarly articulated windows.
 - (i) Decorative pediments over front and side entries.
 - (j) Foundation plantings along the front façade, minimum four foot depth.
3. No uninterrupted building façade that faces a public street shall exceed 30 feet in length. Building wall offsets of at least one foot (projection or recesses), cornices, pilasters, and plinths shall be acceptable means to break up the building mass.
 4. Surface parking or detached parking structures for new construction shall not be located in the front or side yards. In addition, such parking areas or structures shall be screened from public view from adjoining streets and adjacent properties to the extent practical. Where attached parking garages are provided, garage doors and entries shall be located behind the frontmost façade of the principal building and shall be oriented toward the side or rear of the lot only.
 5. For multiple family developments with five or more dwelling units, access to parking areas shall be provided by a driveway with a minimum 24 foot width. Such driveway shall have a minimum five foot setback from side lot lines.

Section 8. This Ordinance shall be effective on May ____, 2022.

Section 9. Notice of adoption of this Ordinance shall be published within ten (10) days after its enactment by publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5, of the Charter of the City of East Grand Rapids:

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

On May ____, 2022, the East Grand Rapids City Commission adopted an Ordinance amending Sections 5.26, 5.27, 5.28, 5.37, 5.59, and 5.77 of Chapter 50 of the City Code as well as adding a new Section 5.30. The purpose of these amendments was to modify dimensional and lot coverage requirements for the MFR district. The full text of the amended sections is available for inspection by and distribution to the public at the office of the City Clerk or at eastgr.org. No further or additional publication of this Ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____
Karen K. Brower, City Clerk

AN ORDINANCE TO AMEND SECTION 8.17
OF CHAPTER 81 OF TITLE VIII OF THE CODE OF
THE CITY OF EAST GRAND RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Subsection (B) (5) of Section 8.17 of Chapter 81 of Title VIII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

"5. Multiple-family development identification ground signs for five dwelling units or more: one sign shall be permitted per frontage at the entrance to the development, not to exceed 36 square feet in area and six feet in height. A multiple-family development identification sign may be illuminated in accordance with the requirements of § 8.15(G)."

Section 2. A new subsection (B) (6) is added to Section 8.17 of Chapter 81 of Title VIII of the Code of the City of East Grand Rapids to read as follows:

"6. Multiple-family development identification wall signs, up to four dwelling units: one sign shall be permitted on the front of the building, not to exceed four square feet in area. At least one edge of the sign shall be located within one ft. of the building entrance. Internal illumination and external raceways for such signs are prohibited.

Section 3. This Ordinance shall be effective on May _____, 2022.

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

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

Notice is hereby given that on May __, 2022, the East Grand Rapids City Commission adopted amendments to Section 8.17 of Chapter 81 of the City Code to modify and add requirements dealing with signs in the multi-family residential zone. The full text of the amended Section is available for inspection by and distribution to the public at the office of the City Clerk or at eastgr.org. No further or additional publication of this Ordinance is required or contemplated.

CITY OF EAST GRAND RAPIDS

By: _____
Karen K. Brower, City Clerk



CITY OF
EAST GRAND RAPIDS

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(616) 949-2110 www.eastgr.org

MEMORANDUM OF AGREEMENT

between

CITY OF EAST GRAND RAPIDS

and

MARY DERSCH, VOLUNTEER CURATOR OF EGR HISTORY ROOM

Goals of Agreement

- Provide an understanding of the roles and responsibilities of the City of East Grand Rapids, its officials and staff and volunteers working with the collection of historical materials.
- Continue the preservation and acquisition of historical materials for future generations.
- Promote the history and educate the public about the rich history of the East Grand Rapids area, its homes and citizens.

Both Parties Agree

- All materials within the EGR History Room and those stored elsewhere are owned by the City of East Grand Rapids. Any future materials donated to, or acquired by, the City or the EGR History Room become the property of the City of East Grand Rapids.
- The historical collection is housed in a building owned by the city, but leased/operated by the KDL through an operating agreement in place since 2006. All operations, changes, programs or projects must take into account the operations and needs of the Kent District Library.
- The volunteer curator is a non-paid, at will, engagement. The City will reimburse the curator for out-of-pocket expenses, up to budgeted amounts, as outlined below.
- The volunteer curator is working on behalf of the City of East Grand Rapids and is subject to the same professional, ethical and fiduciary expectations as city staff and elected officials.
- Because this is a volunteer position, there is no employee relationship with the City of East Grand Rapids and no compensation.

City Responsibilities

- Provide access to any office supplies and equipment as needed to perform the preservation of the historical archives, as well as providing reasonable printing and copying services for donor materials, programs, events and to facilitate community relations.
- An annual budget of \$500 for the purchase of supplies, storage materials, cabinets, display cases, etc. for the routine care, storage, display and enhancement of the historical collection or for the purchase of artifacts from private or public sales. The funding does not accumulate from year to year. Money not used by the end of the year is returned the city's general fund, but will be reallocated each year beginning July 1. The City may adjust this amount periodically.
- Purchase any necessary office or archival supplies through city vendors, or provide reimbursement to the curator, up to the yearly budgeted amount.
- Hold funds donated by citizens/corporations for projects, acquisitions, etc. in a separate revenue account within the city's accounting system.
- Issue payment for the purchase of historical artifacts, relevant materials, services rendered for the preservation of the collection, or provide reimbursement to the curator, up to the yearly budgeted amount or up to the amount of donated funding held by the city for these purposes.
- Provide financial recordkeeping, banking services and financial reporting for all budgeted and donated funds held by the city. The curator may request a computer-generated report of the funds at any time for budgeting and acquisition purposes.
- Daily cleaning of the space, trash removal and scheduling of routine maintenance as necessary.
- The city will utilize facilities staff, or contract at the city's expense, any outside contractors for repairs and installation of memorabilia, display cases or shelving, electrical or other utility work. Facility requests should be made in writing or by email to the Public Works Department Facilities Manager for review, approval, bidding and scheduling according to established city policies and procedures.
- Provide property and liability insurance in amounts necessary.
- Indemnify volunteers working with or providing information associated with the historical archives.
- Provide other storage space for collection materials not housed within the current History Room space.
- Create separate space on city website for the History Room to post information about the History Room, articles/photos on historical events, properties and properties, fundraising information, links to other historical research sites, etc. The volunteer curator will be given login information and basic training to post information. City staff is available to assist, as schedules permit. The City reserves the right to modify information, to correct grammar or punctuation, or to reword information for readability, space or content.
- Provide meeting space for programs/presentations, such as presentations to school children, adults, reunions and community groups regarding the history of East Grand Rapids.

- Provide staff assistance for meetings and programs, if requested and current staffing allows.
- Assist with promotion of History Room materials, events, programs, services and other content through the city's website, social media, e-newsletter, etc. as space and staff time allow.
- Grant authority to the volunteer curator to raise funds for History Room purposes through programs, events, fees, direct donation or grant applications in the name of the EGR History Room.
- Secure agreement with KDL for the housing and operation of the History Room within its leased space in the East Grand Rapids Community Center.

Curator Responsibilities

- Recruit, train and schedule volunteers to assist with activities of the History Room.
- City approval of purchases over \$500.00.
- Use of a professional voice when writing or speaking on behalf of the History Room, including adherence to the City's Social Media Policy when posting anywhere online. Personal opinions, feelings and commentary should not be posted anywhere when using accounts in the name of the History Room. The online presence of the History Room must be content neutral, factual only, and free of language that would lead the reader to any personal preferences or cause any offense to the reader. City staff will be available to assist, if necessary.
- Add city communications staff as administrators to the History Room's Facebook and any other social media accounts so they can assist with graphics, editing and sharing information. In the event the curator retires or is no longer volunteering for the History Room, transferring the ownership of the social media accounts to the City and/or the next curator.
- The curator has the authority to solicit donations from outside sources through direct donations or thru the sale of promotional items such as art prints, t-shirts, tote bags, etc. with either the History Room logo or with a reproduction of items owned by the City and History Room. Example: sale of small-size prints of the Icebreakers artwork as a fundraiser or selling t-shirts to raise funds for publishing a book.
- The curator has the authority to submit grant applications on behalf of the History Room to foundations or organizations for the preservation of assets, digitation of documents within the collection, printing of books/materials, acquisition of artifacts, etc. If association with a 501(c)3 is needed to apply for these grants, the curator will submit a request to the EGR Community Foundation for their approval and any monetary pass-through services needed prior to submitting the grant application.
- Deliver all monetary donations to city staff within two weeks of receipt, including documentation of donor information, purpose of donation (if any), etc. to insure proper recordkeeping.
- Notify the city of donations of in-kind services, donations of artifacts, memorabilia, documents, etc. for inventory and insurance purposes.
- The curator is authorized to work with citizens regarding the loan of materials or artifacts for display within the history room or for any programs/events of the History Room. The

terms and agreement surrounding the loan should be in writing and approved by the city prior to acceptance of the materials or artifacts.

- Creation/promotion of historical programs, tours, walks.
- Maintain relationship with Friends of EGR Library for volunteers, funding.
- Assist city staff with research projects when needed.
- Provide basic instruction to KDL staff on the location of archive materials, general categories and the rules for public use.
- Communicate with city manager's office periodically regarding programs, services provided to citizens, supply needs or concerns about the facility or collection components.

If, at any time, the volunteer curator wishes to discontinue their work with the History Room or the archive materials, the curator will give at least two weeks' notice to the City and will meet with a city representative to go over the location of all materials, the status of any programs or projects, and will return any keys, logins, codes or other materials in the possession of the curator.

The City reserves the right to terminate this agreement at any time, with or without cause, and with or without notice.

Adopted by the East Grand Rapids City Commission
at their meeting on April 18, 2022.

Katie Favale
Mayor

Mary Dersch
Volunteer Coordinator

Date

Date

Karen K. Brower
City Clerk

Date

kb/9733



CITY OF
EAST GRAND

Exhibit "E" – Page 1 of 3

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MEMORANDUM OF AGREEMENT

between

CITY OF EAST GRAND RAPIDS

and

KENT DISTRICT LIBRARY

For the purpose of housing the East Grand Rapids Historical Collection

Goals of Agreement

- Provide framework for use of the space known as the "EGR History Room" by both staff and patrons of the Kent District Library, volunteers and others while preserving and promoting the rich history of East Grand Rapids.

Agreements/Recitals

- All materials within the EGR History Room and EGR historical materials stored elsewhere are owned by the City of East Grand Rapids.
- The historical collection is housed in a building owned by the city, but leased/operated by the KDL through an operating agreement in place since 2006.

City of East Grand Rapids will

- Oversee the overall operation of the History Room, utilizing a volunteer curator and other volunteers for the day-to-day questions, additions, preservation, indexing and other work associated with the History Room's collection. The City assumes responsibility for the actions of any History Room volunteers and staff working in the History Room space.
- Provide funding for appropriate office and archival supplies to store, maintain and display the historical archives.
- Provide daily cleaning of the space, remove trash and schedule routine maintenance as necessary.
- Utilize facilities staff or contract at city expense any outside contractors for repairs and installation of memorabilia, display cases or shelving, electrical or other utility work. The curator should submit requests in writing or by email to the Public Works Department Facilities Manager for review, approval, bidding and scheduling according to established city policies and procedures.

- Provide property and liability insurance in amounts necessary.
- Indemnify volunteers and KDL staff working with or providing information associated with the historical archives.
- Provide other storage space for collection materials not housed within the current History Room space.

Kent District Library will

- Allow access to the History Room during normal business hours by city staff, volunteers, contractors, and others working or viewing the historical archives.
- Post a "User Agreement" as attached in Exhibit A for public users of the History Room for access to the historical archives or for use of the tables and chairs in the room as a private study room.
- Enforce the "User Agreement" if inappropriate behavior is noticed within the History Room to protect the historical archives, furniture, displays and the atmosphere of the room, including the removal of patrons who do not adhere to the posted User Agreement.
- Allow access to those wishing to peruse the historical archives, even if a patron has booked the room for private study.
- Allow 24/7 access to history room for custodial, maintenance, emergency relocation, etc.
- Facilitate basic training of EGR branch employees on use agreement, location of materials and contact information for in-depth requests.
- Agree to routinely discuss future requests for additional display space within the EGR library branch, as appropriate, including display cases, shelving, file cabinets, etc.

Adopted by the East Grand Rapids City Commission
at their meeting on April 18, 2022.

Katie Favale, Mayor

Date

Lance Werner, Director
Kent District Library

Date

Karen K. Brower, City Clerk

Date

kb/9734

EXHIBIT A
HISTORY ROOM USER AGREEMENT DOOR SIGNAGE



EAST GRAND RAPIDS HISTORY ROOM

This room serves two purposes:

1. The research and study of local history
2. Study room*

*Please be aware that because this room is first and foremost a repository for local history, people that seek to browse or research local history may use the room at the same time as those using the room to study non-history related topics. Therefore, this is not a private study area.



SHEA CHARLES
CITY MANAGER

CITY OF
EAST GRAND RAPIDS

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MEMORANDUM

TO: Honorable Mayor and City Commissioners
FROM: Shea Charles, City Manager
DATE: April 27, 2022
RE: 2022-2023 Budget & CIP Overview

There will be a budget work session on Monday, May 2nd following at the end of the regularly scheduled City Commission meeting. Please bring your FY 2022-2023 City Manager Recommended Budget book with you, or you can download it at <https://www.eastgr.org/Archive.aspx?ADID=1214>

Food will be provided after the regular meeting.


Shea Charles
City Manager