

August 14, 2023

A regular meeting of the City Council was held on Monday, August 14, 2023, at 7:00 p.m. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Maureen Donker, Tim Soler, Marty Wazbinski  
Councilmen absent: Diane Brown Wilhelm

### MINUTES

Approval of the minutes of the July 24, 2023 regular meeting was offered by Councilman Wazbinski and seconded by Councilman Arnosky. (Motion ADOPTED)

### GROVE PARK ACCESSIBLE RESTROOM PROJECT

Director of Public Services Karen Murphy presented information on amending the FY 2023/24 General Fund Parks Budget to accept grant funds from Midland Rotary Foundation for the construction of the Park Grove Restroom. A public hearing opened at 7:14 p.m. Tawny Nelb, 5610 Woodberry Ct., of the Midland Rotary Foundation spoke in support. The public hearing closed at 7:20 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Mayor Donker:

#### **BUDGET AMENDMENT FY 2023/24**

WHEREAS, the Midland Noon Rotary is partnered with the City's Parks Department to fund and build a fully accessible restroom facility in Grove Park; and

WHEREAS, bids for the restroom project came in \$32,000 over budget with no contingency funds included in the cost; and

WHEREAS, the Midland Rotary Foundation has offered to provide a grant for \$32,000 to cover the construction bid cost with the City's Parks budget to provide funding for any contingency items that arise during the course of the project, with funds available for the project in the FY2022/23

Parks Capital Outlay budget that were encumbered forward to the current fiscal year; and

WHEREAS, it is necessary to amend the FY2023/24 General Fund budget to increase revenue and to allocate expenses to properly account for the grant funds to allow the project to move forward; and

WHEREAS, in accord with Sections 5.11, 11.4 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, August 14, 2023, on the proposal to amend the FY2023/24 General Fund Budget to recognize the funds from the Midland Rotary Foundation toward the restroom project at Grove Park; now therefore

RESOLVED, that City Council accepts this generous donation from the Midland Rotary Foundation toward the restroom facility at Grove Park; and

RESOLVED FURTHER, that FY2023/24 General Fund Budget is hereby amended to increase revenues and expenditures by \$32,000 to recognize the funds received from the Midland Rotary Foundation toward the construction of the restroom facility at Grove Park. (Motion ADOPTED)

#### **AUTHORIZE CONSTRUCTION**

The following resolution was offered by Councilman Wazbinski and seconded by Mayor Donker:

WHEREAS, the Midland Noon Rotary is partnered with the City's Parks Department to fund and build a fully accessible restroom facility in Grove Park; and

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4350 "Grove Park Changing Places Restroom and Site Improvements"; and

WHEREAS, the Midland Rotary Foundation has provided a total of \$507,000 for the project

with the remaining funds available in the City's Grove Park Project Fund and additional funds available in the FY2023/24 Parks Operating budget if needed to cover any contingency items that may occur; now therefore

RESOLVED, that the bid meeting City specifications submitted by J.R. Heineman and Sons, Inc. of Saginaw, Michigan is hereby accepted; and

RESOLVED FURTHER, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, with J.R. Heineman and Sons, Inc. of Saginaw, Michigan for the Grove Park restroom and site improvements project; and

RESOLVED FURTHER, that the Accounting Manager is hereby authorized to issue a purchase order to J.R. Heineman and Sons, Inc. of Saginaw, Michigan not to exceed \$542,000 for the project; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders not to exceed \$10,000 in aggregate for any unforeseen issues that arise during construction. (Motion ADOPTED)

### **APPLICATIONS FOR CDBG-DR FUNDING**

Director of Planning & Community Development Jacob Kain presented information on the applications for the Community Block Grant – Disaster Recovery funding. A public hearing opened at 7:35 p.m. Tony Stamas, 2704 Walden Woods Ct., spoke in support. The public hearing closed at 7:37 p.m. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the Michigan Strategic Fund has invited Units of General Local Government to apply for its Community Development Block Grant Disaster Recovery (CDBG-DR) Funding Round; and

WHEREAS, the City of Midland desires to request \$2,965,710 in CDBG-DR funds for the purpose of constructing a new landfill cell; and

WHEREAS, the City of Midland desires to request \$1,623,243 in CDBG-DR funds for the purpose of demolition of the former Farmers Market Structure and the relocation of the public restrooms to McDonald Street; and

WHEREAS, the City of Midland desires to request \$7,820,500 in CDBG-DR funds for the purpose of replacing four culverts which service Sylvan Lane, Wheeler Road, Saginaw Road, and Crescent Drive; and

WHEREAS, the City of Midland desires to request \$2,865,000 in CDBG-DR funds for the purpose of removing wood debris to improve water flow along portions of Sturgeon Creek, State Drain, and Snake Creek/Siebert Drain; and

WHEREAS, the City of Midland desires to request \$8,757,910 in CDBG-DR funds for the purpose of installing generators for the City of Midland Water Plant, three Midland Fire Department Stations, the Law Enforcement Center, Grace A. Dow Memorial Library, and Midland City Hall; and

WHEREAS, the City of Midland desires to request \$8,474,756 in CDBG-DR funds for the purpose of reconstructing 11 local streets located in low to moderate income neighborhoods across the City of Midland; and

WHEREAS, the City of Midland desires to request \$8,556,463 in CDBG-DR funds for the purpose of reconstructing 5 major streets located in low to moderate income areas of the City of Midland; and

WHEREAS, the proposed projects are consistent with the local Community Development Plan as described in the Application; and

WHEREAS, the proposed projects are aligned with the goals of the CDBG-DR program and will benefit low- to moderate-income persons, benefit disadvantaged or vulnerable populations, and/or address urgent needs resulting from the 2020 flood disaster; and

WHEREAS, local funds and any other funds to be invested in the project have not been obligated/incurred and will not be obligated/incurred prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to obligate/incure costs from the Michigan Economic Development Corporation; now therefore RESOLVED, that City Council hereby approves the submission of the Michigan CDBG-DR Applications for the above listed projects; and RESOLVED FURTHER, that City Council hereby designates the City Manager as the Environmental Review Certifying Officer, the person authorized to certify the Michigan CDBGDR Application, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant. (Motion ADOPTED)

### **PUBLIC COMMENT**

No public comment was received.

### **FIESTA FEST EVENT REQUEST**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

RESOLVED, that the request from Jeremy Greenwood owner of Mid Michigan Events to conduct Fiesta Fest September 14 – 17, 2023 at 2929 S. Saginaw Road and 3001 S. Saginaw Road with the closure of a portion of Austin Street to S. Saginaw Road is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Jeremy Greenwood, (989) 430-9438, midmichiganevents@gmail.com;
- Austin Street Road closure shall be per submitted request beginning at 1 pm on Thursday, September 14. Streets shall be reopened by 8 pm on Sunday, September 17;
- The Engineering Department will write the Traffic Control Order (TCO);
- DPS will provide barricades per TCO;
- The Parks Department has tentatively reserved the city stage which is available for the event to reserve at the for-profit rate of \$300;
- Event fencing is partially reserved by another event but some may be available for use. Supplemental event fencing for the entire space will need to be secured by the event organizer. The event organizer needs to contact the Parks & Recreation office at 989-837-6930 (mfarley@midland-mi.org) to finalize this reservation;
- Off-site parking is to be organized and managed by the event organizer at 2423 S. Saginaw Road;
- Copy of Liquor License must be submitted to Kristina Loeffler, event coordinator, by 5 pm on September 13, 2023 kloeffler@midland-mi.org;
- Hours of the event are recorded as:
  - o Sept. 15, 11 am until 11 pm with live music from 9 pm until 11 pm;
  - o Sept. 16, 11 am until 11 pm with live music from 9 pm until 11 pm;
  - o Sept. 17, noon until 6 pm no live music, DJ in beer tent.
- If noise complaints are received from neighboring residential areas the Midland Police Department (MPD) will have to shut down the live music;
- Food truck events require that food trucks must be parked 25 feet from any structure (including tents), and must be at least 10 feet apart;
- Clear space must be maintained around fire hydrants, and a fire lane must be maintained to allow fire truck access down Austin Street and to all buildings (Judd's, Taste Of Midland, and the former LaLonde's);
- MPD will not be on scene for this event. If emergency response is needed the organizer should call 911;

- Event organizer shall make contact with all property owners affected by the Austin Street closure and surrounding the event space to identify any concerns that should be addressed by the event organizer prior to the event;
- Provide a certificate of insurance for general liability coverage in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as certificate holder and additional insured with the event specified on the certificate. The certificate must be submitted to Kristina Loeffler, event coordinator, by September 7, 2023 kloeffler@midland-mi.org

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner. (Motion ADOPTED)

### **RECOGNIZING MIDLAND COUNTY PIT STOP OF MIDLAND AS A NON-PROFIT**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Midland County Pit Stop is hosting a fundraiser with plans to hold a raffle drawing which requires a charitable gaming license to be obtained through the State of Michigan; and WHEREAS, the State of Michigan requires a resolution from the local body of government stating the organization is a recognized nonprofit organization in the community to apply for the license; now therefore

RESOLVED, that Midland City Council recognizes Midland County Pit Stop as a nonprofit in the community for the purpose of registering with the Charitable Gaming Division of the Michigan Lottery; and

RESOLVED FURTHER, that the City Clerk is authorized and directed to provide Midland County Pit Stop with a certification of this action in the form specified by the Michigan Liquor Control Commission. (Motion ADOPTED)

### **MERS EMPLOYEE DELEGATE FOR THE MERS 2023 ANNUAL CONFERENCE**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

RESOLVED, that Kendra Nelson be appointed officer delegate and Laura Stowell be appointed alternate officer delegate to represent the City of Midland at the annual meeting of the Municipal Employees Retirement System to be held September 28-29, 2023 in Detroit, Michigan. (Motion ADOPTED)

### **RIVERSIDE REAR PARKING LOT FLOOD MITIGATION ENGINEERING**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, sealed proposals were advertised and received on Tuesday, May 9, 2023 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for "Riverside Place Senior Living Community Professional Engineering Services for Flood Mitigation Parking Lot Request for Qualification & Cost Proposals;" and

WHEREAS, funding for this project is allocated in the Community Development Block Grant Declared Disaster Recovery (CDBG-DDR) program and included in the CDBGDDR budget approved by City Council on June 12; now therefore

RESOLVED, that the proposal submitted by William A. Kibbe & Associates of Saginaw, Michigan, for the "Riverside Place Senior Living Community Professional Engineering Services for Flood Mitigation Parking Lot Request for Qualification & Cost Proposals; Bid No. 4332" project, in the amount of \$56,800.00, is hereby accepted and the Mayor and the

City Clerk are authorized, subject to review by the City Attorney, to execute a contract therefore in accord with the proposal and the City's specifications; and  
RESOLVED FURTHER, that the City Manager is authorized to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$7,500.00.  
RESOLVED FURTHER, that the Director of Fiscal Services is authorized to make the necessary budget transfers in the Riverside Place budget. (Motion ADOPTED)

#### **CITY HALL RENOVATIONS PURCHASE OF OFFICE FURNITURE**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, Phase IV of the City Hall renovation project includes the purchase of office furniture including partition/cubicle walls, workstations, conference tables, task chairs and guest chairs, and sufficient funds are included in the FY 2023-24 General Fund for the purchase; and

WHEREAS, Space Inc. has been designated as the local vendor under a contract for office furniture awarded to Haworth through the State of Michigan MI-Deal cooperative purchasing program; now therefore

RESOLVED, that the Mayor and City Clerk, subject to document approval by the City Attorney, are authorized to execute a contract with Space Inc. of Midland, Michigan, and further authorize a purchase order to be issued in the amount of \$410,595.81 for the purchase of office furniture and cubicle walls in accordance with the terms of the cooperative bid awarded through the State of Michigan MI-Deal program, and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders modifying or altering the contract in an aggregate amount not to exceed \$25,000.00. (Motion ADOPTED)

#### **HAZARD MITIGATION GRANT PROGRAM – DEMOLITION AND SITE RESTORATION SERVICES**

Director of Planning & Community Development Jacob Kain presented information on the demolition and site restoration services along with the archaeological monitoring services. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals were advertised and received on Tuesday, July 11, 2023 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Demolition and Site Restoration Services; and

WHEREAS, funding has been budgeted for this purpose in the 2022/2023 Planning budget and 2022/2023 CDBG-DDR budget that is being encumbered forward into the current fiscal year; now therefore

RESOLVED, that the proposal submitted by Bierlein Companies, Inc. of Midland, Michigan, for the "Demolition and Site Restoration Services; Bid No. 4372" project, in the amount of \$720,300.00, is hereby accepted and the Mayor and the City Clerk are authorized, subject to review by the City Attorney, to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$36,000.00. (Motion ADOPTED)

#### **HAZARD MITIGATION GRANT PROGRAM – ARCHAEOLOGICAL MONITORING SERVICES**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, sealed proposals were advertised and received on Tuesday, July 18, 2023 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Archaeological Monitoring Services; and

WHEREAS, funding has been budgeted for this purpose in the 2022/2023 Planning budget and 2022/2023 CDBG-DDR budget that is being encumbered forward into the current fiscal year; now therefore

RESOLVED, that the proposal submitted by Arbre Croche Cultural Resources LLC of Leslie, Michigan, for the "Archaeological Monitoring Services; Bid No. 4371" project, in the amount of \$30,450.00, is hereby accepted and the Mayor and the City Clerk are authorized, subject to review by the City Attorney, to execute a contract therefore in accord with the proposal and the City's specifications; and 4351 "Nicholson-Guenther Band Shell Universal Accessible Site Improvements"; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$7,500.00. (Motion ADOPTED)

### **CENTRAL PARK BAND SHELL ACCESSIBILITY PROJECT**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the current Parks and Recreation Master Plan has an action item to improve accessibility routes and seating at the Nicholson-Guenther Community Band Shell located in Central Park; and

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No.

WHEREAS, Parks staff have secured \$180,000 in Community Development Block Grant (CDBG) funding from the City's CDBG program for the project with additional funds available in the FY2023/24 Parks budget if needed to cover any contingency items that may occur; now therefore

RESOLVED, that the bid meeting City specifications submitted by J.R. Heineman and Sons, Inc. of Saginaw, Michigan is hereby accepted; and

RESOLVED FURTHER, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, with J.R. Heineman and Sons, Inc. of Saginaw, Michigan for the accessibility improvements at the band shell in Central Park; and

RESOLVED FURTHER, that the Accounting Manager is hereby authorized to issue a purchase order to J.R. Heineman and Sons, Inc. of Saginaw, Michigan not to exceed \$174,327.10 for the project; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders not to exceed \$10,000 in aggregate for any unforeseen issues that arise during construction. (Motion ADOPTED)

### **PURCHASE FOR ENGINEERING AND COMPLIANCE SUPPORT**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the City's Landfill engineering consultant, CTI and Associates, Inc. (CTI) of Farmington Hills, Michigan, assists Landfill staff with engineering, compliance, and project support services, including responses to regulatory inquiries and communications; and

WHEREAS, staff and CTI prepared cost estimates pertaining to general engineering/compliance support and a Gas Collection and Control System Plan for services needed in this fiscal year which total \$175,000; and

WHEREAS, funding is included for each of these purposes in the FY 2023-24 Landfill

Enterprise Fund's operating budget; and  
WHEREAS, in accord with Section 2-19 of the Code of Ordinances for the City of Midland, sealed proposals are not required for professional services; now therefore  
RESOLVED, that City Council authorizes the Mayor and City Clerk to execute Professional Services Agreements, subject to document approval by the City Attorney; and  
RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order in the amount of \$175,000 to CTI and Associates, Inc. of Farmington Hills, Michigan, for the provision of engineering and compliance support services through the end of this fiscal year; and  
RESOLVED FURTHER, that the City Manager is authorized to approve change orders not to exceed \$25,000 in aggregate for should any unforeseen needs that may arise in the course of executing each project goal. (Motion ADOPTED)

#### **PURCHASE OF EQUIPMENT FLUIDS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the City of Midland Landfill uses several equipment fluids throughout its operation, most significantly Caterpillar gas-to-energy (GTE) engine oil and coolant; and  
WHEREAS, consistent use of the same oil is beneficial for landfill gas engines, and Chevron HDAX oil sold through the local vendor Northern Energy of Gaylord, Michigan has been more affordable and performed better than previous products; and  
WHEREAS, due to the nature of blanket purchase orders, buying small volumes of other products from the same vendor is incorporated into this request as the net purchase order is beyond the administrative approval level; and  
WHEREAS, funding is included for equipment fluids in the FY 2023-24 Landfill Enterprise Fund's operating budget; now therefore  
RESOLVED, that in accord with Section 2-18 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical, due to the need to run a consistent oil product, and a purchase order in the amount of \$60,000 is authorized to Northern Energy of Gaylord, Michigan, for equipment fluids for the balance of FY 2023-24; and  
RESOLVED FURTHER, that the City Manager is authorized to approve change orders not to exceed \$6,000. (Motion ADOPTED)

#### **PURCHASE OF GAS-TO-ENERGY AND EQUIPMENT PARTS AND SERVICE**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the City of Midland owns and operates a renewable gas-to-energy system that utilizes two 20-cylinder Caterpillar 3520 generators that convert landfill and wastewater gas into electricity that is sold to local industrial consumers; and  
WHEREAS, the City's Landfill owns and operates additional Caterpillar heavy equipment and the majority of parts and services are a sole source product of Caterpillar's authorized regional vendor, Michigan Cat, Inc. of Detroit, Michigan; and  
WHEREAS, funding is included in the FY 2023-24 Landfill Enterprise Fund's operating budget to cover annual needs for parts and services for all Caterpillar equipment including the GTE generators; now therefore  
RESOLVED, that in accord with Section 2-18 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical; and  
RESOLVED FURTHER, that the Accounting Manager is authorized to approve a purchase order in an amount not to exceed \$114,000 to Michigan Cat, Inc. for GTE and equipment parts and services and core deposits for the balance of FY 2023-24. (Motion ADOPTED)

**PURCHASE OF THREE REAR PACKER REFUSE TRUCKS**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, the Department of Public Services routinely purchases good condition used rear packer refuse trucks for use as backup vehicles for refuse collection and for short-term programs including fall leaf collection; and

WHEREAS, funding for three used rear packer refuse trucks was appropriated in the FY 2023-24 Equipment Revolving Fund budget for Capital Outlay; and

WHEREAS, competitive bids for used vehicles is impractical due to the limited supply of vehicles and the timeline within which the unit needs to be secured for purchase once identified as a viable option; and

WHEREAS, the Fleet Manager has found two 2020 model and one 2022 model used rear packer trucks from Premier Truck Sales & Rental, Inc. of Cleveland, Ohio that meets the needs of Public Services; now therefore

RESOLVED, that City Council waives competitive bids as impractical in accordance with Section 2-18 of the Code of Ordinances; and

RESOLVED FURTHER, that the Accounting Manager is authorized to issue a purchase order to Premier Truck Sales & Rental, Inc. of Cleveland, Ohio in the amount of \$617,300 for the purchase of three used rear packer refuse trucks; and

RESOLVED FURTHER, that staff is authorized to sell the existing City units via online auction once the replacement units are put into service. (Motion ADOPTED)

**SET PUBLIC HEARING FOR ZONING TEXT AMENDMENT NO. 166**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, July 25, 2023 to consider the advisability of amending Article 19.00 (Community District) to add schools as a principal permitted use in the Community zoning district; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the text amendment, in accord with Section 30.03(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, September 11, 2023, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance; and

RESOLVED FURTHER, that the City Clerk is hereby directed to publish said notice on or before August 18, 2023.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING ORDINANCE TO AMEND ARTICLE 19.00 COMMUNITY DISTRICT BY ADDING SCHOOLS AS A PRINCIPAL PERMITTED USE IN THE COMMUNITY DISTRICT.

The City of Midland Ordains:



Section 1. That Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

#### Section 19.01 -- STATEMENT OF PURPOSE

This district is for special public, quasi-public and private uses that are deemed to have special community significance.

#### Section 19.02 -- PERMITTED USES AND STRUCTURES

##### A. Principal Uses and Structures

In all areas zoned Community District, no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Colleges and universities.
2. Vocational and technical schools.
3. SCHOOLS.
4. Fire Stations.
5. Offices for charitable organizations.
6. Airports.
7. Buildings or uses of special architectural significance to the City, when so designated by the City Council.
8. Child care centers, as defined in "Residential Care Facilities" in Section 2.02
9. Civic centers.
10. Community centers, buildings and facilities.
11. Cultural facilities, such as museums, and art galleries.
12. Governmental administration offices.
13. Public and private libraries.
14. Hospitals.
15. Public fairgrounds.
16. Public service centers.
17. Sports stadiums and arenas.
18. Hospitality homes, when operated by a non-profit agency to serve as a temporary residence for patients who are receiving medical treatment elsewhere in the community, or their families.
19. Social service agencies, private and nonprofit.
20. Retreat centers.
21. Parks.
22. Golf Courses. Golf driving ranges are an acceptable accessory use.
23. Places of Worship.

##### B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the Community District shall be permitted, subject to the provisions in Section 3.03:

1. Signs, subject to the provisions in Article 8.00.
2. Off-street parking, subject to the provisions in Article 5.00.
3. Uses and structures incidental to the primary use.
4. Special retail sales promotions and fairs and shows that may include incidental sales activities.
5. Adult educational programs; cultural and recreational activities; public and semi-public meetings and programs, public service club programs and events, and other uses traditionally occurring in school facilities. Secondary uses shall be provided with off-street parking in accordance with Article 5.00.

6. Small Wind Energy Systems.

C. Permitted Uses with Special Standards

In all areas zoned Community District, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

1. Public Utility Facilities, subject to the provisions in Section 9.02, subsection K.
2. Recreation facilities, subject to the provisions in Section 9.02, subsection L
3. Day Shelter, subject to the provision of Section 9.02, subsection I.
4. Residential Treatment, subject to the provision of Section 9.02, subsection I
5. Transitional Housing, subject to the provision of Section 9.02, subsection I

D. Conditional Land Uses

The following uses may be permitted by the City Council, upon recommendation from the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

1. Juvenile services facilities.
2. Cemeteries.
3. Correctional Facilities, subject to the provisions in Section 9.02 M.
4. Water and sewage treatment plants.
5. Wireless Reception Facilities, subject to the provisions in Section 3.16.

Section 19.03 -- DEVELOPMENT STANDARDS

A. Site Plan Review

Site plan review and approval is required for all uses in accordance with Article 27.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the Community District are subject to the area, height, bulk and placement requirements in Article 26.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 26.00, but the user is advised to refer to Article 26.00 for more detailed information and explanatory notes.

Minimum Lot Area	12,000 square feet
Minimum Lot Width	100 feet
Maximum Height of Principal Structure	See footnote P in Article 26.00, Schedule of Regulations
Minimum Setbacks*	
Front	30 feet (measured from front lot line)
Side	25 ft.
Both Sides	50 ft.
Rear	25 ft.
Side Street	30 ft.

\*Setbacks may change due to building height per footnote P in Article 26.00.

C. Planned Unit Development

Planned unit development may be permitted in the Community District as a means to achieve the basic intent of this district, in accordance with Article 24.00.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect 7 days after publication. (Motion ADOPTED)

**SET PUBLIC HEARING FOR ZONING TEXT AMENDMENT NO. 167**

The following resolution was offered by Councilman Wazbinski and seconded by Councilman Arnosky:

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, August, 8, 2023 to consider the advisability of amending Article 2.00 (Definitions) and Article 3.00 (General Provisions) to update standards related to the placement of generators; and

WHEREAS, the Planning Commission has submitted its recommendation to approve the text amendment, in accord with Section 30.03(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, September 11, 2023, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance; and

RESOLVED FURTHER, that the City Clerk is hereby directed to publish said notice on or before August 18, 2023.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING ORDINANCE TO AMEND ARTICLE 2.00 (DEFINITIONS) AND ARTICLE 3.00 (GENERAL PROVISIONS) TO UPDATE STANDARDS RELATED TO THE PLACEMENT OF GENERATORS.

The City of Midland Ordains:

Section 1. That Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

**ACCESSORY STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location, and that is intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related. Examples of accessory structures include, BUT ARE NOT LIMITED TO: accessory buildings, swimming pools, GENERATORS OVER 30 KW, pump houses, dog houses, tennis courts and other sports courts.

**Table 3.2: PROJECTIONS INTO YARDS**

*The following projections are permitted in any required yard, except as noted:*

<b>Projection</b>	<b>Yards Where Allowed</b>	<b>Restrictions</b>
Air conditioning equipment (pad mounted)	All	Not permitted in front yards in residential districts
Access drives	All	None
Arbors and trellises	All	None, unless located in the front or side yards. A six (6) foot setback from front or side lot lines is required.
Awnings and canopies	All	May project 10 percent or less of yard depth
Bay windows <sup>1</sup>	All	See footnote 1
Balconies	Rear	Shall project no more than six (6) feet into required rear yard setback
Belt Courses	All	Shall project no more than three (3) feet into any yard
Boiler Flues	All	Shall project no more than three (3) feet into any yard
Chimneys	All	Shall project no more than three (3) feet into any yard
Cornices <sup>1</sup>	All	Shall project no more than three (3) feet into any yard
Downspouts	All	None
Eaves, overhanging	All	Shall project no more than three (3) feet into any yard
Egress Window Wells	All	Shall project no more than three (3) feet into any yard
Elevator Shafts	Rear	Shall not project more than six (6) feet into rear yard
Fences		See Article 7.00
Fire Escapes, Fire Towers	Rear	Shall project no more than six (6) feet into any rear yard setback
Flagpoles	All	See section 3.03, sub-section E
Gardens	All	None
Gutters	All	Shall project no more than three (3) feet into any yard
GENERATORS 30 KW OR LESS	ALL	NOT PERMITTED IN FRONT YARDS IN RESIDENTIAL DISTRICTS
Hallways, connecting	Rear	Shall not project more than six (6)feet into any rear yard
Handicapped access ramps <sup>2</sup>	All	See footnote 2
Hedges	All	None
Leaders	All	Shall project no more than three (3) feet into any yard
Light poles, ornamental	All	None
Lintels	Rear	Shall not project more than six (6)feet into any rear yard

Ornamental Features	Rear	Shall not project more than six (6)feet into any rear yard
Paved terraces, uncovered porches, patios, decks, and steps <sup>3</sup>	All	See footnote 3
Pilasters	All	Shall project no more than three (3) feet into any yard
Propane tanks	All	Not permitted in front yards in Residential Districts
Approved signs	All	See Article 8.00
Sills	All	Shall project no more than three (3) feet into any yard
Stairways, open unroofed	Rear	Shall project no more than six (6) feet into any rear yard setback
Television or radio towers or antennas	All	Not permitted in front yards in Residential Districts
Trees, shrubs, and flowers	All	None
Walls		See Article 7.00
Window air conditioning units	All	None

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect 7 days after publication. (Motion ADOPTED)

Being no further business the meeting adjourned at 7:49 p.m.

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Shawn Sutter, Deputy City Clerk