

CITY OF BIG RAPIDS



ZONING ORDINANCE

Updated
June 2021

TABLE OF CONTENTS

<u>ARTICLE NUMBER</u>	<u>ARTICLE NAME</u>
Preamble	Preamble
1	Title
2	Definitions
3	District Regulations
4	General Provisions
5	Off-Street Parking and Loading
6	Signs
7	Nonconforming Uses and Structures
8	Landscape Standards
9	Site Plan Review
10	Special Land Use Permits
11	Use Standards
12	Condominiums
13	Zoning Board of Appeals
14	Amendments, Administration and Enforcement
15	Validity, Repeal, Effective Date

PREAMBLE

An Ordinance to amend the present Zoning Ordinance in its entirety and to regulate and restrict the location and use of structures and land for residence, trade, industry, and other purposes; to regulate the height and size of structures, and the size of yards, courts and other open spaces; to regulate the density of population; to create districts for the above purpose and establish district boundaries; to provide for amendments to regulations, restrictions and boundaries of such districts; to define certain terms used in this Ordinance; to provide for enforcement and administration of this Ordinance; and provide for the repeal of all Ordinances in conflict with this Ordinance.

Pursuant to the authority conferred by Act 207, Public Acts of 1921, as amended State of Michigan, now therefore:

THE CITY OF BIG RAPIDS ORDAINS:

ARTICLE 1

SHORT TITLE

Section 1.1

This Ordinance shall be known as the BIG RAPIDS ZONING ORDINANCE and shall be referred to herein as “this Ordinance”.

ARTICLE 2**DEFINITIONS****SECTION 2.0 PURPOSE**

This section provides further clarification of words, terms, and statements utilized elsewhere in the City of Big Rapids Zoning Ordinance.

SECTION 2.1 CONSTRUCTION

- 2.1:1 Unless otherwise specifically stated in the Ordinance, for the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:
- 2.1:2 The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- 2.1:3 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- 2.1:4 The word shall is mandatory, the word may is permissive.
- 2.1:5 The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- 2.1:6 For terms which are not defined in this Article, the definition of the term shall be taken from the American Heritage Dictionary, 2nd College Edition.

SECTION 2.2 DEFINITIONS

- 2.2:1 Accessory Building – Any subordinate building, such as a private garage, located on the same lot with the main building, or any portions of the main building if said portion is occupied or devoted exclusively to an accessory use. When an accessory building is attached to a main building by a wall or roof, such accessory building shall be considered part of a main building for the purpose of determining the required dimensions of yards.
- 2.2:2 Accessory Use – Any use customarily incidental to the main use of the premises.
- 2.2:3 Adult Foster Care Homes:
- (1) Family Home – A private residence licensed under PA 218 of 1979 for six (6) or fewer adults to be provided with foster care for five (5) or more days a week for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and an occupant of the residence.

- (2) Large Group Home – A facility licensed under PA 218 of 1979 to provide foster care for at least thirteen (13) but not more than twenty (20) adults.
- (3) Medium Group Home – A facility licensed under PA 218 of 1979 to provide foster care for at least seven (7) but no more than twelve (12) adults.
- (4) Small Group Home – A facility licensed under PA 218 of 1979 to provide foster care for six (6) or fewer adults.

2.2:4

Adult Entertainment Establishment Definitions:

- (1) Adult Bookstore – An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: a) books, magazines, periodicals or other printed matter, or photographs, films, movies, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas, or b) instruments, devices, paraphernalia designed for use as part of, or in connection with, specified sexual activities.
- (2) Adult Motion Picture Theater – An establishment, where, for any form of consideration, films, motion pictures, videos, slides, or other photographic reproductions are shown and in which a substantial portion of the total presentation is devoted to the showing of material characterized by an emphasis on the depiction of specified anatomical areas or specified sexual activities.
- (3) Massage Parlor – An establishment or place primarily in the business of providing massage services as a form of adult entertainment and is not a Myotherapy Establishment regulated by the Big Rapids Code of Ordinances.
- (4) Specified Anatomical Areas – Specified anatomical areas means and includes any one or more of the following: a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (5) Specified Sexual Activities – Specified sexual activities means and includes any one or more of the following: a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; b) human sex acts, normal or perverted, actual or simulated,

Including but not limited to intercourse, oral copulation, or sodomy; c) human masturbation, actual or simulated; d) human excretory functions as part of, or as related to, any of the activities described above; and e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.

- 2.2:5 Airport – Any area of land designed and set aside for the landing and takeoff of aircraft, including helicopters, including all necessary facilities for the housing and maintenance of aircraft.
- 2.2:6 Alley – A public way which affords only secondary access to abutting property, not a street as herein defined.
- 2.2:7 Alteration – Any material change, addition or modification of or to a structure or its use.
- 2.2:8 Animal services and Kennel definitions:
- (1) Animal Services and Enterprises – An establishment that provides services to owners of animals including veterinarians, boarding, grooming, breeding, training or selling of animals.
 - (2) Kennel, Commercial – Any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily kept for sale, boarding, breeding, or training for a fee. The keeping of seven (7) or more dogs, cats, or other household pets, whether for a fee or not shall constitute a commercial kennel.
- 2.2:9 Automobile or Trailer Sales Area – Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.
- 2.2:10 Automobile Storage, Damaged – Any storage of inoperable vehicles not incidental to a service garage.
- 2.2:11 Automobile Service Station – A building designed and used for the retail sales of gasoline and other automotive products as well as light maintenance such as express oil changes, or brake and muffler replacement. They do not include premises where heavy auto maintenance activities such as engine overhauls or bodywork occur.
- 2.2:12 Bed & Breakfast Inns – A dwelling having one (1) kitchen and used for the purpose of providing one (1) meal daily; that being breakfast, and lodging for pay or compensation of any kind to any persons other than members of the family occupying such said dwelling.
- 2.2:13 Boarding House – A dwelling having one (1) kitchen and used for the

purpose of providing meals and lodging for pay or compensation of any kind, to more than two (2) persons other than members of the family occupying such dwelling.

2.2:14 Breezeway – Any covered passageway, between two (2) buildings, the sides of which may be enclosed by lattice, screens or other material allowing the passage of air.

2.2:15 Building – Any structure or part thereof usable for the shelter of persons, animals or chattels.

2.2:16 City Commission – The elected policy making entity of the City of Big Rapids.

2.2:17 College/University – A post-secondary institution of higher education empowered to grant academic diplomas.

2.2:18 Communication Antenna – Any system of wires, poles, rods, reflecting disks, or similar devices used for the provision of cellular, broadband PCS, wide-area SMR, satellite system and other wireless transmitting and receiving services. Communication antennae may be attached to the top of a structure or to a communication tower which is affixed to the ground.

2.2:19 Communication Tower – A structure affixed to the ground which functions to provide an elevated base for one (1) or more communication antennae.

2.2:20 Special Land Use – A special land use is a use permitted in any given zone when such use is specified in Article 11 and only after review of an application for such use by the Planning Commission to assure that all specified conditions are met, and approved by the City Commission.

2.2:21 Condominium definitions:

(1) Condominium – The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure.

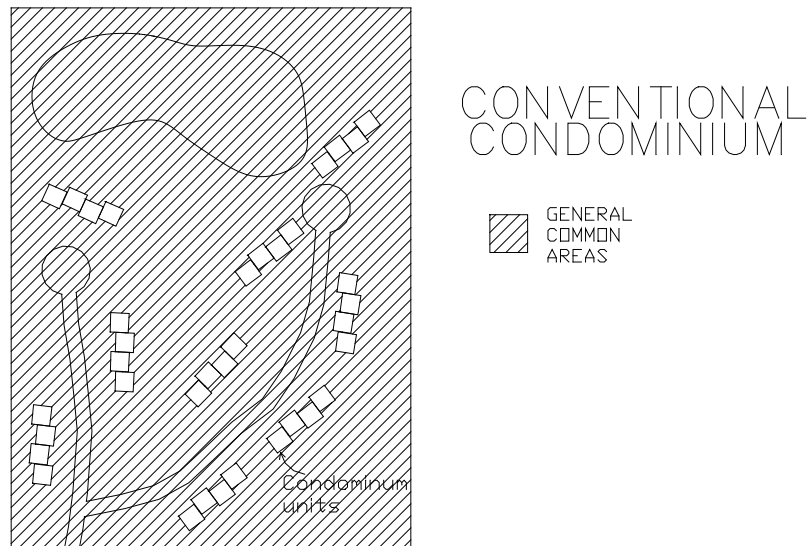
(2) Condominium Subdivision Plan – means drawings and information prepared pursuant to Section 66 of the Condominium Act, PA 59 of 1978.

(3) Condominium Unit – That portion of the condominium project designed and intended for separate ownership and use.

(4) Contractible Condominium – a condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.

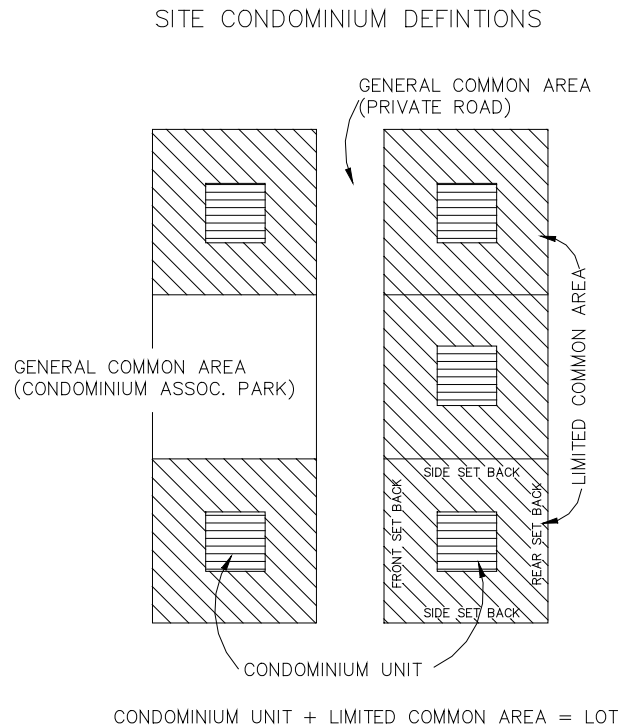
(5) Conventional Condominium Project – a development in which ownership interest is divided under the authority of the Condominium

Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.



- (6) Conversion Condominium – A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act, PA 59 of 1978.
- (7) Expandable Condominium – A condominium project to which additional land may be added in accordance with the Condominium Act, PA 59 of 1978.
- (8) General Common Areas – Portions of the condominium development owned and maintained by the condominium association.
- (9) Limited Common Areas – Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.
- (10) Master Deed – The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, PA 59 of 1978.
- (11) Owner Occupied Condominium – Ownership and occupancy of a single dwelling unit within a multiple unit structure or structures by a single family.
- (12) Site Condominium Project – A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in

which the condominium unit consists of a building site, with or without structures, which along with the associated limited common area, constitutes the equivalent of a lot.



2.2:22 Curb Cut – A break in the curb line of a street, including any apron, designed to permit vehicles access from the street to the adjoining property.

2.2:23 Child Care definitions: (Ord. 731-01-19, passed 01-22-19)

- (1) Child Care Center – A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
- (2) Family Child Care Home – A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family child care home

includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

- (3) Group Child Care Home – A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

2.2:24 Dwelling Definitions:

- (1) Dwelling, Single Family. A building containing not more than one (1) dwelling unit designed for residential use, complying with the standards in Section 4.1:25.
- (2) Dwelling, Two Family. A building containing not more than two (2) separate dwelling units designed for residential use.
- (3) Dwelling, Multiple Family. A building containing three (3) or more dwelling units designed for residential use.

2.2:25 Dwelling Unit – A building or portion thereof providing complete housekeeping facilities for one (1) family.

2.2:26 Essential Services – The phrase “essential service” means the erection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings, as are primarily enclosures or shelters of the mentioned equipment.

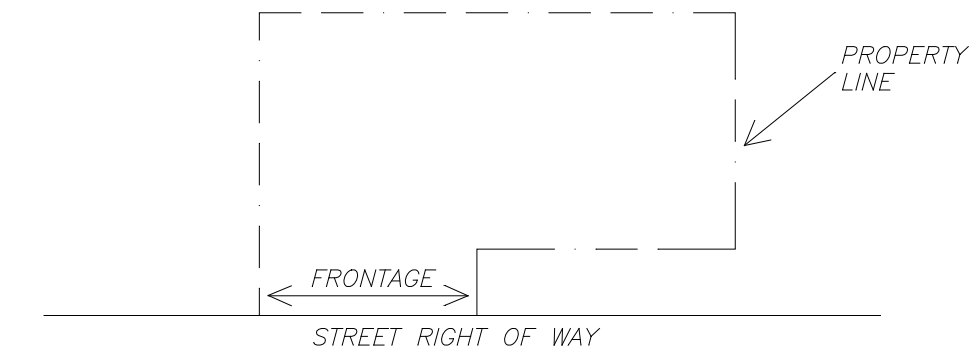
2.2:27 Family – One (1) or more persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit.

2.2:28 Family – Functional – A group of no more than four (4) people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, registered student organization, association, lodge, organization, or group of

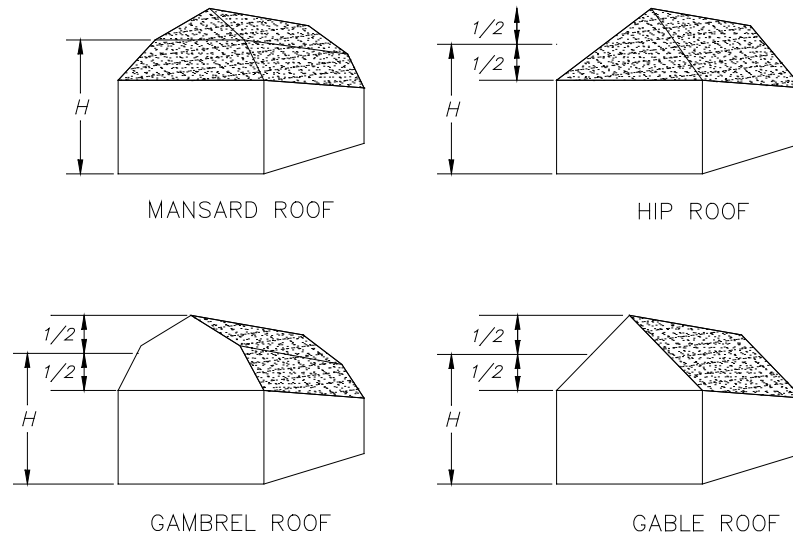
students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

- 2.2:29 Farm – Any area of two (2) acres, or more, used for agricultural purposes, including dairy farming and uses incidental thereto; provided that the incidental uses shall be subordinate to normal agricultural uses and shall not include commercial feeding of offal or garbage to animals.
- 2.2:30 Farm Buildings – Any detached accessory building or portion of a main building used for the storage or housing of farm implements, produce or farm animals.
- 2.2:31 Fence – A structure serving as an enclosure, barrier, or boundary, usually made of posts, boards, wire or rails.
- 2.2:32 Fraternal Organization House – Dwelling or dwelling units maintained exclusively for fraternal organization members, including but not limited to fraternities and sororities. (Ord. 479-6-01, passed 6/4/01).
- 2.2:32a Fraternal Organization – A group of people formally organized for a common interest, usually cultural, religious, entertainment, or athletic with regular meetings, rituals, and/or formal written membership requirements, including but not limited to a fraternity, sorority, business, professional, athletic, or religious organization. (Ord. 479-6-01, passed 6/4/01)
- 2.2:33 Frontage – The front or frontage is that side of a lot abutting on a public street and ordinarily regarded as the front of the lot. For purposes of determining yard requirements on corner lots see definition 2.2:42(5)(a). Front Lot Line contained within this Article 2.

FRONTAGE



- 2.2:34 Garage, Private – A detached accessory building or portion of a main building used for the storage of passenger vehicles including but not limited to automobiles, boats, recreational vehicles, motorcycles and bicycles and not more than one (1) truck of a rated capacity of one (1) ton or less.
- 2.2:35 Garage, Service – Any building or structure designed or used for the hire, sale, storage, service, repair and refinishing of motor vehicles or trailer, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.
- 2.2:36 Gasoline Service Station- Any building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles, but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling, for the purposes of reuse or resale of motor vehicles or parts thereof, or for the outdoor storage or repair of motor vehicles or parts thereof.
- 2.2:37 Height of Building – The vertical distance measured from the adjoining curb level, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.



H = HEIGHT OF BUILDING

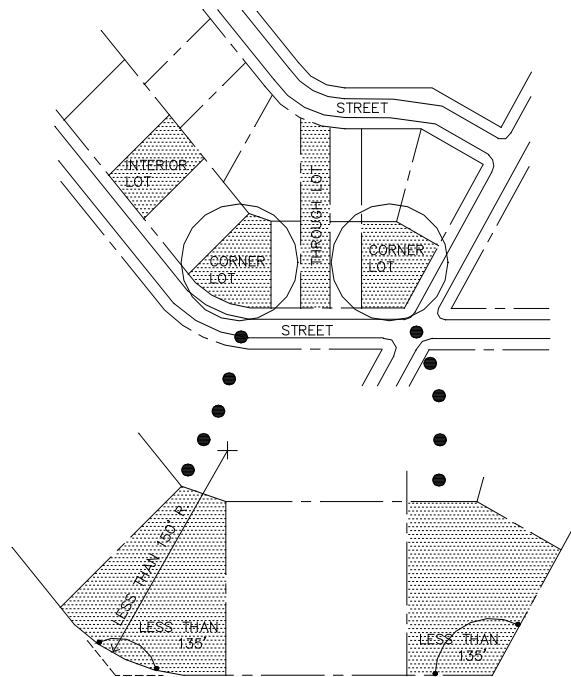
BUILDING HEIGHT

- 2.2:38 Home Occupation – Any occupation customarily conducted within a dwelling by its occupants as a subordinate use.
- 2.2:39 Hotel – A facility with a shared outside entrance for patrons, offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.
- 2.2:40 Institution for Human Care – An organization whose purpose is to further public health and welfare and the building(s) used by such an establishment.
- 2.2:41 Junk Yards – A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, cleaned or handled, including house wrecking yards, used lumber yards, and use of salvaged house wrecking and structural steel materials and equipment, but excluding such uses then conducted entirely within a completed enclosed building and excluding pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment and the processing of used, discarded or salvaged materials as part of manufacturing operations. Uses considered to be “Junk Yards” under this definition must comply with the requirements in the City of Big Rapids Nuisance Code.

2.2:42

Lot definitions:

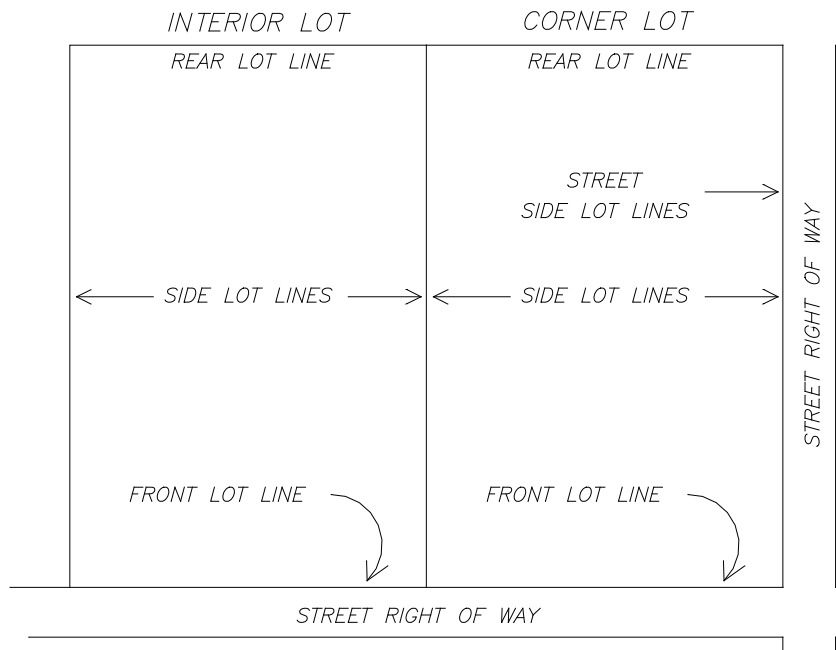
- (1) Corner Lot – Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curbed street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot or at the points of intersect at an interior angle of less than one hundred thirty-five (135) degrees.



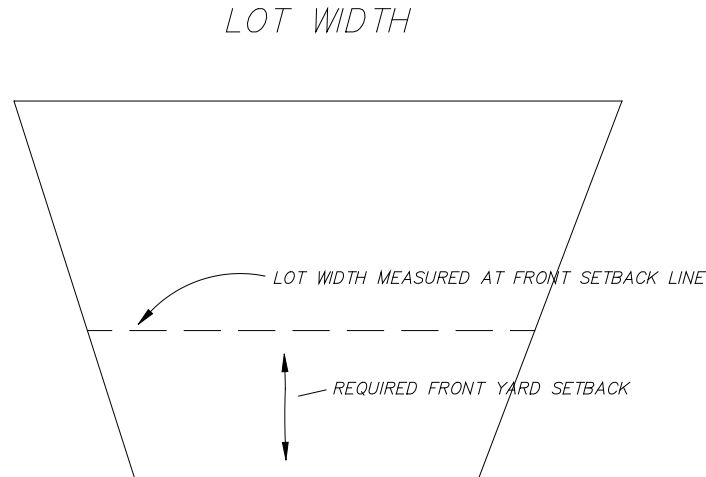
INTERIOR, THROUGH & CORNER LOTS

- (2) **Developable Lot** – A lot which meets minimum size, width, depth, accessibility, and serviceability requirements of this Ordinance.
- (3) **Lot** – Any parcel of land, the area of which complies with requirements of this Ordinance.
- (4) **Lot Coverage** – Determined by dividing that area of a lot which is occupied or covered the total horizontal projected surface of all principal and accessory structures by the gross area of the lot.
- (5) **Lot Line** – Any line bounding a lot:
 - (a) **Front Lot Line** – The line separating the lot from the street; in the case of a corner lot, the line separating the narrowest side of the lot from the street.
 - (b) **Rear Lot Line** – The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten (10) feet long, parallel to and most distant from the front lot line.
 - (c) **Side Lot Lines** – Any line other than front or rear lot lines.
 - (d) **Street or Alley Lot Line** – Any line separating a lot from a street or alley.

FRONT, SIDE, AND REAR LOT LINES



- (e) Lot Width – The straight-line distance between the side lot lines, measured at the two (2) points where the minimum front yard setback intersects the side lot lines.



- 2.2:43 Medical Clinic – A building used for the diagnosis and treatment of human patients that does not include overnight care facilities.
- 2.2:44 Mobile Home – A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical systems contained in the structure.
- 2.2:45 Mobile Home Park – A lot, parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.
- 2.2:46 Motels – Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as tourist trade, commonly known as tourist cabins or motor courts, and as distinguished from furnished rooms in an existing residential building.
- 2.2:47 Municipality – A government constituting the City of Big Rapids.
- 2.2:48 Myotherapy Establishment – Shall mean any building, Turkish bath parlor, steam bath, sauna bath, room, premises, place, institution or establishment, where body massage is regularly practiced on the human body, to club members or to the general public for a charge or consideration, but the term “myotherapy establishment” shall not include licensed hospitals, nursing

homes, medical clinics, offices of licensed physicians, surgeons, osteopaths or chiropractors. Massage shall mean an alcohol rub, fomentation, bath, common massage, magnetic massage procedure, manual manipulation of the body or any method treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting, or tapping with the hand, elbow, fingers, or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

- 2.2:49 Nonconforming Structure – Any structure or portion thereof lawfully existing at the time this Ordinance became effective and which now does not comply with regulations.
- 2.2:50 Nonconforming Lot – A lot, the area, width, depth or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming prior to enactment of the zoning ordinance.
- 2.2:51 Nonconforming Use – Any property use which was lawful at the time this Ordinance became effective and which now does not comply with its regulations.
- 2.2:52 Office Building – A building in which services are performed involving predominantly administrative, professional, or clerical operations.
- 2.2:53 Open space – Area which is not covered by a principal or accessory structure or off-street parking area.
- 2.2:54 Parking, Off-Street Restricted Accessory – Any parking areas located in a residential district and intended to serve a business or industrial establishment, provided at least fifty (50) feet of the lot line of said parking abuts a business or industrial district either directly or across an alley therefrom.
- 2.2:55 Parking Space – Any area intended for the temporary parking of a motor vehicle as defined by the City Traffic Code which is not located on but accessible to a public street or alley right-of-way.
- 2.2:56 Petroleum Bulk Plant – An establishment for the storage of petroleum products, in bulk and in packages, for distribution by tank car, tank vehicle or motor truck.
- 2.2:57 Planning Commission – A board appointed by the City Commission to assist in the administration of this Ordinance. Duties of the Planning Commission include development and administration of this Ordinance, consideration of amendment of this Ordinance text or map, for a special land use permit request, and review of site plans.
- 2.2:58 Private Swimming Pool – Any artificially constructed basin or other structure for the holding of water for use by the possessor, his family or guests, for

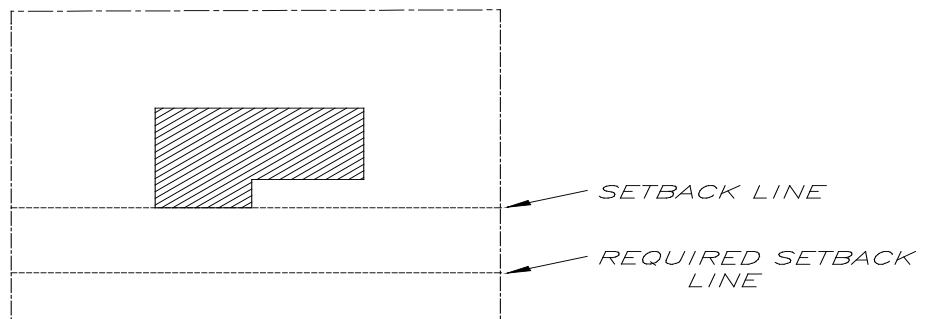
swimming, diving and other aquatic sports and recreation. The term “swimming pool” does not include any plastic, canvas or rubber pool temporarily erected upon the ground holding less than five hundred (500) gallons of water.

- 2.2.:59 Property Line – Lines describing a lot of record distinguishing it from other lots of record or rights of way. Lots of record include lots or their equivalent defined by meters and bounds descriptions, described in recorded subdivision plats or recorded condominium master deeds.
- 2.2:60 Public Right of Way – A strip of land under public ownership occupied or intended to be occupied by a street, crosswalk, railroad, transmission line, utility main or other special use, but not including driveways.
- 2.2:61 Public Utility – Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under federal, state or municipal regulations to the public, electricity, gas, steam communication, telegraph, transportation or water.
- 2.2:62 Major Recreational Equipment – Such equipment shall include travel trailers, pickup campers or coaches, motorized dwellings, recreational vehicles, tent trailers, landscape trailers, boats, boat trailers, personal water craft and similar equipment and equipment used for transporting recreational equipment, whether occupied by such equipment or not.
- 2.2:63 Registered Student Organization – A student organization registered by the Ferris State University Office of Student Life (including but not limited to a fraternity, sorority, business, professional, or religious organization).
- 2.2:64 Rooming House – A building or structure composed of one or more dwelling units used or occupied by roomers, whether for remuneration or compensation or not, whereby one or more dwelling units is occupied by more than four (4) roomers who are not considered a family. (Ord. 479-6-01, passed 6/4/01)
- 2.2:64a Roomer – A person who occupies living accommodations, for a term of not less than one week, within a rooming house. (Ord. 479-6-01, passed 6/4/01)
- 2.2:65 Screening – The protection and separation of adjoining uses. Screening requirements are included in the Landscape Standards and General Provisions Articles of this Ordinance.
- 2.2:66 Self-Service Storage Facility – A building consisting of individual, enclosed self-contained units that are leased or owned for the storage of business and household goods or contractors’ supplies.

2.2:67 Setback Definitions:

- (1) Front Yard Setback – The distance from the front property line to the building line for the purpose of defining limits within which no building or structure; or any part thereof, shall be erected or permanently maintained.
- (2) Setback – The distance from the property line to the building line for the purpose of defining limits within which no building or structure; or any part thereof, shall be erected or permanently maintained.
- (3) Setback Line – A line formed by the face of the building.
- (4) Setback Line, Required – A required setback line is established by the minimum setback requirement of this Ordinance.

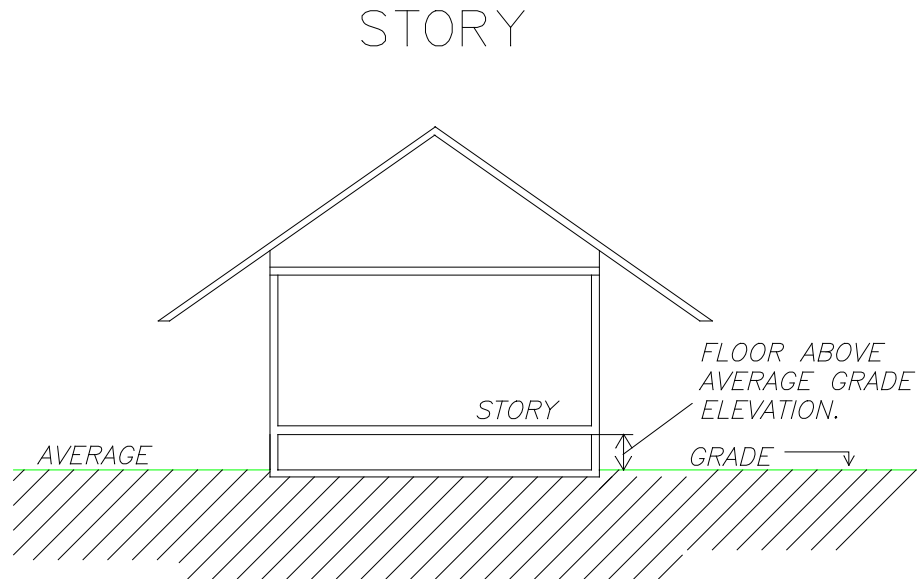
SETBACK LINE VS. REQUIRED SETBACK LINE



- (5) Rear Yard Setback – The distance from the rear property line to the building line for the purpose of defining limits within which no building or structure; or any part thereof, shall be erected or permanently maintained.
- (6) Side Yard Setback – The distance from the side property line to the building line for the purpose of defining limits within which no building or structure; or any part thereof, shall be erected or permanently maintained.

2.2:68 Signs – For the purpose of this Ordinance, the term “sign” shall mean and include every sign, billboard, ground sign, roof sign, sign painted or printed on the exterior surface of a building or structure, illuminated sign and temporary sign, and shall include any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any persons or product when the same is placed out of doors in view of the general public.

- 2.2.69: Story – That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.



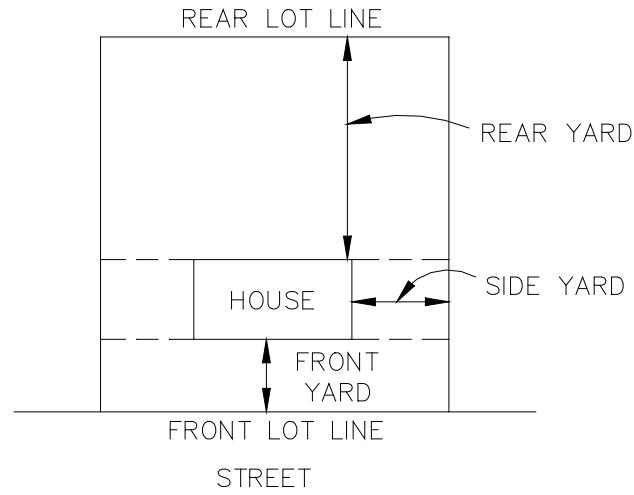
- 2.2:70 Street – A public right-of-way of sixty-six (66) feet or more in width which has been dedicated and accepted for the purpose of providing access to abutting private lots or land including space for curb, gutter, paving and sidewalks.
- 2.2:71 Structure – Anything constructed or erected, the use of which required location on the ground or attached to something having location on the ground.
- 2.2:72 Supplemental Occupant – An occupant of a residential structure not meeting the definition of family specified in Article 2.2:27 and 2.2:28 of this Ordinance. Family employees such as butlers, maids, cooks, chauffeurs, nurses, gardeners or similar personal service employees shall not be considered unrelated occupants of a structure.
- 2.2:73 Substantial Portion – Substantial portion means a use or activity accounting for more than twenty (20) percent or any one or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.
- 2.2:74 Trailer – Any vehicle designed to be drawn by a motor vehicle.
- 2.2:75 Used Car Lot – A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A used car lot shall not be used for the storage of wrecked automobiles, the dismantling of automobiles or the storage of automobile parts.

2.2:76 Variance – A modification of the required provisions of the physical development standards of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is granted.

- (1) Use Variance – A use variance allows uses not specifically listed as permitted uses in a given district. The crucial points of a use variance are undue hardship and unique circumstances applying to the property. A use variance is not justified unless both elements are present in the case.
- (2) Non-use Variance – A non-use variance allows for departures from non-use requirements of the ordinance including parking space requirements and dimensional requirements such as lot size, depth or width, building setbacks, etc. The crucial points of a non-use variance are practical difficulty and unique circumstances applying to the property. A non-use variance is not justified unless both elements are present in the case.

2.2:77 Yard definitions:

- (1) Least Depth or Width Yard – The shortest horizontal distance from each of the lot lines to the building thereon.
- (2) Front Yard – The open space extending the full width of the lot between the main building and front lot line except as provided in Article 4.1:14.
- (3) Rear Yard – The open space extending the full width of the lot between the main building and rear lot line, except as provided in Article 4.1:16.
- (4) Side Street Yard – Any line separating a side yard from a street.
- (5) Side Yard – The open space extending from the front yard to the rear yard between the main building and the side lot line, except as provided in Article 4.1:15.



- 2.2:78 Zoning Board of Appeals (ZBA) – A group of people known as the Zoning Board of Appeals of the City of Big Rapids. The Board of Appeals shall have the authority to hear appeals of administrative decisions, to interpret the Zoning text and map, and to decide on variance requests.
- 2.2:79 Zoning Permit – A permit required prior to the erection, demolition, moving, reconstruction, extension, enlarging, altering, or the changing of building use or change in land use.
- 2.2:80 Arts and Crafts Studios – A building used for the production, display, and sale of works of arts and crafts. Such an establishment must be open to the public, either by appointment and/or on a periodic open studio basis. Arts and Crafts Studios may engage in incidental sales of goods made on site. (Ord. 738-05-19, passed 05-20-19)
- 2.2:81 Catering Services – Facility for preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (Ord. 738-05-19, passed 05-20-19)
- 2.2:82 Indoor Recreation Establishments – An establishment which provides indoor exercise and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls, and bowling alleys. Auditoriums and stadiums are not included. (Ord. 738-05-19, passed 05-20-19)
- 2.2:83 Licensed Alcohol Manufacturing Establishments – An establishment obtaining a Michigan alcohol manufacturing license such as brewer, brewpub, wine maker, and small distiller. (Ord. 738-05-19, passed 05-20-19)
- 2.2:84 Microbrewery – An establishment obtaining a Michigan micro brewer permit manufacturing up to 30,000 barrels of beer annually (including production in

any out-of-state facilities). Micro Brewers may sell beer to licensed wholesalers and may not sell beer directly to licensed retailers. Micro Brewers may sell beer at their brewery to consumers for on & off-premise consumption without an additional license. A Micro Brewer may permit sampling of beer on the brewery premises. (Ord. 738-05-19, passed 05-20-19)

- 2.2:85 Brewpub – An establishment obtaining a Michigan brewpub permit manufacturing up to 5,000 barrels of beer annually. A Brewpub must also hold an on-premise license (Class C, Tavern, A-Hotel, B-Hotel, or Resort). A Brewpub must operate a full-service restaurant with at least 25% of gross sales from non-alcoholic items. Brewpubs may not sell their beer to wholesalers or retailers. Brewpubs may sell their beer to consumers for on-premises consumption or take-out. (Ord. 738-05-19, passed 05-20-19)
- 2.2:86 Small Winery – An establishment obtaining a Michigan small wine maker permit manufacturing up to 50,000 gallons of wine per year (including production at all licensed winery facilities). Small Wine Makers may sell directly to wholesalers, to licensed retailers, or to consumers for off-premise consumption. Small Wine Makers may sell wine to consumers for on premise consumption from a restaurant on the winery premises. (Ord. 738-05-19, passed 05-20-19)
- 2.2:87 Small Distillery – An establishment obtaining a Michigan small distiller permit manufacturing up to 60,000 gallons of spirits and brandy (of all brands combined). Small Distillers may sell spirits to consumers at the manufacturing premises for on premise or off-premise consumption. Small Distillers may provide free samples to consumers on the manufacturing premises. Small Distillers may not sell directly to retailers but may sell spirit products to the Commission. (Ord. 738-05-19, passed 05-20-19)
- 2.2:88 Scientific, Engineering, and Medical Research and Development Laboratories – Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, but excludes uses that may be objectionable as determined by the Zoning Administrator, by reason of production of offensive odor, dust, noise, vibration, or storage of or risk associated with hazardous materials. Uses include biotechnology firms, metallurgy, optical, pharmaceutical and X-ray research, data processing, and non-toxic computer component manufacturers. (Ord. 738-05-19, passed 05-20-19)
- 2.2:89 Marihuana Businesses definitions: (Ord. 752-10-19, passed 10-07-19)
- (1) LARA – The Michigan Department of Licensing and Regulatory Affairs.
 - (2) MRA – The State of Michigan Marihuana Regulatory Agency.

- (3) Licensee – A person holding a state license.
- (4) Marihuana – All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. It does not include industrial hemp.
- (5) Marihuana Establishment – A location at which a licensee is licensed to operate under one of the State of Michigan Marihuana laws.
- (6) Grower – A person with a commercial license to cultivate, dry, trim, cure, and package marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (7) Microbusiness – A person with a commercial license to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (8) Marihuana Plant – Any plant of the species Cannabis sativa L. Marihuana plant does not include industrial hemp.
- (9) Processor – A person with a commercial license to obtain marihuana from marihuana establishments, process and package marihuana, and sell or otherwise transfer marihuana to marihuana establishments.
- (10) Retailer – A person with a commercial license to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older. Also called provisioning centers.
- (11) Safety Compliance Facility – A person with a commercial license to test marihuana, including certification for potency and the presence of contaminants.
- (12) Secure Transporter – A person with a commercial license to obtain marihuana from marihuana establishments in order to store and transport marihuana to marihuana establishments for a fee.
- (13) Excess Marihuana Grower – A person who already holds five adult-use Class C Grower licenses and is given additional license to expand their allowable marihuana plant count.

(14) Municipal License – A license or permit issued by a municipality that allows a person to operate a marihuana establishment in that municipality.

2.2:90 Construction Equipment Sales, Service, and Rental – Retail establishments selling or renting light or heavy construction equipment, as well as performing maintenance on that equipment. Examples of this equipment include skid steers, backhoes, dozers, and industrial forklifts.

2.2:91 Parking Demand Study – A study demonstrating need for parking, based on documented evidence of actual use and demand, utilizing the recommendations of the Institute of Traffic Engineers (ITE), the Urban Land Institute (ULI), etc.

ARTICLE 3**DISTRICT REGULATIONS AND ZONING MAP****SECTION 3.0 PURPOSE**

This section establishes both the geographic areas of specified zoning districts via the zoning map and lists of uses permitted in each of the specified zoning districts.

SECTION 3.1 ZONING DISTRICTS AND ZONING MAP

The following zoning districts are hereby established:

R-P	Residential Professional
R-1	Residential District
R-2	Residential District
R-3	Residential District
R-4	Mobile Home Park District
RR	Restricted Residence District
C-1	Commercial District
C-2	Commercial District
C-3	Commercial District
I -	Industrial District

The areas comprising the zoning districts and the boundaries of those districts are hereby established as shown on the official zoning map entitled ZONING MAP, BIG RAPIDS, MICHIGAN.

- 3.1:1 The Zoning Map, together with any explanatory matter written upon it, is hereby adopted by reference and declared to be a part of this Ordinance.
- 3.1:2 The Zoning Map shall be maintained in the Big Rapids City Hall and shall show all changes which are made in district boundaries according to procedures set forth in this Ordinance.
- 3.1:3 District boundary lines as shown on the Zoning Map, unless otherwise indicated, shall be construed as following lot lines, Big Rapids corporate limit lines, centerlines of highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes or those centerlines extended or projected.
- 3.1:4 Questions concerning district boundary lines as shown on the Zoning Map shall be decided by the Zoning Board of Appeals.
- 3.1:5 Annexed Area. Where property, not now within the corporate limits, shall be annexed to the Municipality, said property shall be deemed to be zoned in the same district as the property in the City of Big Rapids which is adjacent to and contiguous to the property annexed. The City Clerk and the City

Manager shall change the Zoning Map on file in the City Clerk's Office to include the lands annexed and shall designate the zoning classification of said lands provided by this section of the Zoning Ordinance.

SECTION 3.2 DISTRICT REGULATIONS

- 3.2:1 Every building or structure erected, any use of land, building, or structure, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building or structure shall be located.
- 3.2:2 Uses are permitted by right only if specifically listed as Uses Permitted by Right in the various zoning districts. Accessory uses are permitted as indicated for in the various zoning districts, and if such uses are clearly incidental to the permitted principal uses. Special land uses are permitted as listed and if the required conditions are met.
- 3.2:3 A use of land, buildings, or structures not specifically mentioned in the provisions of this Ordinance shall be classified upon appeal or by request of the Zoning Administrator by the Board of Appeals pursuant to Section 13.10, Interpretation of Zoning Ordinance Text or Map, of this Ordinance. In making this determination, the ZBA shall not interpret a general category (such as general commercial uses) to include a specific use (such as convenience store) if the specific use is listed separately somewhere else under District Regulations.
- 3.2:4 No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building, or structure, for the purpose of complying with this ordinance shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.

SECTION 3.3 R-P RESIDENTIAL-PROFESSIONAL DISTRICT – PERMITTED USES AND STRUCTURES.

3.3:1 Purpose:

The R-P District is established to provide areas of low density residential development with office buildings for occupancy by professional offices. Services, facilities and uses incidental or accessory to dwellings are included. It is not intended to permit any additional residential dwellings with two (2) or more families, retail commercial, industrial or similar uses except as authorized by this Ordinance. In the R-P District no building or premises shall be converted and no building shall hereafter be erected or altered unless otherwise provided in the Ordinance, except for one or more of the following uses:

3.3:2 Principal Uses and Structures:

One single-family dwelling per lot or one professional office building per lot. The following combinations are also permitted:

Family

Supplemental Occupant:

One (1) supplemental occupant shall be permitted in single-family dwellings permitted in the R-P Zoning District subject to the conditions of Section 11.1:17.

Churches, public, private and parochial schools, public libraries, and museums, subject to the conditions of Section 11.1:55.

Fire stations and water towers when located at least fifty (50) feet from all property lines.

Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations subject to the approval of the Planning Commission as being not injurious to the surrounding neighborhood and in accord with the spirit and purpose of this Ordinance.

Bed & Breakfast Inns for the keeping of overnight guests for a limited duration and providing breakfast meals for those guests subject to the conditions of Section 11.4.

Office buildings for occupancy by professional offices, office building for occupancy by financial, insurance, bookkeeping, real estate firms, medical office; and offices of civic, religious and charitable organizations, subject to the conditions of Section 11.1:16.

Licensed Adult Foster Care Family Home.

Licensed Family Child Care.

Licensed Child Care Centers, subject to the conditions of Section 11.1:28. (Ord. 731-01-19, passed 01-22-19)

Licensed Group Child Care Home. (Ord. 736-04-19, passed 04-01-19)

3.3:3 Accessory Uses and Structures:

Private garages.

The keeping of up to three (3) cats, dogs or other household pets.

Signs shall be permitted in accordance with regulations set forth in the sign provisions of this Ordinance.

Private swimming pools, provided they comply with the local regulations, including provisions dealing with required fencing.

3.3:4 Heights, Yard and Area Regulations:

Heights, yard and area restrictions in the R-P District shall be in accordance with the regulations as set forth in Section 3.13.

RP District

Minimum lot area	7,500 Sq. ft.
Minimum lot width	50 Feet
Depth of lot	100 Feet
Maximum height of structures	3 Stories or 40 Feet
Minimum front yard setback	15 Feet
Minimum side yard setback (each)	8 Feet
Minimum side yard setback (sum of both)	16 Feet
Minimum rear yard setback	25 Feet
Minimum side street yard setback	15 Feet
Maximum lot coverage	40%

3.3:5 Parking Regulations – Off-street parking shall be provided in accordance with the regulations as set forth in Article 5.

3.3:6 Special Land Uses:

Municipal, county, state and federal administration buildings and community center buildings, subject to the conditions of Section 11.1:14.

Public parks, and recreational uses, subject to the conditions of Section 11.1:21.

Hospitals, sanatoriums, clinics, nursing and rest homes and institutions for human care, subject to conditions of Section 11.1:11.

Home Occupations, subject to the conditions of Section 11.1:10. (Article 3 was amended with new text added under Section 3.3 by Ord. #555-10-05 on October 3, 2005.

SECTION 3.4 R-1 RESIDENTIAL DISTRICT – PERMITTED USES AND STRUCTURES

3.4:1 Purpose:

The R-1 District is established to provide areas of low density residential development. Desired development includes single-family dwellings. Services, facilities and uses incidental or accessory to dwellings are included. It is not intended to permit residential dwellings with two (2) or more families, commercial, industrial or similar uses except as authorized by this Ordinance. In the R-1 District no building or premises shall be used and no building shall hereafter be erected or altered unless otherwise provided in this Ordinance, except for one or more of the following uses.

3.4:2 Principal Uses and Structures:

(1) One (1) single-family dwelling per lot. The following combinations are also permitted:

- a) Family
- b) Supplemental Occupant:

One (1) supplemental occupant shall be permitted in single-family dwellings permitted in the R-1 Zoning District subject to the conditions of Section 11.1:17.

- (2) Churches, public, private and parochial schools, public libraries, museums and art galleries, subject to the conditions of Section 11.1:5.
- (3) Fire stations and water towers when located at least fifty (50) feet from all property lines.
- (4) Municipal, denominational and private cemeteries when occupying a site of at least twenty (20) acres and when all buildings are at least one hundred (100) feet from all property lines.
- (5) Public and semi-public pools in compliance with Michigan Department of Environmental Quality (MDEQ) and other applicable State and local regulations.
- (6) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations subject to the approval of the Planning Commission as being not injurious to the surrounding neighborhood and in accord with the spirit and purpose of this Ordinance.
- (7) Licensed Family Child Care Home.
- (8) Licensed Adult Foster Care Family Home.
- (9) Licensed Adult Foster Care Small Group Home.

3.4:3 Accessory Uses and Structures:

- (1) Private garages.
- (2) The keeping of up to three (3) cats, dogs or other household pets.
- (3) Private swimming pools, provided they comply with local regulations, including provisions dealing with required fencing.
- (4) Signs shall be permitted in accordance with regulations set forth in the sign provisions of this Ordinance.

3.4:4 Heights, Yard and Area Regulations:

Heights, yard and area restrictions in the R-1 District shall be in accordance with the regulations as set forth in Section 3.13.

R-1 District

Minimum lot area	11,250 sq. ft.
Minimum lot width	75 feet
Depth of lot	100 feet
Maximum height of structures	2 ½ stories or 35 feet
Minimum front yard setback	20 feet
Minimum side yard setback (each)	10 feet
Minimum side yard setback (sum of both)	25 feet
Minimum rear yard setback	35 feet
Minimum side street yard setback	20 feet
Maximum lot coverage	25%

3.4:5 Parking Regulations – Off-street parking shall be provided in accordance with the regulations as set forth in Article 5.

3.4:6 Special Land Uses:

The following uses are permitted subject to issuance of a Special Land Use Permit and subject to the conditions in Article 11:

*

- (1) Municipal, county, state and federal administration buildings and community center buildings, subject to the conditions of Section 11.1:14.
- (2) Public parks, golf courses, country clubs, tennis courts and recreational uses, subject to the conditions of Section 11.1:21.

- (3) Hospital, sanatoriums, clinics, nursing and rest homes and institutions for human care, subject to the conditions of Section 11.1:11.
- (4) Home occupations, subject to the conditions of Section 11.1:10.

* (Section 3.4:6 was Amended by Ord. No. 510-03-03 removing Planned Unit Developments.)

* (Section 3.4:6(5) was repealed by Ord. No. 665-08-13 removing Licensed Group Day Care Home, subject to the conditions of section 11.1:8.

SECTION 3.5 R-2 RESIDENTIAL DISTRICT – PERMITTED USES AND STRUCTURES

3.5:1 Purpose:

The R-2 District is established to provide areas of higher density of residential development than is permitted in the R-1 District. Regulations include uses permitted in the R-1 District, plus two family residential dwellings. It is not intended to permit commercial, industrial or similar uses except as authorized by this Ordinance. In the R-2 Residential District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

3.5:2 Principal Uses and Structures:

- (1) Single-family and two-family dwellings. The following combinations are also permitted:
 - (a) Family
 - (b) Owner's family plus up to two (2) unrelated persons depending on space and off-street parking availability.
 - (c) Up to four (4) unrelated persons for each dwelling unit.
- (2) Licensed Group Child Care Home/Child Care Center, subject to the conditions of Section 11.1:8.
- (3) Churches, public, private and parochial schools, public libraries, museums and art galleries, subject to the conditions of Section 11.1:5.
- (4) Fire stations and water towers when located at least fifty (50) feet from all property lines.
- (5) Municipal, denominational and private cemeteries, subject to the conditions of Section 11.1:15.
- (6) Pools are permitted as follows:

Public and semi-public pools in compliance with Michigan Department of Environmental Quality (MDEQ) and other Applicable State and local regulations.

- (7) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, subject to the conditions of Section 11.1:22.
- (8) Licensed Family Child Care Home.
- (9) Licensed Adult Foster Care Family Home.
- (10) Licensed Adult Foster Care Small Group Home.

3.5:3 Accessory Uses and Structures:

- (1) Private garages.
- (2) The keeping of up to three (3) cats, dogs or other household pets.
- (3) Private swimming pools, provided they comply with local regulations, including provisions dealing with required fencing.
- (4) Signs shall be permitted in accordance with regulations set forth in the Sign provisions of this Ordinance.

3.5:4 Height, Yard and Area Regulations:

Height, yard and area restrictions in the R-2 District shall be in accordance with the regulations as set forth in Section 3.13.

R-2 District

	Single Family Structure	Duplex Structure
Minimum lot area	7,500 sq. ft.	12,000 sq. ft (6,000 s.f./unit)
Minimum lot width	50 feet	80 feet
Depth of lot	100 feet	100 feet
Maximum height of structures	3 stories or 40 feet	3 stories or 40 feet
Minimum front yard setback	15 feet	15 feet
Minimum side yard setback (each)	8 feet	8 feet
Minimum side yard setback (sum of both)	20 feet	20 feet
Minimum rear yard setback	30 feet	30 feet

Minimum side street yard	15 feet	15 feet
Maximum lot coverage	25%	30%

3.5:5 Parking Regulations. Off-street parking shall be provided in accordance with the regulations as set forth in Article 5.

3.5:6 Special Land Uses:

The following uses are permitted subject to issuance of a Special Land Use permit and subject to the conditions in Article 11:

- (1) Hospitals, sanatoriums, clinics, nursing and rest homes and charitable institutions for human care, subject to the conditions of Section 11.1:11.
- (2) Home occupations, subject to the conditions of Section 11.1:10. (Amended by Ord. No. 510-03-03 on 03-03-03).

SECTION 3.6 R-3 RESIDENTIAL DISTRICT – PERMITTED USES AND STRUCTURES

3.6:1 Purpose:

The R-3 District is established to provide areas of higher density of residential development than is permitted in the R-1 and R-2 Districts. Regulations include uses permitted in the R-1 and R-2 Districts plus a single multiple-family dwelling and office structures are permitted uses. Two (2) or more multiple-family dwellings are allowed as a Special Land Use. Services, facilities and uses incidental or accessory to multiple-family dwellings are included. It is not intended to permit commercial, industrial or similar uses except as authorized by this Ordinance. In the R-3 Residential District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

3.6:2 Principal Uses and Structures:

- (1) Single-family and two-family dwellings. The following combinations are also permitted.
 - a) Family.
 - b) Owner's family plus up to two (2) unrelated persons, depending on space and off-street parking availability.
 - c) Up to four (4) unrelated persons for each dwelling unit, depending on off-street parking and available space.
- (2) Multiple-family dwellings. (Two or more multiple family dwellings on a single lot are regulated as a Special Land Use in this District.)

- (3) Licensed Group Child Care Homes and Child Care Centers.
- (4) Bed & Breakfast Inns for the keeping of overnight guests for limited duration and providing breakfast meals for those guests subject to the conditions of Section 11.1:4.
- (5) Churches, public, private and parochial schools; public libraries, museums and art galleries, subject to the conditions of Section 11.1:5.
- (6) Fire stations and water towers when located at least fifty (50) feet from all property lines.
- (7) Municipal, denominational and private cemeteries subject to the conditions of Section 11.1:15.
- (8) Public and semi-public pools in compliance with Michigan Department of Environmental Quality (MDEQ) and other applicable State and local regulations.
- (9) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, subject to the conditions of Section 11.1:22.
- (10) Licensed Family Child Care Home.
- (11) Licensed Adult Foster Care Family Home.
- (12) Licensed Adult Foster Care Small, Medium and Large Group Homes, subject to the conditions of Section 11.1:2.
- (13) Office buildings for occupancy by professional offices, office building for occupancy by financial, insurance, bookkeeping and real estate firms; and offices of civic, religious and charitable organizations, subject to the conditions of section 11.1:16.
- (14) College and college-owned related uses, including:
 - a) Administrative buildings
 - b) Book and supply stores
 - c) Classroom buildings
 - d) Food commissaries
 - e) Housing for students
 - f) Laboratories
 - g) Restaurants

- h) Any other similar college uses, provided such uses comply with the provisions herein and are owned by the College.

3.6:3 Accessory Uses and Structures:

- (1) Private garages.
- (2) The keeping of up to three (3) cats, dogs or other household pets.
- (3) Private swimming pools, provided they comply with local regulations, including provisions dealing with required fencing.
- (4) Signs shall be permitted in accordance with regulations set forth in the Sign provisions of this Ordinance.

3.6:4 Height, Yard and Area Regulations:

Height, yard and area restrictions in the R-3 District shall be in accordance with the regulations as set forth in and Section 3.14.

R-3 District

	Single Family Structure	Duplex Structure	Multi-family Structure:
Minimum lot area	7,500 sq. ft.	12,000 sq. ft. (6,000 s.f./unit)	First 2 units: 12,000 sq. ft. (6,000 s.f./unit) Each additional: 3,000 sq. ft.
Minimum lot width	50 feet	80 feet	80 feet
Depth of lot	100 feet	100 feet	100 feet
Maximum height of structure	3 stories or 40 feet	3 stories or 40 feet	3 stories or 40 feet
Minimum front yard setback	15 feet	25 feet	25 feet

Minimum side yard setback (each)	8 feet	8 feet	8 feet
Minimum side yard setback (sum of both)	20 feet	20 feet	20 feet
Minimum rear yard setback	30 feet	30 feet	30 feet
Minimum street side yard setback	15 feet	20 feet	20 feet
Maximum lot coverage	30%	30%	30%

3.6:5 Parking Regulations – Off-street parking shall be provided in accordance with the regulations as set forth in Article 5.

3.6:6 Special Land Uses:

The following uses are permitted subject to issuance of a Special Land Use Permit and subject to the conditions in Article 11:

- (1) Planned Unit Development, subject to the conditions of Section 11.1:19.
- (2) Hospitals, sanatoriums, clinics, nursing and rest homes and charitable institutions of human care, subject to the conditions of Section 11.1:11.
- (3) Rooming and boarding houses, subject to the conditions of Section 11.1:25.
- (4) Home occupations, subject to the conditions of Section 11.1:10.
- (5) Radio and Television Stations, subjected to the conditions of Section 11.1:23.
- (6) Fraternities and sororities, subject to the conditions of Section 11.1:24.
- (7) Two or more Multiple Family Dwellings on a Single Lot, subject to the conditions of Section 11.1:13.
- (8) Owner occupied condominiums, subject to the conditions of Section 11.1:18.

SECTION 3.7 R-4 MOBILE HOME PARK DISTRICT – PERMITTED USES AND STRUCTURES**3.7:1 Purpose:**

The R-4 District is established to provide areas for residential Mobile Home Park development to expand the range of housing opportunities for residents of the City of Big Rapids. All mobile home park development shall be in accordance with the standards adopted by the Manufactured Housing Commission.

3.7:2 Principal Uses and Structures:

- (1) Mobile Home Parks.

3.7:3 Accessory Uses and Structures:

- (1) Structures and uses normally incidental to Mobile Home Parks, such as management offices, maintenance buildings, playground equipment, swimming pools and private accessory structures.

3.7:4 Height, Yard and Area Regulations:

- (1) The minimum parcel size for a mobile home park shall be 15 acres.
- (2) Height, yard and area restrictions shall be in accordance with the standards adopted by the Michigan Manufactured Housing Commission.

3.7:5 Parking Regulations. Off-street parking shall be provided in accordance with the standards adopted by the Michigan Manufactured Housing Commission.**SECTION 3.8 RR RESTRICTED RESIDENCE DISTRICT – PERMITTED USES AND STRUCTURES****3.8:1 Purpose:**

The “RR” District is established to provide for areas of transitional use between emerging commercial uses and established residential districts. The regulations include certain uses permitted in the Residential Districts such as multiple-family dwellings, duplexes and single-family homes, as well as uses permitted in certain commercial districts as special land uses. Services, facilities and uses incidental or accessory to permitted uses are included. It is not intended to permit commercial or industrial uses defined in the Ordinance, except as authorized by this Ordinance. In the “RR” Restricted Residential District, no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this Ordinance except for one or more of the following uses and subject to the following conditions and limitations.

3.8:2 Principal Uses and Structures:

- (1) Principal use permitted in the "R-3" Residential District with the exception of college related/or owned uses.
- (2) Medical clinics and doctors' offices for the treatment of human beings.
- (3) Group Child Care Home/Child Care Centers having not more than four (4) adults in a supervisory capacity over not more than twenty-five (25) children of the age of eight (8) years or less, and further subject to the conditions of Section 11.1:8.
- (4) Offices for general office activity and further subject to the conditions of Section 11.1:16.
- (5) Funeral parlors which do not contain crematories.
- (6) Barber shops, beauty parlors.
- (7) Banks, lending institutions.

3.8:3 Accessory Uses and Structures:

- (1) Accessory buildings and uses which are customarily incidental to an existing permitted building or use when located upon the same parcel of land, not involving the conduct of any business except that specifically permitted within the district and where such accessory building does not contain more than six hundred eighty (680) sq. ft. of total floor area.
- (2) Signs in accordance with the regulations set forth in the Sign provisions of this Ordinance.

3.8:4 Height Yard and Area Regulations:

Height yard and area restrictions in the RR District shall be in accordance with the regulations set forth in Section 3.13 of this Ordinance and as amended herein.

RR District

	Single Family and Commercial Structure	Duplex Structure	Multi-family Structure
Minimum lot area	8,000 sq. ft.	12,000 sq. ft.	First 2 units: 12,000 sq. ft. Each additional: 3,000 sq. ft.
Minimum lot width	66 feet	80 feet	80 feet
Depth of lot	100 feet	100 feet	100 feet
Maximum height of structures	3 stories or 40 feet	3 stories or 40 feet	3 stories or 40 feet
Minimum front yard setback	15 feet	25 feet	25 feet
Minimum side yard setback (each)	8 feet	8 feet	8 feet
Minimum side yard setback (sum of both)	20 feet	20 feet	20 feet
Minimum rear yard setback	30 feet	30 feet	30 feet
Minimum side street yard setback	15 feet	20 feet	20 feet
Maximum lot coverage	30%	30%	30%

3.8:5 Parking Regulations – Off-street parking shall be provided in accordance with the regulations as set forth in Article 5.

3.8:6 Special Land Uses:

The following uses are permitted subject to issuance of a Special Land Use Permit and subject to the conditions in Article 11:

- (1) Home occupations, subject to the conditions of Section 11.1:10.
- (2) General retail establishments such as:
 - (a) Clothing stores

- (b) Gift shops
 - (c) Book and stationery store
 - (d) Leather goods and luggage stores
 - (e) Art galleries
 - (f) Jewelry stores
 - (g) Novelty shops and other similar establishments.
- (3) Personal Service Establishments such as:
- (a) Tailor and dressmaker shops
 - (b) Shoe shine and shoe repair shops and other similar establishments.
- (4) Convenience goods retail establishments such as:
- (a) Supermarkets and other food stores including such establishments as bakeries, delicatessens which prepare food for retail sales.
 - (b) Drug Stores
 - (c) Dry goods and notion stores
 - (d) Variety stores
 - (e) Party or package liquor stores
 - (f) and other similar establishments.
- (5) Restaurants/bars serving meals and/or beverages for indoor consumption subject to the conditions of Section 11.1:20.
- (6) Radio and Television Stations, subject to the conditions of Section 11.1:23.

3.8:7**Conditions and Limitations:**

- (1) No building shall be greater than three (3) stories or forty (40) feet in height as measured from the average grade level of the streets abutting such building, to the mean height of the eave line to roof line, whichever is the lesser. The maximum size of a building in the "RR" district shall be three thousand (3,000) sq. ft. on the first floor.

- (2) No off-street parking shall be allowed within fifteen (15) feet of adjoining existing single or two-family dwellings or adjoining property zoned for a Residence District nor within the required setback areas abutting public streets may be used for private driveway purposes. Such setback requirements shall pertain to any portion of the vehicle.
- (3) All off-street parking areas shall be constructed with a surface of bituminous plant mix and/or concrete.
- (4) All new nonresidential construction, including overhangs and balconies, shall be set back not less than fifteen (15) feet from the boundary lines of adjoining residential property either used as a residence or zoned for a residence district. Where corner properties are involved, the "Front" of same shall be that which abuts the public street right of way upon which the major portions of the particular "RR" zone abuts.
- (5) All corner lots or parcels may have driveways on both abutting streets and alleys, but primary means of ingress and egress shall be on the major street, main business street, or major street arterial or connector.
- (6) Parking regulations. Off-street parking shall be provided in accordance with the regulations as set forth in Article 5.

3.8:8 The "RR" District shall come under the general requirements of the City of Big Rapids Zoning Ordinance as amended, and all restrictions and limitations therein.

SECTION 3.9 C-1 COMMERCIAL DISTRICT – PERMITTED USES AND STRUCTURES

3.9:1 Purpose:

The C-1 District is established to provide for commercial uses to serve a limited area of the City. The district is intended to serve the needs of local residents, regional residents and the highway traveler. Desired establishments include general retail establishments complimented by highway service uses such as hotels, gas stations and restaurants. It is not intended to permit residential or industrial development except as authorized by this Ordinance. In the C-1 Commercial District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

3.9:2 Principal Uses and Structures:

- (1) General retail establishments such as:

- (a) Clothing stores
 - (b) Gift Shops
 - (c) Book and stationery stores
 - (d) Leather goods and luggage stores
 - (e) Art galleries
 - (f) Jewelry stores
 - (g) Novelty shops
 - (h) Video rental stores
 - (i) and other similar establishments
- (2) Personal service establishments such as:
- (a) Barber and beauty shops
 - (b) Tailor and dressmaker shops
 - (c) Shoe shine and shoe repair shops
 - (d) Indoor recreation establishments (Ord. 738-05-19, passed 05-20-19)
 - (e) and other similar establishments
- (3) Retail establishments marketing primarily convenience goods such as:
- (a) Supermarket and other food stores including such establishments as bakeries, delicatessens which prepare food for retail sales
 - (b) Drug stores
 - (c) Dry goods and notion stores
 - (d) Variety stores
 - (e) Party or package liquor stores
 - (f) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29. (Ord. 752-10-19, passed 10-07-19)
 - (g) and other similar establishments.

- (4) Office establishments which perform services on the premises such as:
 - (a) Financial institutions
 - (b) Insurance offices
 - (c) Real estate offices
 - (d) Offices for attorneys, accountants, architects, engineers and similar professionals
 - (e) Small animal veterinary clinics with indoor boarding, excluding large agricultural animals
 - (f) and other similar establishments.

3.9:3 Accessory Uses. Accessory uses that are necessary and incidental to any principal use permitted are hereby permitted.

Signs shall be permitted in accordance with the regulations as set forth in the Sign provisions of this Ordinance.

3.9:4 Height, Yard and Area Regulations:

Height, yard and area restrictions permitted in the C-1 District shall be in accordance with the regulations set forth in and Section 3.13 of this Ordinance.

C-1 District

Minimum lot area	-
Minimum lot width	66 feet
Depth of lot	-
Maximum height of structures	40 feet
Minimum front yard setback	25 feet
Minimum side yard setback (each)	-
Minimum side yard setback (sum of both)	0 feet
Minimum rear yard setback	30 feet

3.9:5 Parking and Loading Regulations:

Off-street parking, loading and unloading shall be provided in accordance with the regulations as set forth in Article 5. Where applicable, shared parking standards shall comply with standards identified under Site Plan Review and Off-street Parking requirements.

3.9:6 Special Land Uses:

The following uses are permitted subject to issuance of a Special Land Use Permit and subject to the conditions in Article 11.

- (1) Planned shopping centers subject to the conditions of Section 11.1:20.
- (2) Motels and hotels subject to the conditions of Section 11.1:20.
- (3) Restaurants/bars serving meals and/or beverage for indoor consumption subject to the conditions of Section 11.1:20.
- (4) Drive-in retail or service establishments limited to:
 - (a) Drive-in restaurant
 - (b) Automobile service stations, subject to the conditions of Section 11.1:3.
- (5) Self-service storage facility subject to the conditions of Section 11.1:26.
- (6) Radio and Television Stations subject to the conditions of Section 11.1:23.
- (7) Communication antennae affixed to existing structures, subject to the conditions of Section 11.1:6.

SECTION 3.10 C-2 COMMERCIAL DISTRICT – PERMITTED USES AND STRUCTURES

3.10:1 Purpose:

The C-2 District is established to provide areas of high concentrations of pedestrian-oriented retail activities. Desired development includes commercial uses accompanied by off-street parking. It is not intended to permit industrial uses or commercial uses requiring vehicular movement except as authorized by this Ordinance. In the C-2 Commercial District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

3.10:2 Principal Uses and Structures:

- (1) General retail establishments such as:

- (a) Bicycle shops, sales and service
 - (b) Book and stationery stores
 - (c) Clothing and accessories, retail sales
 - (d) Department stores
 - (e) Florists, retail sales
 - (f) Food markets and supermarkets
 - (g) Fruit and vegetable stores, retail sales (when enclosed within a building)
 - (h) Furniture stores, retail sales, repair and reupholstering (new and used)
 - (i) Hardware stores
 - (j) Musical instruments, sales and service
 - (k) Novelty shops
 - (l) Nursery stock, retail sales
 - (m) Optical goods, retail sales
 - (n) Paint stores, retail sales
 - (o) Pet shops, retail sales (when enclosed within a building)
 - (p) Photographic supplies, retail sales
 - (q) Plumbing shops, retail sales and service
 - (r) Radio and television, retail sales and service
 - (s) Restaurants
 - (t) Sporting goods stores, retail sales
 - (u) Wallpaper stores, retail sales
 - (v) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29. (Ord. 752-10-19, passed 10-07-19)
 - (w) Other similar establishments
- (2) Personal service establishments such as:

-
- (a) Amusement establishments
 - (b) Bar, cocktail lounges and taverns
 - (c) Barber and beauty shops
 - (d) Blueprinting shops
 - (e) Dance studios
 - (f) Child Care Center
 - (g) Dry cleaning and laundry pickup stations
 - (h) Dry cleaning establishments
 - (i) Funeral homes and mortuaries
 - (j) Hotels
 - (k) Laundromats and self-serve dry cleaning
 - (l) Medical clinics
 - (m) Motels
 - (n) Music studios
 - (o) Myotherapy Establishments
 - (p) Photographer's studios
 - (q) Shoe repair
 - (r) Tailor shops
 - (s) Theaters
 - (t) Indoor recreation establishments (Ord. 738-05-19, passed 05-20-19)
 - (u) Arts and crafts studios (Ord. 738-05-19, passed 05-20-19)
 - (v) Licensed microbreweries, brewpubs, small distilleries, and small wineries (Ord. 738-05-19, passed 05-20-19)
 - (w) Other similar establishments
- (3) Retail establishments marketing primarily convenience goods such as:
- (a) Bakeries, retail sales

- (b) Beer, wine and liquor, retail sales
 - (c) Confectionery and delicatessen stores
 - (d) Drug stores
 - (e) Dry goods stores
 - (f) Electrical and electric appliances, retail sales and service
 - (g) Meat markets
 - (h) Catering services (Ord. 738-05-19, passed 05-20-19)
 - (i) Office establishments which perform services on the premises such as:
 - (A) Banking and loan institutions
 - (B) Other similar establishments
 - (j) and other similar establishments
- (4) Public and semi-public uses such as:
- (a) Churches
 - (b) Clubs
 - (c) Hospitals, sanatoriums, clinics, nursing convalescent and rest homes and institutions for human care, subject to the conditions of Section 11.1:11.
 - (d) Municipal, County, State and Federal administrative buildings, subject to the conditions of Section 11.1:14.
 - (e) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations with service yards, but without storage yards, subject to the conditions of Section 11.1:22.
 - (f) Other similar establishments.
- (5) Dwelling units within commercial structures, except on the main floor and basement of those structures.
- (6) Offices, professional and business (including sample rooms but not warehouses).
- (7) Schools, private.

- (8) Trade schools.
- (9) Train, bus or taxi stations or terminals.
- (10) Any other business uses, provided uses are not objectionable by reason of emission of odors, soot, dust, noise, gas fumes or vibrations, or it is not otherwise obnoxious or offensive and when authorized by the Planning Commission, but specifically excluding those uses permitted in the C-3 District and the Industrial District except those already listed in this Article.

3.10:3 Accessory Uses and Structures:

- (1) Accessory uses that are necessary and incidental to any principal use permitted are hereby permitted.
- (2) Signs shall be permitted in accordance with the regulations as set forth in the Sign provisions of this Ordinance.

3.10:4 Height, Yard and Area Regulations:

Height, yard and area restrictions permitted in the C-2 District shall be in accordance with the regulations as set forth in Section 3.13 of this Ordinance.

C-2 District

Minimum lot area	-
Minimum lot width	-
Depth of lot	-
Maximum height of structures	40 feet
Minimum front yard setback	-
Minimum side yard setback (each)	-
Minimum side yard setback (sum of both)	0 feet
Minimum rear yard setback	0 feet

3.10:5 Parking and Loading Regulations:

Off-street parking, loading and unloading shall be provided in accordance with the regulations as set forth in Article 5.

3.10:6 Special Land Uses:

The following uses are permitted subject to issuance of a Special Land Use Permit and subject to the conditions in Article 11:

- (1) Automobile Service Stations, subject to the conditions of Section 11.1:3.
- (2) Radio and Television Stations, subject to the conditions of Section 11.1:23.
- (3) Communication antennae affixed to existing structures, subject to the conditions of Section 11.1:6.

SECTION 3.11 C-3 COMMERCIAL DISTRICT – PERMITTED USES AND STRUCTURES**3.11:1 Purpose:**

The C-3 District is established to provide areas of commercial development which require large exterior spaces for storage, display or sale of merchandise or commercial uses which depend upon continual movement of vehicular traffic. It is not intended to permit residential or industrial development except as authorized by this Ordinance. In the C-3 Commercial District no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

3.11:2 Principal Uses and Structures:

- (1) Any use permitted in the C-1 and C-2 Commercial Districts.
- (2) General retail establishments such as:
 - (a) Agricultural implements, retail sales, service, rentals
 - (b) Automobile, truck and tractor sales, service, rentals
 - (c) Awning sales and service
 - (d) Heating and air conditioning, sales and service
 - (e) Monument sales
 - (f) Motorcycle sales, service rentals
 - (g) Trailer sales, service rentals
 - (h) Used car lots

- (i) Marihuana establishments that are retailers, safety compliance facilities, or microbusinesses, subject to the conditions of Section 11.1:29. (Ord. 752-10-19, passed 10-07-19)
 - (j) and other similar establishments.
- (3) Personal service establishments such as:
- (a) Animal services and enterprises, including veterinary clinics with outdoor runs.
 - (b) Automobile wash establishments
 - (c) Automobile, repair shops and body shops
 - (d) Drive-in eat and drinking establishments
 - (e) Dry cleaning and dyeing establishments
 - (f) Egg candling and grading, incidental to a permitted use
 - (g) Electrical contractor
 - (h) Garages, service
 - (i) Gasoline service stations
 - (j) Kennel, commercial
 - (k) Laundries
 - (l) Lawnmower sharpening
 - (m) Myotherapy Establishments
 - (n) Plumbing contractor
 - (o) Other similar establishments
- (4) Establishments with limited processing of materials such as:
- (a) Machine shops, incidental to a permitted use
 - (b) Newspaper publishing
 - (c) Painting and enameling shops, incidental to a permitted use
 - (d) Printing shops
 - (e) and other similar establishments

- (f) Storage facilities of a non-industrial nature such as
 - (g) Frozen food lockers, incidental to a permitted use
 - (h) Ice pickup stations
 - (i) Warehouses, except for food, hides and furs, of an exterior height not to exceed one (1) story to twenty (20) feet, and of building area not to exceed eight thousand (8,000) sq. ft..
 - (j) Other similar establishments.
- (5) Greenhouses.
- (6) Any other business uses, provided such uses are not objectionable by reason of emission of odors, soot, dust, noise, gas fumes or vibrations, or are not otherwise obnoxious or offensive and when authorized by the Planning Commission, but specifically excluding those uses permitted in the Industrial District except those already listed in this article.

3.11:3 Height, Yard and Area Regulations:

Height, yard and area restrictions permitted in the C-3 District shall be in accordance with the regulations as set forth in Section 3.13 of this Ordinance.

C-3 District

Minimum lot area	-
Minimum lot width	66 feet
Depth of lot	-
Maximum height of structures	40 feet
Minimum front yard setback	15 feet
Minimum side yard setback (each)	-
Minimum side yard setback (sum of both)	0 feet
Minimum rear yard setback	0 feet

3.11:4 Parking and Loading Regulations:

Off-street parking, loading and unloading shall be provided in accordance with the regulations set forth in Article 5 and shall not be closer to any street right-of-way line than ten (10) feet and must be properly screened from said street and from adjoining residential property. Where applicable, shared parking standards shall comply with standards identified under Site Plan Review and Off-Street Parking requirements.

3.11:5 Sign Regulations.

Signs shall conform with the regulations as set forth in the Sign provisions of this Ordinance.

3.11:6 Special Land Uses

The following uses are permitted subject to issuance of a Special Land Use Permit and subject to the conditions in Article 11:

- (1) Adult Entertainment Establishments subject to the conditions of Section 11.1:1.
- (2) Radio and Television Stations subject to the conditions of Section 11.1:23.
- (3) Communication antennae affixed to existing structures, subject to the conditions of Section 11.1:6.

SECTION 3.12 I - INDUSTRIAL DISTRICT

3.12:1 Purpose:

The purpose of this District classification is to establish a zone where designated trades and light industries may locate, which produces a minimum amount of adverse effect upon surrounding premises of a higher use classification and which provides for more uniform and higher quality industrial land use. It is not intended to permit any residential or commercial development except as authorized by this Ordinance. Heavy industrial development is permitted within the district by Special Land Use Permit only.

3.12:2 Permitted Uses:

- (1) Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles of manufacture.
- (2) Business operations for bottling, boxing, crating, shipping, hauling, storage.
- (3) Offices and office buildings as accessory to any of the uses identified as permitted uses.
- (4) Fully enclosed warehouses for storage and transfer of goods.

- (5) Accessory buildings and uses incidental and subordinate to the principal building or use herein permitted upon the premises.
- (6) Essential service of public buildings including airport uses:
- (7) Airport uses for buildings, hangar, terminal, taxiway, runway owned and operated by the City of Big Rapids.
 - (a) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards.
 - (b) Railroad right-of-ways, including switching storage, sitings, docks and stations for sewage disposal plants operated by or under contract with the City sewage disposal and/or water treatment plants.
- (8) Licensed Child Care Centers. (Ord. 737-04-19, passed 04-01-19)
- (9) Indoor recreation establishments (Ord. 738-05-19, passed 05-20-19)
- (10) Arts and crafts studios (Ord. 738-05-19, passed 05-20-19)
- (11) Catering services (Ord. 738-05-19, passed 05-20-19)
- (12) Licensed alcohol manufacturing establishments (Ord. 738-05-19, passed 05-20-19)
- (13) Scientific, engineering, and medical research and development laboratories (Ord. 738-05-19, passed 05-20-19)
- (14) Construction equipment sales, service, and rental, subject to the conditions of Section 11.1:30. (Ord. 753-10-19, passed 10-21-19)

3.12:3 Parking and Loading Requirements:

Off-street parking, loading and unloading shall be provided in accordance with the regulations as set forth in Article 5, except that in the case of parking which is designated for employee parking only, the surface may be that of gravel, crushed stone or a similar type material as a substitute for asphalt, bituminous or concrete pavement.

3.12:4 Sign Requirements:

Signs shall be permitted in accordance with the requirements as set forth in the Sign provisions of this Ordinance.

3.12:5 Height, Yard and Area Regulations:

Height, yard and area restrictions in the “I” District shall be in accordance with the regulations set forth in Article 3.13.

“I” District

Minimum lot area	-
Minimum lot width	100 feet
Depth of lot	-
Maximum height of structures	75 feet
Minimum front yard setback	10 feet
Minimum side yard setback (each)	-
Minimum side yard setback (sum of both)	10 feet
Minimum rear yard setback	10 feet

- (1) The setback for industrially Zoned property adjacent to R-1, R-2, R-3, R-4 or C-1, C-2, C-3 and “RR” zoned areas shall be a minimum of fifty (50) feet from the property line of the areas zoned R-1, R-2, R-3, R-4 or C-1, C-2, C-3 and “RR”.
- (2) Screening of side and rear yards. Industrially zoned property, when abutting R-1, R-2, R-3, R-4 or C-1, C-2, C-3 and “RR” zoned areas shall be screened with a six (6) foot high solid fence or wall and/or evergreen planting, the ultimate height of which will reach at least six (6) feet within three (3) years from planting, constituting a solid screen at that time.

3.12:6 General Performance Standards:

- (1) Glare and heat. Glare and heat from arc welding, acetylene torch cutting, similar process and outdoor lighting shall be performed so as not to be seen from any point beyond outside of the property, or to the property line of the generator of the glare and heat.
- (2) Fire and Safety Hazards. The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with State rules and regulations as established by Public Act No. 207, P.A. 1941, as amended.
- (3) Storage. The storage of all materials, objects, equipment, machinery and inoperative motor vehicles shall be within a building or enclosed within a maintained six (6) foot fence.

- (4) Landscaping and Buffering. Development shall comply with Landscape Standards as required in Article 8.

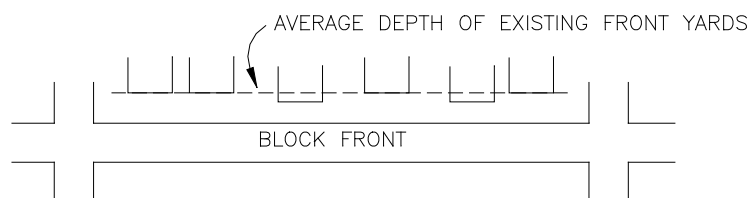
3.12:7 Special Land Uses:

The following uses are permitted subject to issuance of a Special Land Use Permit and subject to the conditions in Article 11:

- (1) Heavier industrial uses emitting noxious odors, gases, smoke, heat or glare creating fire or safety hazard such as slaughter houses, bulk storage operations, junk storage or sales, and other similar specified uses where the limitations of Section 5.3:3 (13) would apply subject to the conditions of Section 11.1:9.
- (2) Communication antennae affixed to existing structures, subject to the conditions of Section 11.1:6.
- (3) Communication Towers, subject to the conditions of Section 11.1:7.
- (4) Marihuana establishments that are growers, excess growers, processors, safety compliance facilities, or secure transporters, subject to the conditions of Section 11.1:29. (Ord. 752-10-19, passed 10-07-19)

FOOTNOTES TO SECTION 3.13

- (1) As measured at the required setback line.
- (2) A side yard adjacent to a side street shall be a minimum of twenty (20) feet.
- (3) A side yard adjacent to a side street shall be a minimum of fifteen (15) feet.
- (4) Except that a side yard of ten (10) feet is required adjacent to a side street.
- (5) No dimension restrictions for college and related use.
- (6) Fairgrounds required fifty (50) feet for front setback, rear setback and total of two (2) setbacks respectively.
- (7) No dimension restrictions for airport and related uses.
- (8) (Section 4.1:14, entitled "Front Yards", specifies the following:
 - A. Exceptions for Existing Alignment
 - (a) In any residential district the front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots along the same block front; provided the front depth shall not be less than ten (10) feet and need not exceed by more than ten (10) feet the minimum front yard depth required by other provisions of this Ordinance.



- (b) In any commercial or industrial district the front yard requirements may be modified so as to equal the average depth of existing buildings occupying sixty (60) percent or more of the frontage within the same block.

In the C-2 zoning district new structures shall be set back in line with existing structures along its block front.

B. Structures of Projections Permitted.

- (a) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located closer than the five (5) feet from any lot line.
- (b) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into a required front yard.

(9) Minimum Square Footage Per Dwelling Unit. All dwelling units developed under the provisions of this Ordinance shall be constructed to meet the following standards for square footage per dwelling unit, based upon the usage of the dwelling unit by the number of bedrooms.

No. of Bedrooms	Required Sq. ft.
0	550
1	650
2	750
3	850
4	950

Each dwelling unit constructed with more than four (4) bedrooms shall have a minimum of one hundred seventy (170) sq. ft. of space added to its total size in sq. ft. per bedroom constructed over four (4). Mobile homes in mobile home parks are exempt from this section. Single-family dwellings in R-1 Districts must be a minimum of nine hundred fifty (950) sq. ft.. (Section 3.13(9) was replaced by Ord. #552-07-05 on July 18, 2005.)

- (12) All mobile home park development shall be in accordance with the standards adopted by the Manufactured Housing Commission.
- (13) Residential uses shall meet standards for the applicable housing type listed for the R-3 district.

ARTICLE 4**GENERAL PROVISIONS**

4.1:0 Purpose:

The General Provisions article of this Ordinance enumerates assorted land use regulations that either apply to all zoning districts or to those districts specifically identified.

4.1:1 Application of Zoning:

Except as hereinafter provided, no building, structure or land shall be used and no building or part thereof or other structure shall be erected, razed, moved, reconstructed, extended, enlarged, altered or any building change of use or land change of use except in conformity with these regulations.

4.1:2 Restoring Unsafe Buildings:

When any building or part thereof is declared unsafe by the City, nothing in this Ordinance shall prevent compliance with lawful requirements or the strengthening or restoring of the building to a safe condition.

4.1:3 Pending Applications for Building Permits:

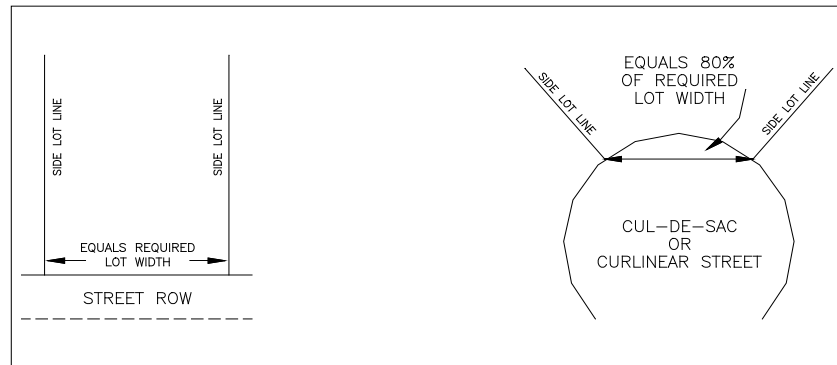
Any building permits issued prior to the effective date of this Ordinance shall be valid as issued and subject to the ordinance(s) in effect at that time, provided construction is commenced within sixty (60) days after the effective date of this Ordinance and is not discontinued for a continuous period in excess of sixty (60) days and is completed within one (1) year of the date of issuance of the building permit.

4.1:4 Rear Dwellings Prohibited:

No building in the rear and on the same lot of a principal building shall be used for residential purposes.

4.1:5 Accessibility of Residential Lot:

Any lot, except those of record at the time of enactment of this Ordinance, used for residential purposes shall have on a public street or approved private street, frontage greater than or equal to the minimum lot width required for the zoning district in which the lot is located. Lots located on a cul-de-sac or a curvilinear street shall have frontage greater than or equal to eighty (80) percent of the minimum lot width required for the zoning district in which the lot is located.

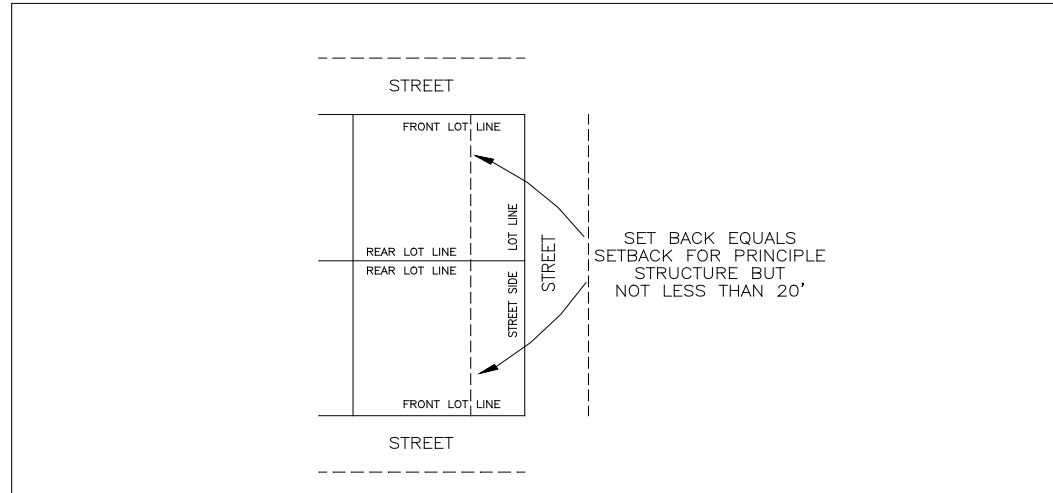


4.1:6 Accessory Structures in Non-Residential Districts

- (1) Any part of a detached accessory building shall be at least sixty (60) feet from any front lot line when the adjoining lot is located in a residential district.
- (2) Accessory buildings may be erected as a part of or connected to the principal building, but in either case accessory buildings are considered a part of the principal building, and all yard requirements for a principal building will be complied with.

4.1:7 Accessory Structures in Residential Districts

- (1) Accessory buildings shall be erected only in the rear yard area.
- (2) Accessory buildings shall not exceed sixteen (16) feet in height or eighty (80) percent of the height of the principle structure, whichever is greater; and shall be located at least six (6) feet from any other separate structure on the same lot and shall not be closer than three (3) feet to any lot line, or five (5) feet from an alley right-of-way line. Structures closer than ten (10) feet to another structure on the same or adjacent lots must be constructed of fire rated materials as required by the building code.
- (3) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within eight (8) feet of such abutting lot line nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in no case shall the setback be less than twenty (20) feet.

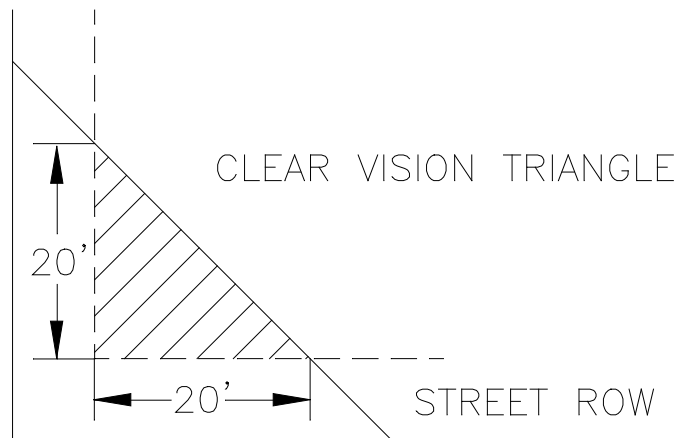


- (4) When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory building shall be closer to the side street lot line of a corner lot than the side street yard setback of the principal building on the corner lot, but in no case shall the setback be less than twenty-five (25) feet.
- (4) A private garage or a portion thereof may be rented or leased for not more than one (1) motor vehicle (noncommercial type only) to a person not a resident of the dwelling on the lot. Sufficient parking for the primary use must remain.

4.1:8

Vision Clearance on Corner Lots:

On any corner lot in any district, no sign, structure or plantings higher than three and one-half (3-1/2) feet above established curb grade, except trees with a minimum clearance of eight (8) feet from the ground to the lowest branch, shall be erected or maintained within a line connecting points on the street lot lines twenty (20) feet distant from the corner. Fences up to four (4) feet in height may be permitted, provided they are no more than twenty-five (25) percent opaque.



4.1:9 Required Yard Cannot be Reduced or Used by Another Structure:

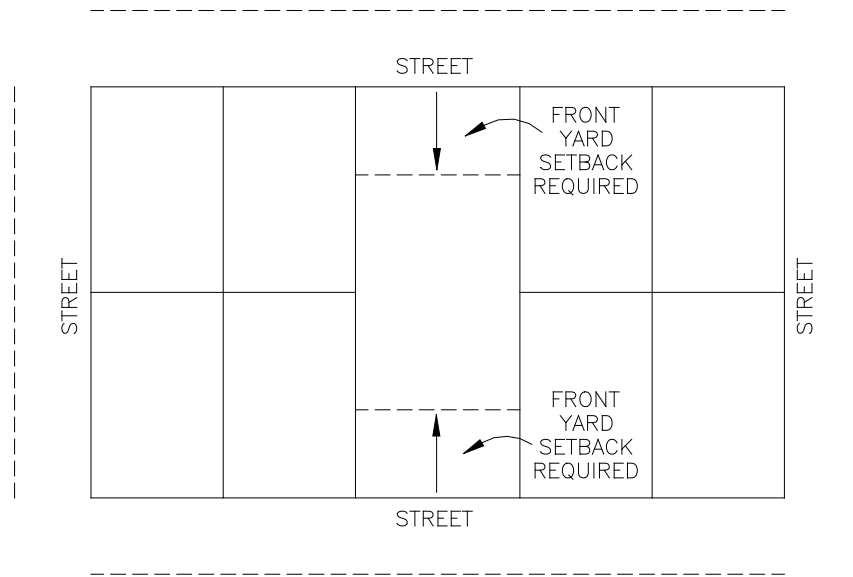
No lot shall be divided or reduced so as to make the required area or dimensions less than the minimum required by this Ordinance, nor shall any yard required for a principal building be included as a part of a yard required under this Ordinance for any other building.

4.1:10 Yard Requirements Along Zoning Boundary Line:

A lot having a side yard line adjacent to any zoning boundary line of a more restricted district shall have a side yard not less than the minimum width required for the adjoining side yard for the more restricted district.

4.1:11 Front Yards on Lots Running Through the Block:

In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line, not a side street lot line.



4.1:12 Exception to Area Limits:

A single-family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this Ordinance, provided all other requirements of this Ordinance are complied with.

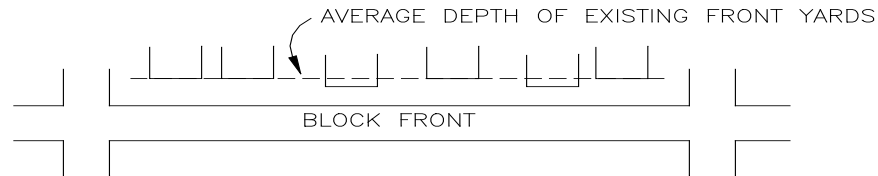
4.1:13 Exception to Height Limits:

Governmentally owned structures, churches, parapet walls not exceeding three (3) feet in height, belfries, cupolas, domes, chimneys, smokestacks, flagpoles, radio towers, masts and aerials, television antenna, ornamental towers, monuments, transmission towers, cooling towers and necessary mechanical appurtenances are excepted from required height limitations unless otherwise specified in this Ordinance.

4.1:14 Front Yards.

(1) Exceptions for Existing Alignment:

- (a) In any residential district the front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots along the same block front; provided the front depth shall not be less than ten (10) feet and need not exceed by more than ten (10) feet the minimum front yard depth required by other provisions of this Ordinance.



- (b) In any commercial or industrial district the front yard requirements may be modified so as to equal the average depth of existing buildings occupying sixty (60) percent or more of the frontage within the same block. In the C-2 zoning district new structures shall be set back in line with existing structures along its block front.

(2) Structures or Projections Permitted.

- (a) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located closer than the five (5) feet from any lot line.
- (b) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and similar features may project into a required front yard.

4.1:15 Side Yards:

(1) When Side Yards Can be Reduced:

- (a) On lots with a width of less than sixty-six (66) feet and recorded as such prior to the date of the adoption of this Ordinance, the minimum width of each of the side yards shall be seven and one-half (7-1/2) feet, except side street yards shall be a minimum of fifteen (15) feet.
- (b) The least width of a required side yard may be measured to the centerline of any adjoining alley, but no building shall be erected within five (5) feet of the alley line.

(2) Structures or Projections Permitted:

- (a) Bays, including their cornices and eaves, balconies, fire escapes and fireplaces shall not project into a required side yard more than one-third (1/3) of its required width nor more than three (3) feet, provided that the length of any such projection shall not exceed one-third (1/3) of the length of the side yard in which such projection occurs, however, any fire escape so located may be at least ten (10) feet in length.
- (b) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be closer than five (5) feet from any lot line.
- (c) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features, may project into a required side yard.

4.1:16 Rear Yards:

(1) When Rear Yards Can Be Reduced

- (a) In all residential districts any platted and recorded lot less than one hundred twenty (120) feet deep may have three (3) inches deducted from the required rear yard depth for every foot the lot is less than one hundred twenty (120) feet deep, provided no rear yard shall be less than ten (10) feet.
- (b) The required rear yard depth may be measured to the centerline of any adjoining alley, but no building shall be erected within five (5) feet of the alley line.

(2) Structures or Projections Permitted

- (a) Terraces, steps, uncovered porches or other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located less than ten (10) feet from the rear lot line or less than six (6) feet from an accessory building.
- (b) Bays, including their cornices and eaves, balconies and fireplaces, shall not project more than three (3) feet into a required rear yard.
- (c) Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and other similar features may project into a required rear yard.

All Yards:

Front, side and rear yards are defined based upon the relationship of lots to street frontage. Doors, entrances or exits may have nothing to do with determining the front, rear and side yards so long as all yard setbacks are adhered to in accordance with this Ordinance. Changing doors, entrances or exit locations does not effect the location of a lot's front, rear or side yards.

4.1:18 Essential Services:

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City of Big Rapids it being the intention hereof to exempt such essential services from the application of this Ordinance.

4.1:19 Sewage Disposal and Water Supply:

A safe and sanitary means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system complying with the provisions of Article V of the City of Big Rapids Code of Ordinances, shall be provided for each building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwelling, business, recreational, commercial, industrial or other purposes.

4.1:20 Grading:

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such run-off on those premises.

4.1:21 Storm Water Runoff:

All development shall be in compliance with adopted Municipal Storm Water Standards.

4.1:22 Parking, Storage or Use of Major Recreational Equipment:

The parking or storing of major recreational equipment in a front or side street yard on any lot in a Residential District is prohibited, except that the parking of such recreational equipment in such yard for a period of not to exceed twenty-four (24) hours, for purposes of loading or unloading, is permitted. The parking or storing of major recreational equipment in a side or a rear yard on any lot in a Residential District is permitted subject to the following requirements:

- (1) The use of campers, camper trailers, recreational vehicles, and the like for living or sleeping purposes, either temporary or permanent is prohibited.

- (2) Mobile home storage is prohibited in all residential districts except in a licensed mobile home park.
- (3) The parking or storing of major recreational equipment on a lawfully constructed driveway is permitted in all residential districts from April 1st to December 1st, but is prohibited in a required front or side street yard driveway from December 1st to April 1st.
- (4) The parking or storage of major recreational equipment over 20' in length and 6' in height must be set back at least 20 feet from the public sidewalks, or 20 feet from street curb or street edge on parcels without a sidewalk, in the front or side street yard driveway.
- (5) All major recreational equipment that is parked or stored in a residential district shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding neighborhood, and must be registered or licensed and roadworthy.
- (6) No more than three pieces of major recreational equipment can be parked or stored outside of a garage on a parcel in all residential districts. Recreational vehicles mounted for legal transit on a trailer shall be considered as one piece of recreational equipment.

4.1:23 Screening Outdoor Storage:

Outdoor storage in Commercial and Industrial Districts (temporary or permanent), which is adjacent to residential uses or residentially-zoned premises, shall be screened with a minimum height of six (6) foot solid fence or wall and/or evergreen planting, the ultimate height of which will reach at least six (6) feet, within three (3) years from planting constituting a solid screen at that time.

4.1:24 Exterior Lighting.

- (1) All outdoor lighting in all use districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights-of-ways.
- (2) Illumination guidelines shall generally be in accordance with the following standards:
 - (a) Street Illumination

Street Hierarchy	Nonresidential Area	
	Lux	Footcandles
Major	15	1.4
Collector	10	1.0
Local	6	0.6

(b) Parking Illumination Level of Activity	Active Vehicular Use Areas Only		General parking and Pedestrian Areas	
	Lux	Footcandles	Lux	Footcandles
Low activity	5	0.5	2	0.2
Medium Activity	10	1.0	6	0.6
High Activity	20	2.0	10	1.0

- High activity. Examples include major athletic facilities, major cultural or civic events, regional shopping centers, and fast food facilities.
- Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or reception events, and residential complex parking.
- Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

(c) Building Exteriors

Component	Outdoor Areas	
	Lux	Footcandles
Entry/Active Use Areas	50	5.0
Vital Locations	50	5.0

Building Surrounds	10	1.0
Gardens (General)	5	0.5
Walkways	5	0.5
Monuments (Flood Lighted)	150	15.0

(d) Signs

- (i) In no case shall any illuminated sign exceed a level of eight hundredths (0.08) footcandles and a luminaire brightness of twenty-four hundred (2,400) foot lamberts, when measured at the property line. For purposes of this Ordinance, foot lambert shall be defined as the average "brightness" of any surface emitting or reflecting one (1) lumen per square foot. This requirement is in addition to other applicable sign provisions.
- (ii) All illumination shall not be of a flashing, moving, or intermittent type other than used in connection with a sign for the conveyance of noncommercial information which requires periodic change, such as time, temperature, or stock average.
- (iii) All illumination shall be constant in intensity and color at all times when in use.
- (iv) With the exception of signs, the level of illumination shall be measured at the furthest point to be illuminated on that site.

4.1:25 Single Family Dwellings:

Single Family dwellings in the City of Big Rapids not located in a mobile home park shall comply with the following standards:

- (1) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- (2) It has a minimum width across any section of twenty-four (24) feet and complies in all respects with the City Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are less stringent than those imposed by the City Building Code, then the less stringent federal or state standard or regulation shall apply.

- (3) It is firmly attached to a permanent foundation, constructed on the site in accordance with the City Building Code and coextensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
- (4) It does not have exposed wheels, towing mechanism, under-carriage or chassis.
- (5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- (6) The dwelling contains storage area either in the basement under the dwelling, in an attic area, in closet areas or a separate structure being standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15) percent of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) sq. ft. of storage area be required by this provision.
- (7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being either the rear or side of the dwelling; contains permanently attached steps connected to said exterior areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; where said area is not so developed, by the character of residential development outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in

appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.

- (9) The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards, effective June 15, 1976 as amended.
- (10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by a state or federal law or otherwise specifically required in the Ordinance of the City pertaining to such parks.

4.1:26 Non-Single Family Dwelling Units:

All dwelling units in the City of Big Rapids not considered a single family dwelling or a mobile home, including but not limited to duplexes and multiple family dwellings, shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the character of residential development outside of mobile home parks within three hundred (300) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; where said area is not so developed, by the character of residential development outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home. The dwelling shall comply with all pertinent building and fire codes.

4.1:27 Exception to Yard and Lot Coverage Requirements:

In cases of legal nonconforming Class A residential lots which do not meet the existing minimum lot width or lot area requirements, minimum side yard setbacks may be reduced and maximum lot coverage requirements may be increased by administrative action based on the following formula:

- (1) Side Yard Setback Reduction

The minimum side yard setback may be reduced at the same ratio as the width of the existing lot and the minimum lot width requirement for the district that the lot is in. (Example: A lot is eighty (80) feet wide in

a district that requires lots to be a minimum of one hundred (100) feet wide. The lot's width is eighty (80) percent of the minimum. The minimum side yard requirement is ten (10) feet. The side yard setback for that lot may therefore be reduced to eight (8) feet, or eighty (80) percent of ten (10) feet).

In no case may the minimum side yard setback be reduced to less than five (5) feet.

(2) Maximum Lot Coverage Increase

The maximum lot coverage requirement may be increased at the same percentage as the percentage that an existing lot's total area is less than the minimum lot area requirement for that district. (Example: A lot is nine thousand (9,000) sq. ft. in area in a district that requires a minimum lot area of ten thousand (10,000) sq. ft.. The lot is ninety (90) percent of the district requirement, or is ten (10) percent smaller than required. The maximum lot coverage in the district is twenty (20) percent. The maximum lot coverage for that is increased by ten (10) percent of the normal requirement to twenty-two (22) percent ($110\% \times 20\% = 22\%$).

In no case may a lot eight thousand (8,000) sq. ft. or less in size have its lot coverage increased to more than thirty-eight (38) percent of the lot area. In no case may a lot over eight thousand (8,000) sq. ft. in size have its lot coverage increased to more than thirty-three (33) percent of the lot area.

4.1:28 Structure Completion:

All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar performance tested material within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Zoning Administrator.

4.1:29 One Principal Building:

In all districts, only one (1) principal building shall be placed on a single lot, except in the case of PUD's, condominium developments and multi-family developments as regulated by this Ordinance.

ARTICLE 5

OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

Section 5.0 PURPOSE

It is the purpose of this Article to establish design requirements and numerical minimums for parking spaces based on type of land use.

SECTION 5.1 LOADING/UNLOADING SPACES

Loading and unloading spaces shall be provided in RR, C-1, C-2, C-3 and I Districts in connection with all commercial and industrial uses, except in cases where adequate space, as determined by the Zoning Administrator, is or can be provided on adjacent public property as follows:

- 5.1:1 For 10,000 to 20,000 sq. ft. of floor area – one (1) space; for 20,001 to 50,000 sq. ft. of floor area – two (2) spaces; for 50,001 to 100,000 sq. ft. of floor area – three (3) spaces; one (1) additional for each additional 100,000 sq. ft. or part thereof:
- 5.1:2 Each loading space shall be at least ten (10) feet in width, sixty-five (65) feet in length and have a clearance of fourteen (14) feet above grade.
- 5.1:3 For uses that have limited loading and unloading needs, the loading and unloading area is not required to be dedicated solely for that purpose. However, a loading/unloading area cannot be designated in an area also designated for required parking nor may a loading or unloading space be credited toward required parking area.
- 5.1:4 Such space may occupy all or any part of any required yard or court space in an industrial district, but a space solely dedicated as a loading/unloading area shall not be located in the front yard or street side yard in the RR, C-1, C-2 or C-3 Districts.
- 5.1:5 No space dedicated solely as a loading/unloading area shall be located closer than fifty (50) feet to any lot in any residential district, unless wholly within a completely enclosed building or enclosed on all sides facing residential zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6) feet in height.

SECTION 5.2 PARKING SPACES REQUIRED

Parking or storage of motor vehicles shall be provided in all districts other than the C-2 District in connection with all industrial, commercial, business, trade, institutional, recreational or dwelling uses, and similar uses, in accordance with the following schedule 5.2:1. Developments within the C-2 zone and within 300 feet of a municipal parking lot may utilize such lots in required parking space calculations:

5.2:1 Table of Parking Space Requirements

USE	PARKING SPACES REQUIRED
Adult Entertainment Establishments	One (1) parking space per 200 sq. ft. of net floor area, but not less than three (3) parking spaces.
Adult Foster Care Homes	One (1) space per employee on the largest working shift plus one (1) space per every two (2) group home residents.
Airport	One (1) space per five (5) aircraft tie down or storage spaces plus one (1) space per employee, plus one (1) space per four (4) seats in waiting areas.
Animal Services and Enterprises	One (1) parking space per each 200 sq. ft. of floor area but not less than three (3) parking spaces.
Automobile Sales	One (1) parking space per each 500 sq. ft. of floor area but not less than three (3) parking spaces.
Automobile Service Garages	One (1) parking space for each employee plus two (2) spaces for each service bay.
Automobile Service Station	One (1) parking space for each employee plus two (2) spaces for each service bay.
Banks with Drive-In Windows	One (1) space per each 200 sq. ft. of area within the main building but not less than three (3) parking spaces, plus five (5) stacking spaces per service window or ten (10) stacking spaces for service windows serving two (2) stations.
Barber and Beauty Shops	Three (3) parking spaces for the first chair or booth and two (2) for each additional chair or booth.
Bed and Breakfast Inns	Two (2) spaces per permanent resident family plus one (1) space per guest room.
Boarding House	One (1) space per bedroom.
Bowling Alleys	Seven (7) parking spaces for each alley.
Cemeteries	One (1) space per employee on the largest working shift.

Child Care Homes	Three (3) spaces for every five (5) beds except for uses exclusively serving children under the age of 16, in which case one (1) space for every three (3) beds shall be required.
Churches or Places for Public Assembly	One (1) parking space for each three (3) seats.
Dance Hall, Roller Rink, Assembly Hall, without fixed seats	One (1) space per 200 sq. ft. of floor area plus one (1) per employee.
Dry Cleaner	One (1) space per 200 sq. ft. of floor area plus one (1) space per employee, but not less than three (3) parking spaces.
Dwellings	Single Family: Two (2) spaces One parking space per bedroom in all single dwelling units, duplexes, and multiple family dwellings. (Ord 705-06-17, passed 06-22-17)
Emergency Services	One (1) space per each employee on the largest shift plus two (2) spaces.
Fire Stations	One (1) space per each person on a normal shift.
Funeral Homes and Mortuaries	One (1) parking space per twenty-five (25) sq. ft of floor area of assembly rooms.
Furniture Sales, Retail	One (1) parking space for each five hundred (500) sq. ft. of floor space, but not less than three (3) parking spaces.
Gasoline Service Stations	One (1) parking space for each employee on the largest shift plus one (1) for each service bay, but not less than three (3) parking spaces.
Golf Courses (non-miniature)	One (1) space per employee on the largest working shift plus three (3) spaces per hole, plus spaces required for other accessory uses.
Greenhouses	One (1) space per 400 sq. ft. of sales area.

Home Occupations	Established by the Planning Commission and adequate to serve the home occupation as well as the residence.
Hospitals Medical Clinics, Doctors Offices and Institutions for Human Care	One (1) parking space for each hospital bed plus one and one-half (1.5) spaces per emergency room examination table, plus one (1) space for each medical staff member, plus one (1) space per other employees on the largest shift.
Laundromats	One (1) parking space for every two (2) washing machines or 200 sq. ft. of gross floor area, whichever is greater.
Libraries, Museums, Art Galleries and similar uses.	One (1) space per 300 feet of gross floor area.
Municipal, County, State and Federal Administration Buildings	One (1) space per 200 feet of gross floor area, but not less than three (3) parking spaces.
Manufacturing and Industrial uses	One (1) parking space for every employee on the largest shift.
Military Reserve, National Guard Centers	One (1) parking space per 100 sq. ft. of gross floor area.
Miniature golf course	One (1) space per tee plus one (1) additional space for the facility.
Motels, Hotels, Motor Courts, and other similar businesses or institutions providing overnight accommodations	One (1) parking space for each sleeping room plus one (1) parking space for bus or semi-trailer parking for each ten (10) rooms. Additional off-street parking spaces shall be required for such other uses as restaurants, bars, assembly halls and other accessory uses in accordance with the regulations of this Section for such uses.
Motor Vehicle Related Sales and Service Operations	One (1) space per 500 sq. ft. of gross floor area, but not less than three (3) parking spaces.
Nursing Care Homes	One (1) space per bed.
Office, Clerical, and Research Services, including banks, business and professional offices designed to serve customers on the premises	One (1) parking space for each 200 sq. ft. of floor area, but in no case less than three (3) spaces. For professional offices in Residential districts, on-street parking may be used to satisfy up to 50% of the parking requirements for an office, but not for any residential rental unit in combination with an office.

Office Clerical, and Research Services, designed not to serve customers on the premises	One (1) parking space for each 400 sq. ft. of floor area, but not less than three (3) parking spaces.
Personal Service Establishments	One (1) parking space per 200 sq. ft. of net floor area, but not less than three (3) parking spaces
Post Office	One (1) parking space for each 200 sq. ft. of gross floor area, but not less than three (3) parking spaces.
Public Utility Buildings, Telephone Exchange Buildings, Electric Transformer Stations and Substations and Gas Regulator Stations	One (1) space per employee on the maximum shift plus one (1) space per stored vehicle.
Radio and Television Stations	One (1) space per employee.
Registered Student Organization Dwelling	One (1) parking space per occupant plus one (1) space per three hundred (300) sq. ft. of common meeting area, with a minimum of five (5) spaces for common meeting area.
Recreation, Amusement and Entertainment facilities such as squash courts and tennis courts	One (1) parking space per three (3) persons that facility was designed to accommodate.
Recreation, Amusement and Entertainment facilities such as skating rinks, pool halls and indoor athletic and exercise facilities	One (1) parking space per 200 sq. ft. of gross floor area.
Recreation, Amusement and Entertainment facilities such as skate board parks, pools, water slides and similar uses	One (1) space per three (3) persons based on maximum capacity of site.
Restaurants, Taverns, Bars and Cocktail Lounges and similar eating establishments	One (1) parking space for each two (2) seats provided for patron use or one (1) for every 50 sq. ft. of customer waiting and eating areas, and one (1) for each employee on the largest shift, plus five (5) stacking spaces per drive-thru window. In addition, one (1) space for each 100 sq. ft. of dance floor and entertainment area.

Rooming House	Two (2) parking spaces per room.
Retail Sales and Rental of Goods, Merchandise and Equipment	One (1) parking space per 200 sq. ft. of net floor area, but not less than three (3) parking spaces.
Self-Serve Food Market or Supermarket	One (1) space per employee on the largest working shift plus one (1) parking space per 200 sq. ft. of net floor area.
Schools – Colleges	One (1) parking space per 150 sq. ft. of floor area.
Schools – Elementary and middle schools	Two (2) parking spaces per classroom.
Schools – High Schools	Five (5) parking spaces per classroom.
Schools – Trade or vocational	One (1) space per student based on the design capacity of the building.
Self Service Storage Facility	One (1) space per ten (10) storage units plus one (1) space per employee.
Theaters	One (1) parking space for each four (4) seats.
Transportation Terminal	One (1) parking space per 200 sq. ft. of gross floor area.
Video rental establishments	One (1) space per 75 sq. ft. of net floor area.
Warehouses, Storage Buildings, Lumber and Supply Yards, Wholesale Sales	Two (2) parking spaces for each employee and one (1) parking space per 400 sq. ft. of gross floor area, but not less than three (3) parking spaces.

(Section 5.2 was amended by Ord. #557-10-05 on October 17, 2005.)

- 5.2:2 Parking Space Maximums. To limit excessive areas of pavement, no parking lot shall exceed the required number of parking spaces by more than fifteen (15) percent, except as approved by the Planning Commission. In requesting additional spaces beyond the allowed fifteen percent, the Applicant shall provide a Parking Demand Study with their Site Plan Review application. (Ord. 763-12-20, passed 12-07-2020)
- 5.2:3 Reductions in Parking Space Requirements. (Ord. 763-12-20, passed 12-07-2020)
- (1) When On-Street Parking is Available. The use of on-street parking to meet a portion of the minimum off-street parking requirements for non-residential uses shall be permitted, as approved by the Zoning Administrator, provided the following conditions are met:

- (a) Adequate on-street parking exists within three hundred (300) linear feet of the primary entrance of the main building,
 - (b) No more than forty (40) percent of the off-street parking space requirement is met using on-street parking,
 - (c) The intensity of the use and its parking requirements shall not substantially adversely impact the surrounding uses, and
 - (d) There is no negative impact to existing or planned traffic circulation patterns.
- (2) The Zoning Administrator may require the Applicant to provide a parking demand study to demonstrate that adequate available spaces exist which meet the above conditions.

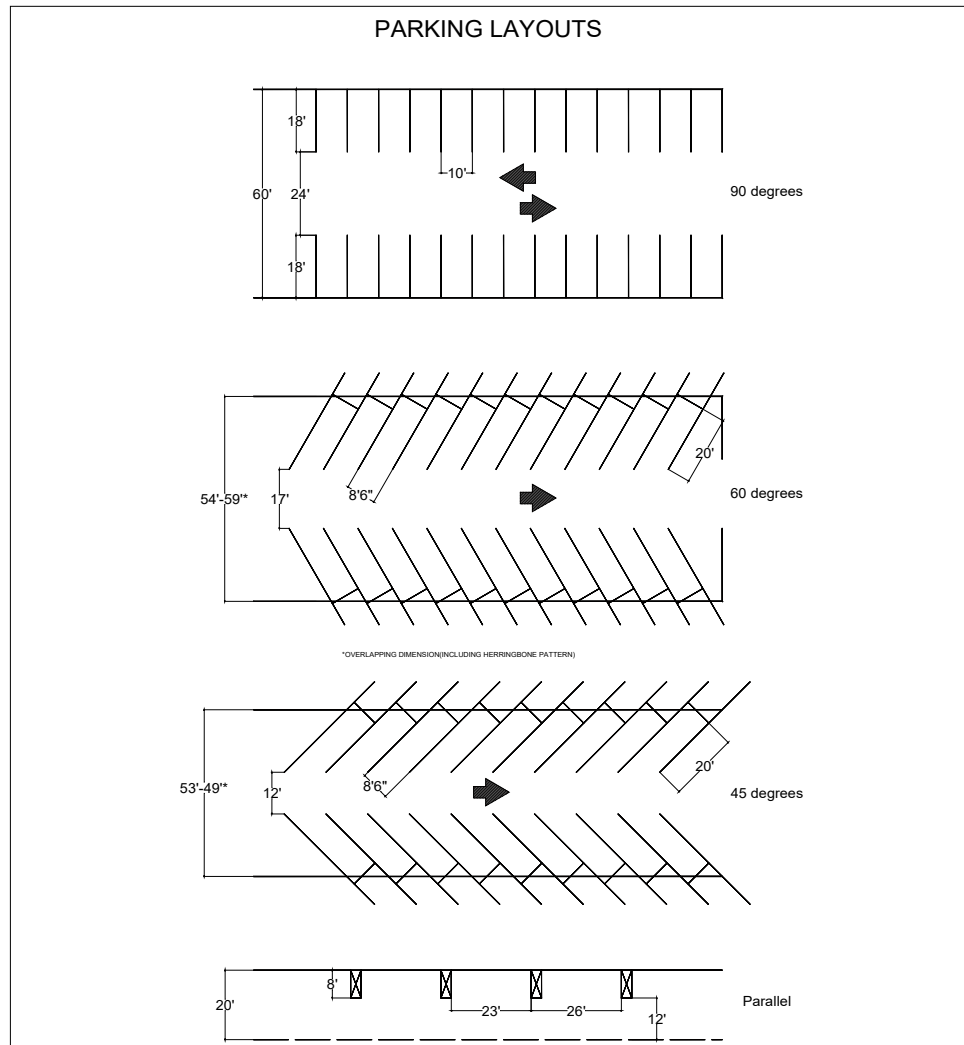
SECTION 5.3 APPLICATION OF PARKING REQUIREMENTS

- 5.3:1 The occupancy of a building or any part of a building shall not change from one use to a use in another classification unless the minimum parking requirements are provided for the new use.
- 5.3:2 No building shall be built, moved onto the site or enlarged if the construction of the building, placement of the building onto the site or enlargement requires additional parking space unless the minimum requirements for off-street parking are provided.
- 5.3:3 Application for parking area or driveway construction. A land use permit shall be required to establish or change any parking area or driveway, unless such construction is part of a larger project requiring a building permit. The applicant shall submit a site plan to the Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking area or driveway. Any curb cuts, entrances, exits, drainage and design shall have the written approval of the Director of Public Works, or his designate. Except for single-family dwellings, the plan shall be submitted to the Planning Commission for review and approval based on the procedures established for site plan review. Plans that establish or change eight (8) parking spots or less shall also be required to go through site plan review, but shall be exempt from the requirement to have the seal of a professional engineer, architect or surveyor on the plan.
- 5.3:4 The Zoning Administrator shall require such assurance, surety or performance bonds in the form, manner and amount, as in his discretion may be required to compel compliance with and performance of all off-street parking requirements of this Ordinance, provided, however, that such assurance, surety or performance bond shall not be for amounts greater than a reasonable cost for complying with the off-street parking requirements of this Ordinance.

5.3:5 A permit issued for a parking area under the provisions of this Ordinance shall be revocable, provided the requirements and conditions of this Ordinance are not complied with.

SECTION 5.4 DESIGN AND CONSTRUCTION

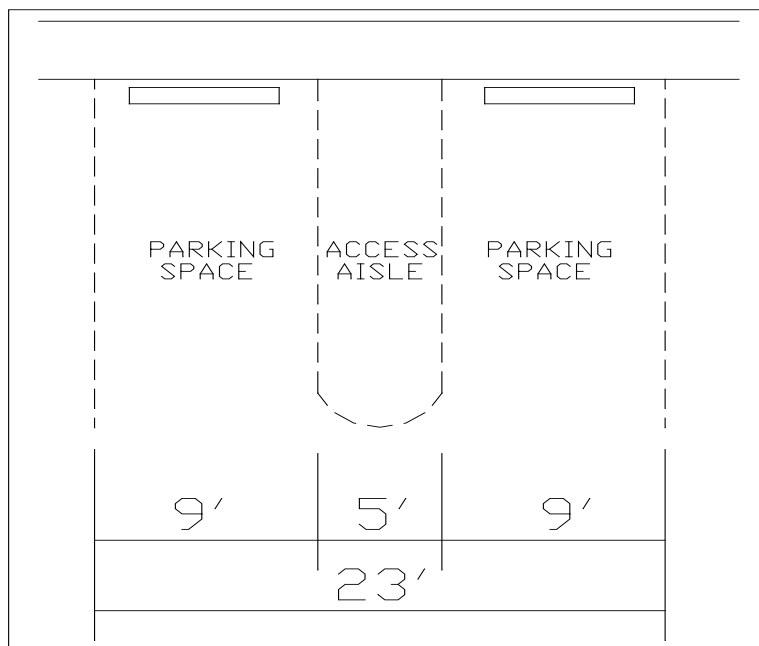
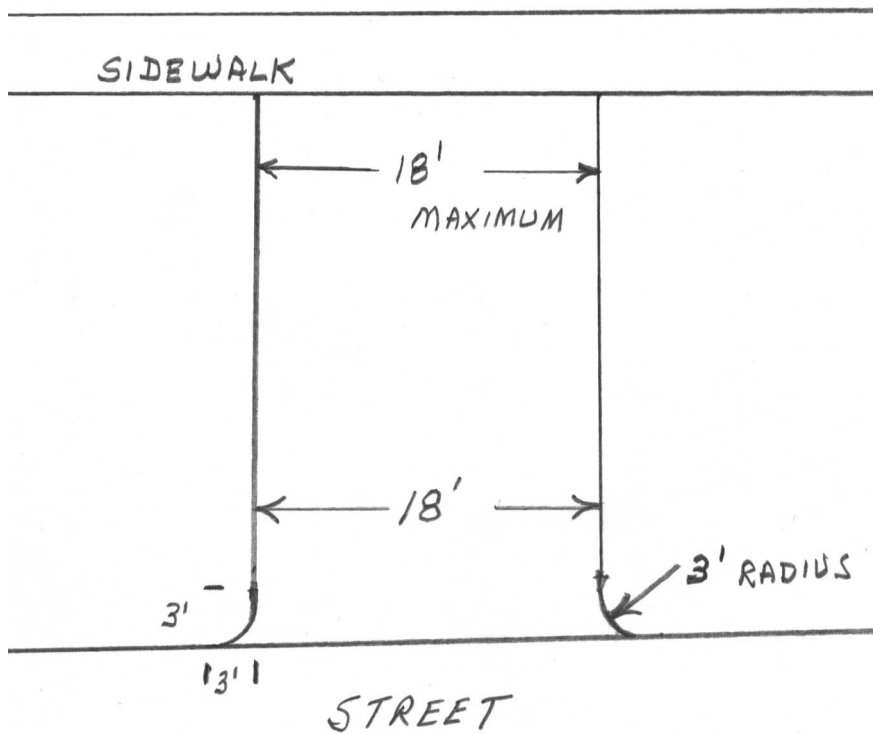
5.4:1 Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces in conformance with the standards outlined in the illustration below.



5.4:2 In no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk except within residential districts.

5.4:3 Ninety degree angle parking spaces may be either 10' x 18' or 9' x 20'.

- 5.4:4 There shall be a curb or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk or right-of-way. The bumper rail shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk or right-of-way.
- 5.4:5 Any lighting used to illuminate any off-street parking and loading area shall be so arranged so as to direct light away from adjoining premises.
- 5.4:6 Off-street parking and loading areas shall be surfaced with asphalt, bituminous or concrete pavement, brick or other permanent material as approved by the Director of Public Works. All parking areas shall be graded and drained to dispose of all surface water.
- 5.4:7 Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged so as to insure the maximum safety and the least interference of traffic upon said streets.
- 5.4:8 Screening and landscaping of parking lots shall be in conformance with the requirements of the Landscape Standards article of this Ordinance.
- 5.4:9 Parking spaces for handicapped citizens shall be located as close as possible on the most direct route to barrier free building entrances. Where possible, this route will not cross parking lot maneuvering lanes. Signs shall be provided to indicate the direction of travel to barrier free building approaches when the barrier free entrance is not visible from the accessible parking space or spaces. Each accessible parking space shall not have more than a nominal three (3) percent grade and shall not be less than twelve (12) feet wide, or not less than eight (8) feet wide and adjacent to an access aisle which is not less than five (5) feet wide and which is not a traffic lane. There shall be a barrier free route of travel from the accessible parking spaces to the nearest barrier free building approach. Handicap parking spaces shall be at least eight (8) feet wide with an additional five (5) feet wide (minimum) access aisle. Two (2) handicap parking spaces may share the same access aisle.
- 5.4:10 For all single and two-family uses, the minimum width of a driveway measured at the throat is nine (9) feet and the maximum width is eighteen (18) feet. The maximum driveway opening at the street line or curb shall be twenty-four (24) feet including a flared opening.



Michigan Barrier Free Parking Requirements	
Total Spaces in Lot	Minimum Number of Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

5.4:11 Cross Access between Adjacent Parking Lots (Ord 763-12-20, passed 12-07-2020)

- (1) Internal vehicular circulation areas are required for all non-residential and mixed uses, to allow for cross access to adjacent parking lots.
- (2) A stub for future cross access shall be provided from the vehicular use area to all adjacent lots, unless waived by the Planning Commission during the Site Plan Review process due to impracticality on the basis of topography, the presence of natural features, or vehicular safety factors.
- (3) A cross-access easement shall be recorded with the Mecosta County Register of Deeds prior to issuance of a Building Certificate of Occupancy for the development.

SECTION 5.5 PARKING IN THE C-2 DISTRICT

Parking requirements for this Ordinance as applied in the C-2 District may be met by participation in a municipal or joint community parking program designed to serve a larger area. All new business uses (as defined in this section) and additions to present business uses or buildings in a C-2 District within three hundred (300) feet of a Municipal Parking Area shall be considered as participating in a joint community parking program. The Municipal Parking Areas designated herein are the only areas to be considered when determining if a business has met the parking requirements.

5.5:1 The public parking lots in the block bordered by the following roadways: Elm, Michigan, Linden and State.

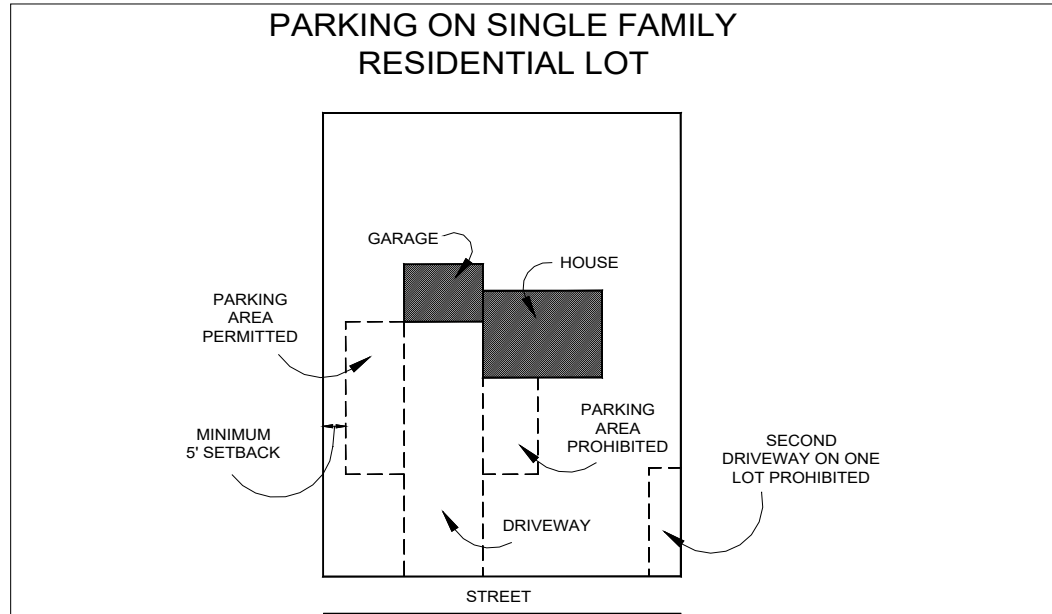
5.5:2 The public parking lots in the block bordered by the following roadways: Maple, Michigan, Elm and State.

- 5.5:3 The public parking lots in the block bordered by the following roadways: Pine, Michigan, Maple and State.
- 5.5:4 The public parking lots in the block bordered by the following roadways: Pine, Warren, Maple and Michigan.
- 5.5:5 The public parking lots in the block bordered by the following roadways: Maple, Warren, Elm and Michigan.
- 5.5:6 The public parking lots in the block bordered by the following roadways: Elm, Michigan, Linden and Warren.

SECTION 5.6 OFF-STREET PARKING REGULATIONS WITHIN A RESIDENTIAL DISTRICT

- 5.6:1 For all residential buildings or nonresidential buildings in a residential district required parking areas shall be provided on the same lot with the buildings or on a lot immediately adjacent to the lot with the building intended to be served.
- 5.6:2 Such parking areas shall not be located in any required front or side street yard, except in the case of a dwelling with a driveway leading to a garage or parking area the drive may be used for parking. Driveways and parking areas shall be setback at least five (5) feet from the side or rear lot lines. Multiple driveway entrances off the street or alley are prohibited.
- 5.6:3 All parking areas shall comply with the Landscape Standards found in Article 8. Such spaces shall be marked, with adequate movement lanes to allow the free flow of vehicles into identified spaces. All parking spaces shall have direct access to a movement lane, street or alley. All parking spaces and movement lanes shall be surfaced with asphalt, bituminous or concrete pavement, brick or other permanent material as approved by the Director of Public Works. All on-site parking areas shall be graded and drained to dispose of all surface water as approved by the Director of Public Works.
- 5.6:4 Within a Residential District no parking area shall be used for parking or storing of any commercial vehicle exceeding one (1) ton capacity.
- 5.6:5 No commercial repair work, servicing, or selling of any kind shall be conducted on such areas, and no sign of any kind other than those indicating entrances, exits and conditions of use shall be erected thereon.
- 5.6:6 The establishment and operation of an off-street parking area in a part of a residential district that is immediately adjacent to or across an alley from a business or industrial district and is intended to serve that business or industry may be authorized by the Board of Appeals under such conditions and safeguards as hereinafter provided.
- (1) Entrance and exit drives shall be at least twenty (20) feet distant from any adjoining property line in a Residential District.

- (2) All requirements of this Section shall be applied along with any other requirements deemed necessary or desirable by the Board of Appeals for the protection of the parking area and the residential district in which such parking areas are to be located. (Section 5.6 was amended by Ord. #557-10-05 on October 17, 2005.)



SECTION 5.7 PARKING REGULATIONS IN ALL DISTRICTS

5.7:1 Vehicles shall be parked on a prepared driveway or parking area or in the street. No parking is allowed in yards, across sidewalks, or between the sidewalk and the curb. (Ord. #528-5-04, passed 05-03-04.)

5.7:2 Bicycle Parking (Ord. #761-07-20, passed 07-20-2020)

- (1) Required Spaces. Any development requiring motor vehicle parking spaces is required to provide bicycle parking. Off-street parking areas are required to contain at least one (1) bicycle parking space for every ten (10) spaces provided for motor vehicles, or fraction thereof, with a minimum of two (2) and a maximum of twelve (12) bicycle parking spaces provided.
- (2) Location. Bicycle parking for commercial, multi-family residential, and mixed-uses shall be conveniently located within 50 feet of building entry points and shall not conflict with pedestrian travel. Bicycle parking areas must be visible to the public and have adequate lighting to facilitate nighttime use.

- (3) Facility Type. Bicycle parking shall consist of “inverted U” or “post and ring” style racks which meet the Performance Criteria for Bike Parking Racks in the 2nd Edition of the Association of Pedestrian and Bicycle Professionals’ Essentials of Bicycle Parking. The bicycle parking rack must be anchored to the ground and shall allow the bicycle wheel and frame to be locked to the bicycle rack.
- (4) Facility Size. Each bicycle parking space shall accommodate a bicycle at least six feet in length and two feet wide. Bicycle racks shall be installed no closer than two feet from a wall or motor vehicle parking space.
- (5) Maintenance. The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud, debris, ice, and snow.
- (6) Offset of Required Off-Street Parking Spaces. The Zoning Administrator shall, upon request of the developer, permit a reduction of required motor vehicle parking by up to 20% given that one(1) on-site bicycle parking space, above the required spaces and meeting the Ordinance requirements, is provided for each motor vehicle parking space removed.

ARTICLE 6**SIGNS****SECTION 6.1 INTENT**

The intent of this Article is to:

- 6.1:1 Protect property values by improving the City's character.
- 6.1:2 Acknowledge that signs help locate goods, services and facilities,
- 6.1:3 Promote safe travel by minimizing sign hazards, obstructions and driver distractions.
- 6.1:4 Recognize the contribution business signs make to sales, job opportunities and the City's tax base.
- 6.1:5 Recognize that well-designed signs create attractive business districts.
- 6.1:6 Further visibility and effectiveness of all signs by instituting reasonable standards.
- 6.1:7 Protect scenic views, landscapes, and architecture.
- 6.1:8 Provide flexible regulations for diverse needs.
- 6.1:9 Preserve public health, safety and welfare.
- 6.1:10 Eliminate non-conforming signs.
- 6.1:11 Control the number of signs and sign messages at a level reasonably necessary to identify a business and effectively communicate information.
- 6.1:12 Maintain signs within a reasonable scale relative to building size and other existing signs.
- 6.1:13 Protect residential areas from unnecessarily intrusive lighting and the encroachment of commercial characteristics into neighborhoods.
- 6.1:14 Promote construction of and maintenance of signs, which are not a hazard due to collapse, fire, collision, decay, or abandonment.

SECTION 6.2 APPLICATION OF ARTICLE

This article shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs in the City. No person shall display, construct, enlarge, erect, alter, use or maintain any sign, except in conformity with this Article.

SECTION 6.3 DEFINITIONS

As used in this Article:

- 6.3:1 Awning means a retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. An awning sign is considered a “wall sign”.
- 6.3:2 Banner means a sign made of vinyl, cloth, plastic or other flexible material.
- 6.3:3 Base Area means the size of sign allowed without qualifying for a larger sign.
- 6.3:4 Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, or property of any kind.
- 6.3:5 Canopy means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground including gas pump shelters.
- 6.3:6 Coordinated Signage Program means a program that provides flexibility for projects with unique signage needs.
- 6.3:7 Freestanding sign means a sign principally supported independent of any building.
- 6.3:8 Frontage, Business. “Business Frontage” means the side of the business that is used as a primary entrance and is adjacent to a street or alley.
- 6.3:9 Frontage, Street. “Street Frontage” means that side of a parcel which is adjacent to a street.
- 6.3:10 Grade means: The average elevation of the sidewalk, curb and centerline of the street closest to the sign.
- 6.3:11 Height means:
- (1) The vertical distance measured from the grade to the top of the sign for freestanding signs.
 - (2) The vertical distance measured from the base of the building to the top of the sign on the side of the building in which the sign is to be placed.
- 6.3:12 Illumination, indirect. “Indirect illumination” means lighting a sign by means of a light source which is directed at its front surface.
- 6.3:13 Illumination, internal. “Internal illumination” means lighting by means of a light source which is within a sign.

- 6.3:14 Inconspicuous signs which are not readable beyond the boundaries of the parcel upon which they are located or from any public or private street or alley.
- 6.3:15 Light source means any artificial illumination and any reflecting surface which, by reason of its construction and/or placement, becomes, in effect, the light source.
- 6.3:16 Motor Vehicle is an automotive vehicle designed or adapted for use on highways and streets. Motor vehicles do not include a trolley bus or a vehicle designed or adapted to be operated exclusively on rails.
- 6.3:17 Parcel means a portion of land under one ownership or one tax parcel identification number.
- 6.3:18 Parcel width means the width of the parcel at the front building line.
- 6.3:19 Person means a corporation, association, partnership, trust, firm or similar entity as well as an individual.
- 6.3:20 Portable Sign means any sign that is easily moved from one location to another including but not limited to signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign.
- 6.3:21 Political Sign a temporary sign used in connection with a local, state, or national election or ballot question.
- 6.3:22 Projecting sign means a sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.
- 6.3:23 Real-Estate Sign means a sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon.
- 6.3:24 Roof sign shall mean a sign erected, constructed or maintained upon any portion of the roof of a building.
- 6.3:25 Sandwich board sign means a temporary sign of A-frame or similar construction.
- 6.3:26 Sign means any writing, letter, word, symbol, pictorial representation, decoration, form, light or structure which, by reason of its shape, bulk, color, message, wording, symbol, design illustration, and motion or otherwise, attracts or is designed to attract attention or to communicate a visual message. A sign does not include religious symbols and seasonal decorations within the appropriate holiday season.

- 6.3:27 Sign area means the total surface area of a sign including frames and borders exclusive of supports and masonry encasing.
- (1) Sign, Face – That part of the sign that is used to identify, advertise or communicate information to the public. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.
- 6.3:28 Sign, Structure – A structure, including upright, supports, frames and other accessories, intended to support and display one or more signs.
- 6.3:29 Suspended sign means a sign attached to and hanging below the ceiling of an eave, façade, awning or canopy.
- 6.3:30 Temporary Sign means a sign intended to be displayed for a limited period and associated with a temporary event, such as real estate sales or leases, garage or yard sales and construction projects.
- 6.3:31 Traffic directional sign (private) means a sign erected on private property for the purpose of guiding vehicular and pedestrian traffic only.
- 6.3:32 Wall means an upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area.
- 6.3:33 Wall sign means a sign which is painted on or attached directly to an exterior building wall with the face of the sign parallel to and extending not more than fifteen inches from the face of the wall. Wall signs include awning signs.
- 6.3:34 Wind sign means a sign consisting of one or more pennants, ribbons, spinners, streamers, captive balloons, air pressure stabilized bags, or other objects or materials fastened or supported in such a manner as to provide movement when subjected to wind.
- 6.3:35 Window sign means a sign which is applied, affixed or attached to the interior of any building window, doorway of a building or upon the interior wall of a building opposite a window in such a way as to be clearly visible from the outside.
- 6.3:36 Zoning Administrators means the City of Big Rapids Zoning Administrator, Planner, Director of Neighborhood Services.

SECTION 6.4 SIGNS PERMITTED IN R-1 AND R-2 RESIDENTIAL DISTRICTS

- 6.4:1 One (1) freestanding sign for all principal and special land uses and for Subdivisions, Condominiums and Neighborhood Identification signs, with the

exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and eight (8) feet in height. If the sign is six (6) feet or lower it is allowed an additional four (4) sq. ft. in size and if it has a dark or opaque background it is allowed an additional eight (8) sq. ft. in size. Freestanding signs must be setback a minimum of two (2) feet from any property line.

- 6.4:2 One (1) wall or awning sign per parcel for all principal and special land uses with the exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and is allowed an additional six (6) sq. ft. if it has a dark or opaque background. The maximum height for the sign is ten (10) feet.
- 6.4:3 Wall, awning, canopy and freestanding signs are prohibited for all single-family, two-family uses.
- 6.4:4 Two (2) non-illuminated temporary signs per parcel not exceeding six (6) sq. ft. in area and forty-two (42) inches in height set back a minimum of six (6) feet from the front property line. These signs shall not be mounted on, affixed to or suspended from a building. These signs shall be removed within three (3) days after the conclusion of the project, sale or event.
- 6.4:5 No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open for business.

SECTION 6.5 SIGNS PERMITTED IN R-3, R-4, RR AND RP RESIDENTIAL DISTRICTS

- 6.5:1 One (1) freestanding sign for all principal and special land uses and for Subdivisions, Condominiums and Neighborhood Identification, with the exception of single and two-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and eight (8) feet in height. If the sign is six (6) feet or lower it is allowed an additional four (4) sq. ft. in size and if it has a dark or opaque background it is allowed an additional eight (8) sq. ft. in size. Freestanding signs must be setback a minimum of two (2) feet from any property line.
- 6.5:2 One (1) wall or awning sign per parcel for all principal and special land uses with the exception of single, two-family and multi-family dwellings. The sign has a maximum base area of twelve (12) sq. ft. and is allowed an additional six (6) sq. ft. if it has a dark or opaque background. The maximum height for the sign is ten (10) feet.
- 6.5:3 One (1) projecting or suspending sign per entrance in the RR Zone. The sign has a maximum base area of ten (10) sq. ft. and is allowed an additional six (6) sq. ft. if it has a dark or opaque background. The maximum height for the sign is fifteen (15) feet and the minimum height is eight (8) feet.

Projecting and suspending signs shall not extend more than five (5) feet from the building.

- 6.5:4 Wall, awning and canopy signs are prohibited on all single-family, two-family and multi-family dwellings and freestanding signs are prohibited for all single-family and two-family dwellings.
- 6.5:5 Two (2) non-illuminated temporary signs per parcel not exceeding six (6) sq. ft. in area and forty-two (42) inches in height set back a minimum of six (6) feet from the front property line. These signs shall not be mounted on, affixed to or suspended from a building. These signs shall be removed within three (3) days after the conclusion of the project, sale or event.
- 6.5:6 No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open for business.

SECTION 6.6 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

- 6.6:1 One (1) freestanding sign per parcel with 25-200 ft of street frontage, two (2) per parcel with 201-500 feet of street frontage and three (3) per parcel with 501 ft or more street frontage. The sign has a maximum base area of sixty (60) sq. ft. and sixteen (16) ft in height. The height to the bottom of the sign shall not exceed ten (10) ft in height. If the sign has a dark or opaque background, it is allowed an additional ten (10) sq. ft. in size. Freestanding signs must be setback a minimum of two (2) ft from any property line.
- 6.6:2 Two (2) signs per canopy with a maximum base area of six (6) sq. ft.. An additional six (6) sq. ft. if the sign has a dark or opaque background. The maximum height for the sign is fifteen (15) ft.
- 6.6:3 One (1) projecting or suspending sign per entrance with a maximum base area of ten (10) sq. ft.. An additional six (6) sq. ft. if it has a dark or opaque background. The maximum height for the sign is fifteen (15) ft and the minimum height is eight (8) ft. Projecting and suspending signs shall not extend more than five (5) ft from the building.
- 6.6:4 Wall or awning signs have a maximum area of one and one-half (1.5) sq. ft. times the business frontage. All other wall or awning signs on the building shall be on the basis of the one (1) square foot per lineal foot of building or thirty-five (35) sq. ft. whichever is less. The maximum height for the sign is eighteen (18) ft or one (1) foot below the second floor window trim.
- 6.6:5 Roof Sign. A roof sign must meet the following requirements.
1. The maximum area of a sign is 50 sq. ft.
 2. The sign height must not exceed 4 ft.
 3. The building must be single story.
 4. The sign is not out of character with surrounding structures and signs.

- 6.6:6 One (1) portable sign per business on private property for a maximum of fourteen (14) days. Portable signs have a maximum size of thirty-two (32) sq. ft. A business is only allowed a portable sign for four (4) separate times in one calendar year and two (2) days must elapse between periods. The portable sign must be removed on the date stated and cannot be stored on the property unless covered in the rear yard or in a building.
- 6.6:7 Searchlights, lasers or other high intensity light sources are limited to one (1) per parcel and are only allowed for a maximum of seven (7) days two (2) separate times in one (1) calendar year.
- 6.6:8 Window signs not exceeding twenty-five (25) percent of each window area.
- 6.6:9 One (1) sandwich board sign per business entrance/exit with a maximum of three (3) that does not exceed forty-eight (48) inches in height and 30 inches in width. These signs must be located outside of the main flow of pedestrian traffic and can only be displayed when the premises is open for business.

SECTION 6.7 PROHIBITED SIGNS

No person shall display, erect, use or maintain a sign for which a permit is required and has not been issued, or a:

- 6.7:1 Banner or wind sign larger than eight (8) sq. ft. on private property.
- 6.7:2 Blinking, flashing, intermittent, rotating, revolving or signs with movable parts or signs which give the illusion of movement by means of illumination or otherwise except barber poles less than eight (8) feet in height are allowed.
- 6.7:3 Imitation traffic sign which, by reason of its shape, color, use of lighting, or other factor, is similar in both size and appearance to any official traffic signal or traffic sign or railroad sign or signal in a way that may, in the judgment of the Zoning Administrator, interfere with traffic movement or safety.
- 6.7:4 Motor vehicles with a sign which are parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.
- 6.7:5 Obsolete sign. Any sign together with its supporting structure which is still standing ninety (90) days or more after the premises have been vacated or the principal use has been discontinued.
- 6.7:6 A roof sign with any portion that projects above the roofline of the building.
- 6.7:7 Sign on public property, without the public property owner's permission.
- 6.7:8 Unsafe sign. Any sign or structure which is structurally unsafe, constitutes a hazard to the public health, welfare and safety or is not kept in a state of

good repair, or any sign which obstructs free access to or egress from a required door, window or fire escape or other required exit way.

6.7:9 Any sign erected or displayed without a permit required by this Ordinance.

6.7:10 Sign that is painted on or attached to trees, which is visible from any public thoroughfare.

SECTION 6.8 SIGNS AUTHORIZED WITHOUT A SIGN PERMIT

Subject to any other applicable requirements and permits, the following are authorized without a sign permit:

6.8:1 Banners or wind signs on public property or within the public right-of-way with the public property owner's permission.

6.8:2 Cornerstones and commemorative tablets identifying a building or building complex that is an integral part of the building.

6.8:3 Private traffic directional sign, two (2) entrance/exit directional signs per driveway, each four square foot or less, and limited to forty-two (42) inches in height. These signs may be illuminated.

6.8:4 Inconspicuous signs.

6.8:5 Official governmental notices and notices posted by governmental officers in the performance of their duties, governmental-owned directional signs, signs to control traffic, identify municipal boundaries, or for other regulatory purposes, to identify streets or to warn of danger; however, identification or bulletin board signs accessory to governmental buildings or other governmental facilities are not exempt from the requirements of this article.

6.8:6 Vehicle mounted signs with a permanent message displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, provided that the primary purpose of such vehicle is not for the display of signs, and provided, further, that such vehicle is parked or stored in an area appropriate to its use as a work vehicle;

6.8:7 Warning signs exclusively devoted to warning the public of dangerous conditions and unusual hazards.

6.8:8 Banners or wind signs on private property that are less than eight (8) sq. ft.. These must be removed when business is closed.

6.8:9 The signs detailed in the following Sections: 6.4:4, 6.5:5, 6.6:5, 6.6:8 and 6.6:9.

6.8:10 Tourist-oriented directional signs provided such signs are otherwise permitted by the Michigan Department of Transportation pursuant to PA 299 of 1996, as amended.

SECTION 6.9 COORDINATED SIGNAGE PROGRAM**6.9:1 Requirements**

Notwithstanding any other provision of this Ordinance, the Planning Commission shall be authorized to approve a Coordinated Signage Program for unified development that contains any one of the following:

- (1) More than three (3) acres in size;
- (2) Two or more businesses on the same parcel;
- (3) More than one (1) parcel or private street

6.9:2 Administration

Applications for the Coordinated Signage Program shall be submitted to the Planning Commission for approval.

6.9:3 Procedures

- (1) An application shall be submitted to the Planning Commission that shall include the following:
 - (a) Statement of justification for approval of the Coordinated Signage Program;
 - (b) Description/depiction of the sign program, including all of the following:
 - (i) Number
 - (ii) Location
 - (iii) Size
 - (iv) Height
 - (v) Color
 - (vi) Material
 - (vii) Illumination
 - (viii) Preliminary site plan

- (ix) Information to be displayed
 - (x) Compliance with design requirements
- (2) The Planning Commission shall approve, disapprove, or approve with modifications any proposed Coordinated Signage Program application.

6.9:4 Design Requirements

The following requirements shall be followed and specifically referenced in the application:

- (1) The size of the sign shall be in proportion to the size, location, and background of the supporting structure.
- (2) In no event shall any program sign exceed the maximum height requirements for each category of signs allowed in this Ordinance.
- (3) The sign locations, configurations, designs, materials and colors shall be harmonious with the City of Big Rapids.
- (4) The signs and their supporting structure(s) shall be architecturally in harmony with the surrounding structures.

SECTION 6.10 SIGN PERMITS

- 6.10:1 Signs Requiring a Permit. The signs detailed in the following sections: 6.4:1, 6.4:2, 6.5:1, 6.5:2, 6.5:3, 6.6:1, 6.6:2, 6.6:3, 6.6:4, 6.6:6 and 6.6:7.
- 6.10:2 Applications. The owner or tenant of the property on which the sign is to be located, or his or her authorized agent, shall complete and sign an application for a sign permit on forms furnished by the City. The application shall be accompanied by a Master Sign Plan according to Section 6.11. The Zoning Administrator shall, within ten (10) working days of the date of the application, either approve or deny the application or, if sufficient information has not been furnished, refer the application back to the applicant.
- 6.10:3 Fees. Each sign permit application shall be accompanied by a nonrefundable permit fee, in an amount determined by resolution of the City Commission. This fee shall be in addition to any electrical permit fee or building permit fee. Where any sign is displayed without the required sign permit, the fee for the sign permit shall be doubled. When any permit is revoked, permit fees shall not be refunded.
- 6.10:4 Display. Each sign requiring a sign permit shall contain a clearly legible identification, no larger than fifteen (15) square inches in area, stating the

name, address and phone number of the person responsible for its construction and erection.

- 6.10:5 Modifications. When a sign permit has been issued by the Zoning Administrator, no person shall change, modify, alter or otherwise deviate from the terms or conditions of such permit without the prior written approval of the Zoning Administrator.
- 6.10:6 Time Limits. The applicant shall have twelve (12) months from the date of approval of the Sign Permit to begin physical construction of the project. The applicant shall have eighteen (18) months from the date of approval to complete the project.
- 6.10:7 Sign bonuses. Permitted sign bonuses may be granted by the Zoning Administrator. Dark and Opaque background must be at least fifty (50) percent of the sign area to qualify for an area bonus.

SECTION 6.11 MASTER SIGN PLAN

- 6.11:1 Plan Required. No permit shall be issued for an individual sign unless a Master Sign Plan for the site upon which the sign is to be erected has been submitted to and approved by the Zoning Administrator as conforming with this Ordinance. No sign shall be erected on any site unless it is shown on an approved Master Sign Plan.
- 6.11:2 Submittal Requirements. A Master Sign Plan submitted for approval shall include the following:
- (1) An accurate plan, drawn to scale, showing the proposed location of each freestanding sign and the location of all buildings and driveways on the parcel.
 - (2) An accurate elevation of a freestanding sign and each building wall intended to accommodate a sign, including window signs, showing the location, dimensions, and height of each sign above grade level.
 - (3) The plan or elevation shall depict each proposed sign, its size, proportions and area, color scheme, construction material and type of illumination.
- 6.11:3 Amendment. A Master Sign Plan may be amended by filing a new plan which conforms with all of the requirements of the Sign Ordinance.
- 6.11:4 Binding Effect. Upon approval of a Master Sign Plan, no sign shall be erected, placed, painted, attached or maintained, except as shown on such plan and a violation of the approved plan may be enforced in the same manner as any provision of this Ordinance. In the case of a conflict between the provisions of the Master Sign Plan and any other provision of the Sign Ordinance, the Ordinance shall control.

SECTION 6.12 SIGN ILLUMINATION REGULATIONS

6.12:1 Illuminated signs shall be designed, constructed, and installed to reduce glare and the general overwash of light into public rights-of-way and adjacent property.

SECTION 6.13 SIGN STRUCTURES

The following requirements apply to all signs requiring a permit:

6.13:1 General Design. Signs and sign structures shall be designed, permitted and constructed to meet any requirements of the Michigan Building Code.

6.13:2 Maintenance. Every sign, including those specifically exempt from this article with respect to permits and permit fees, shall be maintained in good repair and sound structural condition, neatly painted or coated, including all parts and supports.

6.13:3 Safety. All signs must remain safe and secure during the period of use. The Zoning Administrator shall inspect and may order the painting, repair, alteration or removal of a sign which is a hazard to safety, health or public welfare.

SECTION 6.14 NONCONFORMING SIGNS

6.14:1 Description. A legal nonconforming sign is any sign existing prior to the enactment of this article and which does not conform to all the applicable regulations and restrictions of this article.

6.14:2 Continuation.

(1) Any existing sign on the effective date of the Ordinance from which this Article is derived or any amendment hereto, which does not at that time comply with all of the provisions hereof, including any amendment:

(a) Shall not be structurally altered so as to prolong the life of the sign or to change the shape, size, or style of the sign. This does not apply to the sign face. Normal maintenance is allowed.

(b) Shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer.

(c) Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the

appraised replacement cost as determined by the building official or insurance adjuster.

- (2) Any legal nonconforming sign designed for changing the sign's message on a regular basis (such as a bulletin or message board, or gasoline pricing sign where individual letters, numerals or name panels are readily interchangeable) may have its message changed without having to be brought into compliance with this Code.
- (3) Portable and Temporary Signs: Portable and temporary signs that are nonconforming shall be altered to comply with the provisions of this Article or removed within ninety (90) days after the effective date of the adoption of this Article.

6.14:3 New additional signs. On parcels where a sign is a legal nonconforming sign, no new additional sign shall be erected until the nonconforming sign on the parcel is brought into compliance or removed.

SECTION 6.15 VIOLATIONS

6.15:1 Notice. If the Zoning Administrator finds that a sign violates this article, he or she shall give written notice to the owner of the sign and/or to the owner of the property where the sign is located ordering that the violation be corrected.

6.15:2 Order. The order shall specify those sections of this article violated and shall state the amount of time from the date of the order in which to either correct the alleged violations or appeal the order to the Zoning Board of Appeals.

6.15:3 Compliance. If such person fails to bring the sign into compliance within the time given in the notice, the Zoning Administrator may, in addition to the other remedies provided in this Code, cause such sign to be brought into compliance at the expense of the sign owner and/or the owner of the property.

6.15:4 Dangerous signs. If the Zoning Administrator finds that a sign endangers public or private property or public safety, the Zoning Administrator may, after notice is given to the owner of the sign and of the property where the sign is located, immediately remove or alter such sign at the expense of the sign owner and/or property owner.

6.15:5 Forfeiture of Fees. When any permit has been revoked, permit fees shall be forfeited.

6.15:6 Municipal Civil Infraction. A violation of any provision of this article shall be a municipal civil infraction. A separate offense is deemed committed each day during or on which a violation or noncompliance occurs or continues.

6.16 ENFORCEMENT

The Zoning Administrator or his or her designee shall enforce this article. The Zoning Administrator is hereby authorized to issue and serve appearance tickets with respect to any violation of this article.

The Zoning Administrator or his or her authorized representative may enter at reasonable times any land, building, structure or premises in the City to perform any duty assigned to the Zoning Administrator by this article. (Article 6 was replaced by Ord. #556-10-05 on October 3, 2005.)

ARTICLE 7**NONCONFORMING USES AND STRUCTURES****SECTION 7.0 PURPOSE**

Within the districts established by this Ordinance or amendments that later may be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival except as provided otherwise by proper authority, as defined herein.

SECTION 7.1 NONCONFORMING USES OF LAND

Where, at the time of the passage of this Ordinance, a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- 7.1:1 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as provided otherwise by proper authority, as defined herein.
- 7.1:2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance, except as provided otherwise by proper authority, as defined herein.
- 7.1:3 If any such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months or eighteen (18) months during any three (3) year period, any subsequent use of such land shall conform with the regulations specified by this Ordinance for the district in which such land is located, except as provided otherwise by proper authority, as defined herein.
- 7.1:4 No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land, except as provided otherwise by proper authority, as defined herein.
- 7.1:5 Class A and Class B Nonconforming Uses
- (1) There are hereby established two (2) types of nonconforming uses: Class A and Class B.
 - (a) Class A nonconforming uses are those which have been so designated by the Zoning Board of Appeals (ZBA), after application for such designation by the owner of the property.

Where Class A nonconforming uses are identified, it is the intent of this Ordinance to provide for their continuance so long as they fulfill the requirements in this section.

- (b) Class B nonconforming uses are all nonconforming uses not designated as Class A. All nonconforming uses in existence as of the effective date of this Ordinance or which become nonconforming as a result of subsequent amendments to the Ordinance shall be Class B nonconforming uses until such time as they are designated Class A nonconforming uses. It is the intent of this Ordinance not to encourage the survival of Class B nonconforming uses. Class B nonconforming uses may not be expanded upon, and structures housing nonconforming uses may not be enlarged.

(2) Procedures for Obtaining Class A Designation

Any application for a Class A designation of a nonconforming use under this section shall be submitted and processed under the following procedures:

- (a) A written application shall be filed with the ZBA by the property owner, identifying the property the Class A designation is being requested for and how the request conforms to the standards for approval of a Class A designation outlined in this article.
- (b) The ZBA may require additional information it considers necessary to reach a decision.
- (c) A public hearing shall be held to review the request. The notice requirements for this hearing shall be the same as required for review of a Special Land Use Permit as outlined in Section 10.3:4.

(3) Standards for Approval of Class A Designation

Before an application of Class A designation for a nonconforming use can be approved, the ZBA shall review the application to ensure that the following standards are met:

- (a) The continuance of the use would not be contrary to the public health, safety or welfare, or the spirit of this Ordinance.
- (b) That the use or structure does not, and is not likely to, significantly decrease the value of nearby properties.
- (c) That the use was lawful at the time of its inception and that no useful purpose would be served by strict application of the

provisions or requirements of this Ordinance with which the use or structure does not conform.

(4) Approval of Class A Designation

The ZBA shall approve Class A designation for nonconforming uses that comply with the standards and procedures of this section. The decision of the ZBA shall be in writing and shall set forth the findings and reasoning on which it is based. The ZBA shall attach conditions, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare, or the spirit and purpose of this Ordinance. In addition, no vested interest shall arise out of a Class A designation, which may be revoked based on requirements in paragraph 5, "Revocation of Class A Designation".

(5) Revocation of Class A Designation

Any Class A designation shall be revoked following the same procedure required for designation upon a finding that as a result of any violation of the conditions established by the ZBA, or due to changes in the use that cause it to no longer meet the requirements for approval of Class A designation.

(6) Regulations Pertaining to Class A Nonconforming Uses

- (a) This Ordinance shall not prohibit the repair, improvement or modernization of a structure housing a Class A nonconforming use.
- (b) Any Class A nonconforming use damaged by fire, explosion, flood, Act of God or a public enemy or other means may be restored, rebuilt, or repaired.
- (c) Any Class A nonconforming use may be re-established in its present location if the use is abandoned as defined in Section 7.01:3 of this chapter, provided the operator continues to comply with any conditions placed on the Class A designation.
- (d) Structural changes, including enlargement or extension of a Class A nonconforming use may be permitted by the ZBA, either as a condition of Class A designation, or by subsequent application to the ZBA by the owner of the Class A nonconforming use. The ZBA must document that the enlargement or extension will not be incompatible with surrounding land uses or inconsistent with the public health, safety or welfare or the spirit of the ordinance, or violate the setback requirements of the district in which it is located.

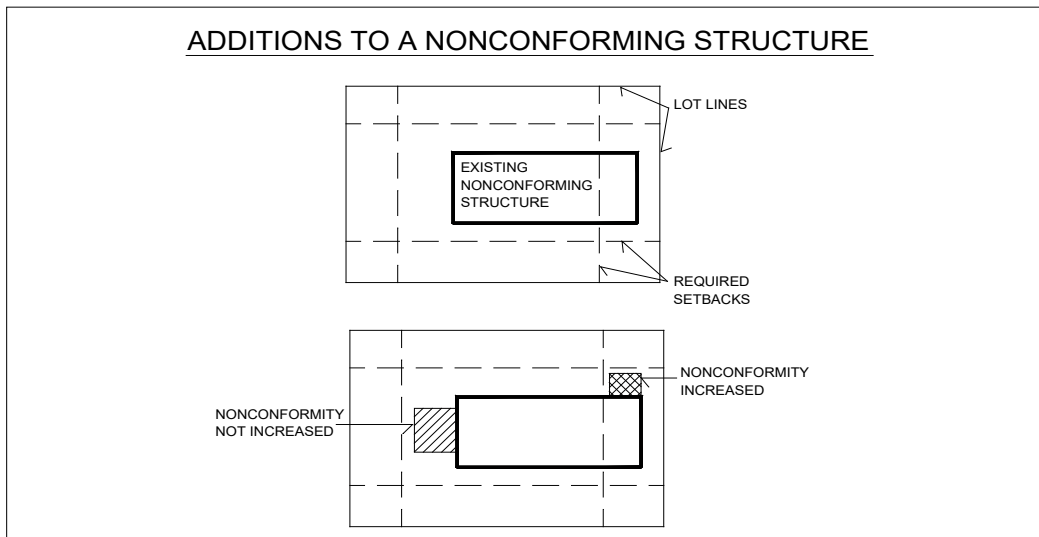
- (e) A Class A nonconforming use may be substituted for another nonconforming use on the same property in the same structure when the ZBA determines that the change would not increase the nonconformity of the structure or use.
- (7) Regulations Pertaining to Class B Nonconforming Uses
- (a) This ordinance shall not prohibit the repair of a structure housing a Class B Nonconforming use necessary to keep it structurally safe and sound. Any other improvements including remodeling or modernization, shall not be approved when such improvement is greater than twenty-five (25) percent of the value of the structure as determined by calculating twice the building's assessed value.
 - (b) Any Class B nonconforming use damaged by fire, explosion, flood, Act of God or a public enemy or by other means must be rebuilt so as to comply with this Ordinance if the cost of the repairs or reconstruction is greater than fifty (50) percent of the value of the structure as determined by calculating twice the building's assessed value.
 - (c) Any Class B nonconforming use abandoned as defined in Section 7.01:3 of this chapter, may not be reestablished.
 - (d) Structural changes to a structure housing a Class B nonconforming use shall not be permitted except through a variance granted by the ZBA.
 - (e) A Class B nonconforming use may not be substituted for another nonconforming use, on the same property in the same structure. If a nonconforming use is changed to a conforming use, the nonconforming use may not be reestablished.

SECTION 7.2 NONCONFORMING STRUCTURES

Where a lawful structure exists or is lawfully under construction at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, height, yards, its location on the lot may be continued so long as it remains otherwise lawful. Where a building permit has been granted for a proposed development, the project can be completed provided that construction begins within sixty (60) days after the effective date of this Ordinance and is not discontinued for a continuous period in excess of sixty (60) days and is completed within one (1) year of the date of issuance of the building permit. Lawful nonconforming structures shall be allowed to continue subject to the following provisions:

- 7.2:1 No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered provided that its nonconformity does not increase (see Figure 7-1).
- 7.2:2 Any such nonconforming structure which has been damaged or destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of damage or destruction, shall not be reconstructed except in the case of practical difficulty for which the Zoning Board of Appeals must grant a non-use variance.
- 7.2:3 Should such nonconforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

FIGURE 7-1



- 7.2:4 If an intended change in use of an existing structure is to a permissible use within the zoning district where the property is located, but all of the dimensional setback requirements cannot reasonably be complied with, the Zoning Administrator may issue a zoning permit if the Zoning Board of Appeals determines that the following conditions are met:
- (1) All of the applicable requirements of the zoning district that can reasonably be complied with, will be complied with. Compliance with any requirements of the zoning district is here defined as not reasonably possible if, compliance cannot be achieved without moving a substantial structure that is on a permanent foundation.
 - (2) Mere financial hardship caused by the cost of meeting zoning district requirements such as paved parking does not constitute grounds for

finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

- (3) If the property has an existing nonconforming use on it, and the use is changed in accordance with this subsection to a permissible use, the property may not revert to its former nonconforming use status.

SECTION 7.3 NON CONFORMING USE OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

If lawful use involving individual structures or of structure and land in combination existing at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- 7.3:1 No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 7.3:2 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance but no such use shall be extended to occupy any land outside such building.
- 7.3:3 Any structure, or structure and land in combination, in or on which a nonconforming use is changed to a permitted use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed.
- 7.3:4 When a nonconforming use of a structure or structure and land in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located).
- 7.3:5 Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. The structure must be rebuilt to conform to the requirements of this Ordinance and the nonconforming use cannot be continued. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

- 7.3:6 A nonconforming use may be changed to another nonconforming use if the Zoning Board of Appeals finds that such new use is no more nonconforming than the existing use.

SECTION 7.4 REPAIR OR REPLACEMENT OF NONBEARING WALLS, FIXTURES, WIRING OR PLUMBING

Repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be performed in or on a nonconforming structure or portion of a structure containing a nonconforming use provided:

- 7.4:1 During any consecutive twelve (12) month period, extent of repair or replacement shall not exceed ten (10) percent of the current replacement cost of the nonconforming structure.
- 7.4:2 Cubic contents of the structure shall not be increased.
- 7.4:3 Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

SECTION 7.5 CHANGES OF OWNERSHIP

Change of ownership between private parties does not remove the nonconformity nor extend time limits.

SECTION 7.6 REPLACEMENT COST

Replacement cost as used in the above provisions is the cost of restoring the structure to its original condition as appraised by a qualified appraiser employed by the City Commission. Persons aggrieved by said appraisal may appeal to the Zoning Board of Appeals.

SECTION 7.7 REMOVAL OF NONCONFORMING STATUS

Any nonconforming structure or land may be made conforming by appropriate action or modifications which cause the structure or land to fulfill the requirements of the district in which it is located.

In case of a nonconforming use which is a use designated as a Special Land Use by this Ordinance, the nonconforming status may be removed upon issuance of a Special Land Use Permit after the appropriate action has been taken in accordance with the provisions of this Ordinance. It shall be the responsibility of the owner or person requesting the Special Land Use Permit to initiate the request in accordance with Section 10.2 of this Ordinance.

SECTION 7.8 ELIMINATION OF NONCONFORMING STRUCTURES OR LAND

The City may acquire by purchase, condemnation or otherwise private property for the removal of nonconforming uses and structures. The legislative body may in its discretion provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district. The elimination of such nonconforming uses and structures in a zoned district as herein provided is hereby declared to be for a public purpose and for a public use. The legislative body shall have authority to institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain in accordance with the laws of the State or provisions of any City Charter relative to condemnation.

SECTION 7.9 KNOWN NONCONFORMING USES

The Department of Neighborhood Services shall prepare and maintain an up-to-date record of all known nonconforming uses within the City. Each record shall contain a copy of the assessment card, the commonly known address or approximate location of the property, and a description of the nonconforming use. Application for a zoning permit shall note in the appropriate place on the zoning permit application form the nonconforming status of the property, and if a nonconforming use exists, the nature of the nonconformity.

SECTION 7.10 EXCEPTION TO LOT WIDTH

A single-family dwelling may be constructed on any officially platted and recorded lot which is less than the width required by this Ordinance, provided that all other requirements of this Ordinance are complied with.

ARTICLE 8**LANDSCAPE STANDARDS****SECTION 8.1 INTENT**

The intent of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent building and in parking lots.

The standards of this article are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this Ordinance to improve the function, appearance and value of their property.

SECTION 8.2 APPLICATION

The requirements set forth in this article shall apply to all uses for which site plan review is required under Section 9.2. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this Article.

The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off street parking area, landscaping or green belts. In addition, when space limitations or prevailing development patterns in the surrounding neighborhoods, justify exceptions to these requirements the Planning Commission may make a determination that an exception be granted.

The following are minimum landscape standards and nothing will preclude the developer and City from agreeing to more stringent standards. If applicable this determination will be made during site plan review.

8.2:1 Landscape Plan Required

A separate detailed landscape plan shall be required to be submitted as part of a site plan review. The landscape plan shall include, but not be limited to the following items:

- (1) Minimum scale of one (1) inch to fifty (50) feet.
- (2) Proposed plant location, spacing, size, species (common and botanical name) and necessary descriptions for use within required landscape areas.
- (3) Existing and proposed contours on-site and one hundred (100) feet beyond the site at intervals not to exceed two (2) feet.

- (4) Straight cross section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
- (5) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.
- (6) Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed materials.
- (7) Identification of existing trees proposed to be saved including individual tree caliper size and species. Clearly reference on the plan the total number of trees proposed to be preserved, category of preserved tree caliper size and number of trees requested for credit consideration.
- (8) Identification of tree protection method for trees proposed to be preserved.
- (9) Identification of existing trees over two and one-half (2 ½) inch caliper proposed to be removed.
- (10) Identification of grass and other ground cover and method of planting.
- (11) Clearly reference on plan total number of proposed parking spaces and number of required parking lot trees.
- (12) For principal structure landscape requirements clearly shade/hatch the principal structure floor area of the building footprint regulated for landscape requirements, label linear footage of the building front and/or sides that are subject to landscape requirements (see Section 8.9 Landscape Standards for Principal Structures).
- (13) Site plan review for pre-existing sites shall clearly identify the proposed building and/or parking expansion and label the net percent site increase and calculated landscape requirement. Clearly identify proposed building entrances and curb cuts.
- (14) Identify areas established for storage of plowed snow during winter months to ensure that plants are not damaged by storage of snow on them.

SECTION 8.3 MINIMUM BUFFER ZONES

It is the intent of this section to provide a landscape buffer between conflicting land uses. The buffer zone is defined as the landscape area located within the required side and rear yard setbacks. Landscape requirements along the public street right of way or front yard are addressed in Section 8.6 Greenbelts.

8.3:1 Level of Use

For the purposes of determining the density and type of coverage in the required buffer zone, zoning districts have been classified based on Level of Use, as follows:

LEVEL OF USE	ZONING DISTRICT
Level 1	R-1, R-2
Level 2	R-3, R-R, C-2
Level 3	C-1, C-3
Level 4	I-1

8.3:2 A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to the table below. Walls shall typically be prohibited along a public street right of way or in a front yard unless specifically approved by the Planning Commission. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall. All walls shall meet the standards described in item 8.3:4. Buffers utilizing a combination of plant materials, berming and walls will be encouraged.

LEVEL OF SUBJECT SITE	LEVEL OF ADJACENT SITE			
	Level 1*	Level 2	Level 3	Level 4
Level 2	B or a 4 foot high wall/fence**	B or a 4 foot high wall/fence**	A or a 5 foot high wall/fence**	A or 8 foot high wall/fence**
Level 3	A or 6 foot high wall/fence**	A or a 5 foot high wall/fence**	None	B
Level 4	A or 8 foot high wall/fence**	A or 8 foot high wall/fence**	B	None

A = One (1) Deciduous canopy tree and, continuous visually solid hedge (during leaf period) at least four (4) feet in height at maturity, or one (1)

evergreen tree and continuous visually solid hedge (during leaf period) at least four (4) feet in height at maturity, per thirty (30) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. A combination of evergreen and deciduous plant materials in the hedge will be encouraged.

B = One (1) Deciduous canopy tree and visually solid hedge (during leaf period) of at least four (4) feet in height at maturity, or one (1) evergreen tree and visually solid hedge (during leaf period) at least four (4) feet in height at maturity, per forty (40) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. A combination of evergreen and deciduous plant materials in the hedge will be encouraged.

Where the adjacent property, including property across a public street or private road, is zoned or used as single family residential, the Planning Commission may require additional landscaping (trees, shrubs, wall or berm) along the property line or within the site to sufficiently screen the parking lot, vehicle headlights, loading zones, outdoor display areas, storage yards, accessory structures, or use.

** A berm will be considered when a minimum twenty-one (21) feet wide buffer strip is available for a three (3) foot height berm. A berm at least three (3) feet high is permitted as part of a buffering requirement (Example: a three (3) foot fence on top of a three (3) foot berm is equivalent to a six (6) foot fence or wall). A four (4) foot high berm may be substituted for a four (4) foot fence or wall. See Section 8.3:5 for Berm Standards.

Home occupations approved by special use permit within the residential districts may require additional buffering, screening or landscape requirements. Requirements may be directed along the property line or within the site to ensure a harmonious effect with adjacent properties, within the residential area and to minimize the impact of a more intense use or activity.

8.3:3 Parking and Storage

Sidyard buffer screen: Parking lot screens will be designed with a hedge, wall, berm, fence or combination thereof forming a continuous screen at least fifty-two (52) inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot. The arrangement of shrubs in clusters is encouraged.

Greenbelt screen: All off-street parking areas shall be screened from view with a landscaped area with continuous planting with a minimum four (4) feet height at maturity along the perimeter of those sides which are visible from a public street or approved private street. Shrubs shall be planted with adequate clearance from sidewalks so that they do not grow over or into the sidewalks as they mature. In addition, greenbelts shall follow landscape

requirements in Section 8.6 (Greenbelts). The Planning Commission, at their discretion, may approve alternative landscape planting or a solid wall in lieu of a landscape berm.

All loading and unloading areas that are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. Screening shall be sufficient to contain blowing debris and screen the loading and unloading areas from adjacent property owners.

All storage areas (including areas for storage of refuse) which are visible from residential districts or public thoroughfares, shall be screened on all sides by a fence or wall no less than six (6) feet in height. The fence or wall shall not allow light to penetrate through it.

8.3:4 Wall and Fence Standards – When Buffering is Required:

For the purpose of buffering, walls and fences are the same. Required walls shall comply with the standards listed below.

- (1) Walls shall be located either on a lot line, if adjoining property owners agree, or the wall shall be located six (6) inches from the property line finished side facing outward, or placed no more than twelve (12) inches from the lot line or at a location at the discretion of the Planning Commission to suit creative landscaping plan design, or property/utility conditions.
- (2) Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance, unless specifically approved by the Planning Commission.
- (3) Walls shall be constructed of face brick, pressure treated wood, or comparable nonporous facing materials on the exterior sides facing an affected district.
- (4) Walls shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials as approved by the Department of Neighborhood Services. Wood fences shall be sight obscuring sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce minimum height requirement.
- (5) Walls must be maintained in good condition by the property owner.
- (6) Curbing, bollards (posts), or plant material shall be required where parking is adjacent to walls. Bumper blocks shall not be permitted.

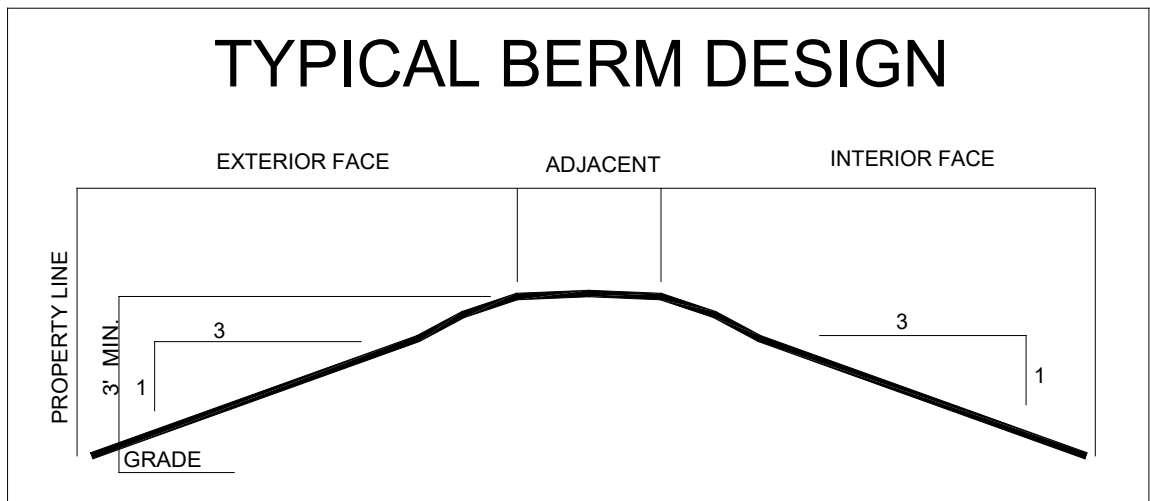
8.3:5 Berm Standards:

Required berms shall be constructed as landscaped earth mounds with a crest area at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Zoning Administrator. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1.3). (See illustration). Free form naturalistic contouring and berm shaping are encouraged.

Berm slopes shall be protected from erosion by sodding or seeding. Seeded slopes shall be protected with a straw mulch held in netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with living shrubs, trees or lawn, and shall be maintained in a healthy, growing condition.

As part of an overall site plan, a planting and grading plan shall be prepared for the berm. Plant materials within the berm area shall be installed in accordance with the requirements for Greenbelts or Buffer Zones, depending on berm location, and plant materials contained in this section.

Typical berm design



Twenty-one (21) feet minimum width required for three (3) foot high berm. Twenty seven (27) feet minimum width required for four (4) foot high berm.

SECTION 8.4 FENCE AND WALL STANDARDS WHEN BUFFERING IS NOT REQUIRED

It is the intent of this Section to provide for the regulation of fences and walls in those instances where a fence or wall is not required by the provisions of this Article for purposes of buffering. Pursuant to this Section it is the City's goal to balance the protective and privacy aspects brought about through the construction of fencing and walls against the potential loss of natural light, air circulation, and natural views resulting from said construction.

8.4:1 Permit

It shall be unlawful for any person to construct or cause to have constructed any fence or wall upon any property within the City of Big Rapids without first having obtained a Fence Permit from the City's Zoning Administrator.

8.4:2 Requirements

- (1) Fencing or walls may be located on the property line if the abutting property owner consents, in writing, thereto.
- (2) Fencing or walls shall be constructed a minimum of six (6) inches from the property line if consent in compliance with Section 8.4:2.1 cannot be obtained.
- (3) Fences or walls with a height not to exceed six (6) feet may be constructed in all yards except along required front yard setback or side street setbacks in residential districts. Along front yard or side street setbacks, fences or walls shall not exceed four (4) feet in height; however, on residential perimeters (not in required front yard or side street yard setbacks) which border commercial or industrial zoned properties, fences, or walls shall not exceed twelve (12) feet.
- (4) Fences or walls constructed in front yards or side street yards in residential districts shall be no more than forty-five (45) percent solid. (Section 8.4:2 (4) amended by Ord. No. 531-05-04).
- (5) Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, or other materials not commercially designed for fence construction are prohibited. (Ord. No. 771-06-21, passed June 7, 2021)
- (6) In no instance shall barbed or razor wire fencing be permitted on or adjacent to residential property or residential zone district. In no instance shall a fence be electrified.

- (7) Fences shall be maintained by the property owner so as to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design. (Ord. No. 771-06-21, passed June 7, 2021)

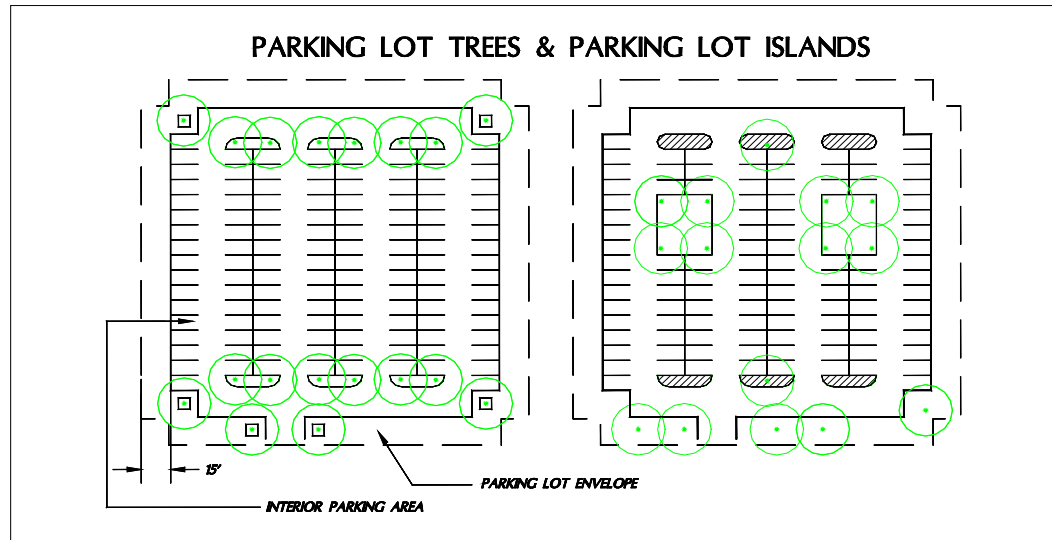
SECTION 8.5 REQUIRED PARKING LOT TREES AND PARKING LOT ISLANDS

8.5:1	ZONING DISTRICT	Number of parking spaces
	Multiple Family	1 canopy tree per 8 spaces
	Commercial	1 canopy tree per 7 spaces
	Industrial	1 canopy tree per 8 spaces

8.5:2 Tree Location:

All of the required parking lot trees shall be placed within the parking lot envelope when space is available. The parking lot envelope is the area including the parking lot surface and extending fifteen (15) feet from the edge of the parking lot. A minimum of two-thirds (2/3) of the required trees shall be placed within the interior of the parking area. The Planning Commission may waive this requirement if space is not available. Landscaping and canopy tree placement shall be dispersed throughout the parking lot in order to balance and soften large areas of pavement and help direct traffic flow within lot (See diagram below for examples).

All parking lot tree calculations and interior parking lot tree requirements shall be rounded up.



PARKING LOT 'A'

PARKING LOT 'B'

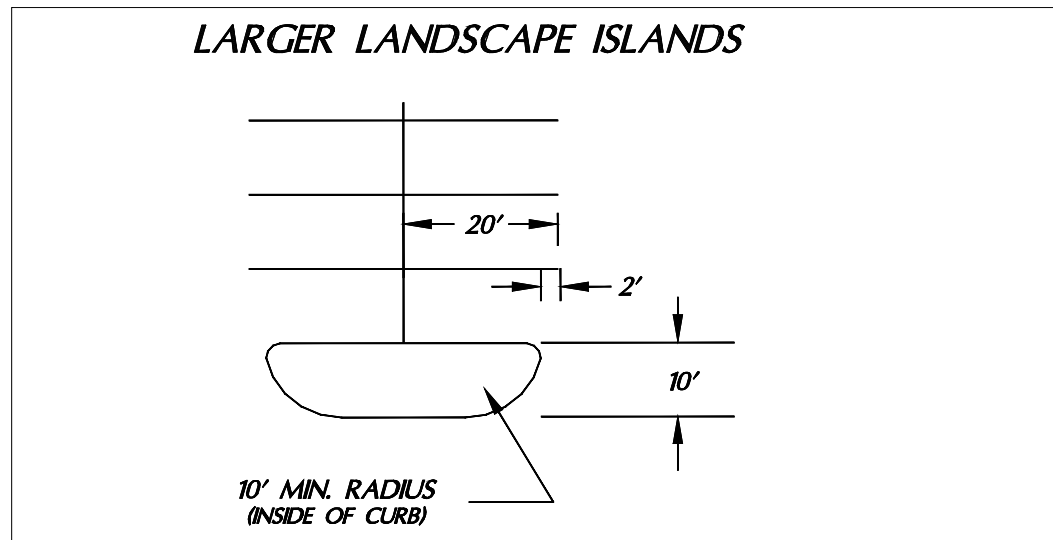
8.5:3 Tree Base:

Each tree shall be surrounded by an area of grass or living ground cover at least one hundred fifty (150) sq. ft. in size, and a minimum dimension of ten (10) feet in any direction, to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

8.5:4 Required parking lot trees shall be credited towards required green belt or buffer trees.

8.5:5 Design of Parking Lot Islands:

All parking lot islands shall be curbed. Islands shall be at least one hundred fifty (150) feet in area. Each island shall be at least ten (10) feet wide, with a depth two (2) feet shorter than the depth of the adjacent parking space. Islands shall have a minimum of ten (10) feet at the ends facing main aisles. A minimum radius shall be one (1) foot where island is not adjacent to main traffic aisle.



SECTION 8.6 GREEN BELTS REQUIRED ALONG THE PUBLIC RIGHT OF WAY

A green belt shall be planted adjacent to the right of way, within private property, of any public street or approved private street. The green belt plantings shall be planted within the required front yard or side yard setback of the principal structure. The Planning Commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. Greenbelt requirements do not overlap with Buffer Zone requirements. The green belt shall meet the following standards:

- 8.6:1 The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.
- 8.6:2 The green belt shall include one (1) deciduous canopy tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks, or easements.
- 8.6:3 The Planning Commission may approve substitution of evergreen trees for up to fifty (50) percent of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.
- 8.6:4 Green belt trees should be regularly spaced and consistent with the existing character of the City.
- 8.6:5 Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the twenty (20) feet site distance triangle shall not be more than thirty (30) inches in height.
- 8.6:6 Green belt requirements for parking lots along the public right-of-way are described in Section 8.3:3, and shall be landscaped per the requirements in this section.

SECTION 8.7 PLANT MATERIAL SPECIFICATIONS

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock in the American Association of Nurserymen ANZI Z60.1.

8.7:3 Plant material and design variety:

The overall landscape plan shall demonstrate a variety of plant material with not more than fifty (50) percent of any one species utilized throughout the design.

8.7:4 Suggested (not required) Plant Materials

TREES	MINIMUM SIZE AT PLANTING					
	Height				Caliper	
	3'	4'	6'	10'	1.75"	2.5"

EVERGREEN						
Hemlock (<i>Tsuga</i> sp.)			X			
Fir (<i>Abies</i> sp.)			X			
Pine* (<i>Pinus</i> sp.)			X			
Spruce (<i>Picea</i> sp.)			X			
Douglas-Fir (<i>Pseudotsuga menziesii</i>)			X			
NARROW EVERGREEN						
False Cypress (<i>Chamaecyparis Nootkatensis</i>)		X				
Wichita Blue Juniper (<i>Juniperus scopulorum</i> 'Wichita Blue')		X				
Eastern Redcedar (<i>Juniperus virginiana</i> cvs.)		X				
Swiss Stone Pine (<i>Pinus cembra</i>)		X				
Pyramidal White Pine		X				
Pyramidal Japanese Yew (<i>Taxus cuspidate</i> "Capitata")		X				
Hick's Yew (<i>Taxus X Media</i> 'Hicksii')		X				
Arborvitae varieties (<i>Thuja occidentalis</i> cvs.)		X				
ORNAMENTAL TREES						
Flowering crabs (<i>malus</i> sp.) (disease resistant varieties only)					X	
Serviceberry (<i>Amelanchier</i> sp.)			X			
Dogwood (<i>Cornus alternifolia</i>)					X	
Hornbeam (<i>Carpinus betulus</i>)					X	
Hawthorn (thornless varieties)					X	

Magnolia (Magnolia sp.)			X or		X	
Flowering pears (Pyrus sp.)					X	
Paperbark Maple (Acer griseum)					X	
LARGE DECIDUOUS SHRUBS						
Honeysuckle (Lonicera fragrantissima only)		X				
Viburnum (Viburnum sp.)	X					
Mock-Orange (Philadelphus virginalis)	X					
Lilac (Syringa sp.)		X				
Privet (Ligustrum sp.)		X				
Amur maple (Acer ginnala)			X			
Dogwood (Cornus alba elegantissima)			X			
Cornelian Cherry (Cornus mas)			X			
Smoke tree (Cotinus coggyria and cvs.)			X			
Bayberry (Myrica pensylvanica)		X				
DECIDUOUS CANOPY TREES						
Oaks (Quercus sp.)						X
Hard maples (Acer rubru, A. saccharum, A. platanoides – not within 20’ of sidewalks located in public ROW)						X
Hackberry (Celtis occidentalis)					X	
River Birch (Betula nigra).				X		
Beech (Fagus sp.)						X

Ginkgo (male plant only) (Ginkgo sp.)					X	
Honeylocust (thornless and seedless cultivars only) (Gleditsia sp.)						X
Littleleaf Linden (Tilia cordata)						X
Ash (seedless varieties)						X

Trees Not Permitted

- (1) Box Elder (Acer negundo)
- (2) Soft Maples (Silver) (Acer saccharinum)
- (3) Norway Maples (Acer platanoides) (to prevent sidewalk heaving, cannot be located within twenty (20) feet of sidewalks in public R.O.W.)
- (4) American Elms (Ulmus Americana)
- (5) Poplars (Populus species)
- (6) Willows (Salix species)
- (7) Horse Chestnut (Nut Bearing) (Aesculus hippocastanum)
- (8) Tree of Heaven (Ailanthus altissima)
- (9) Catalpa (Catalpa species)
- (10) Paper Birch (Betula papyrifera)
- (11) Siberian Elm (Ulmus pumila)
- (12) Sycamore (Platanus occidentalis)

SECTION 8.8 EXISTING TREE PRESERVATION INCENTIVES

The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, at Planning Commission approval, toward the required trees for green belts, buffer zones and within parking lots.

- 8.8:1 All trees over eight (8) inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.
- 8.8:2 Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of

construction fencing at or beyond the drip line of the tree or trees to be preserved.

8.8:3 Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the Planning Commission. The Planning Commission pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the ordinance. To obtain credit consideration the preserved trees shall be of a high quality and at least two (2) inch caliper.

8.8:4 Credit Consideration for preserved trees shall be:

Preserved Tree Caliper* (inches)	Number of Trees to be Credited
12 inches and over	3
8 inches to 11.99 inches	2
2-1/2 inches to 7.99 inches	1

*Caliper is the diameter of a tree trunk and shall be measured at a height six (6) inches above the existing grade up to and including four (4) inch caliper size and twelve (12) inches above the existing grade for larger sizes.

8.8:5 To protect and encourage the continued health and vitality of the preserved trees, the ground within the drip line of the trees shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree drip line is prohibited.

8.8:6 If preserved trees die within three (3) years after construction the property owner shall replace with the number of trees that would have been required had the tree preservation credit not been provided. Said trees shall be replaced within thirty (30) days of written notice from the City or within an extended time period as specified in said notice.

8.8:7 The minimum number of required trees shall not be reduced by less than fifty (50) percent through the use of approved tree credits. However, the Planning Commission during site plan review, may determine that existing landscaping or screening intended to be preserved would provide comparable required landscaping, buffering or screening.

8.8:8 For a period of three (3) years following a site plan approval, special permission by the Planning Commission will be required for the removal of trees proposed to be preserved on the site plan. The Planning Commission may condition their removal on their being replaced with the number of trees that would have been required had the tree preservation credit not been provided prior to site plan approval.

SECTION 8.9 LANDSCAPE STANDARDS FOR PRINCIPAL STRUCTURES

Required principal structure landscaping shall be provided adjacent to or within close proximity to the perimeter of the principal structure. Foundation plantings shall be provided along the front and/or sides of any buildings that face a public road and/or is adjacent to a parking lot or other area which provides access to the building(s) by the general public. Foundation planting areas shall be integrated into the sidewalk system between the building and the parking area and/or associated driveways adjacent to the building.

Beds shall be minimum six (6) feet wide.

The minimum area of required landscape shall be based on the following schedule for principal structure uses:

Principal Structure	% of Building Frontage of Principal Structure
Multi-Family	85% of linear feet of frontage*
Commercial	75% of linear feet of frontage*
Industrial	50% of linear feet of frontage*

*Linear frontage excludes ingress/egress areas of the building.

- 8.9:1 Plant material and planting design is encouraged to be ornamental in character and based on minimum standards for plant material type and spacing.
- 8.9:2 Deciduous canopy trees and large evergreens will not be credited for principal structure landscape requirements. Grass, lawn or sod will not be credited for principal structure landscape requirements.
- 8.9:3 Shredded hardwood, bark mulch, stone mulch, or vegetative ground covers shall be utilized within required landscape areas.

SECTION 8.10 MINIMUM STANDARDS FOR INSTALLATION AND MAINTENANCE

8.10:1 Installation:

Landscaping shall be installed in a sound workman like manner and conform to the American Standard for Nursery Stock ANS1 Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issue unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

8.10:2 Material removal:

Tree stakes, guy wires and tree wrap are to be removed by the applicant after one (1) year, unless an extension is requested by the property owner and approved by the Director of Neighborhood Services.

8.10:3 Maintenance:

Green belt areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance within three (3) years from the time of planting. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the City or within an extended time period as specified in said notice. Plant material that is part of a buffering element required in Section 8.3 must be permanently maintained.

SECTION 8.11 COMPLIANCE FOR PRE-EXISTING SITES

In any case where site plan review is required and the existing building and/or parking area is being increased by at least twenty-five (25) percent over the originally approved site plan or the use is being changed to a more intense use, as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In situations where the increase in the existing building and/or parking area is less than twenty-five (25) percent over the original site plan, the requirement of new landscaping shall be equal to four (4) percent of compliance for every one (1) percent of increase in building or parking footprint. (example: a building or parking area increase of ten (10) percent requires a forty (40) percent compliance with the landscape standards). If any development or principal use requiring a certificate of occupancy is destroyed by any means beyond fifty (50) percent of the appraised replacement value, the site shall be brought into full compliance with the landscape standards herein.

SECTION 8.12 ENFORCEMENT

A violation of any provision of this Section or noncompliance with written notifications pertaining to this Section shall constitute a violation of this Ordinance under Section 14.3:5. (Article 8 was replaced by Ord #500-11-02 on 11/18/02).

ARTICLE 9

SITE PLAN REVIEW

SECTION 9.1 PURPOSE

The intent of this section is to provide for construction and cooperation between the land owner and the City Planning Commission in order that the owner may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

SECTION 9.2 SCOPE

Except as set forth below, the Zoning Administrator shall not issue a zoning permit for construction of any building, structures or uses until a Site Plan, submitted in accordance with the City Zoning Ordinance, shall have been reviewed and approved by the City Planning Commission.

The following buildings, structures or uses shall be exempt from the Site Plan Review procedure.

- 9.2:1 Single or two-family homes and their accessory structures under separate ownership or an individual and separate lot for each home except condominium and site condominium projects.
- 9.2:2 Non-residential accessory structures under 1,000 sq. ft. in size.
- 9.2:3 Expansion of existing structures under 1,000 sq. ft. in size.
- 9.2:4 Changes in use not involving changes in the structure, provided no other improvements under the provisions of this Ordinance, including but not limited to additional parking and landscaping, are required.

SECTION 9.3 OPTIONAL SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the City Planning Commission prior to submission of a complete site plan. The purpose of such procedure is to allow discussion between an owner and the Planning Commission to better inform the owner of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

- 9.3:1 The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
- 9.3:2 A legal description of the property.

9.3:3 Sketch drawings showing tentative site and development plans.

The City Planning Commission shall not be bound by a tentative approval given at this time.

SECTION 9.4 APPLICATION PROCEDURE

Requests for final site plan review shall be made by filing with the Neighborhood Services Department a complete site plan application consisting of the following:

9.4:1 A review fee as determined by resolution of the City Commission based upon the cost of processing the review.

9.4:2 Four (4) copies of the completed application form for site plan review shall contain, as a minimum, the following:

- (1) The name and address of the applicant.
- (2) The legal description of the subject parcel of land.
- (3) The area of the subject parcel of land stated in acres, or if less than one (1) acre, in sq. ft..
- (4) The present zoning classification of the subject parcel.
- (5) A general description of the proposed development.
- (6) A list of all state and federal permits required for the proposed development.

9.4:3 Twelve (12) copies of the proposed site plan, drawn on 24" x 36" paper, which shall include as a minimum the following:

- (1) The plan shall be drawn to scale of not greater than one (1) inch equals twenty (20) feet for a development of not more than three (3) acres and a scale of not less than one (1) inch equals one hundred (100) feet for a development in excess of three (3) acres.
- (2) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation and the name and address of the individual or firm preparing the same.
- (3) The seal of the professional engineer, architect, or surveyor that prepared the site plan.
- (4) Location map indicating the relationship of the site to surrounding land use (to determine compliance with requirements relating to setbacks from adjacent land use or access issues).

- (5) The property shall be identified by lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property. The legal description shall be tied to existing monumentation.
- (6) The topography of the site with at least two (2) feet contour intervals (to determine compliance with any minimum or maximum grade requirements, clear vision requirements and height requirements, and to check drainage information).
- (7) Location of all natural features such as wood lots, streams, rivers, lakes, wetlands, unstable soils and similar features shall be shown (to determine compliance with any standards related to the protection of natural features and/or compliance with applicable local, state and federal laws.)
- (8) Existing man-made features upon the site and within one hundred (100) feet of the same shall be disclosed (to determine compliance with any setback standards linked to structures on adjacent lots, or in the case of a Special Land Use Permit, to determine suitability of the site for the proposed use based on proximity to incompatible uses).
- (9) The location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, the height of all buildings and square footage of floor space therein shall be disclosed. Front, side and rear elevation drawings of proposed structures. Site plans for multiple-family residential development shall also include a density schedule showing the number of dwelling units per net acres, including a dwelling schedule showing the unit type and number of each such units (to determine compliance with maximum height, maximum lot coverage and density requirements and parking requirements and design compatibility standards).
- (10) Floor plan showing existing and proposed uses (to verify gross vs. usable floor area and principal vs. accessory uses).
- (11) All proposed and existing streets, driveways, sidewalks and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown (to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movement conflicts between the site and other nearby driveways).
- (12) The location, size and number of parking spaces in off-street parking areas, service lanes thereto, and service parking and delivery or loading areas (to determine compliance with parking space and off-loading space requirements).

- (13) Cross section showing construction of drives and parking area (to show compliance with requirements regarding pavement surface and adequacy of base materials).
- (14) The location, use and size of open spaces together with landscaping, screening, fences, walls, and proposed alterations of topography or other natural features shall be indicated (to determine compliance with screening and landscaping requirements).
- (15) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants, together with any special features which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will be described, together with any special features which will assist in satisfying such demands.
- (16) Any earth-change plans required by state law shall also be submitted with the application.
- (17) The location, intensity and orientation of all on site lighting (to determine compliance with requirements regarding lighting being directed off adjacent premises and rights-of-way).
- (18) Proposed surface water drainage for the site (to ensure that adequate drainage will be provided to the property, and that the proposed development will not direct any additional surface water onto adjacent property).
- (19) The location and capacity of all proposed sanitary sewage disposal and water supply (to ensure compliance with the standard requiring adequate water and sewer service, and to prevent overloading the City's water and sewer systems).
- (20) Designation of fire lanes (to determine compliance with fire code requirements).
- (21) Outdoor storage or activity areas (to comply with standards relating to outdoor storage of material or outdoor activities).
- (22) Location of trash receptacles (to determine compliance with ordinance requirements regarding location and screening).
- (23) Listing of type, quantity, storage location and secondary containment provisions for any hazardous material stored or used on the site (to verify compliance with any groundwater protection requirements).

(24) Such other information as may be determined to be necessary by the City Planning Commission because of any peculiar features of the proposed development.

9.4:4 The Planning Commission may require a digital copy of the site plan to be submitted by the applicant.

SECTION 9.5 ACTION ON APPLICATION AND PLANS

9.5:1 The complete site plan application shall be submitted to the Neighborhood Services Department at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting.

9.5:2 The Zoning Administrator shall record the receipt of the application and plans and transmit one (1) copy to each member of the Planning Commission; one (1) copy to the Building Inspector, one (1) copy to the Department of Public Safety and one (1) copy to the Department of Public Services.

9.5:3 The Department of Neighborhood Services shall review the plan(s) in advance of the hearing to determine compliance with Section 9.4.

9.5:4 The Planning Commission shall consider the submitted site plan at a public hearing. Notice for the public hearing shall be prepared and shall include the date, time, place and reason for the public hearing. Notice for the public hearing shall be provided as follows:

(1) One (1) notice shall be published in a newspaper in general circulation in the City, not less than five (5) days nor more than fifteen (15) days before the meeting at which the applicant will be considered.

(2) One (1) written notice shall be sent by mail to all persons to whom real property is being assessed within three hundred (300) feet of the boundary of the property in question, not less than five (5) days nor more than fifteen (15) days before the meeting at which the application will be considered.

9.5:5 Following the hearing, the Planning Commission shall have the authority to approve the site plan, disapprove the site plan, or approve the site plan with conditions, in accordance with the purposes of the site plan review provisions of the City Zoning Ordinance and the criteria contained therein. Any required conditions shall be stated in writing, together with the reasons for such conditions, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required conditions, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made by said Board within one hundred (100) days of receipt of the application by the Neighborhood Services Department.

- 9.5:6 Two (2) copies of the approved final site plan, including any required conditions, shall be maintained as part of the City records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be assigned a case number, and stamped "APPROVED". If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variance duly signed shall also be filed with the City records as a part of the site plan and delivered to the applicant for his information and direction

SECTION 9.6 CRITERIA FOR REVIEW

In reviewing the application and site plan and approving, approving with conditions, or disapproving the same, the Planning Commission shall be governed by the following standards:

- 9.6:1 That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to insure the safety and convenience of pedestrian and vehicular movement.

With respect to vehicular and pedestrian circulation, including walkways, interior drives, and parking, the site shall be developed so that access points, general interior traffic circulation, pedestrian circulation, and parking areas are safe and convenient and, insofar as practicable, do not detract from the design of the proposed buildings and existing structures on neighboring properties.

- 9.6:2 All elements of the site plan shall be harmoniously and efficiently organized in relation to the topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings.

The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

- 9.6:3 That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which will result in maximum harmony with adjacent areas.

- 9.6:4 That any adverse effects of the proposed development and activities emanating there from which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback and location of buildings, structures and entryways.

All loading and unloading areas and outside storage areas, including areas for the storage of refuse, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.

9.6:5 That the layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.

Physical improvements including sidewalks, drives and parking areas shall be built to adequate standards to minimize premature deterioration.

Sites at which hazardous substances are stored, used or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

9.6:6 That all provisions of all local ordinances, including the City Zoning Ordinance, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

SECTION 9.7 CONDITIONS

9.7:1 The Planning Commission may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to the County Drain Commission, County Health Department and the Department of Environmental Quality. They may do so when such conditions:

- (1) Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (2) Would protect the natural environment and conserve natural resources and energy.
- (3) Would ensure compatibility with adjacent uses of land, and
- (4) Would promote the use of land in a socially and economically desirable manner.

9.7:2 In determining appropriate conditions, the Planning Commission shall ensure that there is a reasonable connection between the condition imposed and the impact it is mitigating.

SECTION 9.8 APPEALS

An individual with a vested interest in a Planning Commission decision related to a site plan may appeal the Planning Commission decision to the Zoning Board of Appeals.

SECTION 9.9 CONFORMITY TO APPROVED SITE PLAN

- 9.9:1 Revocation of Site Plan Approval. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the approval of the Site Plan shall be revoked by the building and zoning inspector of the City by written notice of such revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of such approval, all construction activities shall cease upon the site until such time as the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan to coincide with the owner's construction or altered plans for construction as being in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the City Zoning Ordinance,
- 9.9:2 Criteria for Commencing Construction. Approval of the site plan shall be valid for a period of one (1) year. If a building permit has not been obtained and on-site development actually commenced within one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

SECTION 9.10 AMENDMENT TO SITE PLAN

A proposed amendment, modification or alteration to a previously approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

SECTION 9.11 TIME LIMITS

- 9.11:1 The applicant shall have twelve (12) months from the date of approval of the site plan to begin physical construction of the project.
- 9.11:2 The applicant shall have eighteen (18) months from the date that physical construction has commenced to complete the project.
- 9.11:3 The applicant may apply to the Planning Commission for an extension of up to eighteen (18) months. The applicant must demonstrate that suitable progress has been made on the project. If an extension is granted, the project must be completed by the end of the extension period.

SECTION 9.12 PERFORMANCE BOND

The Planning Commission shall have the right and authority to require the developer to file with the City Neighborhood Services Department at the time of application for a building permit a performance bond in such amounts as may be determined by the Planning Commission to insure the development of the site in accordance with the approved site

plan, conditioned upon such property construction and development. Such bond, if required, shall continue for the duration of the construction and development of the site and shall be in a face amount, which covers the estimated total cost of construction and site development.

- 9.12:1 Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- 9.12:2 Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the City Treasurer prior to the issuance of a Zoning Permit. The City of Big Rapids shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.
- 9.12:3 An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- 9.12:4 In the event the performance guarantee deposited is a cash deposit or certified check, the City of Big Rapids shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator.
- 9.12:5 Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- 9.12:6 In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should the City use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the City's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required

to post a performance guarantee or bond with another governmental agency other than the City of Big Rapids to ensure completion of an improvement associated with the proposed project prior to the City's conditional approval, the applicant shall not be required to deposit with the City of Big Rapids a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the City of Big Rapids regarding the performance guarantee.

ARTICLE 10**SPECIAL LAND USE PERMITS****SECTION 10.1 PURPOSE**

The development and execution of this Ordinance is based upon the division of the City into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighborhood land, of the public need for the particular use, or the particular location. Such special land uses fall into two (2) categories:

- 10.1:1 Uses publicly operated or traditionally affected with a public interest.
- 10.1:2 Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

SECTION 10.2 APPLICATION PROCEDURE

This section outlines the procedures to be used to review proposed special land uses for approval or denial.

- 10.2:1 Initiation of Special Land Use Permit Application. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the special land uses provided for in this Ordinance in the zoning district in which the land is located.
- 10.2:2 Application of Special Land Use Permit. An application for a special land use shall be filed with the Zoning Administrator on the prescribed form. The application meet the requirements of Section 9.4 of this Ordinance. The application shall include a statement in writing by the applicant and adequate evidence showing that the proposed special land use will conform to the standards set forth in Section 10.3:8. The application shall be accompanied by a fee established by the City Commission.

SECTION 10.3 ACTION ON APPLICATION AND PLANS

- 10.3:1 The complete Special Land Use Permit application shall be submitted to the Neighborhood Services Department at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting.
- 10.3:2 The Zoning Administrator shall record the receipt of the application and plans and transmit one (1) copy to each member of the Planning Commission, one (1) copy to the Building Inspector, one (1) copy to the Department of Public Safety and one (1) copy to the Department of Public Services.
- 10.3:3 The Department of Neighborhood Services shall review the plan(s) in advance of the hearing to determine compliance with Section 9.4. (Site Plan Review) and Section 10.3:8 (Special Land Use Permit).
- 10.3:4 The Planning Commission shall consider the submitted Special Land Use Permit application at a public hearing. Notice for the public hearing shall be issued by the City of Big Rapids and shall include the date, time, place and nature of the request. Notice shall indicate the property that is the subject of the request including a listing of all existing street addresses within the property. Notice shall indicate when and where written comments will be received concerning the request. Notice shall be provided not less than fifteen (15) days before the date the request will be considered. Notice for the public hearing shall be provided as follows: (Ord. 745-08-19, passed 08-05-19)
- (1) One (1) notice shall be published in a newspaper in general circulation in the City.
 - (2) One (1) written notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located within the City of Big Rapids. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 - (3) One (1) written notice shall be sent by mail to the owners of the property that is the subject of the request.

Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United

States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

- 10.3:5 Following the hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the site plan and special land use permit application to the City Commission. In making their recommendation, the Planning Commission shall include a statement of findings and conclusions relative to the special land use which specifies the basis for the decision concerning the in Section 9.6 and in Section 10.3:8 and explains any conditions imposed.
- 10.3:6 Following receipt of the Planning Commissions Recommendation, the City Commission shall review the request for approval of the Special Land Use Permit and the Site Plan. The City Commission shall do one of the following:
- (1) Approve the Special Land Use Permit and Site Plan.
 - (2) Approve the Special Land Use Permit and Site Plan with conditions to be met prior to approval.
 - (3) Deny the Special Land Use Permit and/or the Site Plan.
 - (4) Table the application for additional information or to conduct its own public hearing.
- 10.3:7 Basis for Decision. The City Commission shall incorporate their decision in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions to be met prior to approval.
- 10.3:8 Standards. No special land use shall be recommended by the Planning Commission unless such Board shall find:
- (1) That the establishment, maintenance or operation of the special land use will not be detrimental to or endanger the public health, safety or general welfare.
 - (2) That the special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhoods.
 - (3) That the establishment of the special land use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.

- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- (6) That the special land use shall conform to the applicable regulations of the district in which it is located, any specific requirements established for that use in Article 11, any conditions of approval, or procedures as specified in Section 10.4.

SECTION 10.4 CONDITIONS AND GUARANTEES

Prior to the granting of any Special Land Use, the Planning Commission may recommend, and the City Commission shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Special Land Use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Section. In all cases in which Special Land Uses are granted the City Commission shall require such evidence and guarantees as it may deem necessary to ensure compliance with the conditions stipulated in connection therewith are being and will be complied with.

SECTION 10.5 EFFECT OF DENIAL OF A SPECIAL LAND USE

No application for a Special Land Use which has been denied wholly or in part by the City Commission shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change or conditions found to be valid by the Planning Commission and the City Commission.

SECTION 10.6 REVOCATION OF SPECIAL LAND USE PERMIT

In any case where a Special Land Use has not been established within one (1) year after the date of granting such use, or when the use is abandoned for twelve (12) consecutive months authorization of that use shall automatically be null and void without further action by the Planning Commission or the City Commission.

ARTICLE 11**USE STANDARDS****SECTION 11.1 PURPOSE**

The following uses are permitted either by right or by Special Land Use Permit in specified districts. In addition to meeting all applicable provisions contained within this Zoning Ordinance, the following uses must also meet the specific design standards listed for each.

11.1:1 Adult entertainment establishments may be permitted in the C-3 Commercial District via Special Land Use Permit when the following conditions are met:

- (1) No adult entertainment establishment may be established, operated, or maintained within two hundred fifty (250) feet of an R-1, R-2, R-3, R-4 or RR residential zoning district.
- (2) No adult entertainment establishment may be established, operated or maintained within two hundred fifty (250) feet of: a church, state licensed day care facility, public library, public park, pre-school, elementary school, middle school, or high school.
- (3) No adult entertainment establishment may be established, operated or maintained within two hundred fifty (250) feet of any other adult entertainment establishment.
- (4) Distance limitations shall be measured in a straight line from the parcel or lot lines of both the subject parcel and parcels zoned residential or restricted residential (RR), or occupied by uses specified above.
- (5) If employees or patrons of an adult entertainment establishment promote, offer, solicit, allow or engage in acts of prostitution on the premises, the conditional use permit may be suspended or revoked. No criminal charge need be brought for suspension or revocation of the Special Land Use Permit to occur. The acts described in this subsection may be shown to have occurred by a preponderance of the evidence.
- (6) Granting a Special Land Use Permit under these provisions shall be contingent upon the applicant(s) obtaining or maintaining an Adult Entertainment Establishment License.

11.1:2 Adult foster care small, medium and large group homes may be permitted in any Residential District as a Special Land Use under the following conditions:

- (1) The operation must be licensed by the appropriate State governing agency.

- (2) The minimum lot size shall be calculated as follows: Sixteen hundred (16,000) sq. ft. for the first two (2) bedrooms and three thousand (3,000) sq. ft. for each additional bedroom.

11.1:3 Automobile Service Stations may be allowed in the C-2 Commercial District subject to the following conditions:

- (1) The Automobile Service Station must be located on a major street.
- (2) All points of vehicular ingress and egress shall be clearly defined.
- (3) All pedestrian areas on the site shall be clearly defined.
- (4) All gasoline pumps and/or storage tanks shall comply with the rules and regulations of the State of Michigan Flammable Liquid Code, as amended.
- (5) External storage is prohibited.

11.1:4 Bed & Breakfast Inns. Bed & Breakfast Inns for the keeping of overnight guests for limited duration and providing breakfast meals for those guests, are permitted subject to the following conditions:

- (1) No more than seven (7) sleeping rooms shall be permitted in any Bed & Breakfast Inn.
- (2) Each sleeping room shall have adequate off-street parking defined as one (1) off-street parking space per room.
- (3) The guests in the Bed & Breakfast Inn facility shall not stay more than seven (7) days out of any thirty (30) day period.
- (4) The Bed & Breakfast facility will provide only one (1) kitchen facility for use by residents and guests.
- (5) Bed & Breakfast Inns shall meet all State, County and local code and regulation requirements.

11.1:5 Churches, public, private and parochial schools, public libraries, museums and art galleries shall be permitted, provided all of such uses occupy a site of at least one (1) acre and be located at least thirty (30) feet from all property lines.

11.1:6 Communication antennae affixed to existing structures shall be permitted in the C-1, C-2, C-3 and I districts, subject to the following conditions:

To minimize the negative aesthetic impacts associated with ground based communication towers, the placement of communication antennas on preexisting structures such as water towers, church steeples, and

commercial and industrial buildings, shall be encouraged by the City Planning Commission. Antennas located on structures do not have to meet the more stringent height and distance requirements associated with ground based towers, provided the applicant can demonstrate the following:

- (1) Materials used to shield the antenna and associated electrical equipment shall be aesthetically compatible with the surrounding structures and area in terms of color and texture.
- (2) The appearance and character of the structure will not be significantly altered with the addition of the antenna and related equipment.
- (3) The height of the existing structure will not be significantly increased with the addition of the antenna.
- (4) The antenna and any associated structures and guy wires shall be inaccessible to the general public.

11.1:7 Communication towers affixed directly to the ground shall be permitted in the I district, subject to the following conditions:

- (1) The tower is located no closer to any Residential District than the height of the tower. This requirement can be modified by the Planning Commission if it can be demonstrated by the applicant that the tower is collapsible in design.
- (2) The tower is located no closer to any structure not associated with the operation of the tower than the height of the tower. This requirement can be modified by the Planning Commission if it can be demonstrated by the applicant that the tower is collapsible in design.
- (3) All wiring between the tower and other structures shall be placed underground whenever possible.
- (4) The tower, any accessory structures and any guy wires which are fixed to the ground shall be completely enclosed by appropriate fencing as determined by the Planning Commission.
- (5) In order to maximize the efficiency of the telecommunications services, while also minimizing the impact of such facilities on the City, co-location, or the provision of more than one (1) facility in a single location shall be encouraged by the Planning Commission. The applicant shall provide the Planning Commission with information regarding the feasibility of co-location at proposed sites. Further the Applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:
 - (a) Respond to any requests for information from another potential shared use applicant;

- (b) Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically possible and
- (c) Make no more than a reasonable charge for a shared use lease.

****The Primary Election of August 6, 2002, removed Section 11.1:8 pertaining to Group Day Care in R-1 Districts from the Zoning Ordinance. **It was added back in November 4, 2013 per Ordinance No. 671-11-13**

- 11.1:8 Group Child Care Home – A group child care home is permitted in the R-2 zone when the following conditions are met:
- (1) The group child care home is located a minimum of 500 feet from any other licensed group child care facility.
 - (2) The minimum lot size of any group child care home shall be 10,500 sq. ft.
- 11.1:9 Heavier industrial uses such as specified in Section 3.12:5 may be permitted in the I Industrial District as a Special Land Use under the following procedures and conditions:
- (1) The emission of smoke, odors, glare, heat and gasses from the manufacturing use shall not be deleterious to the public health, safety and general welfare.
 - (2) The manufacturing use shall be located at least one hundred (100) feet from any commercial use and three hundred (300) feet from any residential use in the community.
 - (3) Section 9.6 Criteria for Review for Site Plan Review shall be utilized to determine the suitability of the manufacturing use for special land use status.
 - (4) In making any decision the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of adjoining property owners and the community at large.
- 11.1:10 Home occupations may be permitted in the R-P, R-1, R-2, R-3, and R-R Residential Districts as a special land use under the following procedures and conditions:
- (1) No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation.

- (2) No display of goods or signs pertaining to such use are visible from the street and that no persons are employed other than the dwelling occupants.
- (3) The principal structure for which the Special Land Use is requested must be the residence of the applicant. No such home occupation may be conducted in any accessory building.
- (4) No such home occupation shall require interior or exterior alterations, or use of mechanical equipment, not customary for housekeeping.
- (5) The home occupation shall not generate more than ten (10) business related vehicles trips in any one (1) day period. (Ord 702-04-17, passed 04-03-17)
- (6) Parking for the home occupation shall be accommodated in the driveway or along the curb adjacent to the property.
- (7) No more than twenty-five (25) percent of the floor area of the ground floor of the principal structure may be devoted to the home occupation.
- (8) The home occupation shall not require exterior alterations that change the residential character of the dwelling (this statement shall not be construed so as to prohibit alterations necessary to comply with the Americans With Disabilities Act).
- (9) In no case shall the home occupation be open to the public at times earlier than 7:00 a.m. or later than 9:00 p.m.

11.1:11 Hospitals, sanatoriums, clinics, nursing and rest homes, and institutions for human care may be permitted in any Residential District as a Special Land Use under the following conditions:

- (1) The area accommodating any one of these uses shall not be less than one (1) acre in area.
- (2) The buildings, including accessory buildings, must be located not less than fifty (50) feet from all property lines.
- (3) The maximum height of all buildings shall be thirty-five (35) feet.
- (4) The development must meet all applicable landscaping standards.
- (5) Off-street parking, loading and unloading shall be provided in accordance with Article 5 of this Ordinance.
- (6) Ingress and egress to the area must be located in such a manner so as to provide maximum safety to the public utilizing this facility and the

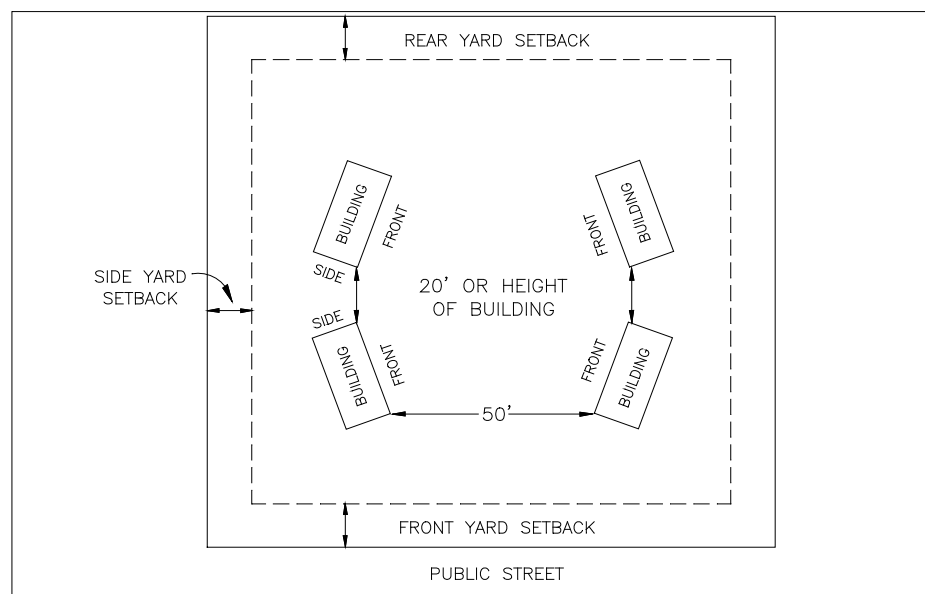
public streets. Said ingress and egress shall be hard surfaced and properly drained.

(Section 11.1:12 repealed by Ord. 480-6-01, passed 6/4/01)

11.1:13 Multiple-family dwellings may be permitted in the R-3 Residential District as a Special Land Use under the following conditions:

The erection of two (2) or more residential buildings upon a plot in single ownership is permitted, when such dwelling groups conform to all provisions of this Article, even though the location of the buildings to be erected and the front, side and rear yard spaces do not conform in all respects to the requirements stipulated in other parts of this Ordinance for a single building on a single lot; provided that the proposed dwelling group shall meet all the following conditions and requirements and receive site plan approval.

- (1) The lot area requirements of the Zoning District must be met.
- (2) Every dwelling in such dwelling group shall front either on a street or other permanent public open space, common yard, or outer court at least fifty (50) feet wide, and no building may be built in the front or rear yard space that would be required for a single building or a single lot.
- (3) The distance between buildings or between any building and the nearest lot line, shall not be less than the height of the building, nor less than twenty (20) feet in any case.
- (4) Every dwelling in such dwelling group shall be within five hundred (500) feet of a public street.



- 11.1:14 Municipal, County, State and Federal Administration Building and Community Center Buildings may be permitted in the R-1 Residential District as a Special Land Use under the following procedures and conditions:
- (1) The site must be at least two (2) acres.
 - (2) All buildings must be located at least thirty (30) feet from all property lines.
- 11.1:15 Municipal, denominational and private cemeteries shall be permitted when occupying a site of at least twenty (20) acres and when all buildings are at least one hundred (100) feet from all property lines.
- 11.1:16 Office buildings for occupancy by professional offices, office building for occupancy by financial, insurance, bookkeeping and real estate firms, and offices of civic, religious and charitable organizations shall be permitted in the R-3 and RR district. To ensure general compatibility with character and design in surrounding residential neighborhoods, such uses shall be subject to the following conditions:
- (1) There shall be no storage, display or sales (wholesale or retail) of merchandise.
 - (2) All office buildings shall comply with the following general design standards:
 - (a) Pedestrian circulation – The proposed design shall be designed and scaled to ensure safe and efficient pedestrian circulation over the entire site, and shall provide appropriate connections to the neighborhood’s pedestrian circulation system.
 - (b) Exterior Finish Materials – The color and texture of the material shall be compatible with residential structures in the surrounding area.
 - (c) Massing – The proposed design shall show consideration of the context in which the building is to be placed with respect to the nearby visual environment. The proposed design shall show consideration of surrounding buildings with regards to the proportion, height, scale, and placement of structures on the site.
 - (d) Relation to the street – Walls facing a public street shall include windows and architectural features customarily found on the front façade of a building in the area, such as awnings, cornice work, edge detailing or decorative finish materials. Doorways shall be directly accessible from public sidewalks.

- (e) Windows – Glass shall be clear or lightly tinted only. Windows facing a public street and parking area shall be functional as windows, to ensure neighborhood scale and character.
- (f) Parking – Parking areas shall be located at the back or side of the proposed building. Parking areas will be designed to ensure safe and efficient pedestrian circulation over the entire site.

11.1:17 One (1) supplemental occupant per single-family dwelling. One (1) supplemental occupant shall be permitted in single-family dwellings in the R-1 Zoning District subject to the following conditions:

- (1) The owner of the dwelling in which the supplemental occupant is permitted, shall occupy the dwelling as his/her residence.
- (2) The owner must clearly demonstrate that improved parking spaces comply with the parking provisions of this Ordinance. For purposes of this Section improved parking shall be parking spaces consisting of either an asphalt or concrete surface.
- (3) A zoning permit must be obtained prior to establishing occupancy by a supplemental occupant. In addition to the information otherwise required for the zoning permit, applicant shall also indicate the following:
 - (a) Name, address and telephone number of the unrelated occupant.
 - (b) Date occupancy by supplemental occupant is to begin.
- (4) Failure to secure a permit in compliance with this section shall not constitute the establishment of a non-conforming use.

11.1:18 Owner Occupied Condominiums may be permitted in the R-2 One and Two Family Residential Zone as a Special Land Use when the following conditions are met:

- (1) There must be a minimum gross land area of five thousand (5,000) sq. ft. per dwelling unit. Minimum lot size shall be one (1) acre.
- (2) Maximum height of buildings shall be forty (40) feet. Minimum yard setbacks shall be: front yard setback twenty-five (25) feet, rear yard setback thirty (30) feet, and side yard setback twenty (20) feet. Separation of multiple buildings within the site shall be twenty (20) feet.
- (3) Park area or recreational space must be provided at the rate of ten (10) percent of the gross area of development.

- (4) The area must be landscaped in a manner consistent with the requirements of Section 8.3.
- (5) Off street parking shall be provided in accordance with Article 5, except that the parking shall provide an additional .75 visitors parking space for each dwelling unit and shall be screened with an ornamental fence or compact hedge not less than three (3) feet and not more than six (6) feet high, which shall obscure vision all seasons from adjoining premises. The parking area shall be hard surfaced and adequately drained, properly marked, and lighted in such a manner that the lighting is not objectionable to adjoining property owners. The parking areas shall not be constructed within the required front yard setback, shall not be closer than ten (10) feet to any property line.
- (6) Ingress and egress to the area shall be located in such a manner so as to provide maximum safety to the public utilizing this facility and the public streets. The ingress and egress shall be hard surfaced and adequately drained.

11.1:19 Planned Unit Development

Planned Unit Development (PUD) shall be a Special Land Use within the R-3 Residential District as specified in this Ordinance. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the Residential Districts in which such uses are located.

Purpose. The purpose of these regulations is to permit greater flexibility in the development of the R-3 Residential District than is generally possible under conventional zoning regulations. It is further intended to promote more efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A zoning permit shall be required for construction and occupancy of a PUD subject to compliance with the requirements, standards and procedures set forth in this Ordinance.

(1) General Requirements for Planned Unit Developments

(a) **Minimum Area.** The minimum area for a PUD Special Land Use Permit shall not be less than five (5) contiguous acres of land. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a PUD regardless of minimum acreage.

(b) **Ownership.** The tract of land for a project must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties included.

PUD

(c) **Location.** Planned Unit Developments shall be allowed only within the R-3 Districts providing the applicant can demonstrate that the proposed character of development will meet the objectives of PUD's.

(d) **Utilities.** Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.

(e) **Approval.** Approval by the City Commission of a sketch plan, detailed site plan and special land use permit for all planned unit developments is required.

(2) **Permitted Uses.** No structure or part thereof shall be erected, altered or used, and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:

- (a) Residential Uses Permitted
- Single-family detached dwellings
 - Two-family dwellings
 - Townhouses
 - Apartment buildings
 - Condominium

PUD

- (b) Nonresidential Uses Permitted. Nonresidential uses of a religious, educational, commercial or recreational character to the extent that they are to be designed or intended for the use of the residents of the Planned Unit Development. The burden shall be the landowners to show that the nonresidential uses of a commercial character are intended to serve principally the residents of the Planned Unit Development. The nonresidential permitted uses shall be allowed only to the extent the City Commission finds them to be designed to serve primarily the residents of the Planned Unit Development: and compatibly and harmoniously incorporated into the unitary design of the Planned Unit Development. Buildings designed and intended to be used, in part or whole, for nonresidential uses shall be constructed according to the following:
- (i) If the Planned Unit Development contains from one (1) to fifty (50) dwelling units, seventy-five (75) percent of said dwelling units must be physically constructed prior to any nonresidential use construction.
- (ii) If the Planned Unit Development contains fifty (50) or more dwelling units, fifty (50) percent of said dwelling units shall be physically constructed prior to any nonresidential use construction.
- (iii) The only nonresidential uses permitted within a Planned Unit Development are:
- Bakery and dairy products, retail sales only
 - Barber and beauty shops
 - Books, stationery and newspapers
 - Drug stores

Groceries, food stuffs and meat markets

Laundromat

Shoe repair

Tailoring and dressmaking

Schools, public or private

PUD

Churches

Public parks, forest preserves, and recreational areas

Golf Courses

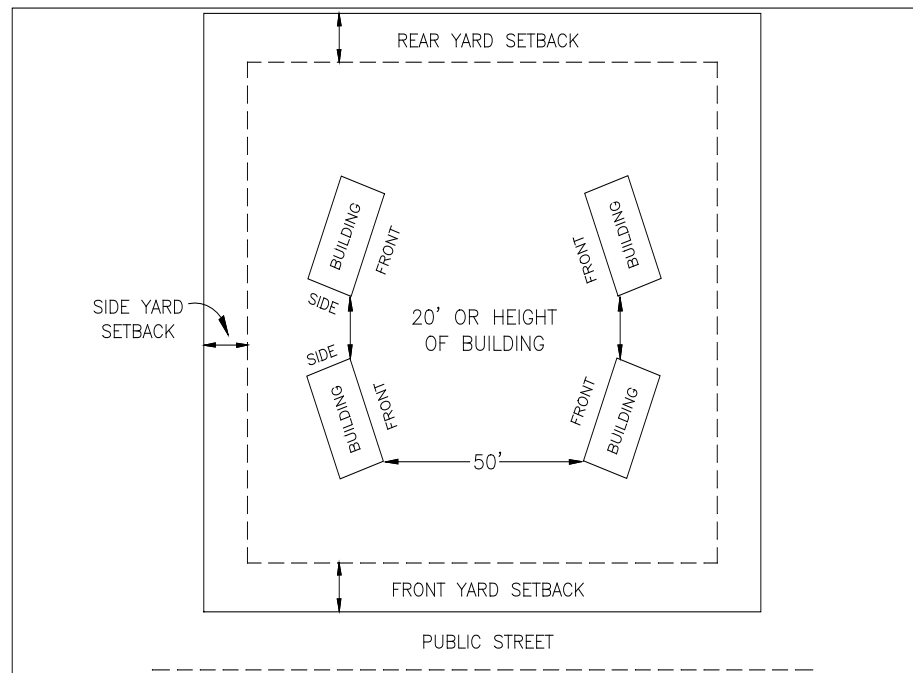
Real estate office only in conjunction with a new Planned Unit Development, limited to selling or renting of units in such development and

Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.

Other similar uses as approved by the Planning Commission

- (3) Nonresidential Uses Permitted Upon Review. A special land use provision to permit the following uses within the district may be granted by the City Commission only after application has been made and reviewed in accordance with procedures established in this Ordinance:
- (a) Nonresidential uses permitted under review shall only be allowed when the PUD is of such a scale to reasonably accommodate such uses, and only after consideration has been given to all other development needs, including but not limited to; an adequate mix of dwelling types; necessary local shopping facilities and off-street parking; parks, playgrounds, and/or common open spaces; education facilities, if appropriate; and other development requirements which may be unique to the site.
 - (b) All nonresidential uses permitted shall be desirable or convenient for the users of the PUD or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood and provided further that such uses are integrated by design as an accessory element of the PUD development.

- PUD**
- (c) All nonresidential uses allowed in the PUD, inclusive of those uses stated in 2(c) of this Section, shall occupy no more than ten (10) percent of the PUD net area, nor more than ten (10) percent of all building floor area.
 - (d) No commercial use of any PUD shall be authorized except as provided, except an office building or buildings to be occupied primarily by administrative, clerical, accounting, professional or business research organizations where the principal use does not involve any of the following:
 - i. The handling or display on the premises of any merchandise, or the rendering of any merchandising services except as permitted as an accessory use of the accommodation of the PUD residents.
 - ii. Show windows or exterior display advertising of any kind.
 - (e) Accessory Uses. Uses which are customarily accessory and incidental to permitted principal uses, such as non-takeout eating establishments.
- (4) Design Requirements. Within the multiple use development approved under the section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:
- (a) Number of Dwelling Units Permitted. The maximum number of dwelling units permitted within the project shall be determined by dividing the net planned unit development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one (1) zoning district, the number of dwelling units shall be computed for each district separately.
 - (b) Lot Area Requirements. The minimum lot area shall not be reduced for any permitted use more than thirty-three (33) percent below that required in the district in which the project is located.
 - (c) Setbacks and Yards. The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the City Commission to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.



- (d) **Minimum Lot Frontage and Width.** The minimum lot frontage and width for any lot designated for single-family dwelling may be reduced thirty-three (33) percent below the requirements of the district in which the multiple use development is located.
- (e) **Screening.** A screen may be required by the City Commission or Planning Commission along the perimeter of the development if it is deemed necessary by these bodies to protect the values of adjoining property under separate ownership. The screening shall be consistent with the Landscaping Standards contained herein.
- (f) **Amount of Open Space Required.** Within every multiple use development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the City Commission must find the land thus designated to be: 1) sufficient in size, suitably located, with adequate access, and 2) that evidence is given that satisfactory arrangements will be made for the maintenance of designated land to relieve the municipality of future maintenance thereof.
- (g) **Arrangement of Open Space.** All required open space within multiple use development shall be arranged so as to provide

benefit to the maximum number of dwelling units. Separate tracts of open space shall have adequate access from at least one (1) point along a public street.

- (5) Sign Standards. All signs in planned unit developments shall conform in general to the requirements for other uses and shall be appropriate in size and location based on the use.

PUD

Permitted Signs:

- (a) One (1) freestanding permanent development sign per entrance to the development shall be permitted not to exceed fifty (50) sq. ft. in area for the purpose of identifying the name of the development; provided, however, that not more than two (2) such signs shall be permitted per total completed PUD development. As an alternative to one (1) of the foregoing development signs, a directory-type sign not exceeding eighty (80) sq. ft. in area identifying the name of the development and any nonresidential uses therein, shall be permitted at the entrance for more than one (1) nonresidential use; provided, that any identification of an individual nonresidential use shall not exceed ten (10) percent of the total area of such directory-type sign. Any such sign shall be within the PUD and where adjacent to any contiguous residential classification or use shall be located at least fifty (50) feet from the interior boundary between the PUD and such residential classification or use.
- (b) In the event that a directory-type sign is not used as hereinbefore provided, one (1) commercial sign not exceeding eighty (80) sq. ft. in area and sixteen (16) feet in height shall be permitted identifying an aggregate of nonresidential uses within the development; provided that not more than ten (10) percent of the total sign area is allocated to any individual nonresidential use. This sign shall be within the PUD and at least fifty (50) feet from any boundary of the PUD.
- (c) Identification nameplates not exceeding twenty (20) sq. ft. in area identifying residential and nonresidential uses within the development shall be permitted flat against the wall of the building within the development and at the entrance of each designated parking area for such building. The total display surface of all such identification nameplates for a particular building within the development shall not exceed twenty (20) sq. ft. in area and shall not consist of more than one (1) such identification nameplate per building and per parking area entrance.

- (d) Signs of an informational, non-advertising nature, such as street signs and signs concerning public or quasi-public areas shall be permitted.
- (e) Temporary real estate signs not exceeding six (6) sq. ft. in area nor four (4) feet in height shall be permitted provided no illumination is permitted concerning the same.

PUD

- (6) The City Commission. The City Commission is hereby delegated the right and authority to authorize variations from the foregoing provisions which will not be incompatible with the purposes of the PUD or the foregoing criteria and will not be obstructive to view, light, or air, or hazardous or otherwise a nuisance or annoyance to adjacent developments, highway motorists or the general public. The purpose of this delegation of authority is to provide for some flexibility in the regulations and for new aesthetically pleasing concepts which in all cases would comply with the purpose and intent of the PUD to permit a harmonious intermix of land aesthetically attractive to both the occupants thereof and the general public.
- (7) Application Procedure and Approval Process
 - (a) General. Whenever any PUD is proposed, the developer shall apply for and secure approval of a Special Land Use Permit in accordance with procedures outlined in the Special Land Use article. Final approval of a detailed site plan shall be obtained from the City Commission.
 - (b) Application for Sketch Plan Approval. So that the City Commission and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a sketch plan to the City Commission. The sketch plan shall be drawn to approximate scale and shall clearly show the following information:
 - Boundaries of property;
 - Location and height of all buildings;
 - Interior roadway system including parking facilities and existing right-of-ways;
 - The interior open space system;
 - The overall stormwater drainage system;

- Principle ties to the neighborhood and community with respect to transportation, water supply and sewage disposal;

PUD

- Delineation of the various residential and/or commercial areas, including size, number, location, and number of housing units;
 - Construction phases if applicable;
 - General statements as to how common open space is to be owned and maintained.
- (c) The City Commission shall hold a public hearing or hearings on the application for multiple use development in accordance with the provisions of Section 10.3:4 of this Ordinance.
- (d) Following the Public Hearing. The City Commission shall, within thirty (30) days, approve or disapprove the Sketch Plan or make conditions thereto and so notify the applicant of its decision.
- (e) Approval of Sketch Plan. Shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan. Sketch plan approval shall expire within one (1) year.
- (f) Request of Changes in Sketch Plan. If it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the City Commission, become unfeasible and in need of modification, the applicant shall then submit his/her entire Sketch Plan, as amended, to the City Commission pursuant to the above procedures.
- (g) Application for Special Land Use Permit and Detailed Site Plan Approval. After receiving approval of a Sketch Plan from the City Commission, the Applicant may prepare his Special Land Use Permit application, including a detailed site plan, and submit it to the City Commission. The Detailed Site Plan shall meet the requirements contained in the Site Plan Review article of this Ordinance.
- (8) Required Standards for Approval. The City Commission shall render its approval or disapproval and notify the applicant and the Zoning Administrator. The City Commission shall review the Special Land Use Permit application using the standards in Section 10.3:8. The

City Commission's review of the Detailed Site Plan shall, moreover, include the following:

- (a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement;
- (b) Location, arrangement, appearance and sufficiency of off-street parking;
- (c) Location, arrangement, size and entrances of building, walkways and lighting;
- (d) Relationship of the various uses to one another;

PUD

- (e) Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands;
 - (f) In the case of residential uses, the adequacy of usable open space for playground and recreation.
 - (g) Adequacy of water supply, storm water and sanitary waste disposal facilities;
 - (h) Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion;
 - (i) Compliance with all regulations of the City Zoning Ordinance.
 - (j) Compatibility of adjoining uses on and off the site and preservation thereof.
- (9) Action on the Special Land Use Permit and Detailed Site Plan. The City Commission shall render its approval, disapproval, or approval with conditions or modifications and so notify the applicant and the Zoning Administrator.
- (10) Revocation. In any case where construction on the multiple use development has not commenced within one (1) year from the date of approval, the special land use permit shall be null and void.
- (11) Effect of Approval. After a Special Land Use Permit and detailed site plan have been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the City Commission after

proceedings conducted as in the original application. This limitation shall apply to successive owners.

- (12) **Bond Requirement.** A performance bond or bank letter of credit conditioned upon construction and development in accordance with the approved site plans shall be required by the City Commission to be filed with the City Building Department at the time of application of a building permit where the development is to be completed in phases over a period of years in such amounts and for such periods as in the discretion of said Commission appears adequate to insure compliance with the approved plans.

11.1:19A Planned Unit Residential Development

Planned Unit Residential Development (PURD) shall be a Special Land Use within R-1 and R-2 residential districts as specified in this Ordinance. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the residential districts in which such uses are located.

PURD

Purpose. The purpose of these regulations is to permit greater flexibility in the development of R-1 and R-2 residential districts than is generally possible under conventional zoning regulations and allow clustering in order to protect natural features, maximize the efficient use of infrastructure, and encourage innovative design.

- (1) **General Requirements for Planned Unit Residential Developments.**
 - (a) **Minimum Area.** The minimum area for a PURD Special Land Use Permit shall not be less than five (5) contiguous acres of land. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a PURD regardless of minimum acreage.
 - (b) **Ownership.** The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included.
 - (c) **Location.** Planned unit residential developments shall only be allowed within the R-1 and R-2 districts providing the applicant can demonstrate that the proposed character of development will meet the objectives of PURD's.
 - (d) **Utilities.** Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric, cable television, high speed internet and telephone transmission wires shall be placed underground.

- (e) Approval. Approval by the City Commission of a conceptual site plan and Special Land Use Permit, and approval by the Planning Commission of a detailed site plan for all planned unit residential developments is required.
- (2) Permitted Uses. No structure or part thereof shall be erected, altered or used, and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located.
- (a) Residential Uses Permitted
- Single-family detached dwellings (R-1 and R-2 zoning districts)
 - Two-family Townhouses, duplexes and two unit condominiums (R-2 Zoning District)
- (b) The only nonresidential uses permitted within a Planned Unit Residential Development are those uses permitted in the district in which the project is located. Any uses requiring a Special Land Use Permit, will require a Special Land Use Permit as part of the PURD.

PURD

- (3) Design Requirements. Within the developments approved under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located.
- (a) Number of Dwelling Units Permitted. The maximum number of dwelling units permitted within the project shall be determined by dividing the net planned unit residential development area (total acreage minus road right of way area by the minimum residential lot area per dwelling unit required by the district in which the project is located). In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
- (b) Lot Area, Lot Frontage and Width Requirements. The minimum lot area, lot width and lot frontage requirements shall not be reduced for any permitted use more than thirty-three (33) percent below that required in the district in which the project is located.
- (c) Setbacks and Yards. The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the City Commission to avoid unnecessary disruption of the environment where

reasonably equivalent open space as defined in this Ordinance is provided elsewhere upon the site.

- (d) Screening. A screen may be required by the City Commission or Planning Commission along the perimeter of the development if it is deemed necessary by these bodies to protect the values of adjoining property under separate ownership. The screening shall be consistent with the Landscaping standards contained herein.

PURD

- (e) Amount of Open Space Required. Within every department there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the total of the reduction in minimum lot area granted. Roadways and sidewalks shall not be considered as part of the open space area. Before accepting the open space as meeting the requirements of this provision, the City Commission must find the land thus designated to be: 1) sufficient in size, suitably located, with adequate access, and 2) that evidence is given that satisfactory arrangements will be made for the maintenance of designated land to relieve the municipality of future maintenance thereof.
 - (f) Arrangement of Open Space. All required open space shall be arranged so as to provide benefit to the maximum number of dwelling units and shall be accessible to the development.
 - (g) Sign Standards. All signs in planned unit residential developments shall conform with the requirements of Article 6 of this Ordinance.
 - (h) The Planning Commission. The Planning Commission is hereby designated the right and authority to authorize variations from the foregoing provisions which will not be incompatible with the purposes of the PURD or the foregoing criteria and will not be obstructive to view, light, or air, or hazardous or otherwise a nuisance or annoyance to adjacent developments, highway motorists or the general public. The purpose of this delegation of authority is to provide for some flexibility in the regulations and for new aesthetically pleasing concepts which in all cases would comply with the purpose and intent of the PURD to permit a harmonious intermix of land aesthetically attractive to both the occupants thereof and the general public.
- (4) Application Procedure and Approval Process. Whenever any PURD is proposed, the developer shall apply for and secure approval of a

Special Land Use Permit. The review and approval process shall be in accordance with procedures outlined in Article 10, with the following exceptions: 1) Both the Planning Commission and the City Commission shall hold public hearings on the request before the City Commission makes a final decision (in order to comply with Section 4b (5) of the City-Village Zoning Act) and 2) The conceptual site plan shall take the place of the site plan that is normally required to be submitted with a Special Land Use Permit application per Section 10.2:2 of this Ordinance.

PURD

- (a) Application for Conceptual Site Plan and Special Land Use Permit Approval. So that the City and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a conceptual site plan and Special Land Use Permit to the Planning Commission and City Commission. The conceptual site plan shall be drawn to approximate scale and shall clearly show the following information:
- Boundaries of property;
 - Location and height of all buildings;
 - Interior roadway system including curb & gutter, street lights, parking facilities, sidewalks, and existing right-of-ways;
 - The interior open space system;
 - The overall stormwater drainage system;
 - Principle ties to the neighborhood and community with respect to transportation, water supply and sewage disposal;
 - Delineation of the various residential and/or non-residential areas, including size, number, location, and number of housing units;
 - Construction phases if applicable;
 - General statements as to how common open space is to be owned and maintained.
- (b) The Planning Commission shall hold a public hearing on the PURD conceptual site plan and CUP application and then forward their recommendations to the City Commission. The

City Commission shall then hold a public hearing to approve or deny the PURD conceptual site plan and CUP application. Both public hearings shall be in accordance with the provisions of Section 10.3:4 of this Ordinance.

PURD

- (c) The Planning Commission and City Commission shall review the Special Land Use Permit application using the standards in Section 10.3:8 and the following additional standards:
 - (1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement:
 - (2) Relationship of various uses to one another;
 - (3) The adequacy of usable open space for playground and recreation.
 - (4) Compliance with all regulations of the City Zoning Ordinance.
 - (5) Compatibility of adjoining uses on and off the site and preservation thereof.
- (d) Following the Public Hearing. The City Commission shall, within thirty (30) days, approve or disapprove the conceptual site plan and Special Land Use Permit or make conditions thereto and so notify the applicant of its decision.
- (e) Approval of Conceptual Site Plan. Approval of conceptual site plan and Special Land Use Permit shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan. Conceptual site plan approval shall expire within one (1) year.
- (f) Request of Changes in Conceptual Site Plan. If it becomes apparent that certain elements of the conceptual site plan, as it has been approved by the City Commission, become unfeasible and in need of modification, the applicant shall then resubmit his entire conceptual site plan and Special Land Use Permit, as amended.
- (g) Application for Detailed Site Plan Approval. After receiving approval of a conceptual site plan and Special Land Use Permit from the City Commission, the applicant shall prepare their detailed site plan, and submit it to the Planning Commission.

The Planning Commission shall review the detailed site plan following the procedures outlined in the Site Plan Review Article of this Ordinance.

- (h) Required Standards for Approval. The Planning Commission shall render its approval or disapproval and notify the applicant and the Zoning Administrator. The detailed site plan shall meet the requirements contained in the Site Plan Review article of this Ordinance and the following additional criteria.
 - (1) Location, arrangement, appearance and sufficiency of off-street parking:
 - (2) Location, arrangement, size and entrances of building, walkways and lighting:
 - (3) Adequacy of water supply, storm water and sanitary waste disposal facilities.
 - (4) Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands;
 - (5) Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
 - (1) Revocation. In any case where construction on the development has not commenced within one (1) year from the date of approval, of the detailed site plan, the Special Land Use Permit shall be null and void.

PURD

- (6) Effect of Approval. After a Special Land Use Permit and detailed site plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- (7) Bond Requirement. The Planning Commission may require a performance bond as authorized in Section 9.12 of this Ordinance to ensure any improvement that was a condition of CUP or site plan approval. (Ord. 517-7-03, passed 7/21/03)

- 11.1:20 Planned Shopping Centers, Restaurants/Bars, Motels and Hotels and Drive-through establishments may be permitted in the C-1 Commercial District as a special land use under the following conditions:
- (1) All points of vehicular ingress and egress are clearly defined.
 - (2) All pedestrian areas on the site are clearly defined.
- 11.1:21 Public Parks, Golf Courses, Country Clubs, Tennis Courts and Similar Recreational Uses may be permitted in the R-1 Residential District as a special land use when all buildings are at least one hundred (100) feet from all property lines.
- 11.1:22 Public Utility Buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations are permitted when the Planning Commission determines that the proposed use is not injurious to the surrounding neighborhood and in accord with the spirit and purpose of this Ordinance.
- 11.1:23 Radio and Television Stations may be allowed in the I-1 and C-3 districts subject to the following conditions:
- (1) All buildings shall be at least one hundred (100) feet from all property lines.
 - (2) All masts, towers, aerials and transmitters shall be at least a distance, equal to the height of such structures, from all property lines.
 - (3) The buildings shall conform with the character of the neighborhood in which they are located. (Section 11.1:24 repealed by Ord. 480-6-01, passed 6/4/01)
- 11.1:25 Fraternal Organization and Rooming Houses may be permitted in the R-3 Residential District as a Special Land Use under the following procedures and conditions:
- (1) The floor area, excluding the basement shall be a minimum of two hundred fifty (250) sq. ft. per roomer, boarder or student.
 - (2) There must be a minimum gross land area of one thousand five hundred (1,500) sq. ft. per occupant up to eight (8) occupants and seven hundred fifty (750) sq. ft. per occupant thereafter.
 - (3) The set back for all buildings shall be:
 - (a) Front yard – twenty-five (25) feet.
 - (b) Interior street side yard – twenty (20) feet.
 - (c) Street side yard – twenty (20) feet.

- (d) Combined sum of both side yards – forty (40) feet.
- (e) Rear yard – fifty (50) feet.
- (4) The site shall meet the landscaping requirements of Article 8 of this Ordinance.
- (5) A minimum of forty (40) percent of the parcel shall be retained as open space. Hard surfaced parking or any structure shall not encroach upon this open space.
- (6) Off-street parking shall be provided in accordance with Article 5 of this Ordinance.
- (7) Ingress and egress to the area shall be located in such a manner so as to provide maximum safety to the public utilizing this facility and the public streets. Said ingress and egress shall be hard surfaced and shall conform to all City storm water regulations.
- (8) One (1) sign shall be permitted not exceeding twelve (12) sq. ft. in size. The sign shall be erected flat against the building. Such sign may be illuminated provided the source of light is not the intermittent type, visible and does not shine off the property. (Ord. 480-6-01, passed 6/4/01)

11.1:26

Self-service storage facility may be permitted within the C-1 Commercial District as a special land use under the following procedures and conditions:

- (1) Ingress and egress to the facility shall be located in such a manner so as to provide maximum safety to the public utilizing the facility and the public streets. The ingress and egress areas shall be hard surfaced and properly drained.
- (2) The facility is limited to one (1) identification sign subject to the sign regulations set forth within the Sign provisions contained in Article 6 herein.
- (3) Setbacks shall meet the requirements of Section 3.13.
- (4) No outside storage is permitted.
- (5) Buildings shall conform with the character of the area in which they are located.
- (6) No retail sales shall be permitted on the premises.
- (7) Access must be such that vehicles accessing the facility shall not interfere with normal traffic on a street, parking lot, driveway, or loading access drive.

- (8) Night lighting shall be directed so that adjacent properties are shielded from glare.
- (9) The maximum individual unit shall not exceed four hundred (400) sq. ft..
- (10) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.
- (11) Aisles shall be at least twenty (20) feet wide.
- (12) No flammable, combustible or toxic materials shall be stored on site.

11.1:27 Subordinate Uses may be permitted in the I District provided that the use is located within the principal building permitted upon the premises and when the following conditions are met:

- (1) Such use is clearly subordinate to the principal use. The principal use must be permitted in the Zoning District by Section 3.12:2 (Permitted Uses) of this Ordinance.
- (2) Such subordinate use shall occupy the lesser of ten (10) percent of the total internal floor area of the primary structure or five thousand (5,000) sq. ft.
- (3) Such subordinate use shall comply with all performance standards of the district as specified in Section 3.12:4 of this Ordinance.
- (4) Adequate parking to meet the needs of both the principal use and the subordinate use is provided. In no case shall a subordinate use be permitted when it is determined that additional parking must be constructed to meet the requirements of Article 5 (Off-Street Parking and Loading) of this Ordinance.
- (5) Such use does not impair, limit or restrict permitted uses within the zone. A subordinate use cannot become a nonconforming use.

11.1:28 Child Care Centers shall be permitted in the R-P Residential-Professional District with conditions. To ensure general compatibility with character and design in surrounding residential neighborhoods, such uses shall be subject to the following conditions: (Ord. 731-01-19, passed 01-22-19)

- (1) Drop-off Facilities – The proposed design shall include designated safe drop-off facilities.
- (2) Pedestrian Circulation – The proposed design shall be designed and scaled to ensure safe and efficient pedestrian circulation over the entire site and shall provide appropriate connections to the neighborhood pedestrian circulation system.

- (3) Exterior Finish Materials – The color and texture of the material shall be compatible with residential structures in the surrounding area.
- (4) Massing – The proposed design shall show consideration of the context in which the building is to be placed with respect to the nearby visual environment. The proposed design shall show consideration of surrounding buildings with regards to the proportion, height, scale, and placement of structures on the site.
- (5) Relation to the Street – Walls facing a public street shall include windows and architectural features customarily found on the front façade of a building in the area, such as awnings, corning work, edge detailing or decorative finish materials. Doorways shall be directly accessible from public sidewalks.
- (6) Parking – Parking areas shall be located at the back or side of the proposed building. Off-street parking requirements for child care centers shall be: 1 for each staff member.

11.1:29 Marihuana establishments may be permitted subject to the general and specific conditions below: (Ord. 752-10-19, passed 10-07-19)

- (1) Conditions which apply to all marihuana establishments are listed below:
 - (a) All such establishments shall hold a valid License for the appropriate operation as issued by the State of Michigan.
 - (b) Co-located marihuana establishments and stacked grower licenses may be permitted subject to the regulations of this Ordinance and any applicable rules promulgated by LARA.
 - (c) The Licensee shall have, or shall have applied for, a Municipal License or permit as described in the City Code of Ordinances.
 - (d) No such facility shall be situated within 500 feet of a K-12 school, public or private.
 - (e) Those provisions for signs contained in Article 6 of this Ordinance notwithstanding, signage shall include a maximum of three signs, as described below. Digital signs are prohibited. (Ord 765-03-21, passed 03-15-2021)
 - (i) Wall signs, affixed flat to the building, are permitted, and shall not exceed an average of thirty (30) sq. ft. per wall sign.
 - (ii) One freestanding sign is permitted and shall not exceed twenty-five (25) sq. ft. in area nor six (6) ft. in height. If the facility is part of a shopping complex with a multi-

- tenant sign, the size regulation above applies, but the height regulation may be in accordance with the multi-tenant sign.
- (iii) One projecting sign is permitted and shall not exceed ten (10) sq. ft., with a minimum height of eight (8) ft. and a maximum height of twelve (12) ft. Projecting signs shall not extend more than two (2) ft. from the building.
 - (f) The use of marihuana is prohibited at all licensed marihuana establishments.
 - (g) No equipment or process shall be used in the facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human sense beyond the property line.
 - (h) The establishment shall be available for reasonable inspection, during business hours, by Code Enforcement Officials or Public Safety Officers to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.
 - (i) A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.
 - (j) A Zoning Permit or Special Land Use Permit may be issued conditionally, however no operation may commence or continue until the required Municipal License or permit has been issued by the City Clerk and all conditions enumerated in the City Code of Ordinances have been met.
- (2) Marihuana retailers, safety compliance facilities, and microbusinesses may be permitted in the C-1, C-2, and C-3 Commercial Districts subject to the conditions below:
- (a) The facility may only operate between the hours of 9AM to 9PM.
 - (b) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Retail Sales and Rental of Goods, Merchandise, and Equipment.
 - (c) The exterior of the facility must be compatible with surrounding businesses with respect to façade type, ground floor opacity, site layout, etc.

- (d) The interior of the facility must be arranged in such a way that neither marihuana nor marihuana-infused products are visible from the exterior of the facility.
 - (e) All activities, including all transfers of marihuana, shall be conducted within the building and out of public view. Drive-through, drive-up, or curb-side service facilities are prohibited.
- (3) Marihuana growers, excess growers, processors, safety compliance facilities, and secure transporters may be permitted as a special land use in the Industrial District subject to the conditions below:
- (a) The facility shall provide off-street parking and loading consistent with Article 5 of this Ordinance and shall be considered under Section 5.2 as Manufacturing and Industrial Uses.
 - (b) Processes must be conducted in a manner to minimize adverse impacts on the City's wastewater treatment operations. The City's Public Works Department shall review all pertinent information related to wastewater discharges and shall provide any pertinent comments on to the Planning Commission.
 - (c) All operations shall occur within an enclosed building and no marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.
 - (d) Applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation or processing to minimize the risk of theft or harm resulting from chemical exposure.

11.1:30

Construction equipment sales, service, and rental may be permitted in the Industrial District under the following conditions: (Ord. 753-10-19, passed 10-21-19)

- (1) Outdoor display and storage of equipment shall conform to the lot, yard, and area requirements of the Industrial District.
- (2) Equipment outdoors may be stored up to 40 feet in height.
- (3) All service activities shall be conducted completely within an enclosed building.
- (4) Interior site circulation shall be planned in such a manner that any trucks, tractors, cranes, or any other large construction related vehicles shall not protrude into any road right of way during ingress or egress from the site.

- (5) Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.

ARTICLE 12

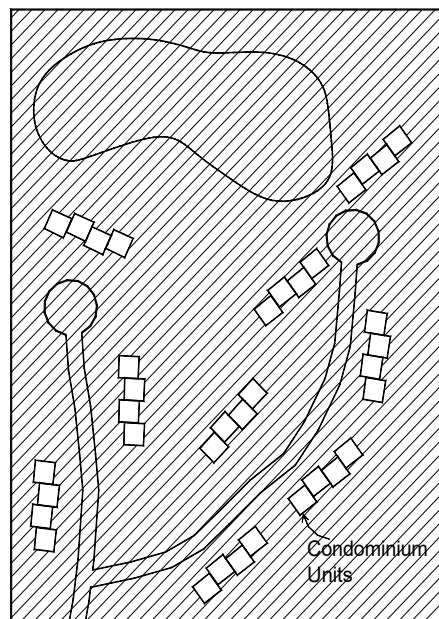
CONDOMINIUMS

SECTION 12.1 PURPOSE

The intent of this Article is to regulate the division and development of land under the Condominium Act (Act 59 of the Public Acts of 1978, as amended) so that the development is comparable in process and design to property divided and developed by other methods.

SECTION 12.2 CONVENTIONAL CONDOMINIUM VS SITE CONDOMINIUM

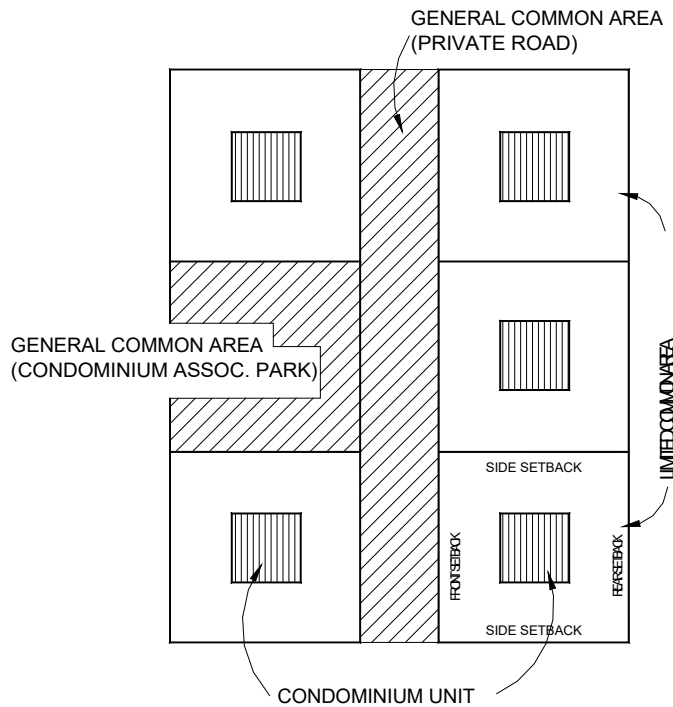
In a conventional condominium project, the condominium unit is enclosed air space, such as condominium apartments. In a site condominium project, the condominium unit is a parcel of land that is sold as a building site just as lots in a subdivision are sold.



CONVENTIONAL CONDOMINIUM

 GENERAL COMMON AREA

SITE CONDOMINIUM DEFINITIONS



CONDOMINIUM UNIT + LIMITED COMMON AREA = LOT

For the purposes of this Article, a site condominium “lot” shall consist of a condominium unit and the associated limited common area reserved for that unit.

SECTION 12.3 REVIEW REQUIREMENTS

12.3:1 Conventional Condominiums

In order to ensure compliance with this Article, all conventional condominium projects shall be subject to the City of Big Rapids Zoning Ordinance and the site plan review process, including projects consisting solely of single-family or duplex residences that may otherwise not be required to prepare a site plan. No developer proposing to develop a conventional condominium project within the City shall record a master deed until final site plan approval has been obtained.

In addition to the information required in Article 9 (Site Plan Review) of the City’s Zoning Ordinance, all applicants for condominium site plan review shall submit the following information.

- (1) A copy of the proposed master deed.
- (2) A copy of the proposed condominium subdivision plan. This may replace the site plan normally required for site plan review.

- (3) A copy of the proposed condominium bylaws.

12.3:2 Site Condominiums

Because site condominium projects result in divisions of land that are comparable to subdivision plats created under the Land Division Act (Act 288 of the Public Acts of 1967, as amended), site condominium projects shall be required to comply with similar review procedures and standards for approval as contained in the Land Division Act and in the City's Land Division, Subdivision Plat Review and Lot Split Ordinance.

(1) Sketch Plan Review (Developer's Option)

(a) Purpose

The purpose of the Sketch Plan review is to allow the developer, at their option, to present a conceptual representation of the entire proposed site condominium project to the City for information and feedback. The City is not required to vote to approve or reject, but can give the developer their preliminary recommendations on the proposed project. Recommendations at this stage shall not infer approval at later stages of the site condominium process.

(b) Information required on the Sketch Plan

The developer shall include the following:

- (i) Developer's name and address.
- (ii) Parcel number of the property.
- (iii) Location and position map, including Section, Town and Range.
- (iv) Property boundary.
- (v) Existing contours shown at two (2) foot intervals
- (vi) Existing natural features (wooded areas, drainage, floodplain, wetlands, open water, streams, etc.).
- (vii) Street layout.
- (viii) Unit/"lot" area and unit/"lot" dimensions (each unit/"lot" shall be accessible as defined in the City's Land Division, Subdivision Plat Review and Lot Split Ordinance).

- (ix) Building elevations showing existing and proposed structures and improvements including their location, for any structures or improvements identified as “must be built” in the Condominium documents.
 - (x) Nature, location and approximate size of the common areas.
 - (xi) Existing easements.
 - (xii) General proposed utility information.
 - (xiii) General proposed plan to control storm/surface water.
 - (xiv) Zoning of the property within the enclosed project.
 - (xv) Adjacent property and land use.
 - (xvi) Proposed phases.
- (c) Submission and Review Process
- (i) The developer shall submit a minimum of five (5) copies of a complete sketch plan, a completed application and the required fee to the City Clerk.
 - (ii) Upon receipt, the City Clerk or designee shall submit copies of the sketch plan to members of the City Planning Commission and shall make one (1) copy available to each of applicable departments or offices, who shall review the sketch plan and provide written comments to the Planning Commission at least one (1) week prior to the meeting where the sketch plan will be reviewed.
 - (iii) The Planning Commission shall review the sketch plan and the comments from City staff and shall provide comments on the project back to the developer within forty-five (45) days of the filing of the complete sketch plan with the City Clerk.
- (2) Preliminary Condominium Subdivision Plan Approval
- (a) Purpose
- The purpose of the Preliminary Condominium Subdivision Plan approval is to provide the developer with City approval of the site condominium project prior to development

(b) Information required on the Preliminary Condominium Subdivision Plan

The developer shall, in compliance with the requirements of this Article, include but is not limited to the following:

- (i) All items required for sketch plan review as outlined in Section 12.3:2 (1)(b) above.
- (ii) Name, address, and phone number of the developer and licensed architect, land surveyor or engineer that prepared the condominium subdivision plan.
- (iii) Name of the proposed development.
- (iv) Names of abutting site condominiums or subdivisions.
- (v) Survey of the property and legal description.
- (vi) Street names, rights-of-way, right-of-way widths and typical road cross-sections. Bridges and culverts as determined necessary.
- (vii) Required zoning setbacks. On corner units/"lots", the front of the units/"lots" shall be clearly identified. Minimum frontage requirements shall be verified at the setback line.
- (viii) Utility layout including connections to existing systems, pipe sizes (storm sewer size can be estimated), fire hydrant locations, sufficient sanitary and storm sewer inverts to ensure adequate depth, storm detention/retention areas, storm sewer outlets and any proposed utility easements. Drainage calculations are not required at this stage.
- (ix) Proposed drainage should be indicated either by proposed contours or by drainage arrows. Drainage arrows should be sufficient to show preliminary drainage direction of the entire development
- (x) All floodplain areas regulated by the Michigan Department of Environmental Quality (MDEQ).
- (xi) All wetland areas regulated by the Michigan Department of Environmental Quality (MDEQ).
- (xii) All parcels of land proposed to be dedicated to public use and conditions of such dedication.

- (xiii) Date and north arrow.
 - (xiv) Complete language for any and all deed restrictions and covenants, or statement that none are proposed.
 - (xv) Other related data as the City Commission deems necessary.
- (c) Submission and Review Process
- (i) The developer shall submit a minimum of five (5) copies of a complete preliminary condominium subdivision plan, a completed application and the required fee to the City Clerk.
 - (ii) Upon receipt, the City Clerk or designee shall submit copies of the preliminary condominium subdivision plan to members of the City Planning Commission and shall make one (1) copy available to each of applicable departments or offices, who shall review the condominium subdivision plan and provide written comments to the Planning Commission at least one (1) week prior to the meeting where the preliminary condominium subdivision plan will be considered.
 - (iii) The Planning Commission shall consider the preliminary condominium subdivision plan at the first meeting of the Board held at least fifteen (15) days after the filing of the complete preliminary condominium subdivision plan with the City Clerk.
- (d) Planning Commission Review of the Preliminary Condominium Subdivision Plan.
- (i) Prior to making a recommendation on the preliminary condominium subdivision plan, the Planning Commission shall hold a public hearing. Notice of the hearing shall contain the date, time and place of the hearing, and shall be sent by mail, at least ten (10) days prior to the hearing date, to the developer and owners of land within three hundred (300) feet of the proposed site condominium.
 - (ii) The preliminary condominium subdivision plan and all required accompanying data shall be reviewed, in accordance with sound engineering practices, by the Planning Commission for the purpose of determining its compliance with the Condominium Act, the

specifications of this Article and the City's Zoning Ordinance, the City's Land Use Plan, the City's Development Design Standards and other applicable City ordinances.

- (iii) The Planning Commission shall submit to the City Commission a written recommendation concerning the preliminary condominium subdivision plan within sixty (60) days of the filing of the complete preliminary condominium subdivision plan with the City Clerk. The Planning Commission shall either:
 - (a) Recommend approval of the preliminary condominium subdivision plan; or,
 - (b) Set forth reasons for not recommending approval of the preliminary condominium subdivision plan and the requirements for approval.
- (e) City Commission Review of the Preliminary Condominium Subdivision Plan
 - (i) The City Commission, prior to making a determination, shall consider all pertinent information, including not only the preliminary condominium subdivision plan and accompanying data submitted by the developer, but also the written comments of City staff and the recommendation of the City Planning Commission.
 - (ii) The City Commission shall make a determination regarding the preliminary condominium subdivision plan within ninety (90) days of the filing of the complete preliminary condominium subdivision plan with the City Clerk. The City Commission shall either:
 - (a) Approve the preliminary condominium subdivision plan, with or without conditions; or,
 - (b) Reject the preliminary condominium subdivision plan, setting forth in writing its reasons for rejection and the requirements for approval.
 - (iii) The City Commission's approval shall be valid for two (2) years from the date of the meeting where such approval was granted. Upon application by the developer to the City Commission, prior to the approval expiration date, the City Commission may extend such approval for an additional one (1) year. The approval of a preliminary

condominium subdivision plan, once expired, shall require the developer to resubmit a preliminary condominium subdivision plan.

(3) Jurisdictional Agency Approval

It shall be the responsibility of the developer of any proposed site condominium project to obtain required approvals from applicable local, county, state or federal agencies with jurisdiction over the proposed project.

(4) Improvements Construction Plans Approval

(a) Construction Plans Approval

It shall be the responsibility of the developer of every proposed site condominium project prior to Final Condominium Subdivision Plan approval to have prepared by a Professional Engineer registered in the State of Michigan, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the required streets, utilities and other improvements. Such construction plans shall be based on preliminary plans that have been approved with the preliminary condominium subdivision plan. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the standards or specifications contained or referenced in this Article and the City's Zoning Ordinance, with the City's Development Design Standards and with standards adopted by the responsible public agency.

(b) Inspection

A qualified inspector with applicable certification as determined by the City Manager shall inspect the installation of all improvements. The City Commission shall select the inspector. The developer shall be responsible for all inspection costs.

(c) As-Built Drawings

Upon completion of the construction of all required streets, utilities and other improvements, the as-built drawings shall be verified by a Professional Engineer registered in the State of Michigan.

The developer may not sell any condominium unit until all improvements including survey monuments have been installed, the developer has submitted as-built drawings for all

of the completed improvements, and the City has accepted such improvements.

(5) Final Condominium Subdivision Plan Approval

(a) Purpose

The purpose of the Final Condominium Subdivision Plan approval is to ensure that the site and its related improvements were developed in accordance with the approved preliminary condominium subdivision plan, approved construction plans, and any conditions required by the City Commission. No developer proposing to develop a site condominium project within the City shall record a master deed until final condominium subdivision plan approval has been obtained.

(b) Information required on the Final Condominium Subdivision Plan

The developer shall, in compliance with the requirements of this Article, submit the following:

- (i) Five (5) copies of a complete final condominium subdivision plan prepared by a licensed architect, land surveyor, or engineer, accompanied by an electronic copy in a format acceptable to the City. The plan shall be signed and sealed with proof of any required jurisdictional agency approvals.
- (ii) A copy of the proposed master deed.
- (iii) A copy of the proposed condominium bylaws.
- (iv) Abstract of Title, Policy of Title Insurance or Attorney's Opinion of Title.
- (v) A complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the required streets, utilities and other improvements submitted in an electronic format acceptable to the City, with applicable agency approvals.
- (vi) As-built profile and cross-section notes of each street with grades; as-built profile of sanitary and storm sewer with sizes and grades; and a plan of the water lines with sizes and appurtenances in accordance with the City of Big Rapids Zoning Ordinance and the City's Development Design Standards, submitted in an electronic format acceptable to the City.

- (vii) An agreement with the City containing a restriction upon the site condominium project whereby the Building Inspector will not be permitted to issue a building permit for any structure upon any unit/“lot” within said site condominium project until the improvements as specified herein have been completed, or satisfactory arrangements have been made with the City for the completion of said improvements. These restrictions shall be made a part of the condominium documents.
 - (viii) Site condominium project restrictions and covenants, if the developer proposes such restrictions or covenants, shall be submitted with the final condominium subdivision plan. Such restrictions and covenants shall not be in contradiction to the City’s Zoning Ordinance or any other ordinance of the City. These restrictions and covenants shall become a part of the condominium documents and shall be recorded with the master deed in the Office of the Mecosta County Register of Deeds.
- (c) Submission and Review Process
 - (i) The developer shall submit all items as outlined in Section 12.3:2(5)(b) above, with the required fees to the City Clerk.
 - (ii) Upon receipt, the City Clerk shall submit copies of the final condominium subdivision plan to members of the City Commission and shall make one (1) copy available to each of applicable departments or offices. In addition, the Department of Engineering and Municipal Utilities shall receive in an electronic format acceptable to the City, as-built drawings for all streets, utilities and other required improvements, or a complete set of construction plans for those improvements not yet in place. All departments shall review the plan and provide written comments to the City Commission at least one (1) week prior to the meeting where the final condominium subdivision plan will be considered.
- (d) City Commission Review of the Final Condominium Subdivision Plan.
 - (i) Upon receipt of the final condominium subdivision plan and all required accompanying materials, the City Commission shall make a determination regarding the

final condominium subdivision plan at its next regularly scheduled meeting or within twenty (20) days of the submission of the complete final condominium subdivision plan to the City Clerk. The City Commission shall either approve or reject the final condominium subdivision plan.

- (ii) If the final condominium subdivision plan is rejected, the City Commission shall instruct the City Clerk to give the reasons for the rejection in writing and return the plan to the developer. The developer shall, within a reasonable time, resubmit to the City Commission any changes or alterations stipulated by the Commission.
- (iii) Final condominium subdivision plan approval shall be granted by the City Commission provided the following:
 - (a) The developer has submitted the necessary construction plans, as required by this Article, and the plans have been checked and approved for compliance with the City of Big Rapids Zoning Ordinance and the City's Development Design Standards. Construction plans shall be checked and approved by the City or other agencies with authority to approve the site condominium project improvements.
 - (b) The developer has installed all improvements including survey monuments and the City Commission has accepted such improvements. The developer, at the sole discretion of the City, may post a bond of a type and amount acceptable by the City for the cost of installation of the improvements or for the cost of completing construction of the specific public improvement, including contingencies. The term length in which the bond is in force shall be for a period to be specified by the City Commission. The bond shall be:
 - (aa) A non-revocable letter of credit issued by a bank or such other agency acceptable to the City Commission; or,
 - (bb) A cash bond issued by a surety company authorized to do business in the State of Michigan and acceptable to the City

Commission. The escrow agreement shall be drawn and furnished by the City.

- (c) The developer has submitted as-built drawings for all of the completed improvements and the City has determined that such drawings are consistent with the improvements proposed for the final condominium subdivision plan.
- (iv) The City Clerk shall note all proceedings in the minutes of the meeting and the minutes shall be open for inspection.

SECTION 12.4 ZONING ORDINANCE STANDARDS

12.4:1 Lot Size

In a conventional condominium project, the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. In a site condominium project, a condominium unit with its associated limited common area is considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district in which it is located.

12.4:2 Setbacks

In a conventional condominium project, the buildings must be set back from the site's boundaries as required by the zoning district in which the parcel is located, while the setback from other buildings must meet the building setback requirements for the district. In a site condominium project, the setbacks shall be measured from the outer edge of the "lot", consisting of a condominium unit with its associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.

SECTION 12.5 CONDOMINIUM DESIGN REQUIREMENTS

Conventional and site condominium projects shall comply with all applicable design standards outlined in the City of Big Rapids Zoning Ordinance and the City's Development Design Standards.

SECTION 12.6 SURVEY REQUIREMENTS

12.6:1 Conventional Condominiums

Conventional condominium projects shall comply with the monumenting requirements contained in the Condominium Act, Act 59 of the Public Acts of 1978, as amended.

12.6:2 Site Condominiums

Site condominium projects shall comply with the following requirements:

- (1) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the site condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- (2) All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- (3) Monuments shall be located in the ground at all angles in the boundaries of the site condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium project and at the intersection of alleys with the boundaries of the site condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- (4) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision plan and referenced to the true point.
- (5) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inches in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- (6) All required monuments shall be placed flush with the ground where practicable.
- (7) The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this Article, shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- (8) The City Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, or condition that the developer deposits with the City Clerk cash, certified check, or irrevocable bank letter of credit running to the City,

whichever the developer selects, in an amount not less than \$25 per monument and not less than \$100 in total, except that "lot" corner markers shall be at the rate of not less than \$10 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the developer upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the developer defaults, the City Commission shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the condominium subdivision plan, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

SECTION 12.7 THE CONDOMINIUM RECONFIGURATION

12.7:1 Unit/"Lot" Alterations

A unit/"lot" alteration is any relocation of boundaries or subdivision of an existing condominium unit/"lot". The purpose of this Section is to identify when a proposed alteration of a condominium unit/"lot" requires review and approval through the unit/"lot" alteration process, outline the approval process, detail criteria necessary for approval, review building permit requirements, and provide for an appeals process.

(1) When is Unit/"Lot" Alteration Approval required?

Unit/"lot" alteration approval is required for any relocation of an existing condominium unit/"lot" or parcel boundary, or when subdividing any condominium unit/"lot" into two (2) or more parcels.

The boundaries between adjoining condominium units/"lots" shall not be relocated, nor shall a condominium unit/"lot" be subdivided unless the condominium documents expressly permit it.

(2) Approval Process

(a) Information required

Information required from the applicant for unit/"lot" alteration approval shall include:

- (i)** A completed Unit/"Lot" Alteration Application provided by the City.
- (ii)** An adequate and accurate legal description of all parcels resulting from the proposed alteration, including the remainder of the original parcel.
- (iii)** A survey, map or drawing of the proposed alteration.

- (iv) The fee established by the City Commission for review of unit/“lot” alterations.
- (b) Submission and Review
 - (i) Application and fee shall be submitted to the City Clerk or designee.
 - (ii) The City Assessor or designee shall review for compliance with the Condominium Act and this Article. The City Assessor or designee shall be responsible for determining if the condominium documents permit the relocation of boundaries between adjoining condominium units/“lots” and/or the subdivision of any condominium unit/“lot”, if the applicant has provided an adequate legal description and an adequate survey, map or drawing, and if the proposed alteration meets the four (4) to one (1) maximum parcel depth to width ratio.
 - (iii) The City Engineer and Public Works Director shall review for compliance with adopted departmental standards and ordinances. The City Engineer and Public Works Director shall be responsible to determine if the parcel is accessible and has adequate easements for public utilities.
 - (iii) The Department of Neighborhood Services shall review for compliance with the City’s Zoning Ordinance and Land Use Plan. The Zoning Administrator shall review to determine compliance with parcel width and parcel area requirements.
 - (iv) Within forty-five (45) days of receipt of a complete application for unit/“lot” alteration approval, the City Assessor or designee shall approve or deny the alteration request. In the event of denial, the City Assessor or designee shall identify in writing the basis for denial of the request. The basis for denial shall be non-compliance with one (1) of the standards for approval outlined in Section 12.7:1(3) below.
- (3) Criteria for Approval

All proposed unit/“lot” alterations must comply with all of the following criteria in order to be approved. The following shall be the basis for Approval of a unit/“lot” alteration request.

- (a) Each parcel (including the remainder of the original parcel) shall have an adequate and accurate legal description and shall be shown on a survey, map or drawing, drawn to scale, which shows the area of each parcel, parcel lines, dimensions, setbacks, public utility easements, rights-of-way, accessibility and any other information that is necessary to determine compliance with the criteria for approval.
- (b) Each parcel ten (10) acres or less in size shall have a depth not more than four (4) times its width unless a variance from this requirement is granted by the Zoning Board of Appeals (ZBA). For the purpose of this criterion, the definition of lot (parcel) width in Article 2 of the City of Big Rapids Zoning Ordinance shall be used. For the purpose of this criterion, depth shall be defined as the mean distance from the front street lot (parcel) line to the rear lot (parcel) line as defined in Article 2 of the City of Big Rapids Zoning Ordinance.
- (c) Each parcel shall comply with the minimum parcel width, maintained to the minimum lot (parcel) depth, for the zoning district in which it is located unless a variance is granted by the ZBA.
- (d) Each parcel shall comply with the minimum parcel area for the zoning district in which it is located unless a variance is granted by the ZBA.
- (e) Each parcel shall comply with the minimum setback requirements for the zoning district in which it is located unless a variance is granted by the ZBA.
- (f) Each parcel is accessible as defined in the City's Land Division, Subdivision Plat Review and Lot Split Ordinance.
- (g) Each resulting parcel that is a development site as defined in the City's Land Division, Subdivision Plat Review and Lot Split Ordinance has adequate easements for public utilities from the parcel to existing public utility facilities.

The Zoning Board of Appeals (ZBA) may grant a variance from the minimum setback requirements, minimum parcel area, minimum parcel width, or maximum parcel depth to width ratio upon a finding of practical difficulty as defined in Section 13.6 of the City of Big Rapids Zoning Ordinance.

(4) Building Permit requirement

Approval of a unit/“lot” alteration neither implies the resulting parcels are buildable, nor a determination that the resulting parcels comply with other City ordinances or regulations. In order to build on a parcel, the property must also comply with the State’s Building Code, the City’s Zoning Ordinance, and all other applicable City ordinances. In addition, any parcel resulting from an alteration that is less than one(1) acre in size shall not be issued a building permit unless the parcel has both of the following:

- (a) Public water or District Health Department approval for the suitability of an on-site water supply.
- (b) Public sewer or District Health Department approval for the suitability of an on-site sewage disposal.

(5) Appeals

Any applicant aggrieved by a decision of the City Assessor or designee on a unit/“lot” alteration request may appeal the decision to the Zoning Board of Appeals (ZBA) by submitting the required application and fee to the Zoning Administrator. If an appeal is filed, the City Assessor or designee shall transmit the file on the request being appealed to the ZBA.

12.7:2 Parcel Combinations

Any combination of existing parcels into a single parcel that does not involve a unit/“lot” alteration, upon the written request of the proprietor, shall be approved by the City Assessor or designee, provided the proposed new parcel complies with the minimum parcel area and parcel width requirements of the City’s Zoning Ordinance. Absent a written request, the Assessing authority shall send a notice of intent to combine parcels to the proprietor. Permission shall be considered obtained if there is no negative response within thirty (30) days following the notice of intent.

12.7:3 Parcel Splits

A parcel split is the division of a parcel consisting of two (2) or more condominium units/“lots” along an existing unit/“lot” line in order to create two (2) or more parcels. Approval of a parcel split is not required; however, the split shall not result in the creation of nonconforming parcels under the terms of the City’s Zoning Ordinance unless the Zoning Board of Appeals (ZBA) first grants a variance. This would include issues of lot width, lot area and setback requirements.

12.7:4 Amendment of Condominium Project

Any amendment of the condominium documents, whereby lands together with units/"lots" are added to or subtracted from a previously approved condominium project other than by the approved division or combination of existing units/"lots", shall require the developer to resubmit the condominium project for City review and approval as provided in Section 12.3 of this Article. (Article 12 was replaced by Ord. #498-10-12 on 10/21/02).

ARTICLE 13**ZONING BOARD OF APPEALS****SECTION 13.0 PURPOSE**

It is the purpose of this Article to establish operational and procedural guidelines for consideration of Zoning matters by the Zoning Board of Appeals.

Section 13.1 APPOINTMENT

A Zoning Board of Appeals is hereby created in accordance with Act 207 of the Public Acts of 1921, as amended.

SECTION 13.2 PROCEDURE

13.2:1 General

- (1) The Zoning Board of Appeals (ZBA) shall have power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of this and of any other Ordinances of the Municipality.
- (2) Meetings of the ZBA shall be held at the call of the Chairman and at such other times as the ZBA may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- (3) Hearings of the ZBA shall be public. The ZBA shall keep minutes of its proceedings showing the action of the ZBA and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.
- (4) The ZBA shall consist of five (5) members and two (2) alternate members. Members shall be appointed by the City Commission, to serve for a period of three (3) years. Four (4) members shall constitute a quorum. The concurring vote of a majority of the members of the board shall be necessary to reverse an order, requirement, decision of determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to effect a variation in the requirements of this Ordinance, except that a concurring vote of two-thirds (2/3) of the members of the board shall be necessary to grant a use variance. A majority vote shall be necessary to grant a non-use (or dimensional) variance.

- (5) The City Commission shall also appoint one (1) alternate member for the same terms as regular members of the ZBA. The member so appointed shall serve for a term of two (2) years. Thereafter, all appointments shall be made for three (3) years. The alternate members shall be called on from time to time to sit as regular members of the ZBA in the absence of a regular member. Upon notification of the planned absence of a regular ZBA Member, the alternate member shall be designated to attend the meeting in place of the regular member. An alternate member shall have the same voting rights as regular members of the ZBA. The alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In such circumstance, the alternate member shall serve in that case until a final decision has been made.
- (6) The ZBA may call on the Municipal Departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the ZBA as may reasonably be required.

13.2:2 Applications and Appeals

- (1) An application to the ZBA in cases in which it has original jurisdiction under the provisions of this Ordinance may be taken by any property owner, including a tenant, or by a governmental office, department, board or bureau. Such application shall be filed with the Department of Neighborhood Services who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application, to the ZBA.
- (2) An appeal to the ZBA may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau adversely impacted by any other administrative officer administering any portion of this Ordinance. Such appeal to an administrative decision shall be taken within twenty-one (21) days, as prescribed by the rules of the ZBA. Such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken, shall be taken to the Department of Neighborhood Services.
- (3) A fee shall be remitted by the applicant; the City or authorized agent acting on its behalf shall be exempt from all fees.
- (4) The ZBA shall fix a reasonable time for the hearing of an application or of an appeal. It shall give at least ten (10) days notice of the time, date and place of such hearing by insertion in a daily newspaper of general circulation in this Municipality. The ZBA also shall give notice delivered personally or by mail at least five (5) days before the time

fixed for such appeals to the applicant or appellant and to the Zoning Administrator; and to the respective owners of record of property within three hundred (300) feet of the premises in question at the addresses given in the last assessment roll, and to the occupants of single and two-family dwellings within three hundred (300) feet of the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The ZBA shall decide the application or appeal within a reasonable amount of time and shall promptly mail a copy of its decision to the applicant or appellant and to the Zoning Administrator.

- 13.2:3 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after notice of appeal shall have been filed with him, that by reasons of facts stated in the certificate a stay would in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise that by a restraining order which may, on due cause shown, be granted by the ZBA or by the Circuit Court on application, after notice to the Zoning Administrator.

SECTION 13.3 POWERS OF THE ZONING BOARD OF APPEALS

The ZBA shall have jurisdiction in matters and shall have all powers granted by State law to such boards.

The ZBA shall have the following authority: (1) to hear appeals of administrative decisions; (2) interpretation of the zoning text and map; or (3) to decide on variance requests.

SECTION 13.4 ADMINISTRATIVE REVIEW

The ZBA shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by an administrative official or body, such as the Zoning Administrator or Planning Commission in the enforcement of the provisions of this Ordinance. Decisions made by the City Commission regarding Special Land Use Permits shall be appealed to Circuit Court.

SECTION 13.5 VARIANCES

- 13.5:1 Upon application of an appeal, the ZBA may grant a variance from the terms of this Ordinance which will not be contrary to the public interest, and where because of special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship or practical difficulty to the property owner, and so that the spirit of this Ordinance shall be observed and substantial justice done. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance. In granting a variance, the ZBA may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem

advisable in the interest of furtherance of the purpose of this Ordinance, provided the conditions are necessary to:

- (1) Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (2) Protect the natural environment and conserve natural resources and energy.
- (3) Insure compatibility with adjacent uses of land.
- (4) Promote the use of land in a socially and economically viable manner.

13.5:2 In accordance with the above, the ZBA shall have the following general powers:

SECTION 13.6 NON-USE VARIANCE STANDARDS

13.6:1 While considering non-use variance requests, the applicant must present evidence to the ZBA to show that if the Zoning Ordinance is applied strictly, practical difficulty will result in the applicant and that;

- (1) The ordinance restrictions unreasonably prevent the property owner from using the property for a permitted purpose; and/or
- (2) The variance would do substantial justice to the applicant, and possibly other property owners in the district, and a lesser relaxation of the regulations than that requested would not provide substantial relief to the property owner; and/or
- (3) The plight of the property owner is due to the unique circumstances of the property, and not a general condition of the neighborhood; and/or
- (4) The alleged practical difficulty has not been created by any person presently having an interest in the property; and

13.6:2 In granting a variance, the ZBA shall ensure that the spirit of the Ordinance is observed, public safety secured and substantial justice done.

SECTION 13.7 USE VARIANCE STANDARDS

13.7:1 While considering use variance requests, the applicant must present evidence to the ZBA to show that if the Zoning Ordinance is applied strictly, unnecessary hardship will result and that all four (4) of the following requirements are met:

- (1) That the property could not be reasonably used for the purposes permitted in that zone; and

- (2) That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions; and
- (3) That the use requested by the variance would not alter the basic character of the area; and
- (4) That the alleged hardship has not been created by any person presently having an interest in the property; and

13.7:2 In granting a variance, the ZBA shall ensure that the spirit of the Ordinance is observed, public safety secured and substantial justice done.

SECTION 13.8 RECURRING VARIANCE REQUESTS

Recurring variance requests may be forwarded by the ZBA to the Planning Commission or City Commission for consideration of a text or map amendment.

SECTION 13.9 EXPIRATION OF VARIANCE

Every permit granted for a variance under the provisions of this Ordinance shall expire by limitation and become null and void if the building or work authorized by the ZBA is not commenced within sixty (60) days from the date of authorization, unless authorized by the ZBA. Once work has commenced on a project for which a variance was required, the variance shall expire if construction is not completed prior to the expiration of the zoning permit.

SECTION 13.10 INTERPRETATION OF ZONING ORDINANCE TEXT OR MAP

Where a street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the ZBA, after notice to the owners of the property and the immediate adjoining property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance for the particular section or district in question. In interpreting the boundaries of zoning districts, the ZBA shall assume, unless there is information indicating otherwise, that district boundary lines as shown on the Zoning Map, unless otherwise indicated, shall be construed as following lot lines, Big Rapids corporate limit lines, centerlines of highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes or those centerlines extended or projected.

The ZBA shall have the authority to interpret the provisions of this Ordinance when a requirement, standard, or other text is unclear. When determining if a particular use is included in the definition of a type or group of uses permitted in a district, it shall not interpret a use specifically listed in one (1) district as being inferred as permitted in another district.

SECTION 13.11 BOND

The ZBA shall have authority to require assurance, surety or performance bond in the form, manner and amount, as in its discretion, may be required to compel compliance with

and performance of all conditions incident to permits granted by said ZBA, provided, however, that such assurance, surety or performance bond shall not be for amounts greater than the reasonable cost of performing or complying with the conditions attached to such permit.

SECTION 13.12 ACTION OF ZONING BOARD OF APPEALS

In exercising its powers, the ZBA may, in conformity with the provisions of Act 207 of the Public Acts of 1921, as amended, and of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made.

ARTICLE 14**AMENDMENTS, ADMINISTRATION, AND ENFORCEMENT****SECTION 14.0 PURPOSE**

It is the purpose of this Article to establish the operational and procedural circumstances under which the Planning Commission operates.

SECTION 14.1 CITY PLANNING COMMISSION

14.1:1 Appointment and Establishment. The City Planning Commission is hereby designated the Planning Commission as specified in Section 3, Act 285, Public Acts of Michigan 1931, as amended, and in Section 4, Act 207, Public Acts of Michigan 1921, and shall perform the duties of said Planning Commission as provided in these Acts together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

14.1:2 Powers and Duties. The Planning Commission is hereby authorized to:

- (1) Develop and administer this Ordinance.
- (2) Consider all matters pertaining to the amendment of this Ordinance text or map or for a Special Land Use Permit request.
- (3) Review those site plans authorized under Section 9.2 of this Ordinance.

14.1:3 Authority to Approve Uses. Whenever in this Ordinance the lawful exercise or existence of a use requires the approval of the Planning Commission, such Planning Commission is hereby authorized and directed to investigate the matter requiring such approval, to conduct a hearing thereon where required, to make a determination, to either grant or refuse the approval and to do all things reasonably necessary to the making of such investigation and determination, subject to the provisions of this Ordinance.

14.1:4 Rules of Procedure. The Planning Commission is hereby authorized to adopt Rules of Procedure consistent with the statutes of Michigan and the provisions of this Ordinance.

14.1:5 Surveys and Plans. Where the Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance, or in cases where the Planning Commission is required to make an investigation, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Planning Commission for

the proper consideration of the matter in accordance with the provisions of this Ordinance.

14.1:6 Standards. In making any recommendations or approval authorized by the provisions of the Ordinance, the Planning Commission shall consider:

- (1) Whether or not there has been a compliance with the provisions of this Ordinance.
- (2) Whether or not there is proper yard space, parking facilities, loading space, percentage of lot coverage, green belts, size of buildings, lot area and other conditions required by this Ordinance.
- (3) Whether or not the use involved is in accord with the spirit and purposes of this Ordinance.
- (4) Whether or not the use involved would constitute a public or private nuisance.
- (5) Whether or not the use involved would disturb or interfere with the natural or planned development of the surrounding neighborhood.
- (6) Whether or not the use involved would affect the natural or planned drainage system so as to deleteriously affect the surrounding neighborhood.

SECTION 14.2 DISTRICT CHANGES AND ORDINANCE AMENDMENTS

14.2:1 In accordance with the provisions of Act 207 of the Public Acts of 1921, as amended, the City Commission may from time to time amend, or change by Ordinance, the number, shape or area of districts established on the Zoning Map or the regulations set forth in the Ordinance; but no such amendment or change shall become effective unless the Ordinance proposing such amendment or change shall first be submitted to the Planning Commission for approval, disapproval or suggestions and said Planning Commission shall have been allowed a reasonable time, not less than sixty (60) days, for consideration and report.

14.2:2 Amendments (Ord. 719-04-18, passed 04-16-18)

- (1) Text Amendment. Any person residing in or owning property in the City of Big Rapids desiring a change in the Zoning Ordinance text shall make application to the City. A letter shall be submitted which shall contain the requested change and the reason for such change, and a copy of the application or letter shall be provided promptly to the City Commission by the Zoning Administrator. A text amendment may also be initiated by the Planning Commission or the City Commission.

- (2) Map Amendment. Any person with a possessory or ownership interest in property in the City of Big Rapids desiring a change in the Zoning Ordinance map shall make application for a zoning change to said property to the City. A petition shall be submitted which shall describe the property involved, the zone change desired and the reason for such change, and a copy of the application or petition for a zoning change shall be provided promptly to the City Commission by the Zoning Administrator. A map amendment may also be initiated by the Planning Commission or the City Commission.
- (3) Either type of request shall be accompanied by a fee in an amount set by resolution of the City Commission.

14.2:3 Hearing

- (1) All applications requesting a text or map amendment to the Zoning Ordinance shall be presented to the Planning Commission. Before submitting its recommendations and report to the City Commission, the Planning Commission shall conduct a public hearing on the proposed amendment or change after posting notice of hearing at least fifteen (15) days prior to the date of hearing, by publication in an official paper or a paper of general circulation in the Municipality. A hearing shall be granted a person interested at the time and place specified on the notice. In case of a proposed Zoning Map change, all property owners within three hundred (300) feet of the boundaries of the property proposed to be changed shall be notified by mail. An affidavit of mailing shall be maintained. (Ord. 719-04-18, passed 04-16-18)
- (2) When requesting the rezoning of one parcel or multiple contiguous parcels, the applicant shall post one written notice on the land proposed to be rezoned at least fifteen (15) days prior to the public hearing. When requesting the rezoning of one (1) to five (5) noncontiguous parcels, the applicant shall post one (1) written notice on each parcel proposed to be rezoned at least fifteen (15) days prior to the public hearing. The written notice shall be posted on a temporary freestanding sign within five (5) feet of the property line fronting on a road or street, or in any other visible location approved by the Zoning Administrator, including within the public right of way. The written notice shall be at eye level, and shall face and be parallel to the road or street. The written notice shall be printed in a text size which can reasonably be expected to be read by pedestrians standing at the edge of the right of way. The written notice shall be protected from the elements by a clear and colorless covering. The sign shall be removed by the applicant within ten (10) days following the Planning Commission public hearing. The applicant will not be required to apply for a sign permit in order to post this written notice. On all other rezoning proposals, the applicant shall post written notice with a map of the area(s) proposed to be rezoned in three (3) public

places within the City of Big Rapids at locations approved by the Zoning Administrator at least fifteen (15) days prior to the public hearing.

- (3) All public notices (including publication in the newspaper, letter and the notice posted on the property to be rezoned) shall state the time and place of hearing, the proposed amendment, in case of a proposed map change. The omission of the name of any owner or occupant of property who may, in the opinion of the Planning Commission, be affected by such amendment or change shall not invalidate any ordinance passed hereunder; it being the intention of this Section to provide reasonable notice to the persons substantially interested in the proposed change that an Ordinance is pending before the City Commission, proposing to make a change in the Zoning Map or the regulations set forth in this Ordinance.

14.2:4 Standards for Zoning Amendment Review

The Planning Commission and City Commission shall consider the request for an amendment to the Zoning Ordinance in accordance with the following standards:

- (1) The use requested shall be consistent with and promote the intent and purpose of this Ordinance.
- (2) The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capabilities of public services affected by the proposed land use.
- (3) The land use sought is consistent with the public health, safety, and welfare of the City of Big Rapids.
- (4) The proposed use is consistent with the City Master Plan or a determination that the plan is not applicable due to a mistake in the plan, changes in relevant conditions or changes in relevant plan policies.

14.2:5 The Planning Commission shall prepare a report, which shall include a summary of the comments made at the public hearing as well as their recommendations on the amendment request. After receiving recommendations and report from the Planning Commission, the City Commission may deny the request, enact an amendment to the Zoning Ordinance, or hold additional public hearings. However, upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a Zoning Ordinance which is the object of the petition shall be passed only by a two-thirds (2/3) vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one of the following:

- (1) The owners of at least twenty (20) percent of the area of land included in the proposed change.
- (2) The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of land included in the proposed change.
- (3) Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.

14.2:6 Following adoption of a Zoning Ordinance and subsequent amendments by the City Commission of the City, one notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include the following information:

- (1) In the case of a new adopted Zoning Ordinance the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the City Commission of the City of Big Rapids, Michigan."
- (2) In the case of an amendment to an existing Ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
- (3) The effective date of the Ordinance.
- (4) The place and time where a copy of the Ordinance may be purchased or inspected. The filing and publication requirements in this section relating to the City Zoning Ordinance supersede Charter provisions relating to the filing and publication of City Ordinances.

14.2:7 The adopted Zoning Ordinance or amendments to the Zoning Ordinance shall be considered to have met the publication requirements of Act 207 of 1921 when the information listed in Section 14.2:6 has been published in a newspaper of general circulation in the City within fifteen (15) days after adoption. (Section 14.2 was amended by Ord. #558-10-05 on October 17, 2005.)

SECTION 14.3 ENFORCEMENT

14.3:1 Enforcing official designated duties. The Zoning Administrator shall be appointed by the City Manager and shall administer and enforce this Ordinance. He shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

The duties of the Zoning Administrator shall be as follows:

- (1) To examine, record, and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses and structures which are in conformity with the provisions of this Ordinance;
- (2) To post a schedule of fees in his office;
- (3) To receive, investigate, and process all complaints and to notify persons of any violations of provisions of this Ordinance; and,
- (4) To conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformance with the provisions of this permit.

14.3:2 Fees. The City Commission shall establish by resolution a schedule of fees for all permits, certificates and hearings required by this Ordinance.

- (1) The schedule of fees shall be posted in the Office of the City Clerk.
- (2) All such fees shall be payable to the City at the Office of the City Treasurer.
- (3) No application for a permit, certificate or hearing shall be considered complete until all fees have been paid in full.

14.3:3 Zoning Permit. A zoning permit shall be required prior to the erection, demolition, moving, reconstruction, extension, enlarging, altering, or the changing of building use or change of land use. No such zoning permit shall be required for normal maintenance of repairs which do not require a building permit. No permit shall be granted by the Zoning Administrator for any purpose except in compliance with the provisions of this Ordinance or, upon appeal, in compliance with a decision of the Zoning Board of Appeals.

- (1) To apply for a zoning permit, the applicant shall submit an application on the prescribed form and a plot plan to the Zoning Administrator along with all required fees. When required by the Ordinance, a site plan and other information shall accompany the application. For applications in which a site plan is required, a plot plan shall not be required.
- (2) The plot plan shall consist of a drawing on a sheet of paper no smaller than 8-1/2" x 11", prepared by the applicant and showing:
 - (a) Dimensions of the parcel of land
 - (b) Frontages on public or private streets or roads.

- (c) Location and size (exterior “footprint” and height) of all existing and proposed buildings and parking areas and their distance from each other and the lot lines.
 - (d) Proposed parking spaces.
 - (e) The use of the parcel and existing or proposed buildings.
 - (f) The distance of all existing or proposed building from each other and the lot lines.
 - (g) Other information as necessary to determine compliance with the Zoning Ordinance.
 - (h) Name and address of applicant.
- (3) All applications for zoning permits shall be granted or denied by the Zoning Administrator within thirty (30) days from the date of receipt of the application and fees for such. If the application is denied, such notification shall specify the provisions of this Ordinance with which such application does not comply. Failure to act within the thirty (30) day period shall not affect the application for a permit except to entitle the applicant to a refund of the application fee.
- (4) A zoning permit shall be valid for a period of eighteen (18) months from the day of issuance. A permit shall be extended by the Zoning Administrator upon proper application and payment of fees for a period not to exceed eighteen (18) months from the day upon which original permit expired.

14.3:4 14.3:4 – Left blank intentionally.

14.3:5 Violation and Penalty. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the granting of variances or Special Land Use Permits, shall constitute violation of the City’s Municipal Civil Infraction Ordinance, Chapter 99 of Title IX of the Big Rapids Code of Ordinances.

- (1) Each day such violations continue shall be considered a separate offense.
- (2) The owner or tenant of any building, structure, or premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

- (3) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

